

SENATE JOURNAL

— 1980 —

REGULAR SESSION

FORTY-SIXTH LEGISLATURE STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

Convened January 14, 1980
SINE DIE March 13, 1980

Compiled, Edited and Indexed by
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DOROTHY GREELEY
Minute and Journal Clerk

JOHN A. CHERBERG, *President of the Senate*
AL HENRY, *President Pro Tempore*
DON L. TALLEY, *Vice President Pro Tempore*

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Chairman GARY M. ODEGAARD
Assistant Majority Leader DAN MARSH
Vice Chairman GEORGE FLEMING
Secretary BRUCE A. WILSON

REPUBLICAN CAUCUS

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**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1980 REGULAR SESSION
FORTY-SIXTH LEGISLATURE**

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 14, 1980.

The 1980 Regular Session of the Forty-sixth Senate of the State of Washington assembled in the State Capitol, pursuant to law, at noon. Lieutenant Governor John A. Cherberg, President of the Senate, called the Senate to order.

The Secretary called the roll and all members were present except Senators Gould and Morrison. On motion of Senator Jones, Senators Gould and Morrison were excused.

The Color Guard, consisting of Pages Kris Fisher and Sean Hatch, presented the Colors. Father Theodore Marmo, pastor of St. Michael's Church of Olympia, offered the following prayer:

"HEAVENLY FATHER, YOUR POWER UPHOLDS THE VAST UNIVERSE, YET YOUR CONCERN EXTENDS TO THE INDIVIDUAL, TO THE POWERFUL AS WELL AS THE POWERLESS, TO THE YOUNG AND TO THE AGED. GRANT THAT THIS SENATE, CONCERNED WITH THE PROBLEMS OF A LARGE AND DIVERSE STATE, MIGHT BE MINDFUL OF INDIVIDUALS AS IT SEEKS SOLUTIONS OF BROAD APPLICABILITY. MAY ITS RESOLUTIONS BE DICTATED BY AN ALL-ENCOMPASSING CONCERN FOR JUSTICE AND EQUITY. BE PRESENT THROUGHOUT THE DELIBERATIONS OF THE FOLLOWING MONTHS WITH A SPIRIT OF WISDOM AND COURAGE, SO THAT THE RESULTS OF THIS SESSION MAY ADDRESS THE HARD QUESTIONS OF THE DAY AND PROMOTE THE COMMON GOOD. AMEN."

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, ladies and gentlemen, the Secretary of the Senate, The Honorable Sidney Snyder, the Senate staff and the President wish to extend a very gracious greeting and a warm welcome to you, the members of the Washington State Senate, and also the members of the Fourth Estate on this occasion, which is the first of its kind in the history of the State.

"We also join in offering the heartiest congratulations and best wishes for continued success in the newest members of the Senate: The Honorable Senator Hurley, Senator Haley, and Senator Bradburn. The President believes it would be quite appropriate if the new members would please stand in order that the members of the Senate may applaud your entrance and membership in this august body."

APPOINTMENT OF SPECIAL COMMITTEE

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

NOMINATIONS FOR VICE PRESIDENT PRO TEMPORE

The President declared the nominations to be open for the office of Vice President Pro Tempore of the Senate to replace Senator James E. Keefe who passed away on June 15, 1979.

REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President and members of the Senate, it is indeed a pleasure for me today to place in nomination the name of Don L. Talley for the position of Vice President Pro Tem.

"I didn't meet Don until twelve years ago during my campaign of 1968, along with Don's — one of many successful campaigns — 1968. I have come to know Don as a real friend, as a neighbor, as a person you can count on to be there when you need⁴⁷ know, known good advice. Someone you can trust, someone who can be of help to anyone in need. Since I have, through redistricting, acquired much of Don's old district, I have known many people who continue to ask me about Don, who deeply respect him for the many years he represented those parts of the district and who still count on him for assistance to them. For they have known Don for so many years and had gotten to know him as someone you could count on. He is maybe not the majority leader, he is maybe not the caucus chairman, he is maybe not the presiding officer of the Senate, but to all of us he is the tower of strength and has survived many, many campaigns and now is in his twenty-fourth year in the State Senate. Having started in the Senate, twenty-four years ago. So it gives me great pleasure to nominate Senator Don Talley for Vice President Pro Tem."

REMARKS BY SENATOR VAN HOLLEBEKE

Senator Van Hollebeke: "Mr. President and fellow members, I would like to second and endorse the nomination of Senator Don Talley as Vice President Pro Tem. Our caucus chairman, Senator Gary Odegaard, has stated very well what Don Talley has done in his many, many years of public service in many different offices and I feel confident that I am echoing the thoughts of all of us that have worked here with him on both sides of the aisle for many years. I have known him since before this Senate, I have known him for ten years and found him to always be very fair. He treats everybody the same. He tries to do what is right for every cause and he is one that we will all be proud of to have in that position. Senator Don, I am happy that you are being nominated for this position."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. I also would like to second the nomination of Senator Talley. It has been my privilege to serve with him for a long period of time and I merely echo what has already been stated as to his ability and integrity."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President and members of the Senate, I too would like to second the nomination of Don Talley. I recognize that longevity in the State Senate or any other body does not carry along with it the respect that the members of this Senate have for Don Talley. I would be derelict in my feelings toward Senator Talley if I would remain seated and not get up and second this nomination because Senator Talley is my roommate. We share the same office complex and we have been together since I have been in the Senate on a lot of issues. I know when I first came over and as chairman of the local government committee, Don with his many experiences in the area of local government carried me through a lot of rough spots. I thought that that was the only area that Don might be able to help me in but as I have continued to serve in the Senate, Don has always been there to help me when I needed it, so I would like to go on the record as seconding Don Talley. Thank you."

MOTIONS

There being no further nominations, on motion of Senator Walgren, the nominations were closed.

On motion of Senator Walgren, a unanimous ballot was cast for the election of Senator Don L. Talley as Vice President Pro Tempore of the Senate.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Odegaard, Quigg and Henry to escort Senator Don L. Talley to the rostrum.

Justice Williams of the Washington State Supreme Court administered the oath of office to Senator Don L. Talley.

REMARKS BY THE PRESIDENT

President Cherberg: "I am sure that everyone that is present today, the Senators and all the people that know Don, will join with me in giving Don our heartiest congratulations, and I am sure all of those people will also agree that the Senate should be congratulated upon its remarkable wisdom, at least in this particular instance, in giving Don an unanimous vote in approval. I am especially delighted to have Don in this particular capacity and I believe in many ways it is a true compliment to his predecessor The Honorable James Keefe. And I am sure that Don is going to carry on in the finest of traditions which he has always done in his tremendous record in the Washington State Legislature. Congratulations, Don and the very best wishes to you for the future."

REMARKS BY SENATOR TALLEY

Senator Talley: "I think a simple thank you would be appropriate. I do deeply appreciate it, and I will do the best I can. And I would also bring up the memory of Senator Keefe. I am replacing a fine man and a very fine Senator."

REMARKS BY SENATOR TALLEY

Senator Talley: "Mr. Chairman, I would like to bring one remark. I remember when I first came here, I was Mayor of Kelso, and Verne Sawyer as the Mayor of Toppenish."

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

The committee of honor escorted Justice William Williams from the Senate Chamber and the committee was discharged.

JOURNAL OF THE SENATE

MOTION

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

SENATE RESOLUTION 1980-157

By Senators Walgren, Odegaard, Hayner and Scott:

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

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Hurley, Haley and Lysen as a committee of three under the provisions of Senate Resolution 1980-157 to notify the House that the Senate is organized and ready to transact business.

MOTION

On motion of Senator Walgren, the appointees were confirmed. The committee retired to the House.

COMMITTEE FROM THE HOUSE

A committee from the House consisting of Representatives Teutsch, Eng, Gruger and Rosbach appeared before the bar of the Senate to notify the Senate that the House was organized and ready to transact business.

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

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

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 118, by Senators Walgren Odegaard, Hayner and Scott:

Reintroducing bills and establishing a schedule for the 1980 regular session.

MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 118 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. 118 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Hurley, Haley and Lysen appeared before the bar of the Senate. Under the provisions of Senate Resolution 1980-157, the House was notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

MOTION

On motion of Senator Walgren, all bills, memorials and resolutions that are presently in the Senate Committee on Rules were referred to the originating committee.

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

MESSAGE FROM THE HOUSE

January 14, 1980.

Mr. President: The House has adopted:
HOUSE CONCURRENT RESOLUTION NO. 22,
HOUSE CONCURRENT RESOLUTION NO. 23 and the same are herewith
transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 22, by Representatives King
and Polk:

Notifying Governor that legislature is organized.

MOTIONS

On motion of Senator Walgren, the rules were suspended, House Concurrent
Resolution No. 22 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. 22 was advanced to third reading, the second reading considered the
third, and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Woody, Hayner and Moore to serve as a
committee of three from the Senate, in accordance with House Concurrent Resolu-
tion No. 22, to join with a like committee from the House to notify the Governor
that the legislature is organized and ready to transact business.

MOTION

On motion of Senator Walgren, the appointees were confirmed.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 23, by Representatives King
and Polk:

Calling a joint session of the legislature to receive a message from the Governor
on January 15, 1980.

MOTIONS

On motion of Senator Walgren, the rules were suspended, House Concurrent
Resolution No. 23 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. 23 was advanced to third reading, the second reading considered the
third, and the resolution was adopted.

MOTION

On motion of Senator Walgren, the following bills will be held on the desk of
the Secretary of the Senate until noon, Tuesday, January 15, 1980 before being sent
to respective committees. This will be for the purpose of addition of sponsors with
approval of prime sponsor.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3163, by Senators Walgren, von Reichbauer, Ridder, McDermott, Day, Talmadge, Moore, Wilson, Fleming, Odegaard, Rasmussen, Bausch, Wojahn, Goltz, Gaspard, Woody and Conner:

AN ACT Relating to initiative and referendum petitions; adding a new section to chapter 9, Laws of 1965 and to chapter 29.79 RCW; and providing penalties.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3164, by Senators von Reichbauer, Fleming, Lewis and Ridder:

AN ACT Relating to urban area state parks; amending section 4, chapter 10, Laws of 1979 and RCW 43.51.040; amending section 43.51.060, chapter 8, Laws of 1965 as amended by section 1, chapter 99, Laws of 1969 and RCW 43.51.060; and creating new sections.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 3165, by Senators Goltz, Woody, Conner and Odegaard:

AN ACT Relating to institutions of higher education; and amending section 1, chapter 262, Laws of 1979 ex. sess. and RCW 28B.15.740.

Referred to Committee on Higher Education.

SENATE BILL NO. 3166, by Senator Bausch:

AN ACT Relating to public school districts; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3167, by Senators Hansen and Benitz:

AN ACT Relating to water rights; and amending section 16, chapter 233, Laws of 1967 as amended by section 5, chapter 216, Laws of 1979 1st ex. sess. and RCW 90.14.160.

Referred to Committee on Agriculture.

SENATE BILL NO. 3168, by Senator Moore:

AN ACT Relating to professional service corporations; and amending section 5, chapter 122, Laws of 1969 and RCW 18.100.050.

Referred to Committee on Commerce.

SENATE BILL NO. 3169, by Senator Conner:

AN ACT Relating to industrial insurance; and amending section 51.32.090, chapter 23, Laws of 1961 as last amended by section 47, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.090.

Referred to Committee on Labor.

SENATE BILL NO. 3170, by Senators Day, Moore, Talley, Conner, Jones and Bausch (by Department of Social and Health Services request):

AN ACT Relating to facilities for the handicapped; making an appropriation; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3171, by Senators Day and Moore (by Department of Social and Health Services request):

AN ACT Relating to social and health services; and amending section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 29, chapter 80, Laws of 1977 ex. sess. and RCW 26.44.070.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3172, by Senators Day, Moore, Vognild and Jones (by Department of Social and Health Services request):

AN ACT Relating to public assistance; and amending section 74.08.335, chapter 26, Laws of 1959 as amended by section 330, chapter 141, Laws of 1979 and RCW 74.08.335.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3173, by Senators Day and Moore (by Department of Social and Health Services request):

AN ACT Relating to social and health services; and amending section 3, chapter 172, Laws of 1967 as last amended by section 355, chapter 141, Laws of 1979 and RCW 74.15.030.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3174, by Senators Moore, Talmadge, Vognild, Fleming, Jones and McDermott:

AN ACT Relating to state government; and adding a new section to chapter 41.04 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3175, by Senators Talley, Woody, Lee, Gallagher, Conner, Bausch, Odegaard and Peterson:

AN ACT Relating to forests and forest products; and amending section 3, chapter 10, Laws of 1975 and RCW 76.20.035.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3176, by Senator Talley, Odegaard and Van Hollebeke:

AN ACT Relating to retirement; amending section 26, chapter 80, Laws of 1947 as last amended by section 2, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.260; amending section 13, chapter 274, Laws of 1947 as last amended by section 6, chapter 33, Laws of 1975 and RCW 41.40.120; amending section 18, chapter 274, Laws of 1947 as last amended by section 14, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.170; and amending section 12, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.710.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3177, by Senators Conner and Lee:

AN ACT Relating to the department of fisheries; and adding a new section to chapter 75.18 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3178, by Senator Conner:

AN ACT Relating to salmon eggs; and amending section 4, chapter 35, Laws of 1971 as amended by section 1, chapter 23, Laws of 1974 ex. sess. and RCW 75.16.120.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3179, by Senators Shinpoch, Rasmussen and von Reichbauer:

AN ACT Relating to the horse racing commission; and amending section 2, chapter 55, Laws of 1933 as last amended by section 1, chapter 216, Laws of 1973 1st ex. sess. and RCW 67.16.012.

Referred to Committee on State Government.

SENATE BILL NO. 3180, by Senators Conner, Odegaard and Peterson:

AN ACT Relating to energy facilities; adding a new section to chapter 80.50 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3181, by Senators Gaspard, Rasmussen, Wojahn and Lee:

AN ACT Relating to solar energy; amending section 1, chapter 364, Laws of 1977 ex. sess. and RCW 84.36.410; creating a new section; and making an appropriation.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3182, by Senators Bottiger, Gaspard and Lee:

AN ACT Relating to renewable energy resources; authorizing the issuance and sale of state general obligation bonds to provide energy resource recovery from waste management systems throughout the state; providing ways and means to pay for the bonds; providing for submission of this act to a vote of the people; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3183, by Senators Walgren, Conner, Guess, Lee and Gallagher (by Department of Transportation request):

AN ACT Relating to transportation; amending section 1, chapter 84, Laws of 1979 ex. sess. (uncodified); amending section 2, chapter 84, Laws of 1979 ex. sess. and RCW 43.21C.032; amending section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 3, chapter 84, Laws of 1979 ex. sess. and RCW 90.58.030; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 3184, by Senators Hansen and Talmadge:

AN ACT Relating to Liberty townsite; and amending section 36.34.080, chapter 4, Laws of 1963 as amended by section 1, chapter 23, Laws of 1965 ex. sess. and RCW 36.34.080.

Referred to Committee on Agriculture.

SENATE BILL NO. 3185, by Senators Hansen, Benitz and Conner:

AN ACT Relating to state lands; and amending section 3, chapter 131, Laws of 1955 and RCW 79.14.030.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3186, by Senators Hansen, Benitz and Conner:

AN ACT Relating to irrigation districts; and amending section 4, chapter 57, Laws of 1955 as last amended by section 72, chapter 292, Laws of 1971 ex. sess. and RCW 87.03.045.

Referred to Committee on Agriculture.

SENATE BILL NO. 3187, by Senators Hansen, Benitz, Conner and Lee:

AN ACT Relating to the exchange of lands; amending section 1, chapter 77, Laws of 1937 as last amended by section 1, chapter 50, Laws of 1973 1st ex. sess. and RCW 76.12.050; and amending section 1, chapter 290, Laws of 1957 as last amended by section 2, chapter 50, Laws of 1973 1st ex. sess. and RCW 79.08.180.

Referred to Committee on State Government.

SENATE BILL NO. 3188, by Senator Odegaard:

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

Referred to Committee on Transportation.

SENATE BILL NO. 3189, by Senators Odegaard and Rasmussen:

AN ACT Relating to education; amending section 3, chapter 10, Laws of 1972 ex. sess. as amended by section 108, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.100; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapters 28A.21 and 28A.58 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3190, by Senators Odegaard and Talley:

AN ACT Relating to school districts; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3191, by Senators Odegaard, Vognild, Bausch, Rasmussen and Scott:

AN ACT Relating to state government; and amending section 1, chapter 150, Laws of 1979 ex. sess. and RCW 41.04.340.

Referred to Committee on State Government.

SENATE BILL NO. 3192, by Senators Odegaard, Shinpoch, Wojahn, Gaspard, Woody, Talmadge, von Reichbauer, Goltz, Talley, Williams, Conner, Donohue, Bausch, Rasmussen, Guess, Walgren and Peterson:

AN ACT Relating to revenue and taxation; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.381; and amending section 2, chapter 182, Laws of 1974 ex. sess. as last amended by section 2, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.383.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3193, by Senators Odegaard, Goltz, Conner, Peterson and Wilson:

AN ACT Relating to energy facilities; amending 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; amending section 2, chapter 45, Laws of 1970 ex. sess. as last amended by section 2, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.020; amending section 6, chapter 45, Laws of 1970 ex. sess. as last amended by section 5, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.060; amending 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; amending section 12, chapter 45, Laws of 1970 ex. sess. as last amended by section 10, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.120; adding new sections to chapter 80.50 RCW; and repealing section 9, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.090.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3194, by Senator Hansen:

AN ACT Relating to the application of pesticides; amending section 15, chapter 249, Laws of 1961 as last amended by section 4, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.150; and amending section 10, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.320.

Referred to Committee on Agriculture.

SENATE BILL NO. 3195, by Senators Peterson, Wanamaker and von Reichbauer:

AN ACT Relating to state trust lands; amending section 1, chapter 210, Laws of 1971 ex. sess. and RCW 43.51.270; amending section 2, chapter 210, Laws of 1971 ex. sess. and RCW 43.51.280; and making appropriations.

Referred to Committee on Parks and Recreation.

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

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, December 21, 1979.

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:

LYLE JACOBSEN, appointed December 1, 1979, for a term ending at the pleasure of the Governor, succeeding Orin Smith as Director of the Office of Financial Management.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Ways and Means.

Office of the Governor, December 21, 1979.

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:

NANCY CHINN-JANG, appointed August 30, 1979, for a term ending June 30, 1982, succeeding Raymond T. Lew as a member of the Commission on Asian-American Affairs.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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:

WENDY HAMAI, appointed May 3, 1979, for a term ending June 30, 1980, succeeding Russell Nakatsu as a member of the Commission on Asian-American Affairs.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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

LADIES AND GENTLEMEN:

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

PAUL SHIGEMI ISAKI, reappointed August 30, 1979, for a term ending June 30, 1982, as a member of the Commission on Asian-American Affairs.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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

LADIES AND GENTLEMEN:

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

PHOUNE KEOMAHAVONG, reappointed August 30, 1979, for a term ending June 30, 1982, as a member of the Commission on Asian-American Affairs.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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:

RAYMOND T. LEW, appointed August 30, 1979, for a term ending June 30, 1980, succeeding Cal Underhill as a member of the Commission on Asian-American Affairs.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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

LADIES AND GENTLEMEN:

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

JO-ELAINE AKEMI MATSUMOTO, reappointed August 30, 1979, for a term ending June 30, 1982, as a member of the Commission on Asian-American Affairs.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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:

SAM S. NAKAGAWA, appointed May 3, 1979, for a term ending June 30, 1981, succeeding John Y. Sato as a member of the Commission on Asian-American Affairs.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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

LADIES AND GENTLEMEN:

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

PAULL H. SHIN, reappointed August 30, 1979, for a term ending June 30, 1982, as a member of the Commission on Asian-American Affairs.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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

LADIES AND GENTLEMEN:

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

JOHN L. F. SLEE, reappointed August 30, 1979, for a term ending June 30, 1982, as a member of the Commission on Asian-American Affairs.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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

LADIES AND GENTLEMEN:

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

JOE YOSHIO TOKUNAGA, reappointed August 30, 1979, for a term ending June 30, 1982, as a member of the Commission on Asian-American Affairs.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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

LADIES AND GENTLEMEN:

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

JANICE LEE YOSHIWARA, appointed August 30, 1979, for a term ending June 30, 1982, succeeding Paula Frial as a member of the Commission on Asian-American Affairs.

Sincerely,
DIXY LEE RAY
Governor.

Referred to the Committee on State Government.

Office of the Governor, December 21, 1979.

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:

KENNETH E. ELFBRANDT, appointed November 29, 1979, for a term ending September 30, 1982, succeeding Edward S. Foscue as a member of the Washington State Commission for the Blind.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 21, 1979.

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:

BONNIE L. LARSON, appointed November 29, 1979, for a term ending September 30, 1982, succeeding Lori Swauger as a member of the Washington State Commission for the Blind.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 21, 1979.

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:

DAVE McNALLY, appointed September 7, 1979, for a term ending April 3, 1983, succeeding Robert Hegamin as a member of the State Board for Community College Education.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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:

JAMES M. SPALDING, appointed August 24, 1979, for a term ending April 3, 1980, succeeding Harvey Vernier as a member of the State Board for Community College Education.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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:

CLYDE BALLARD, appointed August 28, 1979, for a term ending July 1, 1982, succeeding Sandra Levy as a member of the Emergency Medical and Ambulance Review Committee (effective September 1, 1979, Emergency Medical Services Committee).

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 21, 1979.

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

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

VALETA R. BIGGS, reappointed August 28, 1979, for a term ending July 1, 1982, as a member of the Emergency Medical and Ambulance Review Committee (effective September 1, 1979, Emergency Medical Services Committee).

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 21, 1979.

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

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

ROBERT M. JOHNSON, reappointed August 28, 1979, for a term ending July 1, 1982, as a member of the Emergency Medical and Ambulance Review Committee (effective September 1, 1979, Emergency Medical Services Committee).

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 21, 1979.

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

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

MERLIN TRAYLOR, appointed August 28, 1979, for a term ending July 1, 1982, succeeding Carl Barr as a member of the Emergency Medical and Ambulance Review Committee (effective September 1, 1979, Emergency Medical Services Committee).

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 21, 1979.

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

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

MARVIN A. WAYNE, reappointed August 28, 1979, for a term ending July 1, 1982, as a member of the Emergency Medical and Ambulance Review Committee (effective September 1, 1979, Emergency Medical Services Committee).

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 21, 1979.

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:

MR. WALLACE R. EDWARDS, appointed August 14, 1979, for a term ending June 30, 1985, succeeding Albert L. Pasquan as a member of the State Gambling Commission.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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

LADIES AND GENTLEMEN:

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

MS. EVELYN WHITNEY, reappointed August 14, 1979, for a term ending July 1, 1985, as a member of the Higher Education Personnel Board.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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

LADIES AND GENTLEMEN:

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

GLENN TERRELL, reappointed August 7, 1979, for a term ending June 9, 1983, as a member of the Western Interstate Commission for Higher Education.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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

LADIES AND GENTLEMEN:

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

RUBY CHOW, reappointed October 17, 1979, for a term ending October 7, 1982, as a member of the State Jail Commission.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Local Government.

Office of the Governor, December 21, 1979.

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

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

LARRY V. ERICKSON, reappointed October 17, 1979, for a term ending October 7, 1982, as a member of the State Jail Commission.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Local Government.

Office of the Governor, December 21, 1979.

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

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

C. J. "CORKY" JOHNSON, reappointed October 17, 1979, for a term ending October 7, 1982, as a member of the State Jail Commission.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Local Government.

Office of the Governor, December 21, 1979.

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:

BERNIE WHITEBEAR, appointed August 27, 1979, for a term ending October 7, 1980, succeeding Joe Haussler as a member of the State Jail Commission.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Local Government.

Office of the Governor, December 21, 1979.

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

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

JAMES L. YOUNG, reappointed October 17, 1979, for a term ending October 7, 1982, as a member of the State Jail Commission.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Local Government.

Office of the Governor, December 21, 1979.

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:

MR. KAZUO WATANABE, appointed June 6, 1979 for a term ending January 15, 1988, succeeding Don Eldridge as a member of the Washington State Liquor Control Board.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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:

ALBERT ALVAREZ, appointed August 7, 1979, for a term ending June 30, 1983, succeeding Roberto Lopez as a member of the Commission on Mexican-American Affairs.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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:

OLIVIA T. CUELLAR, appointed August 7, 1979, for a term ending June 30, 1983, succeeding Pete Garza as a member of the Commission on Mexican-American Affairs.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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

LADIES AND GENTLEMEN:

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

ARMANDO A. GARCIA, reappointed August 7, 1979, for a term ending June 30, 1983, as a member of the Commission on Mexican-American Affairs.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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:

LINDA RAE WYNNE, appointed August 7, 1979, for a term ending June 30, 1983, succeeding Miguel Esquivel as a member of the Commission on Mexican-American Affairs.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

Office of the Governor, December 21, 1979.

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:

ERNEST M. CONRAD, appointed August 1, 1979, for a term ending June 30, 1985, succeeding Ruth Shepherd as a member of the Council for Postsecondary Education.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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

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

ALLISON COWLES, reappointed July 1, 1979, for a term ending June 30, 1985, as a member of the Council for Postsecondary Education.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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:

MARIANNE CRAFT NORTON, appointed August 3, 1979, for a term ending June 30, 1981, succeeding Tommy W. Ambrose as a member of the Council for Postsecondary Education.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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:

RAYMOND A. NORWOOD, appointed August 1, 1979, for a term ending June 30, 1985, succeeding Richard P. Wollenberg as a member of the Council for Postsecondary Education.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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:

DONALD BUNCH, JR., appointed August 1, 1979, for a term ending April 15, 1982, succeeding Father Matthew Naumes as a member of the Board of Prison Terms and Paroles.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 21, 1979.

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

LADIES AND GENTLEMEN:

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

EUGENE M. CORR, reappointed June 6, 1979, for a term ending April 15, 1984, as a member of the Board of Prison Terms and Paroles.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 21, 1979.

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:

MR. J. H. TODD, appointed July 5, 1979, for a term ending April 15, 1984, succeeding Helen Ratcliff as a member of the Board of Prison Terms and Paroles.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 21, 1979.

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:

ROBERT J. WILLIAMS, appointed November 2, 1979, for a term ending September 8, 1984, succeeding Paul Roberts as a member of the Public Employment Relations Commission.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Labor.

Office of the Governor, December 21, 1979.

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:

WILDER FOOTE, appointed October 8, 1979, for a term ending at the pleasure of the Governor, succeeding Thomas H. Pendleton as a member of the Public Employees Retirement Board.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Ways and Means.

Office of the Governor, December 21, 1979.

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:

VITT P. FERRUCCI, appointed November 19, 1979, for a term ending September 30, 1985, succeeding Robert Gibb as a member of the Washington State University Board of Regents.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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:

R. D. LEARY, appointed November 19, 1979, for a term ending September 30, 1985, succeeding Harold A. Romberg as a member of the Washington State University Board of Regents.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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

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

EDWIN J. McWILLIAMS, reappointed November 19, 1979, for a term ending September 30, 1984, as a member of the Washington State University Board of Regents.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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:

HERBERT GELMAN, appointed October 1, 1979, for a term ending September 30, 1985, succeeding Halvor Halvorson as a member of the Board of Trustees, The Evergreen State College.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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

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

FRANK H. LARNER, reappointed October 4, 1979, for a term ending September 30, 1984, as a member of the Board of Trustees, Community College District No. 2.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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

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

CAROLYN POWERS, reappointed October 10, 1979, for a term ending September 30, 1984, as a member of the Board of Trustees, Community College District No. 3.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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

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

MARGARET HAYS, reappointed October 10, 1979, for a term ending September 30, 1984, as a member of the Board of Trustees, Community College District No. 5.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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

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

HENRY R. SEIDEL, reappointed October 19, 1979, for a term ending September 30, 1984, as a member of the Board of Trustees, Community College District No. 8.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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

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

DAVID C. VAN HOOSE, reappointed October 5, 1979, for a term ending September 30, 1984, as a member of the Board of Trustees, Community College District No. 9.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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

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

WILLIAM F. KENNELLY, reappointed October 10, 1979, for a term ending September 30, 1984, as a member of the Board of Trustees, Community College District No. 10.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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:

MICHAEL E. MCGOWAN, appointed October 4, 1979, for a term ending September 30, 1984, succeeding Charlotte Chalker as a member of the Board of Trustees, Community College District No. 11.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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

LADIES AND GENTLEMEN:

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

ELIZABETH DOUMIT, reappointed October 23, 1979, for a term ending September 30, 1984, as a member of the Board of Trustees, Community College District No. 13.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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:

RICHARD L. SCHWARY, appointed November 9, 1979, for a term ending September 30, 1984, succeeding Ronald Keil as a member of the Board of Trustees, Community College District No. 14.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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

LADIES AND GENTLEMEN:

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

RAYMOND R. ANDERSON, reappointed October 5, 1979, for a term ending September 30, 1984, as a member of the Board of Trustees, Community College District No. 18.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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:

JANET ALLISON, appointed July 17, 1979, for a term ending July 1, 1984, succeeding David P. Alcorta as a member of the Commission for Vocational Education.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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:

EDWARD CHOW, JR., appointed December 15, 1979, for a term ending at the pleasure of the Governor, succeeding Betty J. McClelland as Director of the Department of Emergency Services.

Sincerely,
DIXY LEE RAY
Governor.

Referred To Committee on State Government.

Office of the Governor, December 21, 1979.

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:

ROBERT D. ALVERSON, appointed December 17, 1979, for a term ending June 12, 1983, succeeding Harold E. Lokken as a member of the Pacific Marine Fisheries Commission.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Natural Resources.

Office of the Governor, December 21, 1979.

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:

MRS. DOROTHY W. McCLELLAN, appointed December 17, 1979, for a term ending June 30, 1981, succeeding Betty Fletcher as a member of the Council for Postsecondary Education.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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:

JANET N. FINN, appointed December 20, 1979, for a term ending September 30, 1984, succeeding David Strong as a member of the Board of Trustees, Community College District No. 4.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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:

MR. PHILIP L. BURTON, appointed December 17, 1979, for a term ending September 30, 1984, succeeding Marvin E. Glass as a member of the Board of Trustees, Community College District No. 6.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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:

GENEVA U. DAVIDSON, appointed December 20, 1979, for a term ending September 30, 1984, succeeding Marji Parker as a member of the Board of Trustees, Community College District No. 19.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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:

CHRISTENIA L. ALDEN, appointed December 11, 1979, for a term ending July 1, 1983, succeeding Mary E. Hersey as a member of the Commission for Vocational Education.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

MOTION

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

SENATE RESOLUTION 1980-158

By Senators Walgren, Odegaard, Hayner and Scott:

BE IT RESOLVED, By the Senate of the State of Washington, that the rules at adjournment of the 1st Extraordinary Session of the 46th Legislature be adopted as the rules of the 1980 Regular Session of the 46th Legislature, with the following amendments:

"COMMITTEES—APPOINTMENT AND CONFIRMATION

RULE 2. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate: PROVIDED, HOWEVER, That the appointment of the said conference, special, and joint committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any such conference, special or joint committee or committees, such committee or committees shall be forthwith elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

1. Agriculture	6
2. Commerce	((5)) 6
3. Constitution and Elections	((8)) 9
4. Ecology	7
5. Education	7
6. Energy and Utilities	((9)) 10
7. Financial Institutions and Insurance	8
8. Higher Education	7
9. Judiciary	((9)) 10
10. Labor	7
11. Local Government	9
12. Natural Resources	11
13. Parks and Recreation	((5)) 7
14. Rules	14
15. Social and Health Services	8
16. State Government	7
17. Transportation	((13)) 12
18. Ways and Means	20"

"EMPLOYEE GUIDELINES

RULE 70. A legislative employee shall not accept any gratuity or compensation for his services rendered in connection with his legislative employment other than his

legislative salary. A legislative employee shall not accept any employment, in addition to his legislative employment, which would impair his independence of judgment. Except within the scope of his employment, a legislative employee shall not provide any service to a lobbyist or any other person.

A legislative employee shall not use or attempt to use his official position to (1) obtain any privilege, exemption, special treatment or any other thing of value for himself, or (2) obtain any such benefit for others except as required to perform duties within the scope of his employment.

A legislative employee shall not accept or solicit anything of value for himself or for others under circumstances in which it can be reasonably inferred that the legislative employee's independence of judgment is impaired or is intended as a reward for any official action on his part.

A legislative employee shall not disclose confidential information acquired by reason of his official position to any person or group not entitled to receive such information, nor shall he use such information for the personal gain or benefit of himself or others.

A legislative employee shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the appropriate board of ethics.

A legislative employee shall not solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly coerce another employee into making a contribution to a candidate or a political committee."

"RULES TO APPLY FOR BIENNIUM

RULE ((70))71. The permanent senate rules adopted at the regular session shall govern any ((special)) session called during the same legislative biennium."

REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Woody, Hayner and Moore appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of House Concurrent Resolution No. 22, that the legislature is organized and ready to transact business.

The report was received and the committee was discharged.

MOTION

At 1:01 p.m., on motion of Senator Walgren, the Senate adjourned until 6:00 p.m., Tuesday, January 15, 1980.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SECOND DAY

EVENING SESSION

Senate Chamber, Olympia, Tuesday, January 15, 1980.

The Senate was called to order at 6:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Gaspard, Gould, Morrison, Pullen, Sellar and Wanamaker. On motion of Senator Jones, Senators Gould, Morrison, Pullen, Sellar and Wanamaker were excused. On motion of Senator Wilson, Senator Gaspard was excused.

The Color Guard, consisting of Pages Linda Hicks and Dan Grant, presented the Colors. Father Theodore Marmo, pastor of St. Michael's Church of Olympia, offered the following prayer:

"HEAVENLY FATHER, YOU KNOW ALL THINGS, YOU SEARCH ALL HEARTS. GRANT TO THOSE WHO SERVE THE PUBLIC AS LEGISLATORS, THE DISCERNMENT NECESSARY TO PROMOTE THE COMMON GOOD. THROUGH THE MANY WORDS ADDRESSED TO THEM, MAY OUR LEGISLATORS HEAR THE REAL NEEDS OF OUR CITIZENS. MAY THEY SEE BEYOND THAT WHICH APPEARS BEFORE THEM TO THAT WHICH IS ESSENTIAL. IN ALL THE DELIBERATIONS OF THIS BODY MAY A SPIRIT OF FAIRNESS AND COMPASSION PREVAIL. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

January 15, 1980.

SENATE BILL NO. 3183, facilitating the restoration of transportation services interrupted by the sinking of the Hood Canal floating bridge (reported by Committee On Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Conner, Gallagher, Guess, Hansen, Lee, Peterson, Quigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE SECRETARY OF STATE

STATE OF WASHINGTON
OFFICE OF THE
SECRETARY OF STATE

January 14, 1980.

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

OLYMPIA, WASHINGTON

SIR:

I, Bruce K. Chapman, Secretary of State of the state of Washington, do hereby certify that the following persons were elected to the office of State Senator at the state general election held on the second day of November, 1976, the state general election held on the eighth day of November, 1977, or the state general election held on the seventh day of November, 1978, as shown by the official returns of said elections now on file in the office of the Secretary of State, and that all of the following are entitled to seats in the Senate of the state of Washington, at the 1980 regular session of the forty-sixth Legislature, commencing on the fourteenth day of January, 1980:

LIST OF SENATORS ELECTED NOVEMBER 2, 1976

<u>District</u>	<u>Senator</u>
No. 1	Ray Van Hollebeke
No. 2	R. Ted Bottiger
No. 4	William S. "Bill" Day
No. 5	R. H. "Bob" Lewis
No. 9	Hubert F. Donohue
No. 10	F. "Pat" Wanamaker
No. 12	George L. Sellar
No. 14	Jim Matson
No. 16	Jeannette Hayner
No. 17	Al Henry
No. 18	Don L. Talley
No. 20	Gary Odegaard
No. 22	Del Bausch
No. 23	Gordon L. Walgren
No. 25	Marcus S. Gaspard
No. 27	Lorraine Wojahn
No. 40	Lowell Peterson
No. 41	George W. Clarke
No. 49	Dan Marsh

LIST OF SENATORS ELECTED NOVEMBER 8, 1977

No. 19	J.T. Quigg
No. 24	Paul Conner
No. 39	Dianne Woody

LIST OF SENATORS ELECTED NOVEMBER 7, 1978

No. 6.	Sam C. Guess
No. 7	Bruce A. Wilson
No. 8	Max E. Benitz
No. 11	A.N. "Bud" Shinpoch
No. 13	Frank "Tub" Hansen
No. 15	Sid W. Morrison
No. 21	Sue Gould
No. 26	Art Gallagher
No. 29	A.L. "Slim" Rasmussen
No. 30	Peter von Reichbauer
No. 31	King Lysen
No. 32	Al Williams
No. 33	Eleanor Lee

No. 34	Phil Talmadge
No. 35	Ruthe Ridder
No. 36	Ray Moore
No. 37	George Fleming
No. 38	Larry Vognild
No. 42	Barney Goltz
No. 43	Jim McDermott
No. 45	Alan Bluechel
No. 46	George Scott
No. 47	Kent Pullen
No. 48	John D. Jones

At the state general election on November 6, 1979, Margaret Hurley was elected to the position of State Senator, Third District, to serve the remainder of the unexpired term caused by the death of James E. Keefe, and Ted Haley was elected to the position of State Senator, Twenty-eighth District, to serve the remainder of the unexpired term caused by the resignation of Charles Newschwander.

On December 31, 1979, the King County Council appointed Bruce A. Bradburn to the position of State Senator, Forty-fourth District, to fill the vacancy caused by the resignation of Lois North.

IN TESTIMONY

WHEREOF, I have set my hand and affixed the seal of the state of Washington at Olympia, this fourteenth day of January, 1980.

Sincerely,

BRUCE K. CHAPMAN
Secretary of State

(Seal of the State of Washington)

MESSAGE FROM THE HOUSE

January 14, 1980.

Mr. President: The House has adopted: SENATE CONCURRENT RESOLUTION NO. 118, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.
DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

January 14, 1979.

Mr. President: The House has passed:
SUBSTITUTE HOUSE BILL NO. 19,
SUBSTITUTE HOUSE BILL NO. 43,
SUBSTITUTE HOUSE BILL NO. 51,
HOUSE BILL NO. 52,
HOUSE BILL NO. 71,
SUBSTITUTE HOUSE BILL NO. 105,
SUBSTITUTE HOUSE BILL NO. 131,
ENGROSSED HOUSE BILL NO. 132,
ENGROSSED HOUSE BILL NO. 207,
HOUSE BILL NO. 277,
ENGROSSED HOUSE BILL NO. 357,
SUBSTITUTE HOUSE BILL NO. 391,

ENGROSSED HOUSE BILL NO. 397, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3196, by Senator Day:

AN ACT Relating to veterinary medicine, surgery, and dentistry; amending section 1, chapter 71, Laws of 1941 as amended by section 1, chapter 92, Laws of 1959 and RCW 18.92.010; amending section 21, chapter 71, Laws of 1941 as last amended by section 71, chapter 158, Laws of 1979 and RCW 18.92.015; amending section 3, chapter 92, Laws of 1959 as last amended by section 1, chapter 31, Laws of 1979 ex. sess. and RCW 18.92.021; amending section 4, chapter 71, Laws of 1941 as last amended by section 2, chapter 44, Laws of 1974 ex. sess. and RCW 18.92-.030; amending section 9, chapter 71, Laws of 1941 and RCW 18.92.035; amending section 13, chapter 124, Laws of 1907 as last amended by section 53, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.92.040; amending section 2, chapter 71, Laws of 1941 and RCW 18.92.050; amending section 20, chapter 71, Laws of 1941 as last amended by section 4, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.060; amending section 6, chapter 71, Laws of 1941 as last amended by section 72, chapter 158, Laws of 1979 and RCW 18.92.070; amending section 6, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.125; amending section 12, chapter 71, Laws of 1941 as amended by section 10, chapter 92, Laws of 1959 and RCW 18.92.130; amending section 16, chapter 71, Laws of 1941 and RCW 18.92.140; amending section 17, chapter 71, Laws of 1941 as amended by section 83, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.92.142; amending section 19, chapter 71, Laws of 1941 as last amended by section 84, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.92.145; amending section 13, chapter 71, Laws of 1941 as last amended by section 7, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.160; amending section 14, chapter 71, Laws of 1941 as last amended by section 11, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.180; amending section 14, chapter 92, Laws of 1959 and RCW 18.92.235; and adding new sections to chapter 18.92 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3197, by Senators Moore and Day:

AN ACT Relating to the commission on families and children; amending section 36.18.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 56, Laws of 1977 ex. sess. and RCW 36.18.010; adding a new chapter to Title 70 RCW; and providing an expiration date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3198, by Senator Talmadge:

AN ACT Relating to bicycles; and amending section 83, chapter 155, Laws of 1965 ex. sess. as amended by section 14, chapter 141, Laws of 1974 ex. sess. and RCW 46.61.770.

Referred to Committee on Transportation.

SENATE BILL NO. 3199, by Senators Talmadge, Vognild, Odegaard and Lee:

AN ACT Relating to motor vehicle liability insurance; amending section 20, chapter 241, Laws of 1969 ex. sess. as last amended by section 7, chapter 199, Laws of 1979 ex. sess. and RCW 48.18.292; amending section 27, chapter 150, Laws of 1967 and RCW 48.22.030; adding a new chapter to Title 46 RCW; defining crimes; prescribing penalties; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 3200, by Senators Talmadge, Quigg, Moore, Wojahn, Shinpoch and von Reichbauer:

AN ACT Relating to mental health; adding a new chapter to Title 71 RCW; making an appropriation; providing an expiration date; and declaring an emergency. Referred to Committee on Social and Health Services.

SENATE BILL NO. 3201, by Senators Moore and Day:

AN ACT Relating to day care; and adding a new chapter to Title 74 RCW. Referred to Committee on Social and Health Services.

SENATE BILL NO. 3202, by Senator Day:

AN ACT Relating to basic science; and repealing section 43.74.030, chapter 8, Laws of 1965 and RCW 43.74.030.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3203, by Senator Gould:

AN ACT Relating to minors; and amending section 1, chapter 99, Laws of 1961 as last amended by section 1, chapter 145, Laws of 1977 ex. sess. and RCW 4.24.190.

Referred to Judiciary Committee.

SENATE BILL NO. 3204, by Senators Rasmussen and Gallagher:

AN ACT Relating to natural resources; amending section 1, chapter 10, Laws of 1979 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 and RCW 43.17.020; amending section 75.04.020, chapter 12, Laws of 1955 and RCW 75.04.020; amending section 3, chapter 112, Laws of 1949 as amended by section 1, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.08.012; amending section 10, chapter 207, Laws of 1953 and RCW 75.08.014; amending section 75.08.020, chapter 12, Laws of 1955 as amended by section 87, chapter 75, Laws of 1977 and RCW 75.08.020; amending section 4, chapter 112, Laws of 1949 and RCW 75.08.022; amending section 75.08.025, chapter 12, Laws of 1955 and RCW 75.08.025; amending section 1, chapter 315, Laws of 1959 and RCW 75.08.027; amending section 75.08.030, chapter 12, Laws of 1955 and RCW 75.08.030; amending section 75.08.040, chapter 12, Laws of 1955 as amended by section 1, chapter 212, Laws of 1955 and RCW 75.08.040; amending section 75.08.056, chapter 12, Laws of 1955 as amended by section 1, chapter 38, Laws of 1967 ex. sess. and RCW 75.08.056; amending section 75.08.080, chapter 12, Laws of 1955 and RCW 75.08.080; amending section 75.08.150, chapter 12, Laws of 1955 and RCW 75.08.150; amending section 75.08.160, chapter 12, Laws of 1955 and RCW 75.08.160; amending section 75.08.170, chapter 12, Laws of 1955 and RCW 75.08.170; amending section 75.08.190, chapter 12, Laws of 1955 and RCW 75.08.190; amending section 75.08.200, chapter 12, Laws of 1955 and RCW 75.08.200; amending section 75.08.220, chapter 12, Laws of 1955 and RCW 75.08.220; amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 175, chapter 151, Laws of 1979 and RCW 75.08.230; amending section 75.08.240, chapter 12, Laws of 1955 as amended by section 4, chapter 95, Laws of 1973 and RCW 75.08.240; amending section 75.08.250, chapter 12, Laws of 1955 as amended by section 34, chapter 106, Laws of 1973 and RCW 75.08.250; amending section 3, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.030; amending section 4, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.040; amending section 5, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.050; amending section 7, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.288; amending section 2, chapter 184, Laws of 1974 ex. sess. as last amended by section 1, chapter 135, Laws of 1979 and RCW 75.28.455; amending section 3, chapter 183, Laws of 1975 1st ex. sess. as amended by section 3, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.505; amending section 75.36.010, chapter 12, Laws of 1955 and RCW 75.36.010; amending section 4, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.040; amending section 9,

chapter 308, Laws of 1977 ex. sess. and RCW 75.48.090; amending section 10, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.100; amending section 77.04.020, chapter 36, Laws of 1955 and RCW 77.04.020; amending section 77.04.050, chapter 36, Laws of 1955 and RCW 77.04.050; amending section 77.04.060, chapter 36, Laws of 1955 as last amended by section 89, chapter 75, Laws of 1977 and RCW 77.04.060; amending section 77.08.010, chapter 36, Laws of 1955 and RCW 77.08.010; amending section 77.08.020, chapter 36, Laws of 1955 as amended by section 1, chapter 19, Laws of 1969 ex. sess. and RCW 77.08.020; amending section 1, chapter 166, Laws of 1971 ex. sess. and RCW 77.08.030; amending section 2, chapter 166, Laws of 1971 ex. sess. and RCW 77.08.040; amending section 5, chapter 166, Laws of 1971 ex. sess. and RCW 77.08.050; amending section 1, chapter 121, Laws of 1971 ex. sess. and RCW 77.08.060; amending section 77.12.020, chapter 36, Laws of 1955 as amended by section 1, chapter 18, Laws of 1969 ex. sess. and RCW 77.12.020; amending section 77.12.030, chapter 36, Laws of 1955 as amended by section 2, chapter 18, Laws of 1969 ex. sess. and RCW 77.12.030; amending section 77.12.040, chapter 36, Laws of 1955 as amended by section 3, chapter 18, Laws of 1969 and RCW 77.12.040; amending section 77.12.050, chapter 36, Laws of 1955 and RCW 77.12.050; amending section 77.12.060, chapter 36, Laws of 1955 as amended by section 1, chapter 68, Laws of 1961 and RCW 77.12.060; amending section 77.12.070, chapter 36, Laws of 1955 as last amended by section 1, chapter 173, Laws of 1971 ex. sess. and RCW 77.12.070; amending section 77.12.080, chapter 36, Laws of 1955 as last amended by section 2, chapter 173, Laws of 1971 ex. sess. and RCW 77.12.080; amending section 77.12.090, chapter 36, Laws of 1955 and RCW 77.12.090; amending section 77.12.100, chapter 36, Laws of 1955 and RCW 77.12.100; amending section 77.12.110, chapter 36, Laws of 1955 and RCW 77.12.110; amending section 77.12.120, chapter 36, Laws of 1955 and RCW 77.12.120; amending section 77.12.130, chapter 36, Laws of 1955 and RCW 77.12.130; amending section 77.12.140, chapter 36, Laws of 1955 and RCW 77.12.140; amending section 77.12.150, chapter 36, Laws of 1955 as last amended by section 1, chapter 58, Laws of 1977 ex. sess. and RCW 77.12.150; amending section 77.12.170, chapter 36, Laws of 1955 as last amended by section 1, chapter 56, Laws of 1979 and RCW 77.12.170; amending section 1, chapter 57, Laws of 1975 and RCW 77.12.173; amending section 1, chapter 200, Laws of 1973 1st ex. sess. as amended by section 7, chapter 59, Laws of 1975 and RCW 77.12.175; amending section 77.12.200, chapter 36, Laws of 1955 as amended by section 1, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.200; amending section 2, chapter 97, Laws of 1965 as amended by section 1, chapter 59, Laws of 1977 ex. sess. and RCW 77.12.201; amending section 5, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.207; amending section 77.12.210, chapter 36, Laws of 1955 as amended by section 1, chapter 73, Laws of 1969 ex. sess. and RCW 77.12.210; amending section 77.12.220, chapter 36, Laws of 1955 and RCW 77.12.220; amending section 77.12.240, chapter 36, Laws of 1955 and RCW 77.12.240; amending section 77.12.250, chapter 36, Laws of 1955 and RCW 77.12.250; amending section 77.12.260, chapter 36, Laws of 1955 and RCW 77.12.260; amending section 77.12.270, chapter 36, Laws of 1955 as amended by section 8, chapter 177, Laws of 1963 and RCW 77.12.270; amending section 77.12.280, chapter 36, Laws of 1955 as last amended by section 176, chapter 151, Laws of 1979 and RCW 77.12.280; amending section 77.12.290, chapter 36, Laws of 1955 as last amended by section 9, chapter 177, Laws of 1963 and RCW 77.12.290; amending section 77.12.300, chapter 36, Laws of 1955 as amended by section 3, chapter 177, Laws of 1957 and RCW 77.12.300; amending section 77.12.310, chapter 36, Laws of 1955 and RCW 77.12.310; amending section 1, chapter 183, Laws of 1971 ex. sess. and RCW 77.12.315; amending section 77.12.320, chapter 36, Laws of 1955 as last amended by section 1, chapter 207, Laws of 1975 1st ex. sess. and RCW 77.12.320; amending section 2,

chapter 207, Laws of 1975 1st ex. sess. and RCW 77.12.323; amending section 2, chapter 315, Laws of 1959 and RCW 77.12.325; amending section 77.12.330, chapter 36, Laws of 1955 and RCW 77.12.330; amending section 77.12.340, chapter 36, Laws of 1955 and RCW 77.12.340; amending section 77.12.350, chapter 36, Laws of 1955 and RCW 77.12.350; amending section 77.12.360, chapter 36, Laws of 1955 as amended by section 3, chapter 129, Laws of 1969 ex. sess. and RCW 77.12.360; amending section 77.12.370, chapter 36, Laws of 1955 and RCW 77.12.370; amending section 77.12.380, chapter 36, Laws of 1955 and RCW 77.12.380; amending section 77.12.410, chapter 36, Laws of 1955 and RCW 77.12.410; amending section 77.12.420, chapter 36, Laws of 1955 and RCW 77.12.420; amending section 77.12.440, chapter 36, Laws of 1955 and RCW 77.12.440; amending section 1, chapter 62, Laws of 1967 and RCW 77.12.450; amending section 1, chapter 45, Laws of 1967 and RCW 77.12.500; amending section 6, chapter 166, Laws of 1971 ex. sess. and RCW 77.12.510; amending section 77.16.010, chapter 36, Laws of 1955 and RCW 77.16.010; amending section 77.16.030, chapter 36, Laws of 1955 as amended by section 2, chapter 44, Laws of 1977 and RCW 77.16.030; amending section 77.16.040, chapter 36, Laws of 1955 as last amended by section 4, chapter 166, Laws of 1971 ex. sess. and RCW 77.16.040; amending section 77.16.130, chapter 36, Laws of 1955 and RCW 77.16.130; amending section 3, chapter 166, Laws of 1971 ex. sess. and RCW 77.16.158; amending section 77.16.230, chapter 36, Laws of 1955 and RCW 77.16.230; amending section 77.16.240, chapter 36, Laws of 1955 and RCW 77.16.240; amending section 77.16.270, chapter 36, Laws of 1955 and RCW 77.16.270; amending section 10, chapter 177, Laws of 1963 as amended by section 1, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.20.015; amending section 77.20.020, chapter 36, Laws of 1955 as amended by section 2, chapter 177, Laws of 1963 and RCW 77.20.020; amending section 77.20.030, chapter 36, Laws of 1955 as amended by section 3, chapter 177, Laws of 1963 and RCW 77.20.030; amending section 77.20.040, chapter 36, Laws of 1955 as amended by section 4, chapter 177, Laws of 1963 and RCW 77.20.040; amending section 77.20.045, chapter 36, Laws of 1955 as amended by section 5, chapter 177, Laws of 1963 and RCW 77.20.045; amending section 77.24.010, chapter 36, Laws of 1955 and RCW 77.24.010; amending section 77.24.020, chapter 36, Laws of 1955 and RCW 77.24.020; amending section 77.24.030, chapter 36, Laws of 1955 and RCW 77.24.030; amending section 77.24.040, chapter 36, Laws of 1955 and RCW 77.24.040; amending section 77.28.010, chapter 36, Laws of 1955 and RCW 77.28.010; amending section 77.28.020, chapter 36, Laws of 1955 as last amended by section 2, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.28.020; amending section 77.28.030, chapter 36, Laws of 1955 and RCW 77.28.030; amending section 77.28.050, chapter 36, Laws of 1955 and RCW 77.28.050; amending section 77.28.060, chapter 36, Laws of 1955 and RCW 77.28.060; amending section 77.28.070, chapter 36, Laws of 1955 and RCW 77.28.070; amending section 77.28.080, chapter 36, Laws of 1955 and RCW 77.28.080; amending section 77.28.100, chapter 36, Laws of 1955 and RCW 77.28.100; amending section 77.28.110, chapter 36, Laws of 1955 and RCW 77.28.110; amending section 77.28.120, chapter 36, Laws of 1955 and RCW 77.28.120; amending section 77.32.010, chapter 36, Laws of 1955 as last amended by section 1, chapter 3, Laws of 1979 ex. sess. and RCW 77.32.010; amending section 1, chapter 17, Laws of 1957 and RCW 77.32.015; amending section 77.32.020, chapter 36, Laws of 1955 as last amended by section 3, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.020; amending section 19, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.032; amending section 77.32.080, chapter 36, Laws of 1955 and RCW 77.32.080; amending section 77.32.090, chapter 36, Laws of 1955 and RCW 77.32.090; amending section 27, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.161; amending section 77.32.185, chapter 36, Laws of 1955 and RCW 77.32.185; amending section 31, chapter 15, Laws of 1975 1st ex.

sess. and RCW 77.32.226; amending section 7, chapter 166, Laws of 1971 ex. sess. and RCW 77.32.245; amending section 77.32.250, chapter 36, Laws of 1955 and RCW 77.32.250; amending section 77.32.260, chapter 36, Laws of 1955 and RCW 77.32.260; amending section 77.32.270, chapter 36, Laws of 1955 and RCW 77.32.270; amending section 77.32.280, chapter 36, Laws of 1955 and RCW 77.32.280; amending section 1, chapter 127, Laws of 1979 ex. sess. and RCW 77.32.300; adding new sections to chapter 43.43 RCW; adding a new section to chapter 75.08 RCW; adding new sections to chapter 77.04 RCW; adding a new section to chapter 77.12 RCW; creating new sections; repealing section 1, chapter 216, Laws of 1957 and RCW 75.08.024; repealing section 13, chapter 207, Laws of 1953 and RCW 75.08.203; repealing section 14, chapter 207, Laws of 1953, section 73, chapter 289, Laws of 1971 ex. sess. and RCW 75.08.206; repealing section 77.04.030, chapter 36, Laws of 1955 and RCW 77.04.030; repealing section 77.04.040, chapter 36, Laws of 1955 and RCW 77.04.040; and providing an effective date.

Referred to Committee on Natural Resources

SENATE BILL NO. 3205, by Senators Williams, Rasmussen and Woody:

AN ACT Relating to absentee voter lists; and amending section 1, chapter 61, Laws of 1973 1st ex. sess. and RCW 29.36.097.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3206, by Senators Talmadge, Pullen and Woody:

AN ACT Relating to criminal offenses; adding a new section to chapter 9A.04 RCW; and creating a new section.

Referred to Judiciary Committee.

SENATE BILL NO. 3207, by Senators Talmadge, Clarke, Marsh, McDermott and Van Hollebeke:

AN ACT Relating to superior court judges; and amending section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 202, Laws of 1979 ex. sess. and RCW 2.08.061.

Referred to Judiciary Committee.

SENATE BILL NO. 3208, by Senator Talmadge:

AN ACT Relating to charter boats; and amending section 3, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.030.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3209, by Senators Talley, Walgren, Henry and Odegaard:

AN ACT Relating to docks and piers; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Labor.

SENATE BILL NO. 3210, by Senators Day, Jones, Talmadge and Van Hollebeke:

AN ACT Relating to privileged communications; and amending section 294, page 187, Laws of 1854 as last amended by section 2, chapter 215, Laws of 1979 ex. sess. and RCW 5.60.060.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3211, by Senators Moore, Vognild, Hansen and Sellar:

AN ACT Relating to special purpose districts; amending section 9, chapter 210, Laws of 1941 as last amended by section 7, chapter 148, Laws of 1969 ex. sess. and RCW 56.12.010; and amending section 7, chapter 114, Laws of 1929 as last amended by section 1, chapter 116, Laws of 1975 1st ex. sess. and RCW 57.12.010.

Referred to Committee on Local Government.

SENATE BILL NO. 3212, by Senator Conner:

AN ACT Relating to game; amending section 20, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.101; amending section 21, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.104; amending section 22, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.106; amending section 23, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.111; amending section 24, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.114; amending section 25, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.131; and amending section 26, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.151.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3213, by Senators Bausch, Bluechel and Henry:

AN ACT Relating to mopeds; amending section 27, chapter 155, Laws of 1965 ex. sess. as amended by section 25, chapter 62, Laws of 1975 and RCW 46.61.160; and amending section 8, chapter 213, Laws of 1979 ex. sess. and RCW 46.61.710.

Referred to Committee on Transportation.

SENATE BILL NO. 3214, by Senators Wilson and Guess:

AN ACT Relating to county roads and bridges; and repealing section 36.77-.050, chapter 4, Laws of 1963 and RCW 36.77.050.

Referred to Committee on Local Government.

SENATE BILL NO. 3215, by Senators Rasmussen, Van Hollebeke, Quigg and Gallagher:

AN ACT Relating to professional licensure; and creating a new section.

Referred to Committee on Commerce.

SENATE BILL NO. 3216, by Senator Talmadge:

AN ACT Relating to elections; adding new sections to chapter 42.17 RCW; and prescribing penalties.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3217, by Senator Talmadge:

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

Referred to Committee on Transportation.

SENATE BILL NO. 3218, by Senator Goltz:

AN ACT Relating to the solemnization of marriages; and amending section 4, page 404, Laws of 1854 as last amended by section 69, chapter 81, Laws of 1971 and RCW 26.04.050.

Referred to Judiciary Committee.

SENATE BILL NO. 3219, by Senators Talley, Marsh, Henry, Odegaard and von Reichbauer:

AN ACT Relating to the commemoration of the 175th anniversary of the Lewis and Clark expedition; and adding a new section to Title 47 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3220, by Senators Talmadge, Hayner and Vognild:

AN ACT Relating to civil procedure; amending section 1, chapter 84, Laws of 1973 and RCW 4.84.250; amending section 4, chapter 84, Laws of 1973 and RCW 4.84.280; amending section 6, chapter 84, Laws of 1973 and RCW 4.84.300; amending section 4, chapter 136, Laws of 1895 as last amended by section 1, chapter 46, Laws of 1969 and RCW 4.56.110; adding a new section to chapter 4.56 RCW; adding a new section to chapter 4.84 RCW; providing an effective date; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 3221, by Senators Talmadge and Moore:

AN ACT Relating to adoption; amending section 1, chapter 133, Laws of 1939 as last amended by section 2, chapter 101, Laws of 1979 ex. sess. and RCW 70.58-.210; amending and reenacting section 12, chapter 291, Laws of 1955 as amended by section 1, chapter 101, Laws of 1979 ex. sess. and by section 19, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.120; amending section 15, chapter 291, Laws of 1955 and RCW 26.32.150; amending section 3, chapter 150, Laws of 1935 and RCW 26.36.030; amending section 1, chapter 82, Laws of 1970 ex. sess. as last amended by section 20, chapter 165, Laws of 1979 ex. sess. and RCW 26.36.050; and adding new sections to chapter 26.32 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3222, by Senators Talmadge, Day, Vognild, Bausch, Conner and Moore:

AN ACT Relating to health insurance; adding a new section to chapter 48.02 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3223, by Senators Bausch, Gaspard, Talmadge and Moore:

AN ACT Relating to public school districts; adding a new section to chapter 41.56 RCW; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 3224, by Senator Hansen:

AN ACT Relating to county noxious weed control board elections; and amending section 5, chapter 113, Laws of 1969 ex. sess. as last amended by section 6, chapter 26, Laws of 1977 ex. sess. and RCW 17.10.050.

Referred to Committee on Agriculture.

SENATE BILL NO. 3225, by Senators Rasmussen, Odegaard, Donohue, Woody, Conner and Williams:

AN ACT Relating to revenue and taxation; and amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.381.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3226, by Senators Day and Henry:

AN ACT Relating to the prescribing of legend drugs and controlled substances; amending section 1, chapter 186, Laws of 1973 1st ex. sess. as amended by section 1, chapter 139, Laws of 1979 ex. sess. and RCW 69.41.010; and amending section 69.50.101, chapter 308, Laws of 1971 ex. sess. as amended by section 1, chapter 38, Laws of 1973 2nd ex. sess. and RCW 69.50.101.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3227, by Senators Clarke and Van Hollebeke (by Judicial Council request):

AN ACT Relating to traffic infractions; amending section 8, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.060; amending section 9, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.070; amending section 11, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.090; amending section 13, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.110; amending section 2, chapter 160, Laws of 1913 as last amended by section 3, chapter 155, Laws of 1979 and RCW 13.04.030; amending section 1, chapter 214, Laws of 1975 1st ex. sess. and RCW 35.20.205; amending section 46.64.020, chapter 12, Laws of 1961 and RCW 46.64.020; amending section

111, chapter 136, Laws of 1979 ex. sess. (uncodified); adding a new section to chapter 46.63 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 3228, by Senator Williams:

AN ACT Relating to motor vehicle emission control; amending section 11, chapter 163, Laws of 1979 ex. sess. and RCW 46.16.015; amending section 4, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.040; amending section 6, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.060; and amending section 7, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.070.

Referred to Committee on Ecology.

SENATE BILL NO. 3229, by Senators Talley and Sellar:

AN ACT Relating to motor vehicles; and amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 122, chapter 158, Laws of 1979 and RCW 46.01.140.

Referred to Committee on Transportation.

SENATE BILL NO. 3230, by Senators Van Hollebeke and Clarke (by Judicial Council request):

AN ACT Relating to pro tempore judges; amending section 2, chapter 40, Laws of 1963 and RCW 2.04.250; amending section 2, chapter 114, Laws of 1973 and RCW 2.06.160; amending section 4, chapter 43, Laws of 1893 and RCW 2.08.170; amending section 7, chapter 259, Laws of 1957 and RCW 2.56.070; and amending section 23, chapter 299, Laws of 1961 and RCW 3.34.140.

Referred to Judiciary Committee.

SENATE BILL NO. 3231, by Senators Clarke and Van Hollebeke (by Judicial Council request):

AN ACT Relating to sentencing; and amending section 35.22.560, chapter 7, Laws of 1965 as amended by section 89, chapter 81, Laws of 1971 and RCW 35.22.560.

Referred to Judiciary Committee.

SENATE BILL NO. 3232, by Senators Rasmussen, Donohue, Clarke and Odegaard:

AN ACT Relating to inheritance and gift taxes; amending section 3, chapter 292, Laws of 1961 as amended by section 2, chapter 209, Laws of 1979 ex. sess. and RCW 83.04.013; amending section 1, chapter 73, Laws of 1972 ex. sess. as amended by section 3, chapter 209, Laws of 1979 ex. sess. and RCW 83.24.035; and amending section 12, chapter 210, Laws of 1979 ex. sess. and RCW 83.58.120.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3233, by Senators Peterson and Quigg:

AN ACT Relating to wildlife; amending section 77.04.010, chapter 36, Laws of 1955 and RCW 77.04.010; amending section 77.04.020, chapter 36, Laws of 1955 and RCW 77.04.020; amending section 77.04.030, chapter 36, Laws of 1955 and RCW 77.04.030; amending section 77.04.040, chapter 36, Laws of 1955 and RCW 77.04.040; amending section 77.04.060, chapter 36, Laws of 1955 as last amended by section 89, chapter 75, Laws of 1977 and RCW 77.04.060; amending section 77.04.080, chapter 36, Laws of 1955 and RCW 77.04.080; amending section 77.08.010, chapter 36, Laws of 1955 and RCW 77.08.010; amending section 77.08.020, chapter 36, Laws of 1955 as amended by section 1, chapter 19, Laws of 1969 ex. sess. and RCW 77.08.020; amending section 1, chapter 166, Laws of 1971 ex. sess. and RCW 77.08.030; amending section 77.12.010, chapter 36, Laws of 1955 as amended by section 1, chapter 74, Laws of 1977 and RCW 77.12.010; amending section 77.12.020, chapter 36, Laws of 1955 as amended by section 1, chapter 18,

Laws of 1969 ex. sess. and RCW 77.12.020; amending section 77.12.030, chapter 36, Laws of 1955 as amended by section 2, chapter 18, Laws of 1969 ex. sess. and RCW 77.12.030; amending section 77.12.040, chapter 36, Laws of 1955 as amended by section 3, chapter 18, Laws of 1969 ex. sess. and RCW 77.12.040; amending section 77.12.050, chapter 36, Laws of 1955 and RCW 77.12.050; amending section 77.12.060, chapter 36, Laws of 1955 as amended by section 1, chapter 68, Laws of 1961 and RCW 77.12.060; amending section 77.12.070, chapter 36, Laws of 1955 as last amended by section 1, chapter 173, Laws of 1971 ex. sess. and RCW 77.12.070; amending section 77.12.080, chapter 36, Laws of 1955 as last amended by section 2, chapter 173, Laws of 1971 ex. sess. and RCW 77.12.080; amending section 77.12.090, chapter 36, Laws of 1955 and RCW 77.12.090; amending section 77.12.100, chapter 36, Laws of 1955 and RCW 77.12.100; amending section 77.12.110, chapter 36, Laws of 1955 and RCW 77.12.110; amending section 77.12.120, chapter 36, Laws of 1955 and RCW 77.12.120; amending section 77.12.130, chapter 36, Laws of 1955 and RCW 77.12.130; amending section 77.12.140, chapter 36, Laws of 1955 and RCW 77.12.140; amending section 77.12.150, chapter 36, Laws of 1955 as last amended by section 1, chapter 58, Laws of 1977 ex. sess. and RCW 77.12.150; amending section 77.12.170, chapter 36, Laws of 1955 as last amended by section 1, chapter 56, Laws of 1979 and RCW 77.12.170; amending section 1, chapter 57, Laws of 1975 and RCW 77.12.173; amending section 77.12.190, chapter 36, Laws of 1955 and RCW 77.12.190; amending section 77.12.200, chapter 36, Laws of 1955 as amended by section 1, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.200; amending section 2, chapter 97, Laws of 1965 ex. sess. as amended by section 1, chapter 59, Laws of 1977 ex. sess. and RCW 77.12.201; amending section 3, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.203; amending section 77.12.210, chapter 36, Laws of 1955 as amended by section 1, chapter 73, Laws of 1969 ex. sess. and RCW 77.12.210; amending section 77.12.220, chapter 36, Laws of 1955 and RCW 77.12.220; amending section 77.12.230, chapter 36, Laws of 1955 and RCW 77.12.230; amending section 77.12.240, chapter 36, Laws of 1955 and RCW 77.12.240; amending section 77.12.250, chapter 36, Laws of 1955 and RCW 77.12.250; amending section 77.12.260, chapter 36, Laws of 1955 and RCW 77.12.260; amending section 77.12.270, chapter 36, Laws of 1955 as amended by section 8, chapter 177, Laws of 1963 and RCW 77.12.270; amending section 77.12.280, chapter 36, Laws of 1955 as last amended by section 176, chapter 151, Laws of 1979 and RCW 77.12.280; amending section 77.12.290, chapter 36, Laws of 1955 as last amended by section 9, chapter 177, Laws of 1963 and RCW 77.12.290; amending section 77.12.300, chapter 36, Laws of 1955 as amended by section 3, chapter 177, Laws of 1957 and RCW 77.12.300; amending section 1, chapter 183, Laws of 1971 ex. sess. and RCW 77.12.315; amending section 77.12.320, chapter 36, Laws of 1955 as last amended by section 1, chapter 207, Laws of 1975 1st ex. sess. and RCW 77.12.320; amending section 2, chapter 207, Laws of 1975 1st ex. sess. and RCW 77.12.323; amending section 2, chapter 315, Laws of 1959 and RCW 77.12.325; amending section 77.12.330, chapter 36, Laws of 1955 and RCW 77.12.330; amending section 77.12.360, chapter 36, Laws of 1955 as amended by section 3, chapter 129, Laws of 1969 ex. sess. and RCW 77.12.360; amending section 77.12.370, chapter 36, Laws of 1955 and RCW 77.12.370; amending section 77.12.380, chapter 36, Laws of 1955 and RCW 77.12.380; amending section 77.12.390, chapter 36, Laws of 1955 as amended by section 35, chapter 106, Laws of 1973 and RCW 77.12.390; amending section 77.12.420, chapter 36, Laws of 1955 and RCW 77.12.420; amending section 77.12.430, chapter 36, Laws of 1955 and RCW 77.12.430; amending section 77.12.440, chapter 36, Laws of 1955 and RCW 77.12.440; amending section 1, chapter 62, Laws of 1967 and RCW 77.12.450; amending section 3, chapter 62, Laws of 1967 and RCW 77.12.470; amending section 4, chapter 62, Laws of 1967 and RCW 77.12.480; amending section 5, chapter

62, Laws of 1967 and RCW 77.12.490; amending section 2, chapter 56, Laws of 1979 and RCW 77.12.520; amending section 77.16.010, chapter 36, Laws of 1955 and RCW 77.16.010; amending section 77.16.020, chapter 36, Laws of 1955 as amended by section 1, chapter 44, Laws of 1977 and RCW 77.16.020; amending section 77.16.030, chapter 36, Laws of 1955 as amended by section 2, chapter 44, Laws of 1977 and RCW 77.16.030; amending section 77.16.040, chapter 36, Laws of 1955 as last amended by section 4, chapter 166, Laws of 1971 ex. sess. and RCW 77.16.040; amending section 77.16.050, chapter 36, Laws of 1955 and RCW 77.16.050; amending section 77.16.060, chapter 36, Laws of 1955 and RCW 77.16.060; amending section 77.16.070, chapter 36, Laws of 1955 and RCW 77.16.070; amending section 77.16.080, chapter 36, Laws of 1955 and RCW 77.16.080; amending section 77.16.090, chapter 36, Laws of 1955 and RCW 77.16.090; amending section 77.16.100, chapter 36, Laws of 1955 as amended by section 1, chapter 275, Laws of 1977 ex. sess. and RCW 77.16.100; amending section 77.16.110, chapter 36, Laws of 1955 and RCW 77.16.110; amending section 77.16.120, chapter 36, Laws of 1955 and RCW 77.16.120; amending section 77.16.130, chapter 36, Laws of 1955 and RCW 77.16.130; amending section 77.16.150, chapter 36, Laws of 1955 and RCW 77.16.150; amending section 77.16.160, chapter 36, Laws of 1955 and RCW 77.16.160; amending section 77.16.170, chapter 36, Laws of 1955 and RCW 77.16.170; amending section 77.16.180, chapter 36, Laws of 1955 and RCW 77.16.180; amending section 77.16.190, chapter 36, Laws of 1955 and RCW 77.16.190; amending section 77.16.210, chapter 36, Laws of 1955 and RCW 77.16.210; amending section 77.16.220, chapter 36, Laws of 1955 and RCW 77.16.220; amending section 1, chapter 152, Laws of 1963 and RCW 77.16.221; amending section 77.16.230, chapter 36, Laws of 1955 and RCW 77.16.230; amending section 77.16.240, chapter 36, Laws of 1955 and RCW 77.16.240; amending section 77.16.250, chapter 36, Laws of 1955 and RCW 77.16.250; amending section 77.16.260, chapter 36, Laws of 1955 as amended by section 1, chapter 85, Laws of 1955 and RCW 77.16.260; amending section 77.16.290, chapter 36, Laws of 1955 and RCW 77.16.290; amending section 77.28.020, chapter 36, Laws of 1955 as last amended by section 2, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.28.020; amending section 77.28.070, chapter 36, Laws of 1955 and RCW 77.28.070; amending section 77.28.080, chapter 36, Laws of 1955 and RCW 77.28.080; amending section 77.28.090, chapter 36, Laws of 1955 and RCW 77.28.090; amending section 14, chapter 176, Laws of 1957 as amended by section 1, chapter 94, Laws of 1961 and RCW 77.32.005; amending section 77.32.010, chapter 36, Laws of 1955 as last amended by section 1, chapter 3, Laws of 1979 ex. sess. and RCW 77.32.010; amending section 1, chapter 17, Laws of 1957 and RCW 77.32.015; amending section 77.32.020, chapter 36, Laws of 1955 as last amended by section 3, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.020; amending section 77.32.050, chapter 36, Laws of 1955 as amended by section 2, chapter 3, Laws of 1979 ex. sess. and RCW 77.32.050; amending section 77.32.060, chapter 36, Laws of 1955 as last amended by section 3, chapter 3, Laws of 1979 ex. sess. and RCW 77.32.060; amending section 77.32.070, chapter 36, Laws of 1955 and RCW 77.32.070; amending section 77.32.090, chapter 36, Laws of 1955 and RCW 77.32.090; amending section 20, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.101; amending section 27, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.161; amending section 28, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.191; amending section 1, chapter 43, Laws of 1977 and RCW 77.32.197; amending section 30, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.211; amending section 77.32.220, chapter 36, Laws of 1955 and RCW 77.32.220; amending section 77.32.230, chapter 36, Laws of 1955 as last amended by section 1, chapter 58, Laws of 1973 1st ex. sess. and RCW 77.32.230; amending section 77.32.240, chapter 36, Laws of 1955 and RCW 77.32.240; amending section 77.32.250, chapter 36, Laws of 1955 and RCW 77.32.250;

amending section 32, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.256; amending section 77.32.260, chapter 36, Laws of 1955 and RCW 77.32.260; amending section 77.32.280, chapter 36, Laws of 1955 and RCW 77.32.280; amending section 1, chapter 6, Laws of 1975 1st ex. sess. and RCW 77.32.290; amending section 1, chapter 127, Laws of 1979 ex. sess. and RCW 77.32.300; amending section 77.40.050, chapter 36, Laws of 1955 and RCW 77.40.050; amending section 77.40.060, chapter 36, Laws of 1955 and RCW 77.40.060; amending section 77.40.080, chapter 36, Laws of 1955 and RCW 77.40.080; amending section 1, chapter 199, Laws of 1969 ex. sess. as amended by section 2, chapter 130, Laws of 1974 ex. sess. and RCW 3.62.015; amending section 3, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.030; amending section 20, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.200; amending section 5, chapter 307, Laws of 1971 ex. sess. as amended by section 4, chapter 94, Laws of 1979 and RCW 70.93.050; amending section 75.08.150, chapter 12, Laws of 1955 and RCW 75.08.150; amending section 75.08.200, chapter 12, Laws of 1955 and RCW 75.08.200; amending section 15, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.650; adding new sections to chapter 77.12 RCW; adding a new section to chapter 77.16 RCW; adding a new section to chapter 77.32 RCW; adding a new chapter to Title 77 RCW; creating new sections; repealing section 77.04.050, chapter 36, Laws of 1955 and RCW 77.04.050; repealing section 2, chapter 166, Laws of 1971 ex. sess. and RCW 77.08.040; repealing section 5, chapter 166, Laws of 1971 ex. sess. and RCW 77.08.050; repealing section 1, chapter 121, Laws of 1971 ex. sess. and RCW 77.08.060; repealing section 77.12.160, chapter 36, Laws of 1955, section 2, chapter 102, Laws of 1975 1st ex. sess. and RCW 77.12.160; repealing section 4, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.205; repealing section 5, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.207; repealing section 77.12.310, chapter 36, Laws of 1955 and RCW 77.12.310; repealing section 77.12.340, chapter 36, Laws of 1955 and RCW 77.12.340; repealing section 77.12.350, chapter 36, Laws of 1955 and RCW 77.12.350; repealing section 77.12.400, chapter 36, Laws of 1955 and RCW 77.12.400; repealing section 77.12.410, chapter 36, Laws of 1955 and RCW 77.12.410; repealing section 2, chapter 62, Laws of 1967 and RCW 77.12.460; repealing section 1, chapter 45, Laws of 1967 and RCW 77.12.500; repealing section 6, chapter 166, Laws of 1971 ex. sess. and RCW 77.12.510; repealing section 77.16.140, chapter 36, Laws of 1955 and RCW 77.16.140; repealing section 77.16.157, chapter 36, Laws of 1955 and RCW 77.16.157; repealing section 3, chapter 166, Laws of 1971 ex. sess. and RCW 77.16.158; repealing section 77.16.200, chapter 36, Laws of 1955 and RCW 77.16.200; repealing section 77.16.270, chapter 36, Laws of 1955 and RCW 77.16.270; repealing section 77.16.280, chapter 36, Laws of 1955 and RCW 77.16.280; repealing section 77.16.300, chapter 36, Laws of 1955 and RCW 77.16.300; repealing section 77.20.010, chapter 36, Laws of 1955, section 1, chapter 177, Laws of 1963 and RCW 77.20.010; repealing section 10, chapter 177, Laws of 1963, section 1, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.20.015; repealing section 11, chapter 177, Laws of 1963 and RCW 77.20.016; repealing section 77.20.020, chapter 36, Laws of 1955, section 2, chapter 177, Laws of 1963 and RCW 77.20.020; repealing section 77.20.030, chapter 36, Laws of 1955, section 3, chapter 177, Laws of 1963 and RCW 77.20.030; repealing section 77.20.040, chapter 36, Laws of 1955, section 4, chapter 177, Laws of 1963 and RCW 77.20.040; repealing section 77.20.045, chapter 36, Laws of 1955, section 5, chapter 177, Laws of 1963 and RCW 77.20.045; repealing section 77.20.050, chapter 36, Laws of 1955, section 6, chapter 177, Laws of 1963 and RCW 77.20.050; repealing section 77.20.060, chapter 36, Laws of 1955 and RCW 77.20.060; repealing section 77.24.010, chapter 36, Laws of 1955 and RCW 77.24.010; repealing section 77.24.020, chapter 36, Laws of 1955 and RCW 77.24.020; repealing section 77.24.030, chapter 36, Laws of 1955 and RCW 77.24.030; repealing section 77.24.040, chapter 36, Laws of

1955 and RCW 77.24.040; repealing section 77.24.050, chapter 36, Laws of 1955 and RCW 77.24.050; repealing section 77.24.060, chapter 36, Laws of 1955 and RCW 77.24.060; repealing section 77.24.070, chapter 36, Laws of 1955 and RCW 77.24.070; repealing section 77.24.080, chapter 36, Laws of 1955 and RCW 77.24.080; repealing section 77.24.090, chapter 36, Laws of 1955 and RCW 77.24.090; repealing section 77.24.100, chapter 36, Laws of 1955 and RCW 77.24.100; repealing section 77.24.110, chapter 36, Laws of 1955 and RCW 77.24.110; repealing section 77.24.120, chapter 36, Laws of 1955 and RCW 77.24.120; repealing section 77.28.010, chapter 36, Laws of 1955 and RCW 77.28.010; repealing section 77.28.030, chapter 36, Laws of 1955 and RCW 77.28.030; repealing section 77.28.040, chapter 36, Laws of 1955 and RCW 77.28.040; repealing section 77.28.050, chapter 36, Laws of 1955 and RCW 77.28.050; repealing section 77.28.060, chapter 36, Laws of 1955 and RCW 77.28.060; repealing section 77.28.100, chapter 36, Laws of 1955 and RCW 77.28.100; repealing section 77.28.110, chapter 36, Laws of 1955 and RCW 77.28.110; repealing section 77.28.120, chapter 36, Laws of 1955 and RCW 77.28.120; repealing section 19, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.032; repealing section 77.32.080, chapter 36, Laws of 1955 and RCW 77.32.080; repealing section 21, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.104; repealing section 22, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.106; repealing section 23, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.111; repealing section 24, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.114; repealing section 77.32.120, chapter 36, Laws of 1955 and RCW 77.32.120; repealing section 25, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.131; repealing section 26, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.151; repealing section 77.32.185, chapter 36, Laws of 1955 and RCW 77.32.185; repealing section 14, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.195; repealing section 29, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.201; repealing section 31, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.226; repealing section 7, chapter 166, Laws of 1971 ex. sess. and RCW 77.32.245; repealing section 77.32.270, chapter 36, Laws of 1955 and RCW 77.32.270; and prescribing an effective date.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 19, by Committee on Judiciary (originally sponsored by Representatives Nelson (Dick), Knowles, Pruitt and Brekke) (by House Committee on Judiciary of the 46th Legislature request):

Restoring the civil rights of persons convicted of infamous crimes upon their final discharge by the parole board.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 43, by Committee on Commerce (originally sponsored by Representative Fancher):

Authorizing certain persons to obtain contractors' bonds at reduced rates.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 51, by Committee on Judiciary (originally sponsored by Representative Keller) (by House Committee on Judiciary of the 45th Legislature request):

Requiring statements on convicted persons for the parole board.

Referred to Judiciary Committee.

HOUSE BILL NO. 52, by Representative Keller (by Committee on Judiciary of the 45th Legislature request):

Permitting municipal courts to be terminated by city ordinance at any time.

Referred to Judiciary Committee.

HOUSE BILL NO. 71, by Representatives Taller and Adams:
Redefining toilet units for purposes of mandating free use thereof.
Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 105, by Committee on Insurance (originally sponsored by Representatives Douthwaite, Sanders and Rohrbach):
Setting standards for the escrow officer's examination.
Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 131, by Committee on Local Government (originally sponsored by Representatives Warnke and Owen):
Providing for board members after the merger of special purpose districts.
Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 132, by Representatives Warnke, Owen and Whiteside:
Permitting the board to designate a treasurer in special purpose districts.
Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 207, by Representatives Newhouse and Winsley (by Judicial Council request):
Providing procedure for determining reasonable attorneys' fees in eminent domain proceedings.
Referred to Judiciary Committee.

HOUSE BILL NO. 277, by Representatives Warnke, Walk, Addison and Williams:
Repealing regulation of comic books.
Referred to Committee on Commerce.

ENGROSSED HOUSE BILL NO. 357, by Representatives Thompson, Zimmerman and Gruger:
Placing student associations at institutions of higher education under open public meetings act.
Referred to Committee on Higher Education.

SUBSTITUTE HOUSE BILL NO. 391, by Committee on Judiciary (originally sponsored by Representatives Erickson and Thompson):
Requiring approval and announcement of prior agreement on damages in civil actions.
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 397, by Representatives O'Brien, Polk and Burns (by State Treasurer request):
Revising laws relating to state accounts and funds.
Referred to Committee on State Government.

MOTION

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

SENATE RESOLUTION 1980-159

By Senators Fleming, Goltz, Wojahn, Talley, Ridder, Jones, Bluechel, Haley and Bradburn:

WHEREAS, We, the members of the Senate, as we gather here together on January 15, 1980, the second day of the legislative session, feel honored to be able to pay homage to the Reverend Dr. Martin Luther King, Jr. who set an example of spirit and selfless conduct for all of us to emulate; and

WHEREAS, The Reverend Dr. Martin Luther King, Jr. devoted his life toward improving the lives of not only the oppressed and the poor but all in America; and

WHEREAS, This man, a man of great compassion and understanding wrote while in jail "There are just laws and there are unjust laws. Any law that degrades the human personality is unjust;" and

WHEREAS, The Reverend Dr. King, a man whose daily life demonstrated his love of God and mankind, challenged injustices in our society and endured much hardship to help each human being live with freedom and dignity; and

WHEREAS, This Nobel laureate, this citizen of the world, gave hope to millions by calling for the fulfillment of his dream, a dream depicting a world where prejudice, discrimination, poverty, hunger, and disease would be overcome; and

WHEREAS, This great American, champion of minorities and the oppressed and a guardian of freedom and humanity for all was assassinated while espousing his principles of nonviolence, an act which deeply grieved every citizen of this nation and the world;

NOW, THEREFORE, BE IT RESOLVED, That on this day, we, the members of the Senate of the State of Washington, pause in our endeavors to pay homage to one of America's most honorable and honored citizens, the Reverend Dr. Martin Luther King, Jr., in order to call to the attention of the residents of this State Dr. King's wisdom and accomplishments and to rededicate ourselves to the pursuance of his principles of love, freedom, and equality for all; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to Dr. King's widow and the members of his family.

A moment of silence was observed by the Senate at the request of Senator Fleming in memory of Dr. Martin Luther King, Jr.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 118,

MOTIONS

On motion of Senator Rasmussen, the Committee on State Government was relieved from further consideration of Senate Bill No. 3187.

On motion of Senator Rasmussen, Senate Bill No. 3187 was rereferred to the Committee on Agriculture.

MOTION

At 6:27 p.m., on motion of Senator Walgren, the Senate was declared to be at ease.

The President called the Senate to order at 6:38 p.m.

At 6:40 p.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of hearing the State of the State message by Governor Dixy Lee Ray.

JOINT SESSION

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

Speaker Berentson requested the Sergeants at Arms to escort President of the Senate John Cherberg, President Pro Tem Al Henry and Vice President Pro Tem Don Talley to seats on the rostrum.

Speaker Berentson requested the Sergeants at Arms to escort the Senators to seats within the House Chamber.

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

The President of the Senate called the Joint Session to order.

The Secretary of the Senate called the roll of the Senate, and all members were present except Senators Gaspard, Gould, Morrison, Pullen, Sellar and Wanamaker, who were excused.

The Clerk of the House called the roll of the House, and all members were present except Representative Fancher, who was excused.

The President of the Senate appointed Representatives Sherman, Knowles, Ellis and Newhouse and Senators Bottiger, Jones, Lewis and Van Hollebeke to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Representatives Heck, Nisbet, Sommers and Williams and Senators Day, Lee and Odegaard to escort the State elected officials from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Representatives Brekke, Hughes, Whiteside and Houchen and Senators Rasmussen, Gallagher and Walgren to escort Governor Dixy Lee Ray from her Chambers to the bar of the House.

President Cherberg: "Ladies and gentlemen: The purpose of the Joint Session of the Legislature is to receive the message from Governor Dixy Lee Ray. It is the President's pleasure and privilege to present to you Her Excellency the Honorable Dixy Lee Ray, Governor of the State of Washington."

GOVERNOR'S MESSAGE TO THE LEGISLATURE

"Mr. President; Co-Speakers; Chief Justices; Members of the Legislature; Other elected officials and my fellow Citizens:

"We convene tonight, just two weeks into the new decade of the 1980's. In the ninety-one year span of Washington State government, this is the first even-year legislative session prescribed by the Constitution. It is fitting that we acknowledge the new amendment and those who have made it possible jointly to address the challenges of the oncoming and demanding decade of the 1980's right at the time of its unfolding.

"Thus, I commend the members of the legislative body who had the foresight...and the courage...to vote last spring to place the annual, limited sessions constitutional amendment before the public for its approval, and I genuinely commend those citizens who last fall exercised their right to vote in the interest of more responsively serving the legitimate needs of our four million citizens. I am confident that the people's expectation that state government will function more efficiently and more equitably, through constitutionally scheduled and limited legislative sessions, can and will be fulfilled.

"With all the diverse interest, motives, emotions and points of view that are inherent in this legislative session, the determination among each of us to keep the public interest paramount will be tested each hour of the day. I acknowledge the nature of the constitutional relationship between the legislative and executive branches of government...clear separation...yet I am confident we can carry out our respective constitutional responsibilities with the highest spirit of public concern, and with the greatest level of personal cooperation. We can be expected to do this; our state's citizens clearly deserve no less.

"Now it is my constitutional duty to report to you the condition of the affairs of the state and to recommend such measures as I deem expedient for legislative action.

"First, I must comment upon our state's growth and economy. Four million people now live in Washington and our population is one of the fastest growing in the nation.

"Action must be taken if we are to maintain a balance between population growth and its impact, and the natural environment. Some of those actions will be the responsibility of the state. Many more will be the responsibility of local governments. Since growth management is primarily a local government activity, it is important that the state does what is necessary to make sure that local governments are capable of meeting their growth management responsibilities. To this end, my administration is reviewing local government revenue-generating mechanisms to recommend measures in 1981 that will ensure that local governments have adequate revenue to meet their service needs.

"Despite the complex problems of managing growth, the basic economic health of our state is good.

"More people are working now than ever before in our state's history. Eighty-six thousand new jobs were filled in this state during the past twelve months. The growth of personal income of our residents this past year was among the top three or four highest in the nation. Both employment and personal income, as indicators of economic strength and potential revenue, show every indication of remaining high in the years immediately ahead.

"Business is another indicator of economic health. In the twelve months ending last October, we experienced a net gain of 15,000 new businesses. Revenue from sales, use, business and occupation and other taxes for the first ten months of 1979, increased 17 percent over the same period a year earlier.

"With all of this growth, I am pleased to be able to report a budget surplus exceeding \$50 million in state general funds. This will allow us to make certain modest adjustments in the present budget without an increase in taxes or proposing new taxes.

The same exciting growth...people growth and economic growth...which has helped to produce a budget surplus today is also the factor that will produce or aggravate pressures on state and local governments throughout the demanding decade of the 1980's.

"Government has not been primarily responsible for producing the growth that has occurred. That has happened in the private sector as a result of individual decisions, risk taking, and initiatives. And that is as it should be. It is the capitalistic free enterprise system that has built our state and our nation and made them great. Government is responsible, on the other hand, for coping with growth in a manner that protects the health and well-being of those who do not share sufficiently in the benefits of economic growth. Economic growth is one thing. The economic health and well-being of people is not necessarily the same.

"This legislative session provides an unusual opportunity for both legislative and executive branches of state government to review, to deliberate, and to consider the immediate, emergent and critical human needs. Some of these are specifically addressed in my proposed supplemental budget made public on December 21.

"The \$62.7 million supplemental request includes federal funds and constitutes about one-half of one percent of the \$11 billion-plus budget adopted in 1979. These funds are needed primarily for increased costs of state supported patient care in nursing homes, and for improvements in our prison system. Other substantial items include funds to be distributed to cities and towns as their statutory share of the increased motor fuel excise tax, funds for emergency forest fire suppression, funds to manage waste and water programs, funds for the victims of crimes program, and funds for the education and safety of students in various educational institutions.

"This state's property owners will receive, in February, tax statements that will indicate a substantial tax reduction—in certain instances—up to fifty percent. This is due to actions initiated by my administration with favorable action by the legislature to implement full state funding for basic education.

"In this area the recent Supreme Court decision regarding legislative limitations of teachers' salaries in the Appropriations Act has many ramifications: What is the affect on the teachers' collective bargaining law? Should the state be required to fund all locally negotiated salary increases in the light of full state funding of basic education? Note that for each one percent salary increase means approximately \$25 million additional dollars. Should a statewide distribution methodology or a statewide salary schedule be adopted for school district employees similar to that for other state employees?

"These and other related questions need careful study and thorough consideration. To this end, I am asking for a joint executive/legislative comprehensive review be instituted to evaluate the impact of the Supreme Court decision. Such a review should explore alternatives and report such findings and/or recommendations before the next regular session.

"Just as government must look at adequate and equitable salaries for teachers—so six years ago, the state financed a study to examine salary differences in state government jobs held primarily by men and those held primarily by women. The objective was to determine whether or not the state's salary practices favored one sex over the other. That survey revealed an average salary difference of twenty percent favoring men over women. The only thing that we...and I include the Governor along with the Legislature in this...have done about that 1974 study, was to have it updated. The update revealed that the inequality gap between men's and women's salaries for similar work has now increased. The dollar cost of solution will be high; it probably cannot be achieved in a single action, but the cost of perpetuating unfairness, within state government itself, is too great to be put off any longer. I will direct the Department of Personnel, in its biennial salary survey scheduled for July 1980, to pay particular attention to action on this matter.

"The economic importance of energy, its supply and its costs, is well known. It is time now to focus on the human implications of this issue.

"All of us, as a practical matter of survival under any conditions other than marginal, are going to have to conserve, ration, cut back, and in all ways act so as to assure stable, prosperous, future generations and to maintain a standard of living that is at least as good as the one most citizens now enjoy.

"So what then for energy? One shuddering and awesome reality is that the world today is on the brink of a vicious war...not over conflicting political or religious philosophies, but because nations are competing for energy supplies to support their own peoples' determination to establish or maintain an acceptable living standard. Our nation is in the middle of this struggle with more to lose than any other people on earth.

"The Bonneville Power Administration reported four years ago that as long as our population in the Pacific Northwest continues to grow, and as long as people want to work in an atmosphere of economic prosperity, and as long as power needs are not satisfied, electrical energy demand will continue to grow...and it has.

"BPA reported at the beginning of 1976 that a program to meet our energy needs called for completion of a total of eleven nuclear power units and three coal units by the end of the 1980's. For a variety of reasons, well publicized throughout the state, most of this program is now way behind schedule or at least temporarily derailed. And we sweat out our supply of hydro power from rain shower to rain shower, while utilities tell us they won't be able to supply electricity to newly planned housing starts.

"The issue of providing sufficient energy for the people of our state, our region and the nation, is a humanitarian issue...much more than an economic one. We will need to employ all the technological and political wisdom that we can muster, utilizing all the known, available means of electric generation at our disposal, just to maintain a reasonable pattern of life for most citizens, to meet the requirements of

the poor, the elderly, and to provide an opportunity for upward social and economic mobility for the young, the ethnic minorities and others on the low side of the socio-economic scale.

"The possibility of short supplies and the resultant high cost of energy has been known for some time. Public officials at the state level have expected and waited for the federal government to take the leadership role throughout the entire decade of the 1970's. However, federal actions have been piecemeal, weak, and generally unsuccessful. The objectives of federally sponsored conservation programs have been very modest at best. Federal policy toward increasing supplemental alternative sources of energy has been unclear and the appropriation of the funds of the required magnitude has been lacking. Consequently, our import of foreign oil continues to grow despite efforts to the contrary. The state must assume a strong role now to accomplish the necessary planning and organization required to implement state programs for the 1980's that will work to provide sufficient energy.

"Production, distribution and use of energy are very complex problems in modern society. The production and distribution of energy are and should remain in the private sector. Use is a matter of concern for government. It is thus imperative that a very carefully and clearly delineated, comprehensive state policy be set forth. Programs addressing different energy options, including low head hydro, pumped storage of water, gasification of coal, additional reliance on natural gas, gasohol cogeneration and others, together with future energy needs assessments, be integrated, coordinated with the private sector, and tailored to avoid a piecemeal approach.

"In order to plan and implement a program of this nature, it is necessary to establish in our state a centralized authority and responsibility to undertake these functions. For this reason I propose that a State Department of Energy be established. The authority of the present Energy Office is too narrow and too weak; and the agency has far too few funds and capabilities to effect the state initiative that is needed. Legislative action, creating a strong Department of Energy, will be required.

"Two energy related problems are to be addressed. First, the question of locating nuclear power plants. Let us agree from here on that any additional siting or expansion of nuclear power plants, nuclear generating electrical plants, be restricted to the Hanford Reservation. Second, with respect to a level of radioactive wastes: The state of Washington furnishes one of only three sites in the entire nation to dispose of low level radioactive material. The issue of the disposal of these wastes has been debated too long and with too much emotional intensity. In order to develop a positive and responsible program to ensure that additional low level disposal sites are established in other states, I propose that the state of Washington prohibit the receipt of radioactive wastes from outside its borders after December 21, 1982. This will give other states adequate time, either singly or in combination, to arrange for appropriate disposal sites and prevent increasing the amounts of low level wastes entering our state from outside.

"Protection of our communities' water supplies also requires continuation of state programs supporting municipal waste water treatment. Very little state matching money remains to construct waste water treatment and sewage disposal facilities, pumping stations and trunk intercept lines. Therefore, I am asking that a \$450 million bond measure to be utilized over a ten-year period, be referred to the people next November to complete the work envisioned by the original passage of Referendum 26. At a fifty percent matching rate, this new program would generate sufficient additional funds to cover the municipalities' currently identified backlog of needed construction estimated not to cost more than \$1 billion.

"Another area of executive accountability that I would like to share with you is the area of adult corrections.

"The central problem we are faced with today is how best to provide an orderly, accountable, effective, and yet humane system which will meet the correctional needs of the state during a time of increasing numbers of convicted adult felons. Studies have been launched concerning all aspects of the problems which will shortly produce an adult corrections master plan which will direct our efforts.

"Also included in the master plan will be an exposition of judicial policies and guidelines applicable to sentencing procedures, a rationalization of the new Parole Board guidelines, and an explanation of federal mandates and requirements.

"Another major concern is associated with the successful rehabilitation of convicted felons and employment of these people after incarceration. Frequently, institutionalized felons are released with no marketable job skills. I propose that a study to determine the best way to provide vocational education to felons be undertaken commencing at the earliest possible opportunity. This study should consider the use of programs and facilities currently within the vocational-technical institute and community college network as well as the development of special programs and facilities patterned after work release and halfway house concepts. In all cases, the study will need to consider vocational education training as an incentive for felons as well as a rehabilitation tool in correctional administration.

"The siting of prison facilities has also received considerable attention. Let us lay the controversy respecting McNeil Island to rest. McNeil Island is federal property. It is not available for acquisition from the federal government except through the Surplus Property Act. This fact has been transmitted to me by the Department of Justice and has been recently reaffirmed by the White House.

"The Department of Social and Health Services has encountered considerable local opposition in its efforts to provide additional facilities including selection of a site for the 500-bed medium security facility authorized by the 46th Legislature. Rather than delay that project further, and taking into account the citizen response to the announced possible site, I have decided that the 500-bed facility shall be built at Monroe. There is more than sufficient space available within the present 600-plus acres of the Monroe facility without adding significantly to the convict population.

"It has come to my attention that legislation may be introduced to separate Adult Corrections from the rest of the Department of Social and Health Services. Four successive national commissions in addition to the two panels that I established have considered this point and considered restructuring the system. In each case the consensus has been that the advantage lies with keeping Adult Corrections under an umbrella organization, in this case, the State Department of Social and Health Services.

"Turning now to another critical issue. The December floods and January snows have had a severe impact on local levels of government.

"These floods and storms have created millions of dollars of damage far exceeding the immediate resources of most local governments. Exacerbating the problem is the fact that federal fiscal relief programs have been made available to individuals but not to units of local government.

"To assist local units of government in this problem, I am proposing that an Emergency Assistance Fund of \$3 million be established. This fund will be used to solve immediate cash flow problems in times of disaster. In this way, communities may be able to meet their most pressing needs without over extending their taxing capabilities.

"Finally, one major question—that of redistricting after the 1980 census falls wholly within the responsibility of the Legislature. Speaking for the people of this state, I would hope that this honorable body will resolve that question itself and not delegate it to some nonelected group that is not directly accountable to the people.

"I have referred several times to the demanding decade of the 1980's. Beginning with this session it will be demanding, for the problems are many and complex

and without easy solution. Let us work together on them so that it will be said of this session, that this was the time when honesty and integrity prevailed, this was the time when credibility and trust was restored to state government.

"Thank you."

President Cherberg instructed the committee to escort Governor Ray to her Chambers.

President Cherberg instructed the committee to escort the state elected officials from the House Chamber.

President Cherberg instructed the committee to escort the State Supreme Court Justices from the House Chamber.

MOTION

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

President Cherberg returned the gavel to Speaker Berentson.

Speaker Berentson instructed the Sergeants at Arms of the House and the Sergeant at Arms of the Senate to escort President Cherberg, President Pro Tem Al Henry and Vice President Pro Tem Don Talley to the Senate Chamber.

The President called the Senate to order at 7:25 p.m.

MOTION

At 7:35 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Wednesday, January 16, 1980.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 16, 1980.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Fleming, Gould, Lysen, Morrison, Rasmussen, Sellar and Williams. On motion of Senator Wilson, Senators Bottiger, Fleming, Gould, Lysen, Morrison, Rasmussen and Williams were excused. On motion of Senator Jones, Senator Sellar was excused.

The Color Guard, consisting of Pages Deborah Moyer and Joe Dellwo, presented the Colors. Father Theodore Marmo, pastor of St. Michael's Church of Olympia, offered the following prayer:

"FATHER, WE THANK YOU FOR THE TRUST YOU SHOW BY GIVING US THE RESPONSIBILITY FOR SEEKING AND IMPLEMENTING SOLUTIONS TO THE CHALLENGES WHICH CONFRONT US. GRANT THAT WE MIGHT CONTINUALLY FIND SATISFACTION IN OUR DECISIONS AND REJOICE IN THE GOOD WE SEE ACCOMPLISHED. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

January 14, 1980.

SENATE BILL NO. 3181, modifying the solar energy system tax exemption (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Benitz, Hurley, Lewis, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

Office of the Governor, December 21, 1979.

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

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

Phyllis K. Erickson, reappointed August 7, 1979, for a term ending June 9, 1983, as a member of the Western Interstate Commission for Higher Education.

Sincerely,
DIXY LEE RAY
Governor.

MOTION

On motion of Senator Walgren, the rules were suspended and the Senate commenced consideration of the gubernatorial appointment of Phyllis K. Erickson.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Gould, the appointment of Phyllis K. Erickson as a member of the Western Interstate Commission for Higher Education, was confirmed.

APPOINTMENT OF PHYLLIS K. ERICKSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Gould, Lysen, Morrison, Sellar—4.

MESSAGE FROM THE SECRETARY OF STATE

STATE OF WASHINGTON
OFFICE OF THE
SECRETARY OF STATE

December 6, 1979.

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

MR. PRESIDENT:

I have the honor of submitting the following summary of the votes cast for and against the Referendum Bills, Initiatives to the Legislature, and Constitutional Amendments at the state general election held on the sixth day of November, 1979, as canvassed from the returns made to this office by the respective county auditors of the state.

Referendum Bill No. 37

Yes	576,882
No	286,365

Initiative No. 61

Yes	380,247
No	517,177

Initiative No. 62

Yes	588,724
No	272,761

Senate Joint Resolution No. 110

Yes	508,063
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No	331,391
<u>Senate Joint Resolution No. 112</u>	
Yes	469,049
No	355,088
<u>Senate Joint Resolution No. 120</u>	
Yes	526,349
No	311,768

IN TESTIMONY
 WHEREOF, I have set my
 hand and affixed the seal of
 the state of Washington at
 Olympia, this fourteenth
 day of January, 1980.

Seal of the State of Washington

BRUCE K. CHAPMAN
 Secretary of State.

MOTIONS

On motion of Senator Wilson, Senator Talley was excused.

On motion of Senator Walgren, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3234, by Senators Walgren, Odegaard, Wilson, Fleming, Rasmussen and Matson:

AN ACT Relating to administrative rule making;

amending section 2, chapter 19, Laws of 1977 and RCW 34.04.026; amending section 3, chapter 240, Laws of 1977 ex. sess. and RCW 34.08.020; amending section 43.10.030, chapter 8, Laws of 1965 as last amended by section 5, chapter 40, Laws of 1975 and RCW 43.10.030; adding a new section to chapter 34.04 RCW; and adding new sections to chapter 57, Laws of 1971 ex. sess. and to chapter 28B.19 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3235, by Senators Lewis, Wilson and Sellar:

AN ACT Relating to fire protection districts; and amending section 22, chapter 34, Laws of 1939 as last amended by section 31, chapter 126, Laws of 1979 ex. sess. and RCW 52.12.010.

Referred to Committee on Local Government.

SENATE BILL NO. 3236, by Senators Walgren, Clarke, Hayner, Wojahn, Matson and Pullen:

AN ACT Relating to motor vehicle offenses; amending section 1, chapter 18, Laws of 1975-'76 2nd ex. sess. as amended by section 80, chapter 136, Laws of 1979 ex. sess. and RCW 46.52.020; prescribing penalties; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 3237, by Senator Henry:

AN ACT Relating to highways.

Referred to Committee on Transportation.

SENATE BILL NO. 3238, by Senators Walgren, Clarke, Wojahn, Hayner, Odegaard, Talley, Bausch and Quigg:

AN ACT Relating to the Washington state patrol; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3239, by Senators Marsh, Guess and Henry (by Department of Licensing request):

AN ACT Relating to motor vehicles; amending section 25, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.291; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 3240, by Senators Walgren, Odegaard, Wilson, von Reichbauer, Marsh, Woody, Wojahn, Peterson, Vognild, Fleming, Day, Ridder, Rasmussen, Hurley, Moore, Talmadge and Talley:

AN ACT Relating to state government; amending section 1, chapter 234, Laws of 1959 as amended by section 1, chapter 237, Laws of 1967 and RCW 34.04.010; amending section 3, chapter 237, Laws of 1967 as last amended by section 7, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.025; amending section 3, chapter 234, Laws of 1959 as amended by section 8, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.030; amending section 1, chapter 84, Laws of 1977 ex. sess. and RCW 34.04.045; amending section 5, chapter 234, Laws of 1959 as amended by section 9, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.050; amending section 1, chapter 19, Laws of 1977 and RCW 34.04.058; amending section 3, chapter 240, Laws of 1977 ex. sess. and RCW 34.08.020; amending section 2, chapter 57, Laws of 1971 ex. sess. as amended by section 42, chapter 169, Laws of 1977 ex. sess. and RCW 28B.19.020; amending section 3, chapter 57, Laws of 1971 ex. sess. as amended by section 10, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.030; amending section 4, chapter 57, Laws of 1971 ex. sess. as last amended by section 11, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.040; amending section 7, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.070; adding new sections to chapter 28B.19 RCW; adding new sections to chapter 34.04 RCW; creating new sections; and repealing section 1, chapter 186, Laws of 1963 and RCW 34.04.160.

Referred to Committee on State Government.

SENATE BILL NO. 3241, by Senators Talmadge, Scott, Conner and Day:

AN ACT Relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW.

Referred to Committee on Education.

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

MESSAGE FROM THE HOUSE

January 15, 1980.

Mr. President:

The Speakers have signed:

HOUSE CONCURRENT RESOLUTION NO. 22,

HOUSE CONCURRENT RESOLUTION NO. 23, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 22,

HOUSE CONCURRENT RESOLUTION NO. 23.

MOTION

At 11:25 a.m., on motion of Senator Walgren, the Senate recessed until 12:17 p.m.

NOON SESSION

The President called the Senate to order at 12:17 p.m.

SECOND READING

SENATE BILL NO. 3183, by Senators Walgren, Conner, Guess, Lee and Gallagher (by Department of Transportation request):

Facilitating the restoration of transportation services interrupted by the sinking of the Hood Canal floating bridge.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 3183 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Walgren, this says only, this infers only that if the department uses the present site, then they will be excused from the environmental. It does not say they have to use the present site."

Senator Walgren: "That is correct, Senator Rasmussen, if under their engineering studies that are on going at the present time, they determine that, that the bridge would have to be built at some other site, then this particular measure is of no effect."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3183 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Odegard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Gould, Morrison, Sellar, Talley—4.

SENATE BILL NO. 3183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

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

SENATE RESOLUTION 1980-160

By Senator Gaspard:

WHEREAS, It is in the Senate tradition to honor outstanding performances, such as the achievements of the Pierce County Bengals minor league football squad; and

WHEREAS, Coach Steve Harshman's Bengals compiled a record of thirteen wins and no losses in the 1979 season and were champions of the Northwest International football League, and were rated CO-NATIONAL CHAMPIONS of minor league football in the United States by the Pro Football Weekly newspaper; and

WHEREAS, The Bengals have established an amazing seven year record of seventy-four wins, six losses, and one tie, bringing national recognition to Sumner, the greater Puyallup Valley and all of Pierce County; and

WHEREAS, General Manager, Ed Bemis, and the Bengal organization have distinguished themselves off the field by contributing \$16,000 to support Little League youth activities in Pierce County over the past seven years;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that General Manager Bemis, Coach Harshman, and the Bengal players are to be congratulated for their outstanding achievements in 1979, and best wishes are extended to the Pierce County Bengal Football Team for continued success; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the general manager, coaches, players, and other members of the Bengal organization.

MOTIONS

On motion of Senator Walgren, any member wishing to be added as an additional sponsor to Senate Resolution 1980-161 may do so.

On motion of Senator Walgren, the following resolution was adopted;

SENATE RESOLUTION 1980-161

By Senators Walgren, Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Hurley, Lysen, Marsh, McDermott, Moore, Odegard, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Quigg and Lee:

WHEREAS, George Meany was a giant of the American labor movement who began as a rank and file member of the Journeymen Plumbers' Union and eventually served as president of the AFL-CIO for almost a quarter century; and

WHEREAS, His concern for the American worker was exemplified by his unceasing efforts to secure the right of workers to a fair wage and a safe work place; and

WHEREAS, He worked tirelessly to achieve a better, more decent, and more equitable society, leading the struggle for such progressive legislation as civil rights laws and higher minimum wages; and

WHEREAS, He was a fierce patriot who served as adviser to eight presidents and passionately defended the American economic system; and

WHEREAS, He died January 10, 1980, after a distinguished fifty-seven years of service to America and citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington expresses its profound sorrow at the death of George Meany, and that the Senate extends its sympathy to his family in their loss; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be transmitted by the Secretary of the Senate to the family of George Meany.

REMARKS BY SENATOR WALGREN

Senator Walgren: "This resolution I am confident is self-explanatory. Over the last several days we have noted in the press and in the film media, radio media the various tributes that have come to George Meany. A stalwart of the American Labor movement. A man who, perhaps more than any other, is responsible today for the good working conditions of American labor. Seems particularly that this legislature, convening in this 1980 year, join in those tributes to this man, and for that reason this Senate Resolution is presented for consideration."

MOTION

On motion of Senator Walgren, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

January 15, 1980.

SENATE BILL NO. 2017, allowing boards of county commissioners to expand to five members (reported by Committee on Constitution and Elections):

Recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Marsh, Peterson, Pullen, Ridder.

Passed to Committee on Rules for second reading.

January 15, 1980.

SUBSTITUTE SENATE BILL NO. 2055, mandating course for teachers in how to identify children with learning/language disabilities (reported by Committee on Education):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2055 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Hayner, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

January 15, 1980.

SUBSTITUTE SENATE BILL NO. 2372, providing for postponement of an election to fill a partisan elective office becoming vacant shortly before the primary (reported by Committee on Constitution and Elections):

Recommendation: That Second Substitute Senate Bill No. 2372 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Marsh, Peterson, Pullen, Ridder.

Passed to Committee on Rules for second reading.

January 15, 1980.

SUBSTITUTE SENATE BILL NO. 2454, making various changes in the voter registration laws (reported by Committee on Constitution and Elections):

Recommendation: That Second Substitute Senate Bill No. 2454 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Marsh, Peterson, Pullen, Ridder.

Passed to Committee on Rules for second reading.

MOTION

At 12:30 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, January 17, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 17, 1980.

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, Bottiger, Fleming, Gould, Lysen and Morrison. On motion of Senator Wilson, Senators Bottiger, Fleming and Lysen were excused. On motion of Senator Jones, Senators Bluechel, Gould and Morrison were excused.

The Color Guard, consisting of Pages Lisa Alderin and Greg Cunningham, presented the Colors. Father J. Paul Dalton, pastor of St. Michael's Church of Olympia, offered the following prayer:

"LOVING FATHER, WE THANK YOU FOR THE GIFT OF LIFE AND THE ABILITY AND COURAGE TO LIVE THIS LIFE IN PEACE AND SERVICE TO ONE ANOTHER. BLESS THESE SENATORS AS THEY STRIVE TO LEAD YOUR PEOPLE INTO THE WAY OF PEACE AND JUSTICE. GIVE TO THEM THE SPIRIT OF WISDOM AND UNDERSTANDING, OF GOOD COUNSEL AND STRENGTH, THE SPIRIT OF KNOWLEDGE. MAY THIS SPIRIT LEAD THEM IN THIS SESSION.

"LET US PRAY FOR GOD'S BLESSING. MAY THE LORD BLESS US AND KEEP US. MAY HIS FACE SHINE UPON US AND BE GRACIOUS TO US. MAY HE LOOK UPON US WITH KINDNESS AND GIVE US HIS PEACE. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 16, 1980.

SENATE BILL NO. 2236, providing collective bargaining rights for certain personnel of institutions of higher education (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore.

Passed to Committee on Rules for second reading.

January 16, 1980.

ENGROSSED SENATE BILL NO. 2563, reorganizing and renaming the interagency committee for outdoor recreation (reported by Committee on Parks and Recreation):

Recommendation: That Substitute Senate Bill No. 2563 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

January 16, 1980.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3140, authorizing combined city-county housing authorities (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Fleming, Lee, Moore, Talley.

Passed to Committee on Rules for second reading.

January 16, 1980.

SENATE BILL NO. 3164, authorizing and establishing priorities for urban state parks (reported by Committee on Parks and Recreation):

Recommendation: That Substitute Senate Bill No. 3164 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 16, 1980.

MS. EVELYN WHITNEY, to the position of Member of the Higher Education Personnel Board, appointed by the Governor on August 14, 1980 for the term ending July 1, 1985, succeeding herself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 16, 1980.

DR. GLENN TERRELL, to the position of Member of the Western Interstate Commission for Higher Education, appointed by the Governor on August 7, 1980 for the term ending June 9, 1983, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 16, 1980.

CHRISTENIA L. ALDEN, to the position of Member of the Commission for Vocational Education, appointed by the Governor on December 11, 1980 for the term ending July 1, 1983, succeeding Mary E. Hersey (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, January 17, 1980.

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:

VIVIAN M. STARTUP, appointed December 11, 1979, for a term ending September 30, 1984, succeeding Henry V. Charnell, Jr. as a member of the Board of Trustees, Community College District No. 1.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 17, 1980.

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

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

MELVIN G. HAMMER, reappointed January 15, 1980, for a term ending September 30, 1984, as a member of the Board of Trustees, Community College District No. 15.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 17, 1980.

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

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

ELLEN PINTO, reappointed December 21, 1979, for a term ending September 30, 1984, as a member of the Board of Trustees, Community College District No. 22.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 17, 1980.

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:

K. O. ROSENBERG, appointed December 12, 1979, for a term ending September 30, 1984, succeeding Ellen Sax as a member of the Board of Trustees, Community College District No. 17.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 21, 1979.

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

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

JOHN MARTINIS, reappointed September 14, 1979, for a term ending June 12, 1983, as a member of the Pacific Marine Fisheries Commission.

Sincerely,
DIXY LEE RAY
Governor.

MOTION

On motion of Senator Peterson, the rules were suspended and the Senate commenced consideration of the gubernatorial appointment of John Martinis as a member of the Pacific Marine Fisheries Commission.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT MOTION

On motion of Senator Peterson, the appointment of John Martinis as a member of the Pacific Marine Fisheries Commission was confirmed.

APPOINTMENT OF JOHN MARTINIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Benitz, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Bluechel, Bottiger, Fleming, Gould, Lysen, Morrison—6.

MESSAGES FROM THE HOUSE

January 16, 1980.

Mr. President: The Speakers have signed: SENATE CONCURRENT RESOLUTION NO. 118, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

January 16, 1980.

Mr. President: The House has adopted: SUBSTITUTE HOUSE JOINT RESOLUTION NO. 21, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3242, by Senators Gallagher, Rasmussen and Lee:

AN ACT Relating to natural resources; amending section 75.08.020, chapter 12, Laws of 1955 as amended by section 87, chapter 75, Laws of 1977 and RCW 75.08.020; amending section 4, chapter 112, Laws of 1949 and RCW 75.08.022; amending section 75.08.025, chapter 12, Laws of 1955 and RCW 75.08.025; amending section 75.08.150, chapter 12, Laws of 1955 and RCW 75.08.150; amending section 75.08.160, chapter 12, Laws of 1955 and RCW 75.08.160; amending section 75.08.170, chapter 12, Laws of 1955 and RCW 75.08.170; amending section 75.08.190, chapter 12, Laws of 1955 and RCW 75.08.190;

amending section 75.08.200, chapter 12, Laws of 1955 and RCW 75.08.200; amending section 75.08.220, chapter 12, Laws of 1955 and RCW 75.08.220; adding new sections to chapter 43.43 RCW; adding a new section to chapter 75.08 RCW; creating new sections; repealing section 1, chapter 216, Laws of 1957 and RCW 75.08.024; repealing section 13, chapter 207, Laws of 1953 and RCW 75.08.203; repealing section 14, chapter 207, Laws of 1953, section 73, chapter 289, Laws of 1971 ex. sess. and RCW 75.08.206; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 3243, by Senators Henry, Quigg and Talley:

AN ACT Relating to wharfingers and warehousemen; amending section 81.24.030, chapter 14, Laws of 1961 and RCW 81.24.030; amending section 81.92.010, chapter 14, Laws of 1961 and RCW 81.92.010; amending section 81.92.020, chapter 14, Laws of 1961 and RCW 81.92.020; amending section 81.92.030, chapter 14, Laws of 1961 and RCW 81.92.030; amending section 81.92.050, chapter 14, Laws of 1961 and RCW 81.92.050; amending section 81.92.060, chapter 14, Laws of 1961 and RCW 81.92.060; amending section 81.92.070, chapter 14, Laws of 1961 and RCW 81.92.070; amending section 81.92.080, chapter 14, Laws of 1961 and RCW 81.92.080; amending section 81.92.090, chapter 14, Laws of 1961 and RCW 81.92.090; amending section 81.92.100, chapter 14, Laws of 1961 and RCW 81.92.100; amending section 81.92.130, chapter 14, Laws of 1961 and RCW 81.92.130; amending section 81.92.140, chapter 14, Laws of 1961 and RCW 81.92.140; amending section 81.92.150, chapter 14, Laws of 1961 as amended by section 39, chapter 199, Laws of 1969 ex. sess. and RCW 81.92.150; amending section 7-204, chapter 157, Laws of 1965 ex. sess. and RCW 62A.7-204; repealing section 81.94.010, chapter 14, Laws of 1961 and RCW 81.94.010; repealing section 81.94.020, chapter 14, Laws of 1961 and RCW 81.94.020; repealing section 81.94.030, chapter 14, Laws of 1961 and RCW 81.94.030; repealing section 81.94.040, chapter 14, Laws of 1961 and RCW 81.94.040; repealing section 81.94.050, chapter 14, Laws of 1961 and RCW 81.94.050; repealing section 81.94.060, chapter 14, Laws of 1961, section 118, chapter 154, Laws of 1973 1st ex. sess. and RCW 81.94.060; repealing section 81.94.070, chapter 14, Laws of 1961 and RCW 81.94.070; repealing section 81.94.080, chapter 14, Laws of 1961 and RCW 81.94.080; repealing section 81.94.090, chapter 14, Laws of 1961 and RCW 81.94.090; repealing section 81.94.100, chapter 14, Laws of 1961 and RCW 81.94.100; repealing section 81.94.110, chapter 14, Laws of 1961 and RCW 81.94.110; and repealing section 81.94.130, chapter 14, Laws of 1961 and RCW 81.94.130.

Referred to Committee on Commerce.

SENATE BILL NO. 3244, by Senators Donohue, Shinpoch, Jones, Wojahn, Gaspard, Scott and Lee:

AN ACT Relating to public employment; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3245, by Senators Donohue, Shinpoch, Jones, Wojahn, Gaspard and Scott:

AN ACT Relating to public retirement systems; amending section 1, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.04.270; repealing section 2, chapter 243, Laws of 1941 and RCW 41.36.010; repealing section 1, chapter 243, Laws of 1941 and RCW 41.36.020; repealing section 3, chapter 243, Laws of 1941 and RCW 41.36.030; repealing section 4, chapter 243, Laws of 1941 and RCW 41.36.040; repealing section 3, chapter 78, Laws of 1949, section 33, chapter 75, Laws of 1977 and RCW 41.04.060; repealing section 1, chapter 98, Laws of 1951 and RCW 41.04.070; repealing section 2, chapter 98, Laws of 1951 and RCW 41.04.080;

repealing section 4, chapter 98, Laws of 1951 and RCW 41.04.100.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3246, by Senators Donohue, Shinpoch, Jones, Gaspard and Scott:

AN ACT Relating to retirement from public employment; adding a new section to chapter 41.50 RCW; repealing section 16, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.290; repealing section 66, chapter 80, Laws of 1947 and RCW 41.32.660; and repealing section 40, chapter 274, Laws of 1947 and RCW 41.40-.390.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3247, by Senator Van Hollebeke:

AN ACT Relating to state government; and adding a new section to chapter 43.17 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 3248, by Senators Day and Wojahn:

AN ACT Relating to health care; amending section 3, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.180; amending section 4, chapter 119, Laws of 1974 ex. sess. as amended by section 14, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.44.240; amending section 2, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.020; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.52 RCW; repealing section 2, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.170; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3249, by Senators Shinpoch, Donohue, Jones, Wojahn and Scott:

AN ACT Relating to the Washington state teachers' retirement system; amending section 11, chapter 14, Laws of 1963 ex. sess. and RCW 41.32.401; creating new sections; adding a new section to chapter 41.32 RCW; and making an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3250, by Senators Fleming, Jones, Day, Sellar, McDermott, Ridder and Morrison (by Senate Select Committee on Nursing Homes request):

AN ACT Relating to nursing homes; amending section 74.09.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 213, Laws of 1975 1st ex. sess. and RCW 74.09.120; adding a new chapter to Title 74 RCW; repealing section 1, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.550; repealing section 2, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.560; repealing section 3, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.570; repealing section 4, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.580; repealing section 5, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.590; making an appropriation; and providing effective dates.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3251, by Senators Goltz and Benitz:

AN ACT Relating to institutions of higher education; creating new sections; and adding new sections to chapter 222, Laws of 1969 ex. sess. and to chapter 28B-.10 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 3252, by Senators Bluechel and Talley:

AN ACT Relating to cities; and amending section 3, chapter 56, Laws of 1975 1st ex. sess. and RCW 35.22.640.

Referred to Committee on Local Government.

SENATE BILL NO. 3253, by Senators Rasmussen and Matson:

AN ACT Relating to electricians; amending section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 1, chapter 79, Laws of 1977 ex. sess. and RCW 19.28.123; amending section 11, chapter 169, Laws of 1935 and RCW 19.28-.200; amending section 14, chapter 169, Laws of 1935 and RCW 19.28.350; amending section 4, chapter 325, Laws of 1959 and RCW 19.28.370; amending section 35, chapter 170, Laws of 1965 ex. sess. and RCW 19.28.380; adding new sections to chapter 19.28 RCW; creating a new section; repealing section 1, chapter 206, Laws of 1973 1st ex. sess., section 1, chapter 70, Laws of 1975 1st ex. sess., section 1, chapter 39, Laws of 1975-'76 2nd ex. sess., section 1, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.010; repealing section 2, chapter 206, Laws of 1973 1st ex. sess., section 2, chapter 70, Laws of 1975 1st ex. sess., section 2, chapter 39, Laws of 1975-'76 2nd ex. sess., section 2, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.020; repealing section 3, chapter 206, Laws of 1973 1st ex. sess., section 3, chapter 39, Laws of 1975-'76 2nd ex. sess., section 3, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.030; repealing section 4, chapter 206, Laws of 1973 1st ex. sess., section 3, chapter 70, Laws of 1975 1st ex. sess., section 4, chapter 39, Laws of 1975-'76 2nd ex. sess., section 4, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.040; repealing section 5, chapter 206, Laws of 1973 1st ex. sess., section 5, chapter 39, Laws of 1975-'76 2nd ex. sess., section 5, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.050; repealing section 6, chapter 206, Laws of 1973 1st ex. sess., section 6, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.060; repealing section 7, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.070; repealing section 8, chapter 206, Laws of 1973 1st ex. sess., section 7, chapter 39, Laws of 1975-'76 2nd ex. sess., section 6, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.080; repealing section 9, chapter 206, Laws of 1973 1st ex. sess., section 8, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.090; repealing section 10, chapter 206, Laws of 1973 1st ex. sess., section 36, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.100; repealing section 12, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.120; repealing section 13, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.130; repealing section 14, chapter 206, Laws of 1973 1st ex. sess., section 7, chapter 156, Laws of 1979 ex. sess. and RCW 18.37-.140; and repealing section 15, chapter 206, Laws of 1973 1st ex. sess., section 8, chapter 156, Laws of 1979 ex. sess. and RCW 18.37.150.

Referred to Committee on Commerce.

SENATE BILL NO. 3254, by Senators Ridder, Day, Donohue and Jones:

AN ACT Relating to revenue and taxation; amending section 1, chapter 12, Laws of 1979 as amended by section 6, chapter 266, Laws of 1979 ex. sess. and RCW 82.08.030; and amending section 2, chapter 12, Laws of 1979 as amended by section 7, chapter 266, Laws of 1979 ex. sess. and RCW 82.12.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3255, by Senators Donohue, Peterson and Rasmussen:

AN ACT Relating to standards established by the state for real property; 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; and adding a new section to Title 58 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3256, by Senators Gallagher, Rasmussen and Lee:

AN ACT Relating to revenue and taxation; amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 175, chapter 151, Laws of 1979 and RCW 75.08.230; amending section 1, chapter 327, Laws of 1977 ex. sess. and RCW 75.18.100; amending section 75.98.040, chapter 12, Laws of 1955 as amended by section 3, chapter 66, Laws of 1979 and RCW 75.98.040; adding a new chapter to Title 82 RCW to be designated chapter 82.27 RCW; repealing section 1, chapter 71, Laws of 1965 ex. sess. and RCW 75.32.001; repealing section 25, chapter 327, Laws of 1977 ex. sess. and RCW 75.32.003; repealing section 75.32.020, chapter 12, Laws of 1955, section 19, chapter 327, Laws of 1977 ex. sess. and RCW 75.32.020; repealing section 75.32.030, chapter 12, Laws of 1955, section 12, chapter 212, Laws of 1955, section 1, chapter 10, Laws of 1963 ex. sess., section 20, chapter 327, Laws of 1977 ex. sess., section 1, chapter 203, Laws of 1979 ex. sess. and RCW 75.32.030; repealing section 23, chapter 327, Laws of 1977 ex. sess. and RCW 75.32.033; repealing section 24, chapter 327, Laws of 1977 ex. sess. and RCW 75.32.035; repealing section 13, chapter 212, Laws of 1955, section 21, chapter 327, Laws of 1977 ex. sess. and RCW 75.32.051; repealing section 22, chapter 327, Laws of 1977 ex. sess. and RCW 75.32.055; repealing section 26, chapter 327, Laws of 1977 ex. sess. and RCW 75.32.065; repealing section 75.32.080, chapter 12, Laws of 1955, section 27, chapter 327, Laws of 1977 ex. sess. and RCW 75.32.080; repealing section 75.32.090, chapter 12, Laws of 1955, section 1, chapter 9, Laws of 1963 ex. sess., section 1, chapter 193, Laws of 1967, section 28, chapter 327, Laws of 1977 ex. sess. and RCW 75.32.090; repealing section 2, chapter 9, Laws of 1963 ex. sess., section 29, chapter 327, Laws of 1977 ex. sess. and RCW 75.32.101; repealing section 75.32.110, chapter 12, Laws of 1955, section 30, chapter 327, Laws of 1977 ex. sess. and RCW 75.32.110; repealing section 31, chapter 327, Laws of 1977 ex. sess. and RCW 75.32.115; repealing section 75.32.120, chapter 12, Laws of 1955 and RCW 75.32.120; repealing section 75.32.130, chapter 12, Laws of 1955 and RCW 75.32.130; and providing an effective date.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3257, by Senators Day, Donohue and Haley:

AN ACT Relating to public health; adding new sections to chapter 18.73 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3258, by Senators Talmadge, Woody and Walgren:

AN ACT Relating to criminal sentencing; amending section 1, chapter 175, Laws of 1969 ex. sess. and RCW 9.41.025; and adding a new section to chapter 9.41 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3259, by Senator McDermott:

AN ACT Relating to the commission on families and children; amending section 36.18.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 56, Laws of 1977 ex. sess. and RCW 36.18.010; adding a new chapter to Title 70 RCW; and providing an expiration date.

Referred to Committee on Social and Health Services.

SENATE BILL. 3260, by Senators Bottiger and Woody:

AN ACT Relating to electric resistance space heating; adding a new chapter to Title 19 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3261, by Senators Walgren, Gaspard, Lee, McDermott and Odegaard:

AN ACT Relating to the teachers' retirement system; and amending section 1, chapter 80, Laws of 1947 as last amended by section 5, chapter 249, Laws of 1979 ex. sess. and RCW 41.32.010.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3262, by Senators Bausch, Talley and Lee:

AN ACT Relating to credit unions; amending section 4, chapter 173, Laws of 1933 as amended by section 4, chapter 131, Laws of 1943 and RCW 31.12.080; amending section 5, chapter 173, Laws of 1933 as last amended by section 1, chapter 138, Laws of 1959 and RCW 31.12.090; amending section 9, chapter 173, Laws of 1933 as last amended by section 1, chapter 48, Laws of 1953 and RCW 31.12.130; amending section 15, chapter 173, Laws of 1933 as last amended by section 1, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.190; amending section 18, chapter 173, Laws of 1933 as last amended by section 7, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.220; amending section 20, chapter 173, Laws of 1933 as last amended by section 5, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.260; amending section 11, chapter 23, Laws of 1957 as last amended by section 6, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.270; amending section 12, chapter 23, Laws of 1957 as last amended by section 7, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.280; amending section 26, chapter 173, Laws of 1933 as last amended by section 14, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.320; amending section 28A.58.440, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.440; amending section 11, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.110; amending section 3, chapter 80, Laws of 1975 1st ex. sess. and RCW 31.12A.010; amending section 7, chapter 80, Laws of 1975 1st ex. sess. and RCW 31.12A.050; creating new sections; adding new sections to chapter 31.12 RCW; adding a new section to chapter 11.62 RCW; and providing penalties.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3263, by Senators Hayner and Talmadge:

AN ACT Relating to change of venue; and amending section 98, page 117, Laws of 1854 as last amended by section 7, chapter 28, Laws of 1891 and RCW 10.25.070.

Referred to Judiciary Committee.

SENATE BILL NO. 3264, by Senators Bottiger, Williams and Woody:

AN ACT Relating to radiation and energy; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3265, by Senator Bottiger:

AN ACT Relating to radioactive waste disposal.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3266, by Senators Bottiger and Williams:

AN ACT Relating to operating agencies; amending section 43.52.290, chapter 8, Laws of 1965 as amended by section 3, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.290; amending section 43.52.370, chapter 8, Laws of 1965 as amended by section 7, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.370; amending section 43.52.470, chapter 8, Laws of 1965 and RCW 43.52.470; adding new sections to chapter 43.52 RCW; creating a new section; and providing an effective date.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3267, by Senator Pullen:

AN ACT Relating to parks and recreation; and making appropriations.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3268, by Senators Odegaard, Bottiger, Walgren, Matson, Gallagher and Peterson (by Department of Natural Resources request):

AN ACT Relating to the use of wood for energy and heating; adding a new chapter to Title 76 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3269, by Senators Woody, Bottiger, Williams, Lewis, Hurley and Lee:

AN ACT Relating to renewable energy materials and equipment tax credits; adding a new chapter to Title 84 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3270, by Senators Talmadge and Moore:

AN ACT Relating to elections; amending and reenacting section 29.04.040, chapter 9, Laws of 1965 as last amended by section 1, chapter 128, Laws of 1977 ex. sess. and by section 4, chapter 361, Laws of 1977 ex. sess. and RCW 29.04.040; amending section 37, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.350; amending section 29.36.030, chapter 9, Laws of 1965 as last amended by section 77, chapter 361, Laws of 1977 ex. sess. and RCW 29.36.030; amending section 29.36.070, chapter 9, Laws of 1965 as amended by section 2, chapter 73, Laws of 1974 ex. sess. and RCW 29.36.070; amending section 29.42.050, chapter 9, Laws of 1965 as last amended by section 7, chapter 4, Laws of 1973 and RCW 29.42.050; amending section 29.54.130, chapter 9, Laws of 1965 as amended by section 92, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.130; repealing section 29.36.075, chapter 9, Laws of 1965 and RCW 29.36.075; repealing section 29.36.077, chapter 9, Laws of 1965 and RCW 29.36.077; and prescribing penalties.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3271, by Senators McDermott, Shinpoch and Jones:

AN ACT Relating to the judicial retirement system; and amending section 22, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.220.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3272, by Senator Pullen:

AN ACT Relating to television reception improvement districts; and amending section 13, chapter 155, Laws of 1971 ex. sess. and RCW 36.95.130.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3273, by Senators Bottiger and Woody:

AN ACT Relating to energy and utilities; and adding new sections to chapter 19.27 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3274, by Senator Bottiger:

AN ACT Relating to energy conservation; amending section 1, chapter 177, Laws of 1975 1st ex. sess. and RCW 39.35.010; amending section 2, chapter 177, Laws of 1975 1st ex. sess. and RCW 39.35.020; amending section 3, chapter 177, Laws of 1975 1st ex. sess. and RCW 39.35.030; and amending section 4, chapter 177, Laws of 1975 1st ex. sess. and RCW 39.35.040.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3275, by Senators Goltz and Benitz:

AN ACT Relating to educational services registration; and amending section 4, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.040.

Referred to Committee on Higher Education.

SENATE BILL NO. 3276, by Senators Rasmussen, Walgren, Donohue, McDermott, Odegaard, Gallagher, Haley, Ridder and Hurley:

AN ACT Relating to education; amending section 28A.58.310, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 73, Laws of 1977 and RCW 28A.58.310; creating new sections; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3277, by Senators Odegaard, Day, Conner, Moore, Peterson, Woody, Ridder, Bausch, Van Hollebeke, Fleming, Vognild, Shinpoch, Williams, Wojahn, Hurley, Hansen, Jones, Quigg, Gaspard, Donohue, Wilson, Talmadge, Wanamaker and von Reichbauer:

AN ACT Relating to revenue and taxation; amending section 84.41.030, chapter 15, Laws of 1961 as amended by section 6, chapter 288, Laws of 1971 ex. sess. and RCW 84.41.030; amending section 2, chapter 131, Laws of 1974 ex. sess. as amended by section 9, chapter 214, Laws of 1979 ex. sess. and RCW 84.41.041; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.38 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3278, by Senator Conner:

AN ACT Relating to postsecondary education; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 3279, by Senators Shinpoch, Donohue, Walgren and Gaspard:

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3280, by Senators Van Hollebeke, Wojahn, Quigg and Hurley (by Department of Licensing request):

AN ACT Relating to real estate brokers and salesmen; amending section 1, chapter 25, Laws of 1979 and RCW 18.85.120; and declaring an emergency.

Referred to Committee on Commerce.

SENATE BILL NO. 3281, by Senators Hayner and Talmadge:

AN ACT Relating to criminal justice costs; amending section 3, chapter 108, Laws of 1979 ex. sess. and RCW 72.72.030; and making an appropriation.

Referred to Judiciary Committee.

SENATE BILL NO. 3282, by Senators Marsh, Hayner and Talmadge:

AN ACT Relating to business corporations; amending section 2, chapter 58, Laws of 1969 ex. sess. as amended by section 4, chapter 16, Laws of 1979 and RCW 23A.08.025; amending section 36, chapter 53, Laws of 1965 and RCW 23A.08.330; amending section 37, chapter 53, Laws of 1965 and RCW 23A.08.340; amending section 43, chapter 53, Laws of 1965 and RCW 23A.08.400; amending section 48, chapter 53, Laws of 1965 as amended by section 24, chapter 16, Laws of 1979 and RCW 23A.08.450; amending section 51, chapter 53, Laws of 1965 as last amended by section 3, chapter 193, Laws of 1977 ex. sess. and RCW 23A.08.480; amending section 108, chapter 53, Laws of 1965 and RCW 23A.28.250; amending section 124, chapter 53, Laws of 1965 and RCW 23A.32.160; amending section 135, chapter 53, Laws of 1965 as last amended by section 3, chapter 133, Laws of 1971 ex. sess. and RCW 23A.40.020; amending section 140, chapter 53, Laws of 1965 as amended by section 3, chapter 92, Laws of 1969 ex. sess. and RCW 23A.40.070; adding new sections to chapter 23A.08 RCW; adding a new section to chapter 23A.28 RCW;

adding a new section to chapter 23A.40 RCW; and repealing section 4, chapter 92, Laws of 1969 ex. sess., section 1, chapter 142, Laws of 1971 ex. sess., section 1, chapter 36, Laws of 1975 1st ex. sess. section 57, chapter 16, Laws of 1979 and RCW 23A.40.075.

Referred to Judiciary Committee.

GUBERNATORIAL APPOINTMENT

MOTION

Senator Rasmussen moved that the appointment of James Bender as a member of the Washington Horse Racing Commission be confirmed.

POINT OF INQUIRY

Senator von Reichbauer: "Will Senator Rasmussen yield to a question? Senator Rasmussen, when the clerk read off the name of James K. Bender to be a member of the Washington State Horse Racing Commission, he neglected to mention the dates. Can you tell us when Mr. Bender appeared before your committee for confirmation process and when he was referred to Rules?"

Senator Rasmussen: "He appeared before the committee at the time appointed for him to appear. I could not give you the exact date. It was . . . these confirmations have been pending since the last session."

Senator von Reichbauer: "Would Senator Rasmussen yield to another question?"

Senator Rasmussen: "As long as he doesn't tax my memory too much."

Senator von Reichbauer: "He is always known for a good memory when it suits him. Senator Rasmussen, do you recall exactly why it has been so long for this confirmation to come before this body?"

Senator Rasmussen: "Senator von Reichbauer, I would suggest probably the rules committee had the pressure of business. They never got around to bringing him out of Rules. He has been serving all this time pending confirmation as all other appointees do."

PARLIAMENTARY INQUIRY

Senator von Reichbauer: "Mr. President, perhaps the Secretary of the Senate could advise this body as to when Mr. Bender's name was submitted by the State Government Committee and when they held a hearing and when that confirmation was sent to Rules."

REPLY BY THE PRESIDENT

President Cherberg: "The appointment of James Bender to the Horse Racing Commission was read in January 11, 1979 and at that time was referred to the Senate Committee on State Government. The State Government Committee reported back January 23, 1979 and the appointment was referred to the Senate Rules Committee at that time."

Senator von Reichbauer: "Thank you, Mr. President."

Debate ensued.

POINT OF ORDER

Senator Rasmussen: "The point of order is that the appointment of Mr. Jackson is not before the Senate at this time and he should confine his remarks to the appointment that is before the Senate."

RULING BY THE PRESIDENT

President Cherberg: "Senator Rasmussen's point of order is well taken. Senator von Reichbauer, will you please confine your remarks to the appointment of Mr. James Bender."

Further debate ensued.

The motion by Senator Rasmussen carried.

APPOINTMENT OF JAMES BENDER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; nays, 5; absent or not voting, 2; excused, 5.

Voting yea: Senators Bausch, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Henry, Hurley, Jones, Lewis, Marsh, Matson, McDermott, Moore, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—37.

Voting nay: Senators Benitz, Guess, Haley, Scott, von Reichbauer—5.

Absent or not voting: Senators Lee, Quigg—2.

Excused: Senators Bluechel, Bottiger, Gould, Lysen, Morrison—5.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Rasmussen, the appointment of Nancy Purviss as a member of the Washington Horse Racing Commission was confirmed.

APPOINTMENT OF NANCY PURVISS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Benitz, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Bluechel, Bottiger, Gould, Lysen, Morrison—5.

MOTION

Senator Rasmussen moved the appointment of Gary L. Jackson as a member of the Washington Horse Racing Commission be confirmed.

Debate ensued.

POINT OF INQUIRY

Senator von Reichbauer: "Mr. Rasmussen, in the course of your investigation of Mr. Jackson, was it brought to your attention that Mr. Jackson perhaps misused the Washington State Patrol?"

Senator Rasmussen: "No."

MOTION

Senator Guess moved the gubernatorial appointment of Gary L. Jackson as a member of the Washington Horse Racing Commission be returned to the Committee on Rules.

MOTION

At 12:13 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Friday, January 18, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 18, 1980.

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 Gould and Matson. On motion of Senator Jones, Senators Gould and Matson were excused.

The Color Guard, consisting of Pages Lisa Kalding and Mike Girard, presented the Colors. Father Theodore Marmo, pastor of St. Michael's Church of Olympia, offered the following prayer:

"FATHER, THE UNIVERSE, MADE UP OF DIVERSE ELEMENTS, DISPLAYS A REMARKABLE UNITY. EVEN WE OURSELVES ARE EXAMPLES OF MANY ELEMENTS INTERACTING FOR A COMMON PURPOSE. LET US BE MINDFUL OF THOSE MANY ELEMENTS WHICH CONTRIBUTE TO THE UNITY OF PURPOSE OF THIS BODY AND THE ACHIEVEMENT OF ITS GOAL. HELP US TO BE THANKFUL TO ALL THOSE WHO COOPERATE IN THIS LEGISLATIVE ENTERPRISE. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 18, 1980.

SENATE BILL NO. 2174, prohibiting the unlawful possession and sale of drug related paraphernalia (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Jones, Pullen, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 17, 1980.

ENGROSSED SENATE BILL NO. 2204, modifying the provisions for free hunting and fishing licenses (reported by Committee on Natural Resources):

Recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Lysen, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 17, 1980.

SENATE BILL NO. 2751, pertaining to pollution control facilities (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 2751 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Williams, Chairman; Bradburn, Guess, Hansen.

Passed to Committee on Rules for second reading.

January 17, 1980.

ENGROSSED SENATE BILL NO. 3011, eliminating the beaver tag requirement and increasing the trapper's license fee (reported by Committee on Natural Resources):

Recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Lysen, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 16, 1980.

SENATE BILL NO. 3184, authorizing Kittitas county to purchase and convey lands known as the Liberty townsite (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 3184 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

January 18, 1980.

SENATE BILL NO. 3282, modifying the Business Corporation Act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Jones, Pullen, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

January 17, 1980.

ROBERT D. ALVERSON, to the position of Member of the Pacific Marine Fisheries Commission, appointed by the Governor on December 17, 1979 for the term ending June 12, 1983, succeeding Harold E. Lokken (reported by the Committee on Natural Resources):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

January 17, 1980.

Mr. President: The House has passed: HOUSE BILL NO. 520, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

January 17, 1980.

Mr. President: The House has passed:
SUBSTITUTE HOUSE BILL NO. 98,
REENGROSSED HOUSE BILL NO. 168,
ENGROSSED HOUSE BILL NO. 322,
REENGROSSED SUBSTITUTE HOUSE BILL NO. 779,
ENGROSSED HOUSE BILL NO. 903,
SUBSTITUTE HOUSE BILL NO. 1065,

SUBSTITUTE HOUSE BILL NO. 1107, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

January 16, 1980.

Mr. President: The House has passed:

REENGROSSED HOUSE BILL NO. 238,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 405,
ENGROSSED HOUSE BILL NO. 427,
SUBSTITUTE HOUSE BILL NO. 440,
SUBSTITUTE HOUSE BILL NO. 451,
ENGROSSED HOUSE BILL NO. 461,
HOUSE BILL NO. 465,
SUBSTITUTE HOUSE BILL NO. 498,
SUBSTITUTE HOUSE BILL NO. 515,
SUBSTITUTE HOUSE BILL NO. 551,
SUBSTITUTE HOUSE BILL NO. 639,
SUBSTITUTE HOUSE BILL NO. 644,
HOUSE BILL NO. 721,
HOUSE BILL NO. 762,
HOUSE BILL NO. 783,
HOUSE BILL NO. 807,
HOUSE BILL NO. 814,
ENGROSSED HOUSE BILL NO. 870,
SUBSTITUTE HOUSE BILL NO. 943,
SUBSTITUTE HOUSE BILL NO. 1008,
HOUSE BILL NO. 1106,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1147,
SUBSTITUTE HOUSE BILL NO. 1359, and the same are herewith

transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3283, by Senators Hansen, Guess and Benitz:

AN ACT Relating to special fuels.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3284, by Senators Haley, Rasmussen and Bluechel:

AN ACT Relating to malpractice insurance; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3285, by Senators Lysen, Morrison and McDermott:

AN ACT Relating to energy facilities; amending section 4, chapter 45, Laws of 1970 ex. sess. as last amended by section 1, chapter 254, Laws of 1979 ex. sess. and RCW 80.50.040; and amending section 12, chapter 45, Laws of 1970 ex. sess. as last amended by section 10, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.120.

Referred to Committee on Energy and Utilities.

MOTIONS

On motion of Senator Walgren, the Committee on Energy and Utilities was relieved from further consideration of Senate Bill No. 3285.

On motion of Senator Walgren, Senate Bill No. 3285 was rereferred to the Committee on Labor.

SENATE BILL NO. 3286, by Senators Guess, Benitz and Quigg:

AN ACT Relating to motor vehicle emission control; repealing section 1, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.010; repealing section 2, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.020; repealing section 3, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.030; repealing section 4, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.040; repealing section 5, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.050; repealing section 6, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.060; repealing section 7, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.070; repealing section 8, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.080; repealing section 9, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.090; repealing section 10, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.100; (11) repealing section 11, chapter 163, Laws of 1979 ex. sess. and RCW 46.16.015; repealing section 12, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.110; repealing section 13, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.120; repealing section 14, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.130; repealing section 15, chapter 163, Laws of 1979 ex. sess. and RCW 46.16.016; repealing section 16, chapter 163, Laws of 1979 ex. sess. (uncodified); repealing section 17, chapter 163, Laws of 1979 ex. sess. (uncodified); repealing section 18, chapter 163, Laws of 1979 ex. sess. (uncodified); repealing section 19, chapter 163, Laws of 1979 ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Ecology.

SENATE BILL NO. 3287, by Senators Hansen and Sellar:

AN ACT Relating to agricultural production.

Referred to Committee on Agriculture.

SENATE BILL NO. 3288, by Senator Van Hollebeke:

AN ACT Relating to juries; amending section 4, chapter 48, Laws of 1891 as amended by section 1, chapter 57, Laws of 1972 ex. sess and RCW 2.36.050; amending section 3, chapter 57, Laws of 1911 as last amended by section 1, chapter 135, Laws of 1979 ex. sess. and RCW 2.36.060; and amending section 1, chapter 13, Laws of 1973 2nd ex. sess. and RCW 2.36.063.

Referred to Judiciary Committee.

SENATE BILL NO. 3289, by Senator Quigg:

AN ACT Relating to the transportation of hazardous materials.

Referred to Committee on Transportation.

SENATE BILL NO. 3290, by Senators Day, Jones, Moore and Hurley:

AN ACT Relating to naive offenders; adding a new chapter to Title 72 RCW; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3291, by Senator Woody:

AN ACT Relating to the membership of the public disclosure commission.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3292, by Senator Jones:

AN ACT Relating to electrical inspectors' qualifications; amending section 3, chapter 169, Laws of 1935 as last amended by section 61, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.070; and adding new sections to chapter 19.28 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 3293, by Senator Walgren:

AN ACT Relating to the judicial retirement system; and amending section 22, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.220.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3294, by Senators Talmadge and McDermott:

AN ACT Relating to state government; and amending section 7, chapter 172, Laws of 1935 as last amended by section 1, chapter 158, Laws of 1979 and RCW 9.41.070.

Referred to Judiciary Committee.

SENATE BILL NO. 3295, by Senators Walgren, von Reichbauer and Wojahn:

AN ACT Relating to full time district court judges; amending section 100, chapter 299, Laws of 1961 as last amended by section 8, chapter 255, Laws of 1979 ex. sess. and RCW 3.58.010; making an appropriation; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 3296, by Senators Walgren, Shinpoch, Goltz, Bluechel and Hayner:

AN ACT Relating to property taxes; amending section 84.36.060, chapter 15, Laws of 1961 as amended by section 5, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.060; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3297, by Senators Wilson, Rasmussen and Lewis:

AN ACT Relating to warrants; amending section 36.29.040, chapter 4, Laws of 1963 and RCW 36.29.040; amending section 36.39.060, chapter 4, Laws of 1963 and RCW 36.29.060; amending section 36.88.330, chapter 4, Laws of 1963 and RCW 36.88.330; amending section 3, chapter 80, Laws of 1899 as amended by section 1, chapter 88, Laws of 1971 ex. sess. and RCW 39.56.010; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 3298, by Senator von Reichbauer:

AN ACT Relating to parks and recreation.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 3299, by Senator Pullen:

AN ACT Relating to jury trials; amending section 32, chapter 299, Laws of 1961 as amended by section 16, chapter 136, Laws of 1979 ex. sess. and RCW 3.42.020; amending section 77, chapter 299, Laws of 1961 as amended by section 19, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.280; amending section 112, chapter 299, Laws of 1961 as amended by section 20, chapter 136, Laws of 1979 ex. sess. and RCW 3.66.010; amending section 1, chapter 58, Laws of 1929 as amended by section 21, chapter 136, Laws of 1979 ex. sess. and RCW 12.36.010; amending section 35.20.030, chapter 7, Laws of 1965 as amended by section 23, chapter 136, Laws of 1979 ex. sess. and RCW 35.20.030; reenacting and amending section 8, chapter 135, Laws of 1979 ex. sess. and section 24, chapter 136, Laws of 1979 ex. sess. and RCW 35.20.090; amending section 35.22.530, chapter 7, Laws of 1965 as amended by section 27, chapter 136, Laws of 1979 ex. sess. and RCW 35.22.530; amending section 35.24.470, chapter 7, Laws of 1965 as last amended by section 30, chapter 136, Laws of 1979 ex. sess. and RCW 35.24.470; amending section 35.27.540, chapter 7, Laws of 1965 as last amended by section 32, chapter 136, Laws of 1979 ex. sess. and RCW 35.27.540; amending section 35A.20.040, chapter 119, Laws of 1967 ex. sess. as amended by section 33, chapter 136, Laws of 1979 ex. sess. and RCW 35A.20.040; amending section 6, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.040; amending section 8, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.060; amending section 9, chapter 136, Laws of 1979 ex. sess. and RCW

46.63.070; amending section 10, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.080; amending section 11, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.090; amending section 14, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.120; adding a new section to chapter 4.44 RCW; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 3300, by Senator Matson:

AN ACT Relating to charges for credit; amending section 2, chapter 80, Laws of 1899 as amended by section 4, chapter 23, Laws of 1967 ex. sess. and RCW 19.52.020; amending section 1, chapter 142, Laws of 1969 ex. sess. as last amended by section 1, chapter 180, Laws of 1975 1st ex. sess. and RCW 19.52.080; amending section 3, chapter 23, Laws of 1957 as last amended by section 1, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.020; amending section 4, chapter 236, Laws of 1963 as last amended by section 2, chapter 47, Laws of 1972 ex. sess. and RCW 63.14.040; amending section 12, chapter 236, Laws of 1963 as last amended by section 3, chapter 47, Laws of 1972 ex. sess. and RCW 63.14.120; amending section 13, chapter 236, Laws of 1963 as last amended by section 3, chapter 2, Laws of 1969 and RCW 63.14.130; adding new sections to chapter 19.52 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3301, by Senator Pullen:

AN ACT Relating to public safety; amending section 9A.20.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 2, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.20.020; amending section 4, chapter 14, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.040; amending section 33, chapter 249, Laws of 1909 as last amended by section 1, chapter 295, Laws of 1971 ex. sess. and RCW 9.92.080; amending section 8, chapter 133, Laws of 1955 and RCW 9.95.070; amending section 1, chapter 238, Laws of 1951 and RCW 9.95.115; amending section 5, chapter 172, Laws of 1935 as amended by section 4, chapter 124, Laws of 1961 and RCW 9.41-.050; amending section 69.50.401, chapter 308, Laws of 1971 ex. sess. as last amended by section 1, chapter 67, Laws of 1979 and RCW 69.50.401; amending section 2, chapter 2, Laws of 1973 2nd ex. sess. as amended by section 1, chapter 103, Laws of 1975-'76 2nd ex. sess. and RCW 69.50.410; amending section 4, chapter 31, Laws of 1935 and RCW 41.08.050; amending section 4, chapter 13, Laws of 1937 and RCW 41.12.050; amending section 8, chapter 1, Laws of 1959 and RCW 41.14.080; adding a new section to chapter 10.37 RCW; adding a new section to chapter 9.95 RCW; adding a new section to chapter 9.41 RCW; creating new sections; prescribing penalties; and providing for an advisory vote.

Referred to Judiciary Committee.

SENATE BILL NO. 3302, by Senators Vognild, Day, Hansen, Lewis, Clarke, Bluechel, Peterson, Odegaard, Moore, Gaspard, Talmadge, Walgren, Bausch, Wojahn, Fleming and Woody (by Senate Committee on Arson request):

AN ACT Relating to arson; amending section 9A.28.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.28.020; and adding a new section to chapter 9A.48 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3303, by Senators Jones, Day, Lee, Gallagher, Quigg, Donohue, Guess and Woody:

AN ACT Relating to revenue and taxation; amending section 84.40.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 69, Laws of 1973 and RCW 84.40.020; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3304, by Senator Pullen:

AN ACT Relating to open space lands; amending section 3, chapter 87, Laws of 1970 ex. sess. as amended by section 3, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.030; amending section 5, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.037; amending section 5, chapter 87, Laws of 1970 ex. sess. as amended by section 6, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.050; and adding new sections to chapter 84.34 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3305, by Senators Haley, Bottiger and Quigg:

AN ACT Relating to energy; adding new sections to chapter 80.50 RCW; and providing a termination date.

Referred to Judiciary Committee.

SENATE BILL NO. 3306, by Senators Guess, Bottiger, Bluechel and Woody:

AN ACT Relating to earth-sheltered housing; amending section 4, chapter 96, Laws of 1974 ex. sess. as amended by section 12, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.040; amending section 35.63.080, chapter 7, Laws of 1965 as amended by section 4, chapter 170, Laws of 1979 ex. sess. and RCW 35.63.080; amending section 35A.63.100, chapter 119, Laws of 1967 ex. sess. as amended by section 8, chapter 170, Laws of 1979 ex. sess. and RCW 35A.63.100; amending section 36.70.750, chapter 4, Laws of 1963 and RCW 36.70.750; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3307, by Senators Guess, Bottiger and Bluechel:

AN ACT Relating to passive solar housing; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3308, by Senators Henry, Guess and Quigg:

AN ACT Relating to motor vehicles; amending section 46.16.160, chapter 12, Laws of 1961 as last amended by section 5, chapter 22, Laws of 1977 ex. sess. and RCW 46.16.160; amending section 1, chapter 196, Laws of 1975 1st ex. sess. as amended by section 21, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.160; amending section 2, chapter 106, Laws of 1963 and RCW 46.85.020; amending section 13, chapter 106, Laws of 1963 and RCW 46.85.130; amending section 5 chapter 51, Laws of 1971 and RCW 46.85.135; amending section 82.44.020, chapter 15, Laws of 1961 as last amended by section 230, chapter 158, Laws of 1979 and RCW 82.44.020; repealing section 2, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.010; repealing section 3, chapter 94, Laws of 1967 ex. sess., section 200, chapter 158, Laws of 1979 and RCW 46.86.020; repealing section 4, chapter 94, Laws of 1967 ex. sess., section 201, chapter 158, Laws of 1979 and RCW 46.86.030; repealing section 5, chapter 94, Laws of 1967 ex. sess., section 1, chapter 42, Laws of 1975 1st ex. sess. and RCW 46.86.040; repealing section 6, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.050; repealing section 7, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.060; repealing section 8, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.070; repealing section 9, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.080; repealing section 10, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.090; repealing section 11, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.100; repealing section 12, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.110; repealing section 13, chapter 94, Laws of 1967 ex. sess., section 2, chapter 42, Laws of 1975 1st ex. sess. and RCW 46.86.120; repealing section 14, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.130; repealing section 7, chapter 143, Laws of 1971 ex. sess. and RCW 46.86.140; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 3309, by Senators Day, Jones, Talmadge and Moore:

AN ACT Relating to ocularists; adding a new chapter to Title 18 RCW; and defining crimes.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3310, by Senator Jones:

AN ACT Relating to the law enforcement officers' and firefighters' retirement system; amending section 9, chapter 209, Laws of 1969 ex. sess. as last amended by section 22, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.090; amending section 10, chapter 209, Laws of 1969 ex. sess. as last amended by section 3, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.100; amending section 18, chapter 294, Laws of 1977 ex. sess. as amended by section 1, chapter 249, Laws of 1979 ex. sess. and RCW 41.26.005; amending section 6, chapter 209, Laws of 1969 ex. sess. as last amended by section 3, chapter 44, Laws of 1975-'76 2nd ex. sess. and RCW 41.26.060; amending section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.120; amending section 16, chapter 209, Laws of 1969 ex. sess. as last amended by section 6, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.200; amending section 1, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.04.270; adding new sections to chapter 41.26 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3311, by Senators Benitz, Hurley, Guess and Lee:

AN ACT Relating to alcoholic beverages; amending section 23-M added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 1, chapter 9, Laws of 1977 ex. sess. and RCW 66.24.320; and amending section 23-P added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 5, chapter 75, Laws of 1967 ex. sess. and RCW 66.24.350.

Referred to Committee on Commerce.

SENATE BILL NO. 3312, by Senators Jones, Ridder, Haley, Talmadge, Day, Bradburn, Wojahn and Fleming:

AN ACT Relating to the developmentally disabled; adding a new chapter to Title 71 RCW; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3313, by Senators Vognild, Matson, Walgren, Hansen, Guess, Day, Woody, Jones, Sellar, von Reichbauer and Morrison:

AN ACT Relating to horse racing; amending and reenacting section 9, chapter 55, Laws of 1933 as last amended by section 2, chapter 31, Laws of 1979 and by section 169, chapter 151, Laws of 1979 and RCW 67.16.100; adding new sections to chapter 67.16 RCW; making appropriations; and providing an effective date.

Referred to Committee on Commerce.

SENATE BILL NO. 3314, by Senator Hayner:

AN ACT Relating to professional service corporations; amending section 11.36.010, chapter 145, Laws of 1965 and RCW 11.36.010; and adding a new section to chapter 18.100 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3315, by Senators Hayner, Jones, Bluechel and Woody:

AN ACT Relating to revenue and taxation; amending section 1, chapter 12, Laws of 1979 as amended by section 6, chapter 266, Laws of 1979 ex. sess. and RCW 82.08.030; and amending section 2, chapter 12, Laws of 1979 as amended by section 7, chapter 266, Laws of 1979 ex. sess. and RCW 82.12.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3316, by Senator McDermott:

AN ACT Relating to industrial insurance; amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 42, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.050; amending section 51.32.060, chapter 23, Laws of 1961 as last amended by section 44, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.060; amending section 51.32.080, chapter 23, Laws of 1961 as last amended by section 1, chapter 104, Laws of 1979 and RCW 51.32.080; amending section 51.32.090, chapter 23, Laws of 1961 as last amended by section 47, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.090; adding a new section to chapter 51.08 RCW; and adding new sections to chapter 51.32 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 3317, by Senators Bausch and Clarke (by Insurance Commissioner's request):

AN ACT Relating to insurance; amending section 7, chapter 195, Laws of 1963 as amended by section 5, chapter 150, Laws of 1967 and RCW 48.05.340; amending section .09.09, chapter 79, Laws of 1947 as amended by section 5, chapter 193, Laws of 1957 and RCW 48.09.090; and repealing section 4, chapter 193, Laws of 1957 and RCW 48.09.081.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3318, by Senators Bausch and Clarke (by Insurance Commissioner's request):

AN ACT Relating to insurance; amending section 3, chapter 70, Laws of 1965 ex. sess. as amended by section 3, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.05.185; amending section .05.21, chapter 79, Laws of 1947 and RCW 48.05.210; amending section .15.02, chapter 79, Laws of 1947 and RCW 48.15.020; amending section .15.07, chapter 79, Laws of 1947 as last amended by section 3, chapter 130, Laws of 1979 ex. sess. and RCW 48.15.070; amending section .15.09, chapter 79, Laws of 1947 as last amended by section 6, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.15.090; amending section .15.13, chapter 79, Laws of 1947 and RCW 48.15.130; amending section .15.14, chapter 79, Laws of 1947 and RCW 48.15.140; amending section .18.29, chapter 79, Laws of 1947 as last amended by section 5, chapter 199, Laws of 1979 ex. sess. and RCW 48.18.290; amending section .18.30, chapter 79, Laws of 1947 as last amended by section 8, chapter 199, Laws of 1979 ex. sess. and RCW 48.18.300; and amending section 7, chapter 80, Laws of 1979 ex. sess. and RCW 48.50.070.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3319, by Senators McDermott and Hayner (by Superintendent of Public Instruction request):

AN ACT Relating to school district budgeting procedures, including accounting and financial reporting; and amending section 2, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.405.

Referred to Committee on Education.

SENATE BILL NO. 3320, by Senators Bottiger and Clarke:

AN ACT Relating to contested cases; and amending section 9, chapter 234, Laws of 1959 as amended by section 9, chapter 237, Laws of 1967 and RCW 34.04.090.

Referred to Judiciary Committee.

SENATE BILL NO. 3321, by Senators McDermott and Hayner (by Superintendent of Public Instruction request):

AN ACT Relating to education; amending section 28A.04.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 19, Laws of 1975 and

RCW 28A.04.060; and amending section 17, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.033.

Referred to Committee on Education.

SENATE BILL NO. 3322, by Senators Vognild, Day, Clarke, Bluechel, Peterson, Fleming, Odegaard, Gaspard, Lewis, Hansen, Moore, Walgren, Bausch, Wojahn, Talmadge and Woody (by Senate Committee on Arson request):

AN ACT Relating to the state fire marshal; amending section .33.06, chapter 79, Laws of 1947 and RCW 48.48.060; adding a new section to chapter 48.48 RCW; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 3323, by Senators Vognild, Day, Clarke, Bluechel, Wojahn, Woody, Odegaard, Gaspard, Hansen, Walgren, Bausch, Peterson, Lewis and Pullen (by Select Committee on Arson request):

AN ACT Relating to arson; and amending section 9A.04.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.04.080.

Referred to Judiciary Committee.

SENATE BILL NO. 3324, by Senators Jones, Scott and Bradburn:

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 2, chapter 249, Laws of 1979 ex. sess. and RCW 41.26.030; amending section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 120, laws of 1974 ex. sess. and RCW 41.26.120; adding a new section to chapter 51.52 RCW; repealing section 11, chapter 209, Laws of 1969 ex. sess., section 3, chapter 219, Laws of 1969 ex. sess., section 6, chapter 6, Laws of 1970 ex. sess., section 9, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.110; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3325, by Senator Hayner:

AN ACT Relating to redemption; and amending section 8, chapter 53, Laws of 1899 as last amended by section 4, chapter 80, Laws of 1965 and RCW 6.24.140.

Referred to Judiciary Committee.

SENATE BILL NO. 3326, by Senators Bradburn, Walgren, Talmadge and Hayner:

AN ACT Relating to privacy; amending section 2, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.040; and amending section 3, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.050.

Referred to Judiciary Committee.

SENATE BILL NO. 3327, by Senator Goltz (by Office of Financial Management request):

AN ACT Relating to institutions of higher education; and amending section 1, chapter 253, Laws of 1979 ex. sess. and RCW 28B.14D.010; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 3328, by Senators Walgren, Rasmussen and Gallagher:

AN ACT Relating to civil service employees; and amending section 15, chapter 1, Laws of 1961 as last amended by section 57, chapter 151, Laws of 1979 and RCW 41.06.150.

Referred to Committee on State Government.

SENATE BILL NO. 3329, by Senators Van Hollebeke, Wojahn, Walgren and Vognild:

AN ACT Relating to bona fide charitable or nonprofit organizations; and reenacting and amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 76, Laws of 1977 ex. sess. and by section 1, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.020.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 98, by Committee on Constitution, Elections and Governmental Ethics (originally sponsored by Representative Hurley):

Prescribing the dispositions of gifts received by the governor.

Referred to Committee on Constitution and Elections.

REENGROSSED HOUSE BILL NO. 168, by Representatives Warnke, Struthers, Salatino, Sanders, Fuller, Addison, Greengo and Maxie (by Legislative Committee on Commerce request):

Excluding babysitting referral services from the definition of employment agency.

Referred to Committee on Commerce.

REENGROSSED HOUSE BILL NO. 238, by Representatives Hurley, Taylor, McGinnis, Blair, Burns, Sprague and Taller:

Providing for urban parks.

Referred to Committee on Parks and Recreation.

ENGROSSED HOUSE BILL NO. 322, by Representatives Isaacson, Pruitt, Oliver, Brekke, Hastings, Hurley, Sanders, North, Addison, Greengo and Struthers: Exempting from the fire code hand held candles in religious ceremonies.

Referred to Committee on Local Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 405, by Committee on Revenue (originally sponsored by Representatives Bond, Galloway, Nelson (G.A.), Sommers, Nelson (D.), Hastings, McDonald and Struthers):

Changing the law on tax deferral.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 427, by Representatives Smith (R.), Newhouse, Thompson, Winsley, Knowles, Chandler, Sherman, Haley and Erak:

Limiting the use of search warrants.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 440, by Committee on Education (originally sponsored by Representatives Sherman, Chandler and Sanders) (by Superintendent of Public Instruction request):

Authorizing parents to ride school bus or other student transportation vehicle upon request by school officials or employees.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 451, by Committee on Transportation (originally sponsored by Representatives Gallagher, Martinis, Wilson, Smith (C.P.), Clayton and Garrett):

Establishing new procedures for the removal of abandoned motor vehicles from private property.

Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 461, by Representatives Wilson and Vrooman:

Requiring improvement of property acquired under eminent domain.

Referred to Committee on Energy and Utilities.

HOUSE BILL NO. 465, by Representatives Douthwaite, Burns and Lux:
Clarifying ownership of leased personal property for tax purposes.
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 498, by Committee on Judiciary (originally sponsored by Representatives O'Brien and Garrett) (by Governor Ray request):

Modifying terms of imprisonment for certain crimes.
Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 515, by Committee on State Government (originally sponsored by Representatives Kreidler, Taller and Keller):

Providing for increased fund raising activities for the capitol museum.
Referred to Committee on State Government.

HOUSE BILL NO. 520, by Representatives Adams, Haley, Kreidler and McGinnis:

Revising laws regulating the practice of medicine.
Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 551, by Committee on Judiciary (originally sponsored by Representatives Brown, Winsley, Gallagher, Pruitt, Vrooman, Jovanovich, Scott, Owen, Granlund, Smith (R.), Erickson, Grimm, Walk, Brekke, McGinnis, Burns, Nelson (D.), Clayton, Hughes, North, Tilly, Hurley, Bender and Smith (C.P.)):

Prohibiting pornography involving children.
Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 639, by Committee on Transportation (originally sponsored by Representatives Sherman, Charnley and Wilson):

Regulating private carriers.
Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 644, by Committee on Judiciary (originally sponsored by Representatives Tilly, Gallagher, Smith (R.), Newhouse and Clayton):

Protecting against the use of fraudulent stop-payment orders.
Referred to Judiciary Committee.

HOUSE BILL NO. 721, by Representatives Sanders, Warnke and Greengo:
Clarifying registration requirements for contractors.
Referred to Committee on Commerce.

HOUSE BILL NO. 762, by Representatives Winsley and Eng:
Authorizing savings and loan associations to permit use of negotiable transfer from accounts.

Referred to Committee on Financial Institutions and Insurance.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 779, by Committee on Insurance (originally sponsored by Representative Tupper) (by Insurance Commissioner request):

Modifying the laws on insurance.
Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 783, by Representatives Douthwaite, McDonald and Taller (by Department of Retirement Systems request):

Revising laws relating to retirement of state patrol officers.
Referred to Committee on Ways and Means.

HOUSE BILL NO. 807, by Representatives Thompson and Blair (by Deferred Compensation Committee request):

Allowing certain investments of deferred compensation funds.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 814, by Representatives Charnley, Wilson, Valle and Jovanovich:

Establishing certain duties for the last driver of a runaway car involved in an accident.

Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 870, by Representatives Thompson, Lux and Williams:

Permitting 17 year old minors to donate blood without parental consent.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 903, by Representatives Teutsch and Zimmerman (by Secretary of State request):

Revising requirements for recording and filing documents for private organizations.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 943, by Committee on Revenue (originally sponsored by Representatives Nelson (G.A.) and Sommers):

Limiting the growth of certain county tax levies.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1008, by Committee on Natural Resources (originally sponsored by Representatives McDonald, Vrooman, Schmitten, Owen and Wilson):

Requiring the department of fisheries to collect data on transfers of commercial fishing vessels and licenses.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 1065, by Committee on Rules (originally sponsored by Representatives Erickson and Oliver):

Controlling conflicts of interest.

Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 1106, by Representatives Struthers and Becker (by Department of Social and Health Services request):

Providing for prisoner leaves of absence for volunteer community service projects and for medical and dental care.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 1107, by Committee on State Government (originally sponsored by Representatives Walk and Fancher):

Revising rule-making authority of the state personnel board.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1147, by Committee on Judiciary (originally sponsored by Representatives Walk, Schmitten, Pruitt, Fancher, Hughes, Haley, Grimm, Brown and Adams):

Providing for a state-wide special inquiry judge proceeding.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 1359, by Committee on Institutions (originally sponsored by Representative Becker):

Relating to insurance of juvenile community service workers.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 21, by Committee on Judiciary (originally sponsored by Representatives Knowles, Newhouse, Smith (R.) and Garrett):

Authorizing additional court commissioners.

Referred to Judiciary Committee.

MOTION

On motion of Senator Guess, there being no objection, the motion made by Senator Guess on January 17, 1980 that the gubernatorial appointment 157, Gary L. Jackson as a member of the Washington Horse Racing Commission be returned to the Committee on Rules was withdrawn.

MOTION

On motion of Senator Walgren, the gubernatorial appointment of Gary L. Jackson was rereferred to the Committee on State Government with instructions that it be reported back with recommendations within ten days.

MOTIONS

On motion of Senator McDermott, the Committee on Education was relieved from further consideration of Senate Bill No. 3275.

On motion of Senator McDermott, Senate Bill No. 3275 was rereferred to the Committee on Higher Education.

MOTION

At 11:40 a.m. Senator Walgren moved the Senate adjourn until 12:00 noon, Monday, January 21, 1980.

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, did I understand the motion was to adjourn until twelve noon on Monday?"

President Cherberg: "Yes, Senator."

Senator Pullen: "That is more than seventy-two hours, Mr. President and that would be in violation of our Constitution."

Debate ensued.

REPLY BY THE PRESIDENT

President Cherberg: "Senator Pullen, the President believes that the Constitution states three days rather than seventy-two hours. So would you please give me your definition of a day?"

REPLY BY SENATOR PULLEN

Senator Pullen: "Mr. President, it would be my understanding that . . . and it would be tradition in the legislature that the three days extend between now and 11:40 on Monday and any time after 11:40 would be in excess of three days."

POINT OF INQUIRY

Senator Bottiger: "Senator Pullen, would it be your preference that we wait, sit here for twenty minutes or that we come in twenty minutes early Monday?"

Senator Pullen: "Well, Senator Bottiger, it is my intention that we all adhere to our oaths of office. Everyone of us took an oath of office to adhere to the Constitution and that is all I am requesting."

Further debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "The President has researched a definition of a day. Webster's Third New International Dictionary states '(1) the time of light or interval between one night and the next. The time between sunrise and sunset or from dawn to darkness; (2) the period of the earth's rotation on its axis ordinarily divided into twenty-four hours measured by the interval between two successive transits of a celestial body over the same meridian and taking a specific name from that of the body.' Therefore the President will abide by the Constitution of the State of Washington and rule that the motion by Senator Walgren is in order."

The motion by Senator Walgren carried. At 11:50 a.m. the Senate adjourned until 12:00 noon, Monday, January 21, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 21, 1980.

The Senate was called to order at 12:00 o'clock noon by President Cherberg. The Secretary called the roll and announced to President Pro Tempore Henry that all Senators were present except Senators Fleming, Jones, Morrison, Sellar and Vognild. On motion of Senator Wilson, Senators Fleming and Vognild were excused. On motion of Senator Lewis, Senators Jones, Morrison and Sellar were excused.

The Color Guard, consisting of Pages Marni McKinnell and Paula Beebe, presented the Colors. Reverend Lester Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"THE MASTER SAID IT AND WE AGREE, 'HE WHO HAS EARS TO HEAR, LET HIM HEAR'. LORD, THROUGH ALL THE DIN OF VOICES CLAMORING, CAUSE US TO HOLD IN REVERENCE THE POSSIBILITY OF YOU SPEAKING THROUGH THEM. IN ADDITION TO THOSE WHO DUE TO POWER OR FRIENDSHIP ALREADY HAVE OUR ATTENTION, LET US HEAR THE OTHER VOICES. CHALLENGE US WITH DIFFERENT VOICES WHICH CALL US TO CONSIDER NEW PATHS OR REJECT PET CAUSES. INSPIRE US TO KNOW THAT IN THE BOOMING VOICE OF A FRIEND AND THE STILL SMALL VOICE OF THOSE WHO DISAGREE YOU ARE STILL PRESENT."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 18, 1980.

SENATE BILL NO. 3123, regulating employee-employer relationships (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 3123 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore.

Passed to Committee on Rules for second reading.

January 18, 1980.

SENATE BILL NO. 3186, allowing the commissioner of public lands or his agent to vote and serve as director in certain irrigation districts (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 3186 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wilson.

Passed to Committee on Rules for second reading.

January 18, 1980.

SENATE BILL NO. 3195, providing for the purchase of the Heart Lake property by the parks and recreation commission (reported by Committee on Parks and Recreation):

MAJORITY recommendation: That Substitute Senate Bill No. 3195 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Lewis, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

January 18, 1980.

SENATE BILL NO. 3220, modifying procedures for civil judgments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Hurley, Van Hollebeke, Woody.

Passed to Committee on Rules for Second Reading.

MESSAGE FROM THE HOUSE

January 18, 1980.

Mr. President: The House has passed:

HOUSE BILL NO. 115,

HOUSE BILL NO. 209,

SUBSTITUTE HOUSE BILL NO. 726,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 763,

HOUSE BILL NO. 1193, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3330, by Senators Day, Moore and Talmadge:

AN ACT Relating to university hospital purchasing authority; amending section 3, chapter 32, Laws of 1969 as last amended by section 1, chapter 88, Laws of 1979 and RCW 43.19.190; and adding a new section to chapter 43.19 RCW to be designated RCW 43.19.19061.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3331, by Senators Henry, Guess and Talley:

AN ACT Relating to transportation safety; amending section 46.48.175, chapter 12, Laws of 1961 and RCW 46.48.175; and prescribing penalties.

Referred to Committee on Transportation.

SENATE BILL NO. 3332, by Senators Talley, Van Hollebeke, Jones, Conner and Sellar:

AN ACT Relating to notaries public; amending section 375, page 202, Laws of 1854 as last amended by section 1, chapter 146, Laws of 1949 and RCW 4.84.090; and amending section 1, chapter 56, Laws of 1907 as last amended by section 4, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.090.

Referred to Committee on Commerce.

SENATE BILL NO. 3333, by Senators Scott and Talmadge:

AN ACT Relating to the franchise investment protection act; and amending section 18, chapter 252, Laws of 1971 ex. sess. as last amended by section 4, chapter 33, Laws of 1973 1st ex. sess. and RCW 19.100.180.

Referred to Committee on Commerce.

SENATE BILL NO. 3334, by Senators Talmadge, Jones, Sellar and Conner:

AN ACT Relating to civil procedure; amending section 1, chapter 60, Laws of 1929 as amended by section 16, chapter 81, Laws of 1971 and RCW 4.56.190; amending section 2, chapter 25, Laws of 1929 as amended by section 26, chapter 81, Laws of 1971 and RCW 6.04.010; amending section 1, chapter 133, Laws of 1893 as last amended by section 1, chapter 211, Laws of 1971 ex. sess. and RCW 6.32-.010; amending section 2, chapter 211, Laws of 1971 ex. sess. and RCW 6.32.015; and creating a new section.

Referred to Judiciary Committee.

SENATE BILL NO. 3335, by Senators Talley, Van Hollebeke, Jones, Sellar and Conner:

AN ACT Relating to civil procedure; amending section 3, page 363, Laws of 1854 as last amended by section 1, chapter 137, Laws of 1927 and RCW 4.16.040; and amending section 4, page 363, Laws of 1854 as last amended by section 1, chapter 127, Laws of 1937 and RCW 4.16.080.

Referred to Judiciary Committee.

SENATE BILL NO. 3336, by Senators Ridder and Bausch:

AN ACT Relating to school district employees; amending section 1, chapter 80, Laws of 1947 as last amended by section 5, chapter 249, Laws of 1979 ex. sess. and RCW 41.32.010; amending section 34, chapter 80, Laws of 1947 as last amended by section 11, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.340; amending section 3, chapter 10, Laws of 1972 ex. sess. as amended by section 108, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.100; and creating a new section.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3337, by Senators Talley and Van Hollebeke:

AN ACT Relating to civil procedure; adding a new section to chapter 12.04 RCW; repealing section 26, page 245, Laws of 1860, section 19, page 335, Laws of 1873, section 1712, Code of 1881 and RCW 12.04.010; repealing section 29, page 245, Laws of 1860, section 20, page 335, Laws of 1873, section 1713, Code of 1881 and RCW 12.04.020; repealing section 29, page 245, Laws of 1860, section 21, page 336, Laws of 1873, section 1714, Code of 1881 and RCW 12.04.030; and repealing section 22, page 337, Laws of 1873, section 1715, Code of 1881, section 1, chapter 181, Laws of 1925 ex. sess. and RCW 12.04.040.

Referred to Judiciary Committee.

SENATE BILL NO. 3338, by Senators Talley and Matson:

AN ACT Relating to charges for credit.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3339, by Senator Goltz:

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

Referred to Committee on Higher Education.

SENATE BILL NO. 3340, by Senator Goltz:

AN ACT Relating to vocational-technical institutes; creating new sections; and making an appropriation.

Referred to Committee on Higher Education.

SENATE BILL NO. 3341, by Senator Goltz:

AN ACT Relating to the commission for vocational education; creating new sections; and making an appropriation.

Referred to Committee on Higher Education.

SENATE BILL NO. 3342, by Senator Henry:
AN ACT Relating to transportation.
Referred to Committee on Transportation.

SENATE BILL NO. 3343, by Senator Henry:
AN ACT Relating to transportation funding.
Referred to Committee on Transportation.

SENATE BILL NO. 3344, by Senator Henry:
AN ACT Relating to highways.
Referred to Committee on Transportation.

SENATE BILL NO. 3345, by Senator Henry:
AN ACT Relating to transportation.
Referred to Committee on Transportation.

SENATE BILL NO. 3346, by Senator Henry:
AN ACT Relating to transportation funding.
Referred to Committee on Transportation.

SENATE BILL NO. 3347, by Senator Bottiger:
AN ACT Relating to renewable energy development.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3348, by Senator Bottiger:
AN ACT Relating to renewable energy development.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3349, by Senator Bottiger:
AN ACT Relating to energy conservation.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3350, by Senator Bottiger:
AN ACT Relating to energy conservation.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3351, by Senators Henry, McDermott, Woody and Lee:
AN ACT Relating to revenue and taxation; and adding a new section to chapter 82.12 RCW.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3352, by Senator Bottiger:
AN ACT Relating to radioactive waste disposal.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3353, by Senator Woody:
AN ACT Relating to lobbyist reporting.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3354, by Senator Woody:
AN ACT Relating to voter registration.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3355, by Senator Woody:
AN ACT Relating to census correspondence lists.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3356, by Senator Woody:
AN ACT Relating to fair campaign practices.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3357, by Senator Woody:
AN ACT Relating to campaign finance reporting.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3358, by Senator Woody:
AN ACT Relating to declaration of candidacy.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3359, by Senator Woody:
AN ACT Relating to elections.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3360, by Senator Woody:
AN ACT Relating to precincts.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3361, by Senator Woody:
AN ACT Relating to financial affairs reporting.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3362, by Senator Woody:
AN ACT Relating to precincts; amending section 1, chapter 129, Laws of 1975-'76 2nd ex. sess. as amended by section 3, chapter 128, Laws of 1977 ex. sess. and RCW 29.04.130; and reenacting section 29.04.040, chapter 9, Laws of 1965 as last amended by section 1, chapter 128, Laws of 1977 ex. sess. and by section 4, chapter 361, Laws of 1977 ex. sess. and RCW 29.04.040.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3363, by Senators Odegaard, Conner, Goltz, Talmadge and McDermott:

AN ACT Relating to public employees' retirement; and amending section 18, chapter 274, Laws of 1947 as last amended by section 14, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.170.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3364, by Senator Bluechel:

AN ACT Relating to rates of interest; amending section 3, chapter 23, Laws of 1967 ex. sess. and RCW 19.52.034; amending section 3, chapter 23, Laws of 1957 as last amended by section 1, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.020; amending section 4, chapter 236, Laws of 1963 as last amended by section 2, chapter 47, Laws of 1972 ex. sess. and RCW 63.14.040; amending section 12, chapter 236, Laws of 1963 as last amended by section 3, chapter 47, Laws of 1972 ex. sess. and RCW 63.14.120; amending section 13, chapter 236, Laws of 1963 as last amended by section 3, chapter 2, Laws of 1969 and RCW 63.14.130; adding a new section to chapter 19.52 RCW; repealing section 2, chapter 23, Laws of 1967 ex. sess. and RCW 19.52.005; repealing section 2, chapter 80, Laws of 1899, section 4, chapter 23, Laws of 1967 ex. sess. and RCW 19.52.020; repealing section 7, chapter 80, Laws of 1899, section 5, chapter 23, Laws of 1967 ex. sess. and RCW 19.52.030; repealing section 6, chapter 23, Laws of 1967 ex. sess. and RCW 19.52.032; repealing section 7, chapter 23, Laws of 1967 ex. sess. and RCW 19.52.036; repealing section 1, chapter 142, Laws of 1969 ex. sess., section 2, chapter 97, Laws of 1970 ex. sess., section 1, chapter 180, Laws of 1975 1st ex. sess. and RCW 19.52.080; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3365, by Senators Hansen, Gaspard and Benitz:

AN ACT Relating to compensation; and amending section 36.70.310, chapter 4, Laws of 1963 and RCW 36.70.310.

Referred to Committee on Local Government.

SENATE BILL NO. 3366, by Senators Wojahn, Rasmussen and Jones:

AN ACT Relating to adoption; creating a new section; and making an appropriation.

Referred to Judiciary Committee.

SENATE BILL NO. 3367, by Senators Shinpoch, Rasmussen, Jones, Bradburn and Moore:

AN ACT Relating to state investments; amending section 3, chapter 104, Laws of 1965 ex. sess. as amended by section 5, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.84.031; amending section 43.84.080, chapter 8, Laws of 1965 as last amended by section 1, chapter 154, Laws of 1979 ex. sess. and RCW 43.84.080; amending section 43.84.140, chapter 8, Laws of 1965 and RCW 43.84.140; amending section 2, chapter 17, Laws of 1975-'76 2nd ex. sess. as last amended by section 3, chapter 119, Laws of 1979 and RCW 43.84.150; amending section 14, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.84.170; amending section 8, chapter 267, Laws of 1971 ex. sess. as amended by section 1, chapter 103, Laws of 1973 1st ex. sess. and RCW 2.10.080; amending section 8, chapter 229, Laws of 1937 as amended by section 1, chapter 221, Laws of 1955 and RCW 2.12.070; amending section 43.33.030, chapter 8, Laws of 1965 and RCW 43.33.030; amending section 10, chapter 251, Laws of 1977 ex. sess. and RCW 43.33.130; amending section 3, chapter 261, Laws of 1945 as last amended by section 1, chapter 170, Laws of 1973 1st ex. sess. and RCW 41.24.030; amending section 6, chapter 209, Laws of 1969 ex. sess. as last amended by section 3, chapter 44, Laws of 1975-'76 2nd ex. sess. and RCW 41.26.060; amending section 7, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 103, Laws of 1973 1st ex. sess. and RCW 41.26.070; amending section 15, chapter 103, Laws of 1973 1st ex. sess. and RCW 41.32.207; amending section 16, chapter 103, Laws of 1973 1st ex. sess. and RCW 41.40.072; amending section 2, chapter 91, Laws of 1959 and RCW 41.40.075; amending section 9, chapter 274, Laws of 1947 as last amended by section 4, chapter 128, Laws of 1969 and RCW 41.40.080; amending section 7, chapter 105, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 251, Laws of 1977 ex. sess. and RCW 41.50.050; amending section 10, chapter 105, Laws of 1975-'76 2nd ex. sess. as amended by section 2, chapter 251, Laws of 1977 ex. sess. and RCW 41.50.080; amending section 5, chapter 10, Laws of 1965 as amended by section 11, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.300; amending section 43.43.170, chapter 8, Laws of 1965 as amended by section 2, chapter 12, Laws of 1969 and RCW 43.43.170; amending section 43.43.175, chapter 8, Laws of 1965 and RCW 43.43.175; amending section 4, chapter 281, Laws of 1961 as amended by section 3, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.210; amending section 47.58.070, chapter 13, Laws of 1961 and RCW 47.58.070; amending section 47.60.100, chapter 13, Laws of 1961 and RCW 47.60.100; amending section 51.44.100, chapter 23, Laws of 1961 as last amended by section 6, chapter 103, Laws of 1973 1st ex. sess. and RCW 51.44.100; amending section 7, chapter 217, Laws of 1945 and RCW 73.12.060; amending section 2, chapter 207, Laws of 1975 1st ex. sess. and RCW 77.12.323; adding a new chapter to Title 43 RCW; creating a new section; repealing section 43.33.020, chapter 8, Laws of 1965 and RCW 43.33.020; repealing section 43.33.025, chapter 8, Laws of 1965 and RCW 43.33.025; repealing section 43.33.040, chapter 8, Laws of 1965 and RCW 43.33.040; repealing section 7, chapter 103, Laws of 1973 1st ex. sess., section 112, chapter 34, Laws of 1975-'76 2nd ex. sess., section 3, chapter 251, Laws of 1977 ex. sess., section 1, chapter 119, Laws of 1979 and RCW 43.33.050; repealing section 8, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.33.060; repealing section 9, chapter 103, Laws of 1973 1st ex. sess., section 26, chapter 105, Laws of 1975-'76 2nd ex. sess., section 4, chapter 251, Laws of 1977 ex. sess. and RCW 43.33.070; repealing section 10, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.33.080; repealing section 11, chapter 103,

Laws of 1973 1st ex. sess. and RCW 43.33.090; repealing section 6, chapter 251, Laws of 1977 ex. sess., section 2, chapter 119, Laws of 1979 and RCW 43.33.110; repealing section 11, chapter 251, Laws of 1977 ex. sess. and RCW 43.33.120; providing effective dates; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3368, by Senators Moore, Woody, Talmadge, Shinpoch, Morrison, Bottiger, Quigg and Gaspard:

AN ACT Relating to mobile home landlords and tenants; amending section 3, chapter 279, Laws of 1977 ex. sess. as amended by section 1, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.030; amending section 5, chapter 279, Laws of 1977 ex. sess. as amended by section 3, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.050; amending section 7, chapter 279, Laws of 1977 ex. sess. as amended by section 5, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.070; amending section 8, chapter 279, Laws of 1977 ex. sess. as amended by section 6, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.080; amending section 9, chapter 279, Laws of 1977 ex. sess. as amended by section 7, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.090; and adding a new section to chapter 59.20 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3369, by Senators McDermott and Vognild:

AN ACT Relating to public employees' collective bargaining; and amending section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020.

Referred to Committee on Labor.

SENATE BILL NO. 3370, by Senators Guess, Hayner and Jones:

AN ACT Relating to the state legislature; adding a new chapter to Title 44 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3371, by Senators Peterson, Wanamaker and Goltz (by Department of Ecology request):

AN ACT Relating to tidelands; authorizing the purchase of tidelands for establishment of an estuarine sanctuary; and making an appropriation.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3372, by Senators Rasmussen, Scott and Odegaard:

AN ACT Relating to public employment salary surveys; amending section 16, chapter 1, Laws of 1961 as last amended by section 58, chapter 151, Laws of 1979 and RCW 41.06.160; amending section 5, chapter 152, Laws of 1977 ex. sess. as amended by section 60, chapter 151, Laws of 1979 and RCW 41.06.167; and amending section 11, chapter 36, Laws of 1969 ex. sess. as last amended by section 16, chapter 151, Laws of 1979 and RCW 28B.16.110.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3373, by Senators McDermott, Ridder, Talmadge, Gaspard, Lee, Morrison and von Reichbauer:

AN ACT Relating to the common schools; setting forth certain powers and duties of school personnel relative to the conduct of students; amending section 5, chapter 142, Laws of 1972 ex. sess. and RCW 28A.58.1011; amending section 3, chapter 97, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.201; creating new sections; providing penalties; and making an appropriation.

Referred to Committee on Education.

SENATE BILL NO. 3374, by Senators Bottiger and Pullen:

AN ACT Relating to criminal behavior of residents of state institutions; and amending section 2, chapter 108, Laws of 1979 ex. sess. and RCW 72.72.020.

Referred to Judiciary Committee.

SENATE BILL NO. 3375, by Senator Lysen:

AN ACT Relating to salmon; and amending section 4, chapter 35, Laws of 1971 as amended by section 1, chapter 23, Laws of 1974 ex. sess. and RCW 75.16-.120.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3376, by Senators Walgren, Van Hollebeke and Rasmussen:

AN ACT Relating to state government; adding new sections to chapter 43.88 RCW; and making an appropriation.

Referred to Committee on State Government.

SENATE BILL NO. 3377, by Senators Bottiger, Jones and Van Hollebeke:

AN ACT Relating to judgments; and adding a new section to chapter 4.56 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3378, by Senators Moore, Vognild and Van Hollebeke:

AN ACT Relating to civil service in the sheriff's office; amending section 8, chapter 1, Laws of 1959 and RCW 41.14.080; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 3379, by Senator McDermott:

AN ACT Relating to local zoning preemption; amending 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; amending section 9, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.090; amending 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; adding a new section to chapter 35.63 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3380, by Senators McDermott, Henry, Quigg, Vognild and Lysen:

AN ACT Relating to the processing of timber from public lands; creating new sections; adding new sections to Title 79 RCW as a new chapter thereof; providing penalties; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3381, by Senators Scott, Clarke, Lewis, Guess, Gallagher, Lee and Bradburn:

AN ACT Relating to state government; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3382, by Senators Guess, Hayner and Jones:

AN ACT Relating to the state legislature; amending section 43.79.270, chapter 8, Laws of 1965 as amended by section 2, chapter 144, Laws of 1973 and RCW 43.79.270; adding a new chapter to Title 44 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3383, by Senators Bausch, Gaspard, Wojahn, Talley and von Reichbauer:

AN ACT Relating to retirement credit for military service; and amending section 18, chapter 274, Laws of 1947 as last amended by section 14, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.170.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3384, by Senator Van Hollebeke:
AN ACT Relating to business regulation; and making an appropriation.
Referred to Committee on Commerce.

SENATE BILL NO. 3385, by Senators Walgren and Donohue:
AN ACT Relating to criminal justice; and making an appropriation.
Referred to Judiciary Committee.

SENATE BILL NO. 3386, by Senator Wilson:
AN ACT Relating to transportation regulation.
Referred to Committee on Transportation.

SENATE BILL NO. 3387, by Senator Goltz:
AN ACT Relating to community colleges; creating new sections; and making an appropriation.
Referred to Committee on Higher Education.

SENATE BILL NO. 3388, by Senator Goltz:
AN ACT Relating to postsecondary education; creating new sections; and making an appropriation.
Referred to Committee on Higher Education.

SENATE BILL NO. 3389, by Senator Goltz:
AN ACT Relating to postsecondary education; creating new sections; and making an appropriation.
Referred to Committee on Higher Education.

SENATE BILL NO. 3390, by Senator Goltz:
AN ACT Relating to higher education; creating new sections; and making an appropriation.
Referred to Committee on Higher Education.

SENATE BILL NO. 3391, by Senator Van Hollebeke:
AN ACT Relating to the Washington coordinate system.
Referred to Committee on Commerce.

SENATE BILL NO. 3392, by Senator Woody:
AN ACT Relating to public disclosure.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3393, by Senators Walgren, Conner, Peterson and von Reichbauer:
AN ACT Relating to the Washington state ferry system; and making an appropriation.
Referred to Committee on Transportation.

SENATE BILL NO. 3394, by Senators Walgren, Conner, Peterson and von Reichbauer:
AN ACT Relating to transportation; and making an appropriation.
Referred to Committee on Transportation.

SENATE BILL NO. 3395, by Senators McDermott and Donohue:
AN ACT Relating to the Washington state library; creating new sections; and making an appropriation.
Referred to Committee on Education.

SENATE BILL NO. 3396, by Senators Walgren, Conner, Peterson and von Reichbauer:
AN ACT Relating to the Washington state ferry system; and making an appropriation.
Referred to Committee on Transportation.

SENATE BILL NO. 3397, by Senators Williams and McDermott:

AN ACT Relating to electrical energy conservation; amending section 35.92-.050, chapter 7, Laws of 1965 and RCW 35.92.050; amending section 5, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.050; amending section 14, chapter 218, Laws of 1959 and RCW 54.04.010; amending section 5, chapter 390, Laws of 1955 and RCW 54.16.040; amending section 80.04.010, chapter 14, Laws of 1961 as last amended by section 10, chapter 191, Laws of 1979 ex. sess. and RCW 80.04.010; amending section 80.28.020, chapter 14, Laws of 1961 and RCW 80.28.020; amending section 2, chapter 45, Laws of 1970 ex. sess. as last amended by section 2, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.020; amending section 4, chapter 45, Laws of 1970 ex. sess. as last amended by section 1, chapter 254, Laws of 1979 ex. sess. and RCW 80.50.040; amending section 6, chapter 45, Laws of 1970 ex. sess. as last amended by section 5, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.060; and creating a new section.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3398, by Senators Matson and Jones:

AN ACT Relating to education; amending section 3, chapter 10, Laws of 1972 ex. sess. as amended by section 108, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.100; amending section 18, chapter 359, Laws of 1977 ex. sess. as amended by section 7, chapter 250, Laws of 1979 ex. sess. and RCW 28A.58.758; amending section 3, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.020; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 3399, by Senator Bottiger:

AN ACT Relating to justice courts; and adding a new section to chapter 3.66 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3400, by Senator Bausch:

AN ACT Relating to electrology; amending section 1, chapter 25, Laws of 1974 ex. sess. as last amended by section 1, chapter 242, Laws of 1979 ex. sess. and RCW 18.18.010; amending section 1, chapter 215, Laws of 1937 as last amended by section 18, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.030; amending section 8, chapter 180, Laws of 1951 as last amended by section 26, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.190; amending section 11, chapter 52, Laws of 1957 as last amended by section 4, chapter 242, Laws of 1979 ex. sess. and RCW 18.18.260; and adding new sections to chapter 18.18 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 3401, by Senator Bottiger:

AN ACT Relating to energy conservation; authorizing the issuance and sale of state general obligation bonds; providing ways and means to pay for the bonds; providing for submission of this act to a vote of the people; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3402, by Senators Bottiger and Talley:

AN ACT Relating to preparedness for nuclear accidents; adding a new section to chapter 70.98 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3403, by Senators Van Hollebeke, Clarke and Talmadge (by Judicial Council request):

AN ACT Relating to courts of limited jurisdiction; adding a new chapter to Title 3 RCW; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 3404, by Senators Scott, Odegaard and Lee:

AN ACT Relating to state government; amending section 3, chapter 109, Laws of 1974 ex. sess. as amended by section 2, chapter 109, Laws of 1975 1st ex. sess. and RCW 28B.30.604; amending section 13, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.230; amending section 43.79.330, chapter 8, Laws of 1965 as amended by section 3, chapter 67, Laws of 1979 ex. sess. and RCW 43.79.330; amending section 7, chapter 91, Laws of 1975-'76 2nd ex. sess. and RCW 46.12-.360; amending section 1, chapter 140, Laws of 1969 ex. sess. and RCW 48.58.010; amending section 11, chapter 55, Laws of 1933 and RCW 67.16.110; amending section 74.09.160, chapter 26, Laws of 1959 as last amended by section 1, chapter 81, Laws of 1979 ex. sess. and RCW 74.09.160; amending section 3, chapter 136, Laws of 1967 ex. sess. and RCW 86.18.030; amending section 1, chapter 141, Laws of 1969 ex. sess. and RCW 90.48.285; amending section 3, chapter 106, Laws of 1967 and RCW 90.50.030; amending section 1, chapter 123, Laws of 1933 (uncodified); creating new sections; repealing section 74.16.190, chapter 26, Laws of 1959, section 19, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.190; repealing section 2, chapter 136, Laws of 1967 ex. sess. and RCW 86.18.020; repealing section 7, chapter 106, Laws of 1967 and RCW 90.50.070; repealing section 4, chapter 9, Laws of 1973 and RCW 43.75.220; and providing effective dates.

Referred to Committee on State Government.

SENATE BILL NO. 3405, by Senators Day, Gallagher and Rasmussen (by Department of Licensing request):

AN ACT Relating to state government; and amending section 8, chapter 237, Laws of 1967 and RCW 34.04.170.

Referred to Committee on State Government.

SENATE BILL NO. 3406, by Senators Scott, Odegaard and Lee:

An ACT Relating to certain state funds; amending section 28A.40.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.40.100; amending section 28A.41.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.41.040; amending section 28A-.41.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.41.050; amending section 28A.35.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 59, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.35.030; amending section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 1, chapter 237, Laws of 1979 ex. sess. and RCW 28A.48.010; creating new sections; repealing section 28A.41.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.41.020; and repealing section 28A.41.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.41.030.

Referred to Committee on Education.

SENATE BILL NO. 3407, by Senators Quigg, Bottiger, Scott and Lee:

AN ACT Relating to energy conservation; adding new sections to chapter 43.21F RCW; and making an appropriation.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3408, by Senator Bottiger:

AN ACT Relating to energy conservation; authorizing the issuance and sale of state general obligation bonds; providing ways and means to pay for the bonds; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3409, by Senators Quigg, Bottiger and Henry:

AN ACT Relating to inheritance and gift taxation; amending section 3, chapter 292, Laws of 1961 as amended by section 2, chapter 209, Laws of 1979 ex. sess. and RCW 83.04.013; and adding a new section to chapter 83.58 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3410, by Senators Talmadge and Clarke:

AN ACT Relating to justice court commissioners; and amending section 31, chapter 299, Laws of 1961 and RCW 3.42.010.

Referred to Judiciary Committee.

SENATE BILL NO. 3411, by Senator Donohue:

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3412, by Senators Quigg, Bottiger, Henry and Lee:

AN ACT Relating to energy conservation tax exemptions; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.44 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 3413, by Senators Gallagher and Conner:

AN ACT Relating to tidelands; amending section 140, chapter 255, Laws of 1927 and RCW 79.01.560; and amending section 2, chapter 217, Laws of 1971 ex. sess. as amended by section 1, chapter 186, Laws of 1974 ex. sess. and RCW 79.01-.470.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3414, by Senators Talmadge and Clarke:

AN ACT Relating to the Washington state magistrates' association; and amending section 126, chapter 299, Laws of 1961 and RCW 3.70.040.

Referred to Judiciary Committee.

SENATE BILL NO. 3415, by Senators Day, Fleming, Moore, Talmadge, Vognild, Wanamaker and Henry:

AN ACT Relating to the white cane law; and amending section 2, chapter 141, Laws of 1969 and RCW 70.84.020.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3416, by Senators Goltz, Sellar, Wilson and Gallagher (by Joint Board of Legislative Ethics request):

AN ACT Relating to legislative ethics; and amending section 8, chapter 218, Laws of 1977 ex. sess. and RCW 44.60.110.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3417, by Senator Clarke:

AN ACT Relating to industrial insurance; and amending section 3, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 231, Laws of 1979 ex. sess. and RCW 51.32.220.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3418, by Senator Donohue:

AN ACT Relating to institutions of higher education; providing for the acquisition, construction, remodeling, furnishing, and equipping of certain state buildings and facilities for institutions of higher education and the financing thereof by the issuance of bonds, including bond anticipation notes; providing ways and means of payment of the bonds; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3419, by Senators Donohue, Walgren and Shinpoch:

AN ACT Relating to deferred compensation plans for public employees; amending section 1, chapter 264, Laws of 1971 ex. sess. as last amended by section 2, chapter 274, Laws of 1975 1st ex. sess. and RCW 41.04.250; amending section 1,

chapter 274, Laws of 1975 1st ex. sess. as amended by section 84, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 41.04.260; and creating a new section.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3420, by Senators Bottiger and Benitz:

AN ACT Relating to energy conservation; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3421, by Senators Woody, Bottiger, Benitz and Wilson:

AN ACT Relating to conservation loans; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3422, by Senators Henry, Benitz, Hansen and Talley:

AN ACT Relating to port districts; providing for facilities by port districts for the movement of freight and passengers; adding new sections to chapter 53.08 RCW; and creating a new section.

Referred to Committee on Transportation.

SENATE BILL NO. 3423, by Senators Pullen and Peterson:

AN ACT Relating to hunting licenses; amending section 77.32.070, chapter 36, Laws of 1955 and RCW 77.32.070; and amending section 77.32.090, chapter 36, Laws of 1955 and RCW 77.32.090.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3424, by Senators Conner and Rasmussen:

AN ACT Relating to veterans; amending section 1, chapter 178, Laws of 1949 as last amended by section 221, chapter 158, Laws of 1979 and RCW 73.04.110; and prescribing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 3425, by Senators Hansen, Bottiger and Benitz:

AN ACT Relating to hydroelectric and water supply projects; amending section 75.20.040, chapter 12, Laws of 1955 and RCW 75.20.040; amending section 75.20.060, chapter 12, Laws of 1955 and RCW 75.20.060; amending section 1, chapter 153, Laws of 1963 and RCW 75.20.061; amending section 75.20.090, chapter 12, Laws of 1955 and RCW 75.20.090; amending section 77.16.210, chapter 36, Laws of 1955 and RCW 77.16.210; amending section 77.16.220, chapter 36, Laws of 1955 and RCW 77.16.220; amending section 1, chapter 152, Laws of 1963 and RCW 77.16.221; and creating a new section.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3426, by Senator Donohue:

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3427, by Senator Donohue:

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

Referred to Committee on Ways and Means.

SENATE BILL NO. 3428, by Senator Donohue:

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

Referred to Committee on Ways and Means.

SENATE BILL NO. 3429, by Senator Donohue:

AN ACT Relating to institutions of higher education; providing for the acquisition, construction, remodeling, furnishing, and equipping of certain state buildings and facilities for institutions of higher education and the financing thereof by the issuance of bonds, including bond anticipation notes; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3430, by Senator Donohue:

AN ACT Relating to community colleges; authorizing the issuance and sale of state general obligation bonds, including bond anticipation notes, to fund community college capital projects; providing ways and means for the payment of the bonds; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3431, by Senator Donohue:

AN ACT Relating to education.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3432, by Senator Donohue:

AN ACT Relating to facilities for the handicapped; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3433, by Senator Donohue:

AN ACT Relating to grant payments; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3434, by Senator Donohue:

AN ACT Relating to the budget.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3435, by Senator Donohue:

AN ACT Relating to the state library; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3436, by Senator Donohue:

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3437, by Senator Donohue:

AN ACT Relating to mental health; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3438, by Senator Donohue:

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 126, by Senators Odegaard, Rasmussen, Walgren, Wilson, Ridder, Jones, Goltz, Talley, Peterson, Gaspard, Fleming, Day, Vogniild, McDermott, Woody, Williams, Wojahn and Hurley:

Authorizing tax relief for owner-occupied residences.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 127, by Senator Talley:

Limiting liability of municipal corporations.

Referred to Committee on Local Government.

repealing section 3, chapter 98, Laws of 1951 and RCW 41.04.090; and SENATE JOINT RESOLUTION NO. 128, by Senators Donohue and Shinpoch:

Exempting the state operating budget from the requirement that amendments be set forth in full.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 129, by Senator Haley:

Permitting the motor vehicle fund to be used for public transportation purposes.

Referred to Committee on Transportation.

HOUSE BILL NO. 115, by Representatives Vrooman and North (by Committee on Local Government of the 45th Legislature request):

Authorizing private construction and improvement of county roads.

Referred to Committee on Local Government.

HOUSE BILL NO. 209, by Representatives Winsley, Smith (Rick); and Newhouse (by Judicial Council request):

Authorizing discretionary review of administrative agency decisions by the court of appeals.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 726, by Committee on Local Government (originally sponsored by Representatives Zimmerman and Charnley):

Implementing law relating to grant of franchises for use of rights of way of county roads.

Referred to Committee on Local Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 763, by Committee on Appropriations (originally sponsored by Representatives Douthwaite, Patterson, Burns and McGinnis):

Authorizing certain higher education employees to select a retirement program.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1193, by Representative Clayton (by Department of Employment Security request):

Revising the basis upon which benefits are paid to certain persons under unemployment compensation.

Referred to Committee on Labor.

MOTION

At 12:30 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.

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 Senate Bill No. 2055.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2055, by Committee on Education (originally sponsored by Senators Odegaard and Gould):

Mandating course for teachers in how to identify children with learning/language disabilities.

MOTIONS

On motion of Senator Odegaard, Second Substitute Senate Bill No. 2055 was substituted for Substitute Senate Bill No. 2055 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Second Substitute Senate Bill No. 2055 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, Senate Bill 2055 . . . 'this act shall take effect on September 1, 1981', Is that the starting date of the course in the colleges or is that the starting date when the noncertification of teachers will apply at the time that they apply for this certification?"

Senator McDermott: "Senator Rasmussen, the intention was to start the courses no later than that date. That was to give them a year of planning to put it together so that by 1981 it could be in effect in teachers' colleges."

Senator Rasmussen: "Then the noncertification of teachers would not apply until after (sic) a year when the courses would be in effect?"

Senator McDermott: "At least a year, yes."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 2055, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Haley—1.

Excused: Senators Fleming, Vognild—2.

SECOND SUBSTITUTE SENATE BILL NO. 2055, having received the 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. 3164, by Senators von Reichbauer, Fleming, Lewis and Ridder:

Authorizing and establishing priorities for urban state parks.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 3164 was substituted for Senate Bill No. 3164 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 3164 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Senator von Reichbauer, I don't suppose anybody can really quarrel with the purposes you have outlined; however, it is perfectly obvious that assuming the resources available for parks operation and development in this state remain the same, that an increased emphasis on parks in urban areas within city boundaries can only result in a lesser emphasis on parks located in rural areas of the state and particularly those in eastern Washington. While there are increasing fuel problems with respect to driving automobiles here and there; nonetheless the automobile by no means has become as dead as a horse and is not likely it will happen for some time. The parks in eastern Washington, at least many of them, already are over-crowded essentially with persons coming from the west side to enjoy their facilities. I guess the essence of my question is, how can we direct the state parks and recreation commission to, in the wording of the summary here, place a high priority on the development, redevelopment and renovation of state parks located in urban areas without, at the same time, detrimentally affecting parks which are not located in urban areas?"

Senator von Reichbauer: "Senator Wilson, your concern was raised at our committee and although the membership of our committee is as diverse as the membership of this body, it passed unanimously because we revised the original definition of urban area to include 5,000 population. Now 5,000 population is a small town and we did this and adopted a definition of urban area of 5,000 to be in conjunction with the existing definition used by the department of transportation which is 5,000. And the proposal, I think, speaks to the problem of the small communities. Again, the thrust of this is to give legislative intent to IAC and to state parks and recreation, but our concern is for the suburban and urban areas and I don't think in any way this will neglect eastern Washington."

POINT OF INQUIRY

Senator Guess: "Senator von Reichbauer, as I read the bill I am wondering if you will tell me whether I am correct or incorrect. It appears now that the state will be doing the funding for the parks in Spokane and will relieve the city taxpayers of the burden of having to pay for the creation of new parks within the city that we would normally, on our long-range plan, our twenty-five year plan, we had anticipated that we were going to have to build these parks and develop them as a city group.

"Now I am very delighted to see you sponsoring a bill that will relieve the citizens of the city of Spokane from having to pay to develop those parks; but the problem that I wonder about is the park department, the state park department, going to use the planning that Spokane has spent so many hours on and, are they going to follow the same plan in parks in Spokane that the local board would have done?"

Senator von Reichbauer: "Senator Guess, the proposal before us gives them the local authority and gives the IAC and the parks and recreation commission the thrust to do this. Specifically, in your individual case, that would be brought about by mutually agreed upon agreement by both parties. The language of this bill clearly states that any agreement that were to be brought to bear either by IAC or parks and recreation must be mutually agreed upon by both parties; so the people in Spokane would definitely have a right in that original agreement to set the standards they want to be met by any agreement."

Senator Guess: "Okay then, after the parks commission and Spokane have agreed to everything they knew that the state commission wanted to do, then the state will pick up all of the cost of doing that, and the local government won't have to fund it. Is that correct?"

Senator von Reichbauer: "No, Senator. This is calling for a joint agreement by both parties into this and the local government as well as the IAC and parks and recreation would then come to a mutually agreed upon decision as to how they are going to approach this. All this is doing is two things primarily in the area of the cities. One, to give a thrust to the urban and suburban areas of our state, and secondly, to clear up ambiguous language which now prohibits parks and recreation and IAC working within city corporate areas; and that is why this bill has the endorsement of the Association of Washington Cities, and the Association of Washington Counties."

Debate ensued.

POINT OF INQUIRY

Senator Guess: Senator Lewis, can you tell me how the state parks department is going to come into Spokane and build a park that even though there is an agreement, why would it be necessary at this late date for the state legislature to mandate that the state park department be put into the local agencies? Why is this necessary?"

Senator Lewis: "Senator Guess, the thrust of this is to recognize the energy crisis, for one thing, to have facilities available at population centers and can have more access to them and it doesn't say they will be inside any given jurisdiction, but by cooperation with the local jurisdiction, county or city, they can work together and come up with an agreeable plan to have a facility there."

Senator Guess: "Are you sure this is not going to duplicate the amount of regulation and red tape for the city to go ahead and build their own parks?"

Senator Lewis: "The city won't have to agree to anything it doesn't care to agree to."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3164, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—45.

Voting nay: Senators Matson, Shinpoch, Wilson—3.

Excused: Senator Vognild—1.

SUBSTITUTE SENATE BILL NO. 3164, having received the 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 eighth order of business. On motion of Senator Walgren, any additional sponsors will be permitted on Senate Resolution 1980-162.

On motion of Senator Walgren, the following resolution was unanimously adopted:

SENATE RESOLUTION 1980-162

By Senators Walgren, Hansen, Goltz, Gaspard, Shinpoch, Henry, Morrison, Lysen, Talmadge, Moore, Jones, Bluechel and Peterson:

WHEREAS, William O. Douglas became a Washington resident at a tender age; and

WHEREAS, He came to especially love our state because of his lifelong commitment to the preservation of the environment, first occasioned by his conquest of his childhood polio; and

WHEREAS, As a young lawyer and college professor he laid the scholarly foundation for his later judicial service; and

WHEREAS, Franklin Delano Roosevelt recognized his brilliance and the need for the United States Supreme Court to have a strong representative from the western United States; and

WHEREAS, William O. Douglas was appointed as a Supreme Court Justice in 1939; and

WHEREAS, Justice Douglas served on our highest court for thirty-six years; and

WHEREAS, Such service constituted the longest term ever served by a member of the most august judicial body in the world; and

WHEREAS, He became a great champion of the voiceless, the poor, the humble, the discriminated against and the disenfranchised; and

WHEREAS, His interpretations of the First Amendment to the United States Constitution are among his most significant and greatest contributions to our society; and

WHEREAS, Those opinions initially earned him the label of the "lone dissenter," his foresight and courage ultimately influenced the other members of the Court to render decisions which became the living fabric of the law; and

WHEREAS, His love for our country and its citizens is his greatest legacy; and

WHEREAS, That love is reflected not only in his written judicial opinions, but also in his independent literary efforts; and

WHEREAS, His own quotations are illustrative of his philosophy; "Our great land in spite of its shortcomings is still the hope of mankind across the globe." I hope our people remember our great and glorious tradition of liberty and freedom enshrined in our Constitution;" and

WHEREAS, His dedication to the environment was never ending; and

WHEREAS, He once said, "I hope the people will put their arms around their part of this wondrous planet, love it, care for it, and treat it as they would a precious and delicate child;" and

WHEREAS, He represented our state with the utmost honor and distinction;

NOW, THEREFORE, BE IT RESOLVED, BY THE SENATE, That the state of Washington and her people are greatly saddened by the loss of Justice Douglas; and

BE IT FURTHER RESOLVED, That the Senate and each of its members extend sincere and heartfelt condolences to his wife, Cathleen, his children, and all other members of his family; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate provide a suitably inscribed copy of this resolution to his wife and family.

MOTIONS

On motion of Senator Donohue, the Committee on Ways and Means was relieved from further consideration of Senate Bill No. 3267.

On motion of Senator Donohue, Senate Bill No. 3267 was rereferred to the Committee on Parks and Recreation.

On motion of Senator Walgren, the rules were suspended and additional sponsors were permitted on all bills introduced during the present session.

At 2:15 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, January 22, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 22, 1980.

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 Vognild and von Reichbauer. On motion of Senator Wilson, Senators Vognild and von Reichbauer were excused.

The Color Guard, consisting of Pages Kathleen Aaberg and Mark Westley, presented the Colors. Reverend Lester G. Olson, senior pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"O LORD OF HOLY WRIT AND DAILY NEWSPAPER, WE CONFESS THAT THE BEAUTY OF YOUR CREATION HAS OFTEN BEEN DESPOILED BY OUR STYLE OF LIVING. PROD US TO LEGISLATIVE ENDEAVOR, TO CREATE SYSTEMS WHICH RENEW THE LAND, PROTECT THE ENVIRONMENT, AND THUS PRESERVE FOR FUTURE GENERATIONS CREATION IN ALL ITS SPLENDOR. DEDICATE US TO THE PURPOSE OF UNITY IN WHAT WE READ IN HOLY WRIT AND IN THE NEWSPAPER."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 22, 1980.

SENATE BILL NO. 2922, providing for a building for the public employees retirement system (reported by Committee on State Government):

Recommendation: That Second Substitute Senate Bill No. 2922 be substituted therefor, and the second substitute bill do pass and be referred to the Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Rereferred to Committee on Ways and Means.

January 18, 1980.

SENATE BILL NO. 3207, adding five judges to the King County Superior Court (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3207 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Jones, Pullen, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 21, 1980.

SENATE BILL NO. 3214, repealing a limitation on road contract awards (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

January 21, 1980.

SENATE BILL NO. 3280, revising laws relating to real estate brokers and salesmen (reported by Committee on Commerce):

Recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 22, 1980.

WALLACE R. EDWARDS, to the position of Member of the State Gambling Commission, appointed by the Governor on August 14, 1979 for the term ending June 30, 1985, succeeding Albert L. Pasquan (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 21, 1980.

RUBY CHOW, to the position of Member of the State Jail Commission, appointed by the Governor on October 17, 1979 for the term ending October 7, 1982, succeeding herself (reported by the Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules.

January 21, 1980.

LARRY V. ERICKSON, to the position of Member of the State Jail Commission, appointed by the Governor on October 17, 1979 for the term ending October 7, 1982, succeeding himself (reported by the Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules.

January 21, 1980.

C. J. "CORKY" JOHNSON, to the position of Member of the State Jail Commission, appointed by the Governor on October 17, 1979 for the term ending October 7, 1982, succeeding himself (reported by the Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules.

January 21, 1980.

JAMES L. YOUNG, to the position of Member of the State Jail Commission, appointed by the Governor on October 17, 1979 for the term ending October 7, 1982, succeeding himself (reported by the Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules.

January 21, 1980.

ERNEST M. CONRAD, to the position of Member of the Council for Post-secondary Education, appointed by the Governor on August 1, 1979 for the term ending June 30, 1985, succeeding Ruth Shepherd (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Scott, Shinpoch.

Passed to Committee on Rules.

January 21, 1980.

VITT P. FERRUCCI, D.V.M., to the position of Member of the Washington State University Board of Regents, appointed by the Governor on November 19, 1979 for the term ending September 30, 1985, succeeding Robert Gibb (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Scott, Shinpoch.

Passed to Committee on Rules.

January 21, 1980.

HERBERT GELMAN, to the position of Member of the Board of Trustees, The Evergreen State College, appointed by the Governor on October 1, 1979 for the term ending September 30, 1985, succeeding Halvor Halvorson (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Scott, Shinpoch.

Passed to Committee on Rules.

January 21, 1980.

FRANK H. LARNER, to the position of Member of the Board of Trustees of Grays Harbor College, appointed by the Governor on October 4, 1979 for the term ending September 30, 1984, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

January 21, 1980.

CAROLYN POWERS, to the position of Member of the Board of Trustees, Olympic Community College, appointed by the Governor on October 10, 1979 for the term ending September 30, 1984, succeeding herself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

January 21, 1980.

MARGARET HAYS, to the position of Member of the Board of Trustees, Everett/Edmonds Community Colleges, appointed by the Governor on October 10, 1979 for the term ending September 30, 1984, succeeding herself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

January 21, 1980.

HENRY R. SEIDEL, to the position of Member of the Board of Trustees, Bellevue Community College, appointed by the Governor on October 19, 1979 for the term ending September 30, 1984, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

January 21, 1980.

MICHAEL E. MCGOWAN, to the position of Member of the Board of Trustees, Fort Steilacoom Community College, appointed by the Governor on October 4, 1979 for the term ending September 30, 1984, succeeding Charlotte Chalker (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

January 21, 1980.

ELIZABETH DOUMIT, to the position of Member of the Board of Trustees, Lower Columbia College, appointed by the Governor on October 23, 1979 for the term ending September 30, 1984, succeeding herself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

January 21, 1980.

RICHARD L. SCHWARY, to the position of Member of the Board of Trustees, Clark College, appointed by the Governor on November 9, 1979 for the term ending September 30, 1984, succeeding Ronald Keil (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

January 21, 1980.

RAYMOND R. ANDERSON, to the position of Member of the Board of Trustees, Big Bend Community College, appointed by the Governor on October 5, 1979 for the term ending September 30, 1984, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

January 21, 1980.

JANET N. FINN, to the position of Member of the Board of Trustees, Skagit Valley Community College, appointed by the Governor on December 20, 1979 for the term ending September 30, 1984, succeeding David Strong (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

January 21, 1980.

GENEVA U. DAVIDSON, to the position of Member of the Board of Trustees, Columbia Basin Community College, appointed by the Governor on December 20, 1979 for the term ending September 30, 1984, succeeding Margi Parker (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 21, 1980.

Mr. President: The House has passed:

HOUSE BILL NO. 284,

SUBSTITUTE HOUSE BILL NO. 315,

SUBSTITUTE HOUSE BILL NO. 799,

SUBSTITUTE HOUSE BILL NO. 841,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 858,

SUBSTITUTE HOUSE BILL NO. 1084,

ENGROSSED HOUSE BILL NO. 1263, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTIONS

On motion of Senator Bottiger, the Committee on Ways and Means was relieved from further consideration of Senate Bill No. 3421.

On motion of Senator Bottiger, Senate Bill No. 3421 was rereferred to the Committee on Energy and Utilities.

At 11:15 a.m., on motion of Senator Marsh, the Senate recessed until 12:05 p.m.

NOON SESSION

The President called the Senate to order at 12:05 p.m.

MOTIONS

On motion of Senator Marsh, the Senate returned to the sixth order of business.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3184.

SECOND READING

SENATE BILL NO. 3184, by Senators Hansen and Talmadge:

Authorizing Kittitas county to purchase and convey lands known as the Liberty townsite.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3184 was substituted for Senate Bill No. 3184 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3184 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. 3184 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent: Senator Quigg—1.

Excused: Senators Vognild, von Reichbauer, Walgren—3.

SUBSTITUTE SENATE BILL NO. 3184, having received the 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. 3181.

SECOND READING

SENATE BILL NO. 3181, by Senators Gaspard, Rasmussen, Wojahn and Lee:

Modifying the solar energy system tax exemption.

REPORT OF STANDING COMMITTEE

January 14, 1980.

SENATE BILL NO. 3181, modifying the solar energy system tax exemption (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 17 of the original bill, being page 2, line 18, of the printed bill, after "taxation" strike all material down through line 26 of the original bill, being line 27 of the printed bill, and insert: "PROVIDED, That where a component of a solar energy system also serves as a structural or architectural component of the real property, only that part of the value of the component which is attributable to its solar energy system function shall be exempt from property taxation."

On page 3, line 13 of the original bill, being page 3, line 14 of the printed bill, after "much" insert "thereof"

Signed by: Senators Bottiger, Chairman; Benitz, Hurley, Lewis, Williams, Woody.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the committee amendment to page 2, line 17.

POINT OF INQUIRY

Senator Guess: "Senator Bottiger, there is a term applied to a particular type of wall in a house. It is called a trombie wall. The trombie wall is not used for any structural detail at all. All you do is to build the trombie wall out of reinforced concrete and it is approximately a foot with-in-side of the house. It might go to the ceiling - it might not go to the ceiling. Normally it does not go to the ceiling. What happens though, is the glazing is placed there only so that the heat does not escape back from the trombie wall after it is heated but will go up into the ducting system that they have. Is it, under this law, under the amendment there, would the trombie wall be exempt because it is an expensive part of the passive system?"

Senator Bottiger: "Senator Guess, it is the intent of the committee that the assessor simply not add any value to that house because the owner or builder had installed that example of a passive system. The same could be true of the, I am trying to think of the name of it, I mentioned the thick wall with the fluid in it to absorb heat. Your example is trapping the air between the outside wall and the trombie wall and using that to invex into the heating system. The same thing would be true of other solar examples that you and I have discovered like the embedded rock where the heat is pushed down to the rock and there allowed to radiate out at night. What we are asking the assessor to do is assess that house for the conventional features only and not the solar features."

Senator Guess: "Senator Bottiger there was a word in the digest that I have not been able to quite identify in the bill itself but it said 'the unshaded portion of the glazing on the south wall.' I would like to describe to you the fact that in order to make a house palatable or livable on June 21, the sun has to be, a shadow has to be cast so that the sun line is one foot outside of the glazed portion on June 21 at two o'clock. Now what the purpose of this is, the overhang does shade the wall, but because of the sun in its zenith on the 21st of December is about 15°, in part of our state as much as 23°, during the winter time the glazing accepts and admits the warmth of the sun; but if you, if it was able, if it didn't have that shading over it on June 21 then it would heat the house beyond acceptable limits. So would the assessor hold that because it had the sun's protection for June 21st, that it was shaded?"

Senator Bottiger: "Senator, that is why this bill also appropriates \$10,000 to the department of revenue to set up the rules and regulations. Getting that back down to the level, sir, at least of my knowledge, what you are talking about is the overhang or the eaves in the house to protect the windows from the summer heat. I believe the assessor, or at least it would be my intent, the assessor should not add to the value of the house for tax purposes because people had built that kind of thing. However, I am concerned that when we get down to those small value figures, I am concerned it makes any difference at all. Your trombie wall is an excellent example — the ten-inch thick wall with the water in it is another example of extra cost; but when we just get down to another foot of eave, it probably does not make any difference in the assessed value of the house."

Senator Guess: "Well, if you look at page 2, line 4 it says 'Solar collectors unshaded glazing which is generally south-facing.' This is one of the component parts that are not limited to the exemption. So I think that what I was trying to do is establish the intent of the legislature to make sure that the department has the guidance when they come to write the rules and regulations."

Senator Bottiger: "I think that as you will undoubtedly notice the report is back to the energy committee, and Senator Guess, your expertise is always welcomed. If the department adopt rules that would penalize somebody for doing that, I would appreciate it if you would call it to our attention. We will be watching,, too, and will raise the necessary objections."

Senator Guess: "Thank you very much, Senator."

POINT OF INQUIRY

Senator Clarke: "Senator Bottiger, one of my concerns with respect to this bill has to do with whether or not it is retroactive or applies only to the improvements that are put on after the effective date of the bill. Can you inform me as to that?"

Senator Bottiger: "Senator Clarke, the bill was written so that when we ask the assessors by the rules adopted by the department not to do it in the future. Secondly, we say that if you feel they have, the assessor has, there is a method in the bill for applying for an exemption so that they go back and exempt that out. As to taxes you have already paid, that falls under the constitutional section that says you can't forgive a tax, so I am not sure we can do anything about that so we will have to pick it up retroactively on future taxes."

Senator Clarke: "But if I had some years previously installed solar heating devices which would be under the bill if I installed them in the future, I can, as to future taxes, come in and ask that I be given that exemption?"

Senator Bottiger: "Senator, that is the intent of the bill, that you be permitted to go back and ask him to review how he arrived at the value, and if there were solar devices used, the bill tells them to remove that from the consideration."

Senator Clarke: "Thank you. Now the bill also purports to grant this tax exemption in perpetuity. I have some concern as to that because I would assume that any future legislature could remove the exemption or change the exemption so I assume that the word 'in perpetuity' means 'subject, however, to any future action by a future legislature'."

Senator Bottiger: "Senator, I don't recall the bill using 'perpetuity'. I think the digest mentions that because the bill we originally passed had a seven-year period and by removing that seven-year period I think the digest uses the word 'perpetuity' but unless that can be corrected, I don't see it in the bill. Obviously, any future legislature can change this act."

Senator Clarke: "So in other words, this merely accomplishes insofar as this legislature is concerned if it is enacted, an exemption, and a future legislature could remove that exemption and the public should be aware of that."

Senator Bottiger: "Senator, the public should always be aware of . . . that I would suggest that if conservation is as popular as I think it is, and the last election proved it to be, it would be a very unwise political thing to go back and try to tax people because they helped out in the energy emergency."

Senator Clarke: "One third question. Have you made any investigation as to the additional cost burden on the assessors, of going out and making this type of additional evaluation?"

Senator Bottiger: "Senator, we have tried to assess that. There was an act in effect passed in 1977 which I felt . . . them not to do this. The department of revenue, in adopting their rules, told us the act was hard to follow so the King county assessor, relying on the the '77 act did not raise values because of heat pumps. The Pierce county assessor, relying on the department of revenue rules, did; so undoubtedly, somebody, there will be an expense and to local government, to go back and correct what I feel is the error they made and not under 62 do I believe we have to pay them to do that."

Senator Clarke: "Thanks, Senator."

The motion by Senator Bottiger carried and the committee amendment to page 2, line 17 was adopted.

On motion of Senator Bottiger, the committee amendment to page 3, line 13 was adopted.

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

On page 2, line 2 of the original bill, being page 2, line 3 of the printed bill, after "components" insert "when used in solar energy system"

MOTIONS

On motion of Senator Wilson, Senator Walgren was excused.

On motion of Senator Jones, Senators Quigg and Sellar were excused.

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 3181 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3181 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Jones, Pullen—2.

Excused: Senators Quigg, Sellar, Vognild, von Reichbauer, Walgren—5.

ENGROSSED SENATE BILL NO. 3181, having received the 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 fifth order of business.

On motion of Senator Marsh, all bills on first reading calendar were introduced as a group and referred as indicated on the referral sheet with the exception of Senate Bill No. 3476 which was referred to the Committee on Labor; Senate Bill No. 3547 which was referred to the Committee on State Government; Senate Bill No. 3548 referred to the Committee on Ecology.

On motion of Senator Marsh, the rules were suspended and additional sponsors were permitted on all bills introduced today if any member wishes to do so.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3439, by Senators Guess and Scott:

AN ACT Making an appropriation and authorizing expenditures for capital improvements at Eastern Washington University; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3440, by Senators Shinpoch, Scott, Bausch and Odegaard:

AN ACT Relating to The Evergreen State College; making a capital appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3441, by Senator Van Hollebeke:

AN ACT Relating to limited partnerships; amending section 25.08.020, chapter 15, Laws of 1955 as amended by section 1, chapter 113, Laws of 1972 ex. sess. and RCW 25.08.020; amending section 25.08.250, chapter 15, Laws of 1955 as amended by section 2, chapter 22, Laws of 1979 ex. sess. and RCW 25.08.250; creating a new section; and providing an effective date.

Referred to Committee on Commerce.

SENATE BILL NO. 3442, by Senators Peterson, Gallagher and Gaspard:

AN ACT Relating to commercial salmon fishing licenses; and amending section 75.28.020, chapter 12, Laws of 1955 as amended by section 1, chapter 171, Laws of 1963 and RCW 75.28.020.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3443, by Senator Peterson:

AN ACT Relating to Heart Lake.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3444, by Senator Pullen:

AN ACT Relating to civil commitment; amending section 17, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.120; amending section 20, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.150; amending section 22, chapter 142, Laws of 1973 1st ex. sess. as amended by section 10, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.170; amending section 23, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 11, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.180; amending section 24, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 12, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.190; amending section 25, chapter 142, Laws of 1973 1st ex. sess. as amended by section 13, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.200; amending section 26, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.210; amending section 28, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.230; creating a new section; and providing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3445, by Senators Pullen, Bottiger, Hurley and Gaspard:

AN ACT Relating to restitution for crimes; amending section 9A.20.030, chapter 260, Laws of 1975 1st ex. sess. as amended by section 3, chapter 29, Laws of 1979 and RCW 9A.20.030; amending section 171, page 279, Laws of 1860 as last amended by section 1, chapter 98, Laws of 1909 and RCW 3.20.040; amending section 90, chapter 299, Laws of 1961 as amended by section 15, chapter 81, Laws of 1971 and RCW 3.50.410; amending section 93, chapter 299, Laws of 1961 and RCW 3.50.440; and amending section 117, chapter 299, Laws of 1961 and RCW 3.66.060.

Referred to Judiciary Committee.

SENATE BILL NO. 3446, by Senators Sellar, Bausch and Quigg:

AN ACT Relating to port districts; and amending section 5, chapter 348, Laws of 1955 as amended by section 1, chapter 13, Laws of 1974 ex. sess. and RCW 53.36.010.

Referred to Committee on Local Government.

SENATE BILL NO. 3447, by Senators Odegaard and Talley:

AN ACT Relating to forest lands; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3448, by Senator McDermott:

AN ACT Relating to cities; and amending section 7, chapter 204, Laws of 1969 ex. sess. as amended by section 3, chapter 221, Laws of 1975 1st ex. sess. and RCW 35.86A.070.

Referred to Committee on Local Government.

SENATE BILL NO. 3449, by Senators Donohue and Matson:

AN ACT Relating to the exhibition of motion pictures; and amending section 3, chapter 29, Laws of 1979 ex. sess. and RCW 19.58.030.

Referred to Committee on Commerce.

SENATE BILL NO. 3450, by Senator Pullen:

AN ACT Relating to day care; and adding new sections to chapter 74.15 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3451, by Senator Haley:

AN ACT Relating to civil procedure; and adding a new chapter to Title 4 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3452, by Senators Peterson and Woody:

AN ACT Relating to elections; and amending section 1, chapter 82, Laws of 1973 and RCW 29.64.080.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3453, by Senator Haley:

AN ACT Relating to certain community programs for social, health and educational purposes; amending section 1, chapter 120, Laws of 1979 ex. sess. and RCW 28A.58.246; creating new sections; and making an appropriation.

Referred to Committee on Education.

SENATE BILL NO. 3454, by Senators Donohue, Matson and Odegaard (by Superintendent of Public Instruction request):

AN ACT Relating to the common schools and the support thereof; amending section 1, chapter 241, Laws of 1979 ex. sess. and RCW 28A.47A.010; amending section 4, chapter 241, Laws of 1979 ex. sess. and RCW 28A.47A.040; creating new sections; repealing section 10, chapter 241, Laws of 1979 ex. sess. and RCW 28A.47A.100; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3455, by Senators Lysen and Lee:

AN ACT Relating to port districts; and amending section 10, chapter 65, Laws of 1955 as last amended by section 1, chapter 30, Laws of 1969 ex. sess. and RCW 53.08.090.

Referred to Committee on Local Government.

SENATE BILL NO. 3456, by Senator Bausch:

AN ACT Relating to savings and loans associations; and making an appropriation.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3457, by Senator Rasmussen:

AN ACT Relating to state government; and making an appropriation.

Referred to Committee on State Government.

SENATE BILL NO. 3458, by Senator Talley:

AN ACT Relating to fisheries.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3459, by Senator Bausch:

AN ACT Relating to credit unions; and making an appropriation.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3460, by Senator Lysen:

AN ACT Relating to public employees collective bargaining.

Referred to Committee on Labor.

SENATE BILL NO. 3461, by Senator Peterson:
AN ACT Relating to fisheries; and making an appropriation.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3462, by Senator Peterson:
AN ACT Relating to fisheries; and making an appropriation.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3463, by Senator Talley:
AN ACT Relating to fraternal clubs.
Referred to Committee on Commerce.

SENATE BILL NO. 3464, by Senator Lysen:
AN ACT Relating to industrial insurance; and making an appropriation.
Referred to Committee on Labor.

SENATE BILL NO. 3465, by Senator Lysen:
AN ACT Relating to labor relations; and making an appropriation.
Referred to Committee on Labor.

SENATE BILL NO. 3466, by Senator Van Hollebeke:
AN ACT Relating to alcoholic beverages; and making an appropriation.
Referred to Committee on Commerce.

SENATE BILL NO. 3467, by Senator Van Hollebeke:
AN ACT Relating to consumer protection; and making an appropriation.
Referred to Committee on Commerce.

SENATE BILL NO. 3468, by Senator Van Hollebeke:
AN ACT Relating to licensing; and making an appropriation.
Referred to Committee on Commerce.

SENATE BILL NO. 3469, by Senator Peterson:
AN ACT Relating to shoreline management; and making an appropriation.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3470, by Senator Peterson:
AN ACT Relating to forest practices; and making an appropriation.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3471, by Senator Peterson:
AN ACT Relating to forest practices; and making an appropriation.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3472, by Senator Peterson:
AN ACT Relating to shoreline management; and making an appropriation.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3473, by Senators Gaspard, Matson, McDermott and Morrison (by Superintendent of Public Instruction request):

AN ACT Relating to the common schools; amending section 6, chapter 89, Laws of 1977 ex. sess. as amended by section 1, chapter 89, Laws of 1979 and RCW 28A.03.407; creating new sections; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 3474, by Senators Peterson and Talley:

AN ACT Relating to natural resources; and amending section 2, chapter 216, Laws of 1967 as last amended by section 1, chapter 53, Laws of 1979 and RCW 4.24.210.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3475, by Senators Bottiger, Woody, Quigg and Williams (by Office of Attorney General request):

AN ACT Relating to service stations; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3476, by Senators Moore, Talmadge, Lewis and Quigg:

AN ACT Relating to impasse procedures for uniformed personnel; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 3477, by Senators Bluechel and Wilson:

AN ACT Relating to special purpose districts; and amending section 4, chapter 58, Laws of 1974 ex. sess. as amended by section 9, chapter 300, Laws of 1977 ex. sess. and RCW 56.20.015.

Referred to Committee on Local Government.

SENATE BILL NO. 3478, by Senators Wojahn, Clarke, Ridder, Quigg, Gaspard, von Reichbauer, Van Hollebeke, Rasmussen, Lee, Gould, Haley, Moore, Talmadge, Morrison and Odegaard:

AN ACT Relating to children; adding a new section to chapter 9A.64 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3479, by Senators Talley, Gallagher and Peterson:

AN ACT Relating to enforcement of fish and game laws; adding a new section to chapter 75.08 RCW; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3480, by Senator McDermott:

AN ACT Relating to certain public bodies created pursuant to RCW 35.21-.730 or 35.21.755; and amending section 7, chapter 37, Laws of 1974 ex. sess. as amended by section 1, chapter 35, Laws of 1977 ex. sess. and RCW 35.21.755.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3481, by Senator McDermott:

AN ACT Relating to education and the administration of lands granted the state for educational purposes; and amending section 3, chapter 217, Laws of 1941 and RCW 79.01.094.

Referred to Committee on Education.

SENATE BILL NO. 3482, by Senators Vognild and Walgren:

AN ACT Relating to insurance and health care plans; and amending section 2, chapter 136, Laws of 1977 ex. sess. as amended by section 1, chapter 125, Laws of 1979 and RCW 41.05.025.

Referred to Committee on Labor.

SENATE BILL NO. 3483, by Senators Rasmussen, Lewis, Jones and Moore:

AN ACT Relating to revenue and taxation; and amending section 82.04.300, chapter 15, Laws of 1961 as last amended by section 4, chapter 196, Laws of 1979 ex. sess. and RCW 82.04.300.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3484, by Senators Matson and Morrison:

AN ACT Relating to superior court judges; and amending section 5, chapter 125, Laws of 1951 as last amended by section 1, chapter 49, Laws of 1975 1st ex. sess. and RCW 2.08.063.

Referred to Judiciary Committee.

SENATE BILL NO. 3485, by Senators Odegaard, Rasmussen, Walgren, Wilson and Donohue:

AN ACT Relating to regulatory reform; adding new sections to chapter 34.04 RCW; creating new sections; and prescribing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 3486, by Senators Gould, Quigg, Gallagher, Bluechel, Hayner and Lewis:

AN ACT Relating to energy conservation; amending section 35.23.353, chapter 7, Laws of 1965 and RCW 35.23.353; amending section 46.16.145, chapter 12, Laws of 1961 as last amended by section 48, chapter 136, Laws of 1979 ex. sess. and RCW 46.16.145; adding a new section to chapter 47.36 RCW; adding a new section to chapter 70.95 RCW; defining crimes; prescribing penalties; and providing an effective date.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3487, by Senator Lysen:

AN ACT Relating to retirement; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3488, by Senator Talley:

AN ACT Relating to aircraft; and creating new sections.

Referred to Committee on Transportation.

SENATE BILL NO. 3489, by Senators Gaspard, Bottiger and Rasmussen:

AN ACT Relating to railroads; and amending section 1, chapter 116, Laws of 1969 ex. sess. and RCW 81.44.091.

Referred to Committee on Transportation.

SENATE BILL NO. 3490, by Senators Goltz, von Reichbauer and Lewis:

AN ACT Relating to public disclosure; and amending section 5, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.243.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3491, by Senator Talley:

AN ACT Relating to airports; and amending section 9, chapter 165, Laws of 1947 as amended by section 1, chapter 161, Laws of 1975 1st ex. sess. and RCW 47.68.090.

Referred to Committee on Transportation.

SENATE BILL NO. 3492, by Senators Hayner, Talmadge, Wanamaker and Sellar.

AN ACT Relating to juveniles; amending section 56, chapter 291, Laws of 1977 ex. sess. as amended by section 54, chapter 155, Laws of 1979 and RCW 13.40.020; amending section 74, chapter 291, Laws of 1977 ex. sess. as amended by section 70, chapter 155, Laws of 1979 and RCW 13.40.200; amending section 75, chapter 291, Laws of 1977 ex. sess. as amended by section 71, chapter 155, Laws of 1979 and RCW 13.40.210; amending section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 165, Laws of 1979 ex. sess. and RCW 74.13.031; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3493, by Senators Walgren, Conner and Henry:

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

Referred to Committee on Transportation.

SENATE BILL NO. 3494, by Senators Walgren and Bausch:

AN ACT Relating to deferred compensation plans; amending section 1, chapter 39, Laws of 1970 ex. sess. as last amended by section 2, chapter 125, Laws of 1979 and RCW 41.05.010; amending section 2, chapter 136, Laws of 1977 ex. sess. as amended by section 1, chapter 125, Laws of 1979 and RCW 41.05.025; amending section 3, chapter 39, Laws of 1970 ex. sess. as last amended by section 1, chapter 38, Laws of 1975 1st ex. sess. and RCW 41.05.030; adding new sections to chapter 41.05 RCW; creating new sections; repealing section 1, chapter 264, Laws of 1971 ex. sess., section 1, chapter 19, Laws of 1972 ex. sess., section 1, chapter 99, Laws of 1973 1st ex. sess., section 2, chapter 274, Laws of 1975 1st ex. sess. and RCW 41.04.250; and repealing section 1, chapter 274, Laws of 1975 1st ex. sess., section 84, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.04.260.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3495, by Senators Quigg, Hurley and Pullen:

AN ACT Relating to furloughs for prisoners; amending section 5, chapter 20, Laws of 1973 and RCW 72.66.016; and adding new sections to chapter 72.66 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3496, by Senators Quigg, Woody and Morrison:

AN ACT Relating to unemployment compensation; amending section 97, chapter 35, Laws of 1945 as amended by section 5, chapter 190, Laws of 1979 ex. sess. and RCW 50.24.090; amending section 118, chapter 35, Laws of 1945 as amended by section 10, chapter 215, Laws of 1951 and RCW 50.32.020; and amending section 119, chapter 35, Laws of 1945 as last amended by section 7, chapter 266, Laws of 1959 and RCW 50.32.030.

Referred to Committee on Labor.

SENATE BILL NO. 3497, by Senator Walgren:

AN ACT Relating to court costs and fees; amending section 14, chapter 234, Laws of 1959 as amended by section 87, chapter 81, Laws of 1971 and RCW 34.04.140; and adding a new section to chapter 4.84 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3498, by Senators Hansen, Donohue, Guess and Quigg:

AN ACT Relating to the environment; amending section 29, chapter 61, Laws of 1893 as last amended by section 3, chapter 107, Laws of 1971 ex. sess. and RCW 4.88.260; adding a new section to chapter 4.84 RCW; adding a new section to chapter 43.21C RCW; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Ecology.

SENATE BILL NO. 3499, by Senators Day, Jones, Bradburn and Morrison:

AN ACT Relating to medically fragile children; creating a new chapter in Title 74 RCW; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3500, by Senator Day:

AN ACT Relating to boundary review boards; and amending section 9, chapter 189, Laws of 1967 as last amended by section 12, chapter 5, Laws of 1979 ex. sess. and RCW 36.93.090.

Referred to Committee on Local Government.

SENATE BILL NO. 3501, by Senators Hurley and Day:

AN ACT Relating to children; and amending section 1, chapter 150, Laws of 1935 as last amended by section 1, chapter 251, Laws of 1951 and RCW 26.36.010.

Referred to Judiciary Committee.

SENATE BILL NO. 3502, by Senators Bottiger, Goltz, Odegaard, von Reichbauer, Peterson, Rasmussen, Gaspard, Wojahn, Day and Talmadge (by Executive request):

AN ACT Relating to nuclear waste; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3503, by Senators Bottiger, Donohue, Rasmussen, Odegaard, Scott, Peterson, Goltz, Van Hollebeke, Jones, Lewis and Wojahn (by Executive request):

AN ACT Relating to energy; amending section 1, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.010; amending section 2, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.020; amending section 3, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.030; amending section 4, chapter 108, Laws of 1975-'76 2nd ex. sess. as amended by section 87, chapter 99, Laws of 1979 and RCW 43.21F.040; amending section 5, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.050; amending section 6, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.060; amending section 7, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.070; amending section 10, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.078; amending section 1, chapter 10, Laws of 1979 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 and RCW 43.17.020; amending section 15, chapter 108, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 328, Laws of 1977 ex. sess. and RCW 43.21G.010; amending section 43.31.040, chapter 8, Laws of 1965 as last amended by section 6, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.040; amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; amending section 2, chapter 191, Laws of 1979 ex. sess. and RCW 82.35.020; amending section 3, chapter 191, Laws of 1979 ex. sess. and RCW 82.35.030; amending section 8, chapter 191, Laws of 1979 ex. sess. and RCW 82.35.080; amending section 1, chapter 166, Laws of 1979 ex. sess. and RCW 90.03.247; adding a new section to chapter 43.21F RCW; creating new sections; repealing section 1, chapter 10, Laws of 1965 and RCW 43.31.280; repealing section 3, chapter 10, Laws of 1965 and RCW 43.31.290; repealing section 5, chapter 10, Laws of 1965, section 11, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.300; repealing section 8, chapter 10, Laws of 1965 and RCW 43.31.310; repealing section 9, chapter 10, Laws of 1965 and RCW 43.31.320; repealing section 7, chapter 10, Laws of 1965 and RCW 43.31.330; repealing section 16, chapter 99, Laws of 1979 and RCW 43.131.179; repealing section 58, chapter 99, Laws of 1979 and RCW 43.131.180; repealing section 4, chapter 207, Laws of 1961, section 4, chapter 10, Laws of 1965 and RCW 70.98.040; making an appropriation; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3504, by Senators Henry, Matson, Talley, Benitz, Peterson, Morrison and Bausch:

AN ACT Relating to revenue and taxation; amending section 1, chapter 347, Laws of 1977 ex. sess. as amended by section 1, chapter 6, Laws of 1979 and RCW 84.33.071; amending section 5, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.050; amending section 6, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 6, Laws of 1979 and RCW 84.33.060; amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 6, Laws of 1979 and RCW 84.33.080; amending section 9, chapter 294, Laws of 1971 ex. sess. as amended by section 3, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.090; amending section 10, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.100; amending section 11, chapter 294, Laws of 1971 ex. sess. as amended by section 4, chapter 187, Laws

of 1974 ex. sess. and RCW 84.33.110; amending section 12, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.113; amending section 14, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.115; amending section 15, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.116; amending section 17, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.118; amending section 12, chapter 294, Laws of 1971 ex. sess. as last amended by section 5, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.120; amending section 13, chapter 294, Laws of 1971 ex. sess. as amended by section 6, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.130; amending section 14, chapter 294, Laws of 1971 ex. sess. as last amended by section 7, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.140; amending section 17, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.170; amending section 9, chapter 187, Laws of 1974 ex. sess. as amended by section 4, chapter 6, Laws of 1979 and RCW 84.33.200; amending section 6, chapter 87, Laws of 1970 ex. sess. as amended by section 7, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.060; amending section 12, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.108; amending section 19, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.155; amending section 28A.45.120, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.120; amending section 82.32.010, chapter 15, Laws of 1961 and RCW 82.32.010; adding a new section to chapter 84.33 RCW; creating a new section; repealing section 10, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.111; repealing section 16, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.117; repealing section 15, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.150; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3505, by Senator McDermott:

AN ACT Relating to business and occupation tax incentive to private industry for providing on-site child care facilities.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3506, by Senator Walgren (by Select Committee on Criminal Justice request):

AN ACT Relating to the Washington state patrol; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3507, by Senator Matson:

AN ACT Relating to security regulations; and adding a new section to chapter 19.52 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3508, by Senator Walgren (by Select Committee on Criminal Justice request):

AN ACT Relating to the criminal justice training commission; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3509, by Senator Bausch:

AN ACT Relating to property tax relief; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.381; and amending section 4, chapter 182, Laws of 1974 ex. sess. as amended by section 16, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.387.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3510, by Senator Van Hollebeke:

AN ACT Relating to business regulation; and making an appropriation.

Referred to Committee on Commerce.

SENATE BILL NO. 3511, by Senator Rasmussen:
AN ACT Relating to state government; and making an appropriation.
Referred to Committee on State Government.

SENATE BILL NO. 3512, by Senator Van Hollebeke:
AN ACT Relating to tourism; and making an appropriation.
Referred to Committee on Commerce.

SENATE BILL NO. 3513, by Senator McDermott:
AN ACT Relating to crippled children's services; and making an appropriation.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3514, by Senator McDermott:
AN ACT Relating to licensure of dental technicians.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3515, by Senator Morrison:
AN ACT Relating to cloud seeding; and creating new sections.
Referred to Committee on Agriculture.

SENATE BILL NO. 3516, by Senator Morrison:
AN ACT Relating to energy conservation.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3517, by Senator Lee:
AN ACT Relating to state patrol funding; and making an appropriation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3518, by Senator Talley:
AN ACT Relating to game.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3519, by Senator Rasmussen:
AN ACT Relating to state government; and making an appropriation.
Referred to Committee on State Government.

SENATE BILL NO. 3520, by Senator Talley:
AN ACT Relating to dog racing.
Referred to Committee on Commerce.

SENATE BILL NO. 3521, by Senator Van Hollebeke:
AN ACT Relating to commerce; and making an appropriation.
Referred to Committee on Commerce.

SENATE BILL NO. 3522, by Senator Morrison:
AN ACT Relating to unemployment insurance.
Referred to Committee on Labor.

SENATE BILL NO. 3523, by Senator Walgren (by Select Committee on Criminal Justice request):

AN ACT Relating to adult corrections; and making an appropriation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3524, by Senator Morrison:
AN ACT Relating to industrial insurance.
Referred to Committee on Labor.

SENATE BILL NO. 3525, by Senator Van Hollebeke:
AN ACT Relating to consumer protection; and making an appropriation.
Referred to Committee on Commerce.

SENATE BILL NO. 3526, by Senator von Reichbauer:
AN ACT Relating to parks and recreation; and making an appropriation.
Referred to Committee on Parks and Recreation.

SENATE BILL NO. 3527, by Senator Van Hollebeke:
AN ACT Relating to business regulation; and making an appropriation.
Referred to Committee on Commerce.

SENATE BILL NO. 3528, by Senator Van Hollebeke:
AN ACT Relating to gambling; and making an appropriation.
Referred to Committee on Commerce.

SENATE BILL NO. 3529, by Senator Talley:
AN ACT Relating to gambling.
Referred to Committee on Commerce.

SENATE BILL NO. 3530, by Senator Van Hollebeke:
AN ACT Relating to professional licensing; and making an appropriation.
Referred to Committee on Commerce.

SENATE BILL NO. 3531, by Senator Gallagher:
AN ACT Relating to the department of fisheries.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3532, by Senator Gallagher:
AN ACT Relating to the game department.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3533, by Senators Fleming and Ridder:
AN ACT Relating to public assistance grants; and making an appropriation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3534, by Senator Odegaard:
AN ACT Relating to social and health services; and making an appropriation.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3535, by Senators Hansen, Benitz and Gaspard:
AN ACT Relating to agricultural commodity commissions.
Referred to Committee on Agriculture.

SENATE BILL NO. 3536, by Senators Hansen, Benitz, Gaspard, Wanamaker,
Wilson, Day and Morrison (by Senate Agriculture Committee request):
AN ACT Relating to alcohol fuels.
Referred to Committee on Agriculture.

SENATE BILL NO. 3537, by Senator Odegaard:
AN ACT Relating to appropriations.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3538, by Senator Morrison:
AN ACT Relating to property tax exemptions.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3539, by Senator Morrison:
AN ACT Relating to radioactive wastes.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3540, by Senator Morrison:
AN ACT Relating to the siting of nuclear facilities.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3541, by Senator von Reichbauer:
AN ACT Relating to hazardous transportation.
Referred to Committee on Transportation.

SENATE BILL NO. 3542, by Senator Odegaard:

AN ACT Relating to energy.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3543, by Senator Odegaard:

AN ACT Relating to appropriations.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3544, by Senator Van Hollebeke:

AN ACT Relating to interest rates where no rate is agreed to in writing as specified in RCW 19.52.010; and making an appropriation.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3545, by Senator Quigg:

AN ACT Relating to water districts; amending section 8, chapter 18, Laws of 1959 as last amended by section 4, chapter 299, Laws of 1977 ex. sess. and RCW 57.16.030; and amending section 10, chapter 108, Laws of 1959 as amended by section 5, chapter 299, Laws of 1977 ex. sess. and RCW 57.16.035.

Referred to Committee on Local Government.

SENATE BILL NO. 3546, by Senators Guess and Talley:

AN ACT Relating to certain utility services; and amending section 35.21.300, chapter 7, Laws of 1965 and RCW 35.21.300.

Referred to Committee on Local Government.

SENATE BILL NO. 3547, by Senators Walgren and Rasmussen:

AN ACT Relating to public employment; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 15, chapter 151, Laws of 1979 and RCW 28B.16.100; amending section 15, chapter 1, Laws of 1961 as last amended by section 57, chapter 151, Laws of 1979 and RCW 41.06.150; amending section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 15, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.030; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3548, by Senators Donohue and Matson:

AN ACT Relating to archaeology and historic preservation; amending section 1, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.010; amending section 2, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.020; amending section 7, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.090; adding a new section to chapter 195, Laws of 1977 ex. sess. and to chapter 43.51A RCW; and making an appropriation.

Referred to Committee on Ecology.

SENATE BILL NO. 3549, by Senators Benitz, Hansen, Morrison, Henry, Conner, Gould, Bottiger, Gallagher, Wojahn, Hayner, Moore, Woody, Walgren, Matson, Talley, McDermott, Gaspard, Lewis, Quigg, Bluechel, Day, Wanamaker, Clarke, Sellar, von Reichbauer, Wilson, Scott, Jones, Haley, Talmadge, Hurley and Goltz:

AN ACT Relating to wine and grape research; adding a new section to chapter 66.24 RCW; and creating a new section.

Referred to Committee on Agriculture.

SENATE BILL NO. 3550, by Senator Quigg:

AN ACT Relating to alcoholic beverages; amending section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 13, chapter 21, Laws of 1969 ex. sess. and RCW 66.04.010; amending section 8, chapter 62, Laws of 1933 ex. sess. and RCW 66.16.050; amending section 1, chapter 38, Laws of 1969 ex. sess. and RCW 66.44.340; amending section 82.08.150, chapter 15, Laws of 1961 as last amended by section 1, chapter 204, Laws of 1973 1st ex. sess. and RCW 82.08.150;

amending section 23-K added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 2, chapter 21, Laws of 1969 ex. sess. and RCW 66.24.200; amending section 23-E added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.250; amending section 2, chapter 263, Laws of 1957 as amended by section 1, chapter 112, Laws of 1969 ex. sess. and RCW 66.24.410; amending section 1, chapter 141, Laws of 1953 as amended by section 2, chapter 250, Laws of 1969 ex. sess. and RCW 66.24.481; and adding new sections to chapter 66.24 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 3551, by Senators Hansen, Day, Benitz, Wanamaker and Morrison (by Senate Agriculture Committee request):

AN ACT Relating to alcohol fuels; adding a new section to chapter 82.29A RCW; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Agriculture.

SENATE BILL NO. 3552, by Senators Day, Moore, Hayner, Quigg, Shinpoch and Morrison:

AN ACT Relating to essential basic services assistance; adding a new chapter to Title 74 RCW; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3553, by Senators Quigg, Guess and Henry:

AN ACT Relating to state highways and ferries.

Referred to Committee on Transportation.

SENATE BILL NO. 3554, by Senators Gould and Wojahn:

AN ACT Relating to family day care homes; and adding new sections to chapter 74.15 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3555, by Senator Gallagher:

AN ACT Relating to revenue and taxation; and amending section 6, chapter 87, Laws of 1970 ex. sess. as amended by section 7, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.060.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3556, by Senator Goltz:

AN ACT Relating to vehicle licenses; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 3557, by Senators Wojahn, Talley, Gould, Marsh, Vognild, Woody and Haley:

AN ACT Relating to the department of social and health services; and making an appropriation for the fiscal biennium ending June 30, 1981.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3558, by Senators Conner, Vognild, Rasmussen and Peterson:

AN ACT Relating to herring; and adding a new section to chapter 75.28 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3559, by Senator Bausch:

AN ACT Relating to title insurance; amending section .29.14, chapter 79, Laws of 1947 and RCW 48.29.140; and adding a new section to chapter 48.29 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3560, by Senators Goltz and Shinpoch:

AN ACT Relating to institutions of higher education; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B-.15 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 3561, by Senator Bausch:

AN ACT Relating to insurance; amending section .03.01, chapter 79, Laws of 1947 as amended by section 1, chapter 139, Laws of 1979 and RCW 48.03.010; and amending section .03.06, chapter 79, Laws of 1947 as amended by section 1, chapter 35, Laws of 1979 ex. sess. and RCW 48.03.060.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3562, by Senator Donohue:

AN ACT Relating to appropriations.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3563, by Senators Vognild and Lewis:

AN ACT Relating to fireworks; amending section 2, chapter 228, Laws of 1961 and RCW 70.77.125; amending section 3, chapter 228, Laws of 1961 and RCW 70.77.130; amending section 4, chapter 228, Laws of 1961 and RCW 70.77.135; amending section 5, chapter 228, Laws of 1961 and RCW 70.77.140; amending section 9, chapter 228, Laws of 1961 and RCW 70.77.160; amending section 11, chapter 228, Laws of 1961 and RCW 70.77.170; amending section 13, chapter 228, Laws of 1961 and RCW 70.77.180; amending section 19, chapter 228, Laws of 1961 and RCW 70.77.210; amending section 20, chapter 228, Laws of 1961 and RCW 70.77.215; amending section 23, chapter 228, Laws of 1961 and RCW 70.77.230; amending section 27, chapter 228, Laws of 1961 and RCW 70.77.250; amending section 28, chapter 228, Laws of 1961 and RCW 70.77.255; amending section 29, chapter 228, Laws of 1961 and RCW 70.77.260; amending section 34, chapter 228, Laws of 1961 and RCW 70.77.285; amending section 38, chapter 228, Laws of 1961 and RCW 70.77.305; amending section 39, chapter 228, Laws of 1961 and RCW 70.77.310; amending section 40, chapter 228, Laws of 1961 and RCW 70.77.315; amending section 42, chapter 228, Laws of 1961 and RCW 70.77.325; amending section 43, chapter 228, Laws of 1961 and RCW 70.77.330; amending section 44, chapter 228, Laws of 1961 and RCW 70.77.335; amending section 45, chapter 228, Laws of 1961 and RCW 70.77.340; amending section 46, chapter 228, Laws of 1961 and RCW 70.77.345; amending section 49, chapter 228, Laws of 1961 and RCW 70.77.360; amending section 50, chapter 228, Laws of 1961 and RCW 70.77.365; amending section 51, chapter 228, Laws of 1961 and RCW 70.77.370; amending section 52, chapter 228, Laws of 1961 and RCW 70.77.375; amending section 56, chapter 228, Laws of 1961 and RCW 70.77.395; amending section 60, chapter 228, Laws of 1961 and RCW 70.77.415; amending section 61, chapter 228, Laws of 1961 and RCW 70.77.420; amending section 62, chapter 228, Laws of 1961 and RCW 70.77.425; amending section 63, chapter 228, Laws of 1961 and RCW 70.77.430; amending section 64, chapter 228, Laws of 1961 and RCW 70.77.435; amending section 68, chapter 228, Laws of 1961 and RCW 70.77.455; amending section 73, chapter 228, Laws of 1961 and RCW 70.77.480; amending section 79, chapter 228, Laws of 1961 and RCW 70.77.510; amending section 80, chapter 228, Laws of 1961 and RCW 70.77.515; amending section 82, chapter 228, Laws of 1961 and RCW 70.77.525; amending section 84, chapter 228, Laws of 1961 and RCW 70.77.535; adding new sections to chapter 228, Laws of 1961 and to chapter 70.77 RCW; repealing section 6, chapter 228, Laws of 1961 and RCW 70.77.145; repealing section 7, chapter 228, Laws of 1961 and RCW 70.77.150; repealing section 8, chapter 228, Laws of 1961 and RCW 70.77.155; repealing section 14, chapter 228, Laws of 1961 and RCW 70.77.185; repealing section 16, chapter 228, Laws of 1961 and RCW

70.77.195; repealing section 21, chapter 228, Laws of 1961 and RCW 70.77.220; repealing section 22, chapter 228, Laws of 1961 and RCW 70.77.225; repealing section 24, chapter 228, Laws of 1961 and RCW 70.77.235; repealing section 25, chapter 228, Laws of 1961 and RCW 70.77.240; repealing section 26, chapter 228, Laws of 1961 and RCW 70.77.245; repealing section 32, chapter 228, Laws of 1961 and RCW 70.77.275; repealing section 37, chapter 228, Laws of 1961 and RCW 70.77.300; repealing section 47, chapter 228, Laws of 1961 and RCW 70.77.350; repealing section 53, chapter 228, Laws of 1961 and RCW 70.77.380; repealing section 54, chapter 228, Laws of 1961 and RCW 70.77.385; repealing section 55, chapter 228, Laws of 1961 and RCW 70.77.390; repealing section 57, chapter 228, Laws of 1961 and RCW 70.77.400; repealing section 66, chapter 228, Laws of 1961 and RCW 70.77.445; repealing section 71, chapter 228, Laws of 1961 and RCW 70.77.470; repealing section 72, chapter 228, Laws of 1961 and RCW 70.77.475; repealing section 75, chapter 228, Laws of 1961 and RCW 70.77.490; repealing section 77, chapter 228, Laws of 1961 and RCW 70.77.500; repealing section 78, chapter 228, Laws of 1961 and RCW 70.77.505; repealing section 88, chapter 228, Laws of 1961 and RCW 70.77.555; repealing section 89, chapter 228, Laws of 1961 and RCW 70.77.560; and repealing section 90, chapter 228, Laws of 1961 and RCW 70.77.900.

Referred to Committee on Commerce.

SENATE BILL NO. 3564, by Senators Talmadge and Wojahn:

AN ACT Relating to the administrator for the courts; and amending section 1, chapter 259, Laws of 1957 as last amended by section 7, chapter 255, Laws of 1979 ex. sess. and RCW 2.56.010.

Referred to Judiciary Committee.

SENATE BILL NO. 3565, by Senator Henry:

AN ACT Relating to motor vehicles; and amending section 1, chapter 20, Laws of 1967 ex. sess. as last amended by section 1, chapter 126, Laws of 1971 ex. sess. and RCW 46.20.440.

Referred to Committee on Transportation.

SENATE BILL NO. 3566, by Senators Conner, Quigg, Moore and Gallagher:

AN ACT Relating to property subdivisions; and amending section 2, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.020.

Referred to Committee on Local Government.

SENATE BILL NO. 3567, by Senator Morrison:

AN ACT Relating to industrial insurance; and amending section 3, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 231, Laws of 1979 ex. sess. and RCW 51.32.220.

Referred to Committee on Labor.

SENATE BILL NO. 3568, by Senators Quigg and Conner:

AN ACT Relating to commercial salmon fishing; amending section 3, chapter 108, Laws of 1957 and RCW 75.12.210; and amending section 5, chapter 108, Laws of 1957 as amended by section 2, chapter 234, Laws of 1963 and RCW 75.12.230.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3569, by Senators Henry, Van Hollebeke, Goltz, Guess and Quigg:

AN ACT Relating to motor vehicles; amending section 1, chapter 69, Laws of 1969 ex. sess. as amended by section 1, chapter 148, Laws of 1971 ex. sess. and RCW 46.44.120; amending section 2, chapter 69, Laws of 1969 ex. sess. and RCW 46.16.500; and amending section 3, chapter 69, Laws of 1969 ex. sess. and RCW 46.37.600.

Referred to Committee on Transportation.

SENATE BILL NO. 3570, by Senators Henry and Matson:

AN ACT Relating to the shoreline management act of 1971; and amending section 12, chapter 286, Laws of 1971 ex. sess. as amended by section 2, chapter 182, Laws of 1975 1st ex. sess. and RCW 90.58.120.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3571, by Senators Goltz, Guess, Scott, Benitz, Shinpoch, von Reichbauer and Odegaard:

AN ACT Relating to higher education; and making an appropriation.

Referred to Committee on Higher Education.

SENATE BILL NO. 3572, by Senators Hayner and Gould:

AN ACT Relating to real estate excise taxes; and amending section 28A.45-.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 65, Laws of 1970 ex. sess. and RCW 28A.45.010.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3573, by Senators Ridder, Talmadge, Hayner and Wojahn:

AN ACT Relating to family expenses; and amending section 2407, Code of 1881 as amended by section 1, chapter 207, Laws of 1969 ex. sess. and RCW 26.16.205.

Referred to Judiciary Committee.

SENATE BILL NO. 3574, by Senators Odegaard, Sellar, Moore, Walgren, Conner, Donohue and Day:

AN ACT Relating to appropriations; and amending section 65, chapter 270, Laws of 1979 ex. sess. (uncodified).

Referred to Committee on Ways and Means.

SENATE BILL NO. 3575, by Senators Scott, Ridder and Gould:

AN ACT Relating to education; and amending section 3, chapter 359, Laws of 1977 ex. sess. as amended by section 1, chapter 250, Laws of 1979 ex. sess. and RCW 28A.58.754.

Referred to Committee on Education.

SENATE BILL NO. 3576, by Senators Hansen, Benitz, Gaspard, Wanamaker, Wilson, Day and Morrison (by Senate Agriculture Committee request):

AN ACT Relating to alcohol fuels; amending section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 13, chapter 21, Laws of 1969 ex. sess. and RCW 66.04.010; amending section 4, chapter 289, Laws of 1955 and RCW 66.44-.140; adding a new section to chapter 66.12 RCW; and declaring an emergency.

Referred to Committee on Agriculture.

SENATE BILL NO. 3577, by Senator Gaspard:

AN ACT Relating to adult corrections; amending section 177, chapter 270, Laws of 1979 ex. sess. (uncodified); creating new sections; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3578, by Senators Benitz and Hayner:

AN ACT Relating to apprentice training facilities; amending section 1, chapter 223, Laws of 1979 ex. sess. and RCW 28B.14E.010; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 3579, by Senators Conner, Moore and Gallagher:

AN ACT Relating to special purpose districts; amending section 11, chapter 210, Laws of 1941 as last amended by section 1, chapter 23, Laws of 1979 and RCW 56.08.020; and amending section 6, chapter 18, Laws of 1959 as last amended by section 2, chapter 23, Laws of 1979 and RCW 57.16.010.

Referred to Committee on Local Government.

SENATE BILL NO. 3580, by Senator Hansen:

AN ACT Relating to energy exploration; adding a new section to chapter 43.21C RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3581, by Senators McDermott, Gould, Talmadge, Hayner, Gaspard, Ridder and Morrison:

AN ACT Relating to school district property; amending section 28A.58.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.040; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A-.58 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3582, by Senators Vognild, Moore, Talmadge, Conner and Walgren:

AN ACT Relating to accident reports for industrial insurance; and adding a new section to chapter 51.28 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 3583, by Senators Jones and Fleming (by Department of Social and Health Services request):

AN ACT Relating to nursing homes; amending section 2, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.020; amending section 15, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.150; amending section 20, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.200; amending section 22, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.220; amending section 31, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.310; amending section 34, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.340; amending section 43, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.430; amending section 49, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.490; amending section 57, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.570; amending section 58, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.580; amending section 59, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.590; amending section 60, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.600; and amending section 62, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.620.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3584, by Senator Haley:

AN ACT Relating to family court; amending section 14, chapter 50, Laws of 1949 as amended by section 1, chapter 151, Laws of 1971 ex. sess. and RCW 26.12.140; and adding a new section to chapter 26.12 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3585, by Senators Henry and Jones:

AN ACT Relating to tidelands and shorelands; and amending section 2, chapter 217, Laws of 1971 ex. sess. as amended by section 1, chapter 186, Laws of 1974 ex. sess. and RCW 79.01.470.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3586, by Senators Fleming, Jones, Ridder and McDermott:

AN ACT Relating to nursing homes; adding a new section to chapter 43.20A RCW; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3587, by Senators Jones and Fleming (by Department of Social and Health Services request):

AN ACT Relating to nursing homes; amending section 6, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.210; amending section 9, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.290; and amending section 1, chapter 244, Laws of 1977 ex. sess. as amended by section 67, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.310.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3588, by Senator Wilson (by Office of Financial Management request):

AN ACT Relating to the jail commission; amending section 2, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.260; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3589, by Senators Williams, Bottiger and Hansen:

AN ACT Relating to hydroelectric energy; and creating new sections.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3590, by Senator Haley:

AN ACT Relating to financial responsibility for residential care of youths; adding a new chapter to Title 13 RCW; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3591, by Senator Haley:

AN ACT Relating to investigation and prosecution of crimes; amending section 5, chapter 202, Laws of 1973 1st ex. sess. as amended by section 115, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.43.858; amending section 6, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.860; adding a new chapter to Title 10 RCW; adding a new section to chapter 43.43 RCW; and making an appropriation.

Referred to Judiciary Committee.

SENATE BILL NO. 3592, by Senator Fleming:

AN ACT Relating to the levy of taxes; amending section 84.52.010, chapter 15, Laws of 1961 as last amended by section 101, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.010; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3593, by Senators Henry, Guess, Van Hollebeke, Gallagher, Quigg, Lee, Matson, von Reichbauer, Goltz, Donohue, Lewis, Talley, Peterson, Moore, Rasmussen, Day, Benitz, Odegaard, Walgren, Wanamaker, Talmadge and Hansen:

AN ACT Relating to unappropriated public lands; adding a new chapter to Title 79 RCW; creating new sections; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3594, by Senators Quigg, Rasmussen and Gallagher:

AN ACT Relating to the department of fisheries; making an appropriation; and prescribing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3595, by Senator Odegaard:

AN ACT Relating to the taxation of mobile homes; and amending section 1, chapter 266, Laws of 1979 ex. sess. and RCW 28A.45.032.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3596, by Senators Quigg, Moore, Pullen, Benitz and Van Hollebeke:

AN ACT Relating to state investments; and amending section 2, chapter 17, Laws of 1975-'76 2nd ex. sess. as last amended by section 3, chapter 119, Laws of 1979 and RCW 43.84.150.

Referred to Committee on State Government.

SENATE BILL NO. 3597, by Senators Goltz and Wilson:

AN ACT Relating to off-street parking; and amending section 12, chapter 204, Laws of 1969 ex. sess. as amended by section 4, chapter 221, Laws of 1975 1st ex. sess. and RCW 35.86A.120.

Referred to Committee on Local Government.

SENATE BILL NO. 3598, by Senators Gallagher, Wojahn, Talley, Lee, von Reichbauer, Gould, Woody, Haley, Quigg and Rasmussen:

AN ACT Relating to public health; and amending section 1, chapter 97, Laws of 1977 ex. sess. and RCW 70.54.160.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3599, by Senators Walgren, Clarke, Donohue, Shinpoch, Morrison, Wojahn and Hayner (by Select Committee on Criminal Justice request):

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

Referred to Committee on Ways and Means.

SENATE BILL NO. 3600, by Senator Haley:

AN ACT Relating to public transportation; amending section 82.44.020, chapter 15, Laws of 1961 as last amended by section 230, chapter 158, Laws of 1979 and RCW 82.44.020; amending section 82.44.110, chapter 15, Laws of 1961 as last amended by section 235, chapter 158, Laws of 1979 and RCW 82.44.110; creating a new chapter in Title 47 RCW; and providing a contingent effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 3601, by Senators McDermott, Morrison and Conner (by Employment Security Department request):

AN ACT Relating to the employment security department; amending section 60, chapter 35, Laws of 1945 as last amended by section 24, chapter 292, Laws of 1977 ex. sess. and RCW 50.16.010; making an appropriation; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 3602, by Senator Walgren:

AN ACT Relating to the legislative information system; amending section 5, chapter 212, Laws of 1969 ex. sess. and RCW 1.08.100; and adding a new section to chapter 1.08 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3603, by Senators Donohue, Williams, Bluechel, Odegaard, Gould, Gallagher, Wojahn, Talley and McDermott (by Executive request):

AN ACT Relating to the financing of pollution control facilities and systems; authorizing the issuance and sale of general obligation bonds to provide for pollution control facilities and systems and public works throughout the state; providing ways

and means to pay for the bonds; providing for submission of this act to a vote of the people; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3604, by Senator Bottiger:

AN ACT Relating to campaign finances; amending section 1, chapter 1, Laws of 1973 as amended by section 1, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.010; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3605, by Senator Morrison:

AN ACT Relating to industrial insurance; and amending section 3, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 231, Laws of 1979 ex. sess. and RCW 51.32.220.

Referred to Committee on Labor.

SENATE BILL NO. 3606, by Senator Haley:

AN ACT Relating to electronic surveillance; adding a new section to chapter 36.28 RCW; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3607, by Senator Gallagher:

AN ACT Relating to industrial insurance; and adding a new section to chapter 51.12 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 3608, by Senators Vognild, Morrison, Moore and Conner (by Employment Security Department request):

AN ACT Relating to unemployment compensation; amending section 19, chapter 2, Laws of 1970 ex. sess. as last amended by section 2, chapter 7, Laws of 1973 2nd ex. sess. and RCW 50.04.323; amending section 22, chapter 3, Laws of 1971 as last amended by section 18, chapter 292, Laws of 1977 ex. sess. and RCW 50.44.050; and creating a new section.

Referred to Committee on Labor.

SENATE BILL NO. 3609, by Senators Vognild and Conner:

AN ACT Relating to eligibility for unemployment compensation; and amending section 77, chapter 35, Laws of 1945 as amended by section 12, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.090.

Referred to Committee on Labor.

SENATE BILL NO. 3610, by Senators Moore, Talmadge, Henry, Walgren and Odegaard:

AN ACT Relating to legislative redistricting and reapportionment; and creating new sections.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3611, by Senators Lewis and Day:

AN ACT Relating to pension funds; adding a new section to chapter 35.39 RCW; and repealing section 35.39.040, chapter 7, Laws of 1965, section 1, chapter 19, Laws of 1965, section 1, chapter 211, Laws of 1969 ex. sess. and RCW 35.39-.040.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3612, by Senators Henry, Van Hollebeke, Goltz, Guess and Quigg:

AN ACT Relating to motor vehicle license fee revenues; amending section 46.16.060, chapter 12, Laws of 1961 as last amended by section 3, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.060; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 3, chapter 103, Laws of 1973 and

RCW 46.68.030; amending section 46.68.130, chapter 12, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1974 ex. sess. and RCW 46.68.130; adding a new section to chapter 46.68 RCW; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 3613, by Senator Haley:

AN ACT Relating to public officials; adding a new section to chapter 42.20 RCW; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 3614, by Senator Matson:

AN ACT Relating to consumer finance companies; amending section 2, chapter 208, Laws of 1941 as last amended by section 1, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.020; amending section 6, chapter 208, Laws of 1941 as last amended by section 6, chapter 18, Laws of 1979 and RCW 31.08.070; amending section 12, chapter 208, Laws of 1941 as last amended by section 7, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.150; amending section 13, chapter 208, Laws of 1941 as last amended by section 3, chapter 18, Laws of 1979 and RCW 31.08.160; amending section 10, chapter 212, Laws of 1959 as amended by section 9, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.173; amending section 16, chapter 208, Laws of 1941 as last amended by section 11, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.190; and amending section 17, chapter 208, Laws of 1941 as last amended by section 12, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.200.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3615, by Senators Wilson, Donohue, Odegaard, von Reichbauer, Peterson, Rasmussen, Day, Talley, Walgren, Goltz and Wojahn (by Executive request):

AN ACT Relating to disaster relief; adding a new chapter to Title 38 RCW; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3616, by Senators Odegaard, Bottiger, Goltz, Lewis and Peterson (by Executive request):

AN ACT Relating to energy facilities; adding a new section to chapter 80.50 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3617, by Senators Haley and Gould:

AN ACT Relating to criminal punishment; amending section 153, page 125, Laws of 1854 as last amended by section 1131, Code of 1881 and RCW 10.70.090; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3618, by Senator Donohue:

AN ACT Relating to revenue and taxation; amending section 9, chapter 236, Laws of 1967 as last amended by section 3, chapter 222, Laws of 1979 ex. sess. and RCW 67.28.160; and amending section 14, chapter 236, Laws of 1967 as last amended by section 5, chapter 222, Laws of 1979 ex. sess. and RCW 67.28.210.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3619, by Senator Lewis:

AN ACT Relating to insurance; amending section .17.15, chapter 79, Laws of 1947 as last amended by section 7, chapter 269, Laws of 1979 ex. sess. and RCW 48.17.150; declaring an emergency; and providing an effective date.

Referred to Committee on Commerce.

SENATE BILL NO. 3620, by Senator Matson:

AN ACT Relating to financial institutions; authorizing certain real estate secured loans at prescribed interest rates and maximum maturity dates; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3621, by Senators Walgren, Clarke, Donohue, Shinpoch, Wojahn, Morrison and Hayner (by Select Committee on Criminal Justice request):

AN ACT Relating to criminal justice and corrections; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3622, by Senators Van Hollebeke and Rasmussen:

AN ACT Relating to the model assistance and reemployment project for injured workers; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 3623, by Senator Quigg:

AN ACT Relating to the taxation of timber; and adding a new section to chapter 84.33 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3624, by Senators Benitz, Hansen and Morrison:

AN ACT Relating to home-made wine; amending section 32, chapter 62, Laws of 1933 ex. sess. as amended by section 1, chapter 39, Laws of 1955 and RCW 66.12.010; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Agriculture.

SENATE BILL NO. 3625, by Senator Haley:

AN ACT Relating to revenue and taxation; amending section 1, chapter 12, Laws of 1979 as amended by section 6, chapter 266, Laws of 1979 ex. sess. and RCW 82.08.030; and amending section 2, chapter 12, Laws of 1979 as amended by section 7, chapter 266, Laws of 1979 ex. sess. and RCW 82.12.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3626, by Senator Haley:

AN ACT Relating to the western state hospital; amending section 72.01.050, chapter 28, Laws of 1959 as last amended by section 145, chapter 141, Laws of 1979 and RCW 72.01.050; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3627, by Senators Moore, Talmadge, Fleming, Odegaard, Henry and Walgren:

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

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3628, by Senators Moore and Talmadge:

AN ACT Relating to commerce, economic, and cultural development; providing for the planning, design, construction, furnishing, and landscaping of a performing arts facility; providing for the financing thereof by issuance of bonds and anticipation notes; adding new sections to chapter 43.31 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3629, by Senators Hansen, Benitz, Day, Wanamaker, Gaspard and Morrison (by Agriculture Committee request):

AN ACT Relating to alcohol fuels; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; and providing an expiration date.

Referred to Committee on Agriculture.

SENATE BILL NO. 3630, by Senator Walgren:

AN ACT Relating to campaign contribution reporting; amending section 9, chapter 1, Laws of 1973 as last amended by section 2, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.090; and amending section 10, chapter 1, Laws of 1973 as amended by section 4, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.100.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3631, by Senators Vognild and Morrison:

AN ACT Relating to industrial insurance; amending section 3, chapter ___ (HB ___), Laws of 1980 and RCW 51.04.110; amending section 51.08.140, chapter 23, Laws of 1961 and RCW 51.08.140; amending section 51.28.010, chapter 23, Laws of 1961 as last amended by section 32, chapter 350, Laws of 1977 ex. sess. and RCW 51.28.010; amending section 39, chapter 289, Laws of 1971 ex. sess. as amended by section 5, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.28.025; amending section 51.28.070, chapter 23, Laws of 1961 as last amended by section 36, chapter 350, Laws of 1977 ex. sess. and RCW 51.28.070; amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 42, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.050; amending section 12, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.32.072; amending section 10, chapter ... (HB ...), Laws of 1980 and RCW 51.32.095; amending section 51.32.160, chapter 23, Laws of 1961 as amended by section 1, chapter 192, Laws of 1973 1st ex. sess. and RCW 51.32.160; amending section 51.36.010, chapter 23, Laws of 1961 as last amended by section 56, chapter 350, Laws of 1977 ex. sess. and RCW 51.36.010; amending section 52, chapter 289, Laws of 1971 ex. sess. as amended by section 1, chapter 42, Laws of 1979 ex. sess. and RCW 51.36.050; amending section 51.52-.100, chapter 23, Laws of 1961 as last amended by section 79, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.100; amending section 6, chapter 148, Laws of 1963 as amended by section 22, chapter 289, Laws of 1971 ex. sess. and RCW 51.52.104; amending section 1, chapter 40, Laws of 1973 as amended by section 80, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.110; amending section 51.52.130, chapter 23, Laws of 1961 as amended by section 82, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.130; adding new sections to chapter 51.32 RCW; and creating new sections.

Referred to Committee on Labor.

SENATE BILL NO. 3632, by Senator Williams:

AN ACT Relating to property tax relief; and amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.381.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3633, by Senator McDermott:

AN ACT Relating to the energy facility site evaluation council.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3634, by Senator Quigg:

AN ACT Relating to commercial fishing.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3635, by Senator Quigg:
AN ACT Relating to energy conservation.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3636, by Senator Fleming:
AN ACT Relating to nursing homes; and making an appropriation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3637, by Senator Jones:
AN ACT Relating to nursing homes; and making an appropriation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3638, by Senator Benitz:
AN ACT Relating to agriculture.
Referred to Committee on Agriculture.

SENATE BILL NO. 3639, by Senator Benitz:
AN ACT Relating to education.
Referred to Committee on Education.

SENATE BILL NO. 3640, by Senators Hansen, Benitz and Gaspard:
AN ACT Relating to irrigation districts.
Referred to Committee on Agriculture.

SENATE BILL NO. 3641, by Senator Quigg:
AN ACT Relating to credit unions.
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3642, by Senator Odegaard:
AN ACT Relating to revenue and taxation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3643, by Senator Odegaard:
AN ACT Relating to energy.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3644, by Senator Wilson:
AN ACT Relating to local government.
Referred to Committee on Local Government.

SENATE BILL NO. 3645, by Senator Wilson:
AN ACT Relating to local government.
Referred to Committee on Local Government.

SENATE BILL NO. 3646, by Senator Woody:
AN ACT Relating to census correspondence lists; and making an appropriation.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3647, by Senator Odegaard:
AN ACT Relating to the energy facility site evaluation council.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3648, by Senators Vognild and Walgren:
AN ACT Relating to marine employee collective bargaining.
Referred to Committee on Labor.

SENATE BILL NO. 3649, by Senator Woody:
AN ACT Relating to the federal decennial census; and making an appropriation.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3650, by Senators Fleming and Jones:
AN ACT Relating to nursing homes; and making an appropriation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3651, by Senator Odegaard:
AN ACT Relating to the juvenile justice act; and making an appropriation.
Referred to Judiciary Committee.

SENATE BILL NO. 3652, by Senators Walgren, Conner, Wilson, Shinpoch,
Gould, Bluechel and Jones:

AN ACT Relating to the taxation of artistic and cultural organizations.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3653, by Senators Walgren and Williams:
AN ACT Relating to oil transfers.
Referred to Committee on Ecology.

SENATE BILL NO. 3654, by Senator Conner:
AN ACT Relating to boat pilotage.
Referred to Committee on Transportation.

SENATE BILL NO. 3655, by Senators Hansen, Benitz, Gaspard, Day,
Wanamaker, Wilson and Morrison (by Senate Agriculture Committee request):

AN ACT Relating to alcohol fuel districts.
Referred to Committee on Agriculture.

SENATE BILL NO. 3656, by Senators Hansen, Benitz, Gaspard, Wanamaker,
Wilson and Day (by Senate Agriculture Committee request):

AN ACT Relating to alcohol fuels.
Referred to Committee on Agriculture.

SENATE BILL NO. 3657, by Senators Odegaard, Sellar, Moore, Walgren,
Conner and Donohue:

AN ACT Relating to the delinquency prevention services program; and making
an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3658, by Senators Hansen and Benitz:
AN ACT Relating to water rights.
Referred to Committee on Agriculture.

SENATE BILL NO. 3659, by Senators Fleming and Jones:
AN ACT Relating to resident care and nursing homes; and making an appro-
priation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3660, by Senator Wilson:
AN ACT Relating to local government.
Referred to Committee on Local Government.

SENATE BILL NO. 3661, by Senator Henry:
AN ACT Relating to enforcement provisions for motor freight carriers.
Referred to Committee on Transportation.

SENATE JOINT MEMORIAL NO. 112, by Senators Gaspard, Bottiger,
Goltz and Morrison:

Requesting federal support in revising regulation against youths berry picking.
Referred to Committee on Agriculture.

SENATE JOINT MEMORIAL NO. 113, by Senators Peterson, Rasmussen and Talley:

Memorializing Congress to enact legislation to assist the state's fishing industry.

Referred to Committee on Natural Resources.

SENATE JOINT MEMORIAL NO. 114, by Senators Walgren, Conner and Henry:

Requesting Congress to appropriate money to replace the Hood Canal bridge.

Referred to Committee on Transportation.

SENATE JOINT RESOLUTION NO. 130, by Senator Bausch:

Authorizing property tax rental relief.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 131, by Senator Haley:

Regulating the practice of law.

Referred to Judiciary Committee.

SENATE JOINT RESOLUTION NO. 132, by Senators Henry, Guess, Van Hollebeke, Gallagher, Lee, Quigg, Talley, Goltz, Donohue, Lewis, Hansen, Moore, Rasmussen, Day, Benitz, Odegaard, Walgren, Wanamaker, Talmadge and von Reichbauer:

Modifying the state's disclaimer of rights to unappropriated public lands.

Referred to Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION NO. 119, by Senators Moore, Talmadge, Odegaard, Henry and Walgren:

Establishing a redistricting advisory task force.

Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 284, by Representatives Sommers, Warnke and Gallagher:

Establishing labeling requirements for frozen fish.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 315, by Committee on Commerce (originally sponsored by Representatives Warnke, Greengo, Sanders, Addison, May, Fuller, Walk, Salatino, Owen, Oliver, Gallagher, Struthers, Douthwaite and North) (by Governor Ray request):

Establishing criteria for the regulation of professions and occupations.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 799, by Committee on State Government (originally sponsored by Representatives Taller and Ehlers) (by Department of Social and Health Services request):

Exempting certain positions in the department of social and health services from the state civil service law.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 841, by Committee on Revenue (originally sponsored by Representatives Keller, Winsley, Vrooman and Kreidler):

Modifying the law on the listing of omitted property.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 858, by Committee on Institutions (originally sponsored by Representatives Struthers, McGinnis, Houchen and Smith (C):

Requiring recipients to pay the costs of various social and health services.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 1084, by Committee on Local Government (originally sponsored by Representatives Zimmerman and Charnley):

Partially reimbursing counties for certain costs in criminal cases involving a change of venue.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1263, by Representatives Polk, Knowles, Newhouse and Sherman:

Requiring bonds for certain actions against public bodies.

Referred to Judiciary Committee.

PERMISSION GRANTED TO USE SENATE CHAMBER

Permission was granted to Senator Peterson for use of the Senate Chamber on the evening of January 29, 1980 for a joint hearing of the committee on natural resources regarding log exports.

MOTION

At 12:45 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Wednesday, January 23, 1980.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 23, 1980.

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 Pullen, Talley, Vognild and Williams. On motion of Senator Wilson, Senators Talley, Vognild and Williams were excused.

The Color Guard, consisting of Pages Jeannine Arrington and Tom Brazier, presented the Colors. Reverend Lester Olson, senior pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"AS THE EAGLE SOARS INTO THE SKIES, SO DO WE LIFT OUR PRAYERS TO ENCOMPASS THOSE BEYOND THESE WALLS. IN OUR MINDS' EYE WE SEE FELLOW CITIZENS CAPTIVE IN IRAN, WE VIEW THE INCURSION INTO AFGHANISTAN BY FOREIGN POWERS, AND WE SEE THE POOR OF THE WORLD WITHOUT ADEQUATE FOOD OR CLOTHES. LORD, MAKE US CAREFULLY TUNED INSTRUMENTS OF JUSTICE AND EQUITY, THAT PEACE MAY BE OURS TO GIVE AS A SYMBOL TO THE WORLD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

ENGROSSED SENATE BILL NO. 2084, exempting nonprofit youth organizations from the timber excise tax (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2084 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Gaspard, Goltz, Jones, Marsh, Morrison, Ridder, Sellar, Shipoch, Wojahn.

Passed to Committee on Rules for second reading.

January 18, 1980.

ENGROSSED SENATE BILL NO. 2433, revising the definition of unemployable persons (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge.

Passed to Committee on Rules for second reading.

January 21, 1980.

SENATE BILL NO. 2443, relating to local government (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2443 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; Bradburn, Fleming, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

January 22, 1980.

SENATE BILL NO. 3175, permitting the public to cut free firewood on state lands prior to slash burning (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Lysen, Odegaard, Quigg, Rasmussen, Talley.

Passed to Committee on Rules for second reading.

January 22, 1980.

SENATE BILL NO. 3177, requiring the department of fisheries to report on salmon hatchery and spawning escapement (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Lysen, Odegaard, Quigg, Rasmussen, Talley.

Passed to Committee on Rules for second reading.

January 22, 1980.

SENATE BILL NO. 3179, expanding the membership of the horse racing commission (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3179 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

January 22, 1980.

SENATE BILL NO. 3185, modifying minimum rental requirements for oil and gas leases on state lands (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Lee, Lysen, Odegaard, Quigg, Rasmussen, Talley.

Passed to Committee on Rules for second reading.

January 23, 1980.

SENATE BILL NO. 3211, increasing special purpose district commissioners' compensation (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bradburn, Fleming, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

January 23, 1980.

SENATE BILL NO. 3243, providing for household goods storage warehouses (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg.

Passed to Committee on Rules for second reading.

January 23, 1980.

SENATE BILL NO. 3253, rearranging the law on electricians (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg.

Passed to Committee on Rules for second reading.

January 22, 1980.

SENATE BILL NO. 3331, establishing penalties for illegal transportation of dangerous commodities (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by Senators Henry, Chairman; Conner, Gallagher, Hansen, Lee, Peterson, Quigg, Wanamaker.

Passed to Committee on Rules for second reading.

January 22, 1980.

SENATE BILL NO. 3473, providing for inventory and energy efficiency and safety audit of existing school facilities (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

January 22, 1980.

SENATE BILL NO. 3621, creating special criminal justice task forces (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3621 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Fleming, Gaspard, Goltz, Jones, Morrison, Odegaard, Rasmussen, Ridder, Sellar, Walgren, Wajahn.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE LIEUTENANT GOVERNOR

January 22, 1980.

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:

MR. TERRENCE E. WOLD, elected Executive Director by the Data Processing Authority at its meeting held Wednesday, January 16, 1980.

Sincerely,

JOHN A. CHERBERG

Lieutenant Governor

and Chairman

Data Processing Authority.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS MOTION

On motion of Senator Goltz, the appointment of Evelyn Whitney as a member of the Higher Education Personnel Board was confirmed.

APPOINTMENT OF EVELYN WHITNEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar,

Shinpoeh, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Absent: Senator Pullen—1.

Excused: Senators Talley, Vognild, Williams—3.

MOTION

On motion of Senator Jones, Senator Pullen was excused.

MOTION

On motion of Senator Peterson, the appointment of Robert D. Alverson as a member of the Pacific Marine Fisheries Commission was confirmed.

APPOINTMENT OF ROBERT D. ALVERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoeh, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Pullen, Talley, Vognild, Williams—4.

MOTION

On motion of Senator Goltz, the appointment of Christenia L. Alden as a member of the Commission for Vocational Education, was confirmed.

APPOINTMENT OF CHRISTENIA L. ALDEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoeh, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—46.

Excused: Senators Talley, Vognild, Williams—3.

MOTIONS

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

On motion of Senator Wilson, the Committee on Local Government was relieved from further consideration of Senate Bill No. 3606.

On motion of Senator Wilson, Senate Bill No. 3606 was rereferred to the Judiciary Committee.

At 11:27 a.m., on motion of Senator Marsh, the Senate was declared to be at ease.

The President called the Senate to order at 12:15 p.m.

MOTION

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

MESSAGE FROM THE HOUSE

January 18, 1980.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 29 notwithstanding the Governor's veto, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief clerk.

VETO MESSAGE ON SUBSTITUTE HOUSE BILL NO. 29

Office of the Governor, April 30, 1979.

TO THE HONORABLE, THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I am returning herewith without my approval Substitute House Bill No. 29 entitled:

"AN ACT Relating to state government".

This bill would establish two new legislative review committees, and provide the necessary procedures to review any rule promulgated by a state agency. The purpose of this review would be: 1) to determine if agency rules and/or amendments to rules are within the intent of the statute which the rule implements; or 2) to determine if agency rules have been adopted in accordance with all applicable provisions of the law. If the review committees determine that there has been a violation, their objections are filed with the Washington State Code Reviser who must publish the committee's notice of objection in the Washington State Register and the Washington Administrative Code.

The authority to promulgate administrative rules comes from the legislature. There is no question that the legislature, as a body, can review administrative rules that have been previously used and thereby determine whether to draft new laws to restrict or more specifically define the overall rule making authority. However, a Separation of Powers problem arises when the legislature reviews each individual rule as the executive agency promulgates it.

Substitute House Bill No. 29 violates the Separation of Powers Doctrine in two ways. It interferes with the ability of the executive branch to perform its constitutional function, and it duplicates the role of the judiciary.

It is the constitutional duty of the executive branch to implement the law, i.e., to apply the legislature's general laws to specific situations as they occur. This is day to day management which the executive branch performs within the authority granted to it. The executive branch needs stable authority to be effective and cannot function if each management decision must be continually defended against the legislature's after the fact determinations.

There is also a real question of the necessity for a formal legislative review of all administrative rules. Indeed, few specific examples have been cited in defense of the proposed legislation. Also, there are a variety of problems that can arise when 147 members of the legislature and two separate houses attempt to ascertain and interpret a concept of what constitutes legislative intent.

In addition, Substitute House Bill No. 29 infringes on the authority granted to the judiciary. Whether the executive branch is acting within its authority is a question that the state's constitution gives to the judiciary department to decide not the legislature. Yet this bill would give that function to a legislative review committee

by allowing them to determine, in retrospect, what their legislative intent was and consequently what the authority granted was.

Since this bill would be interfering with effective executive services to the public and duplicating the job of the judiciary, both of which do not serve the best interest of this state's taxpayers, I cannot support it. Particularly, when there are currently adequate safeguards available to ensure proper administrative rule making that do not violate the constitution's Separation of Powers.

If there is a problem with administrative rule making, the legislature can alleviate it by more clearly setting forth its intent in statute or other formal methods. In this way, the executive department can look to and rely on recorded tangible evidence for guidance. This allows the executive department to function within explicit authority and provides the judiciary adequate evidence to review the executive's authority. This is the relationship set out in the state constitution and it should not be weakened. In addition, the legislature has available to it a variety of informal mechanisms that can operate effectively to mitigate against administrative departures from intent.

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

Respectfully submitted,
DIXY LEE RAY
Governor.

POINT OF ORDER

Senator Walgren: "Mr. President, I raise the point as to whether or not this veto message is properly before the Senate at this time—whether it can constitutionally be considered by this body during this session of the legislature."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. With respect to the Point of Order I would just remind the President that the question of constitutionality is a question that, in the past, the President has stated that it was beyond his scope to make determination."

RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke's remarks are well taken. In reply to your Point of Order, Senator Walgren, the President believes, in his opinion that the matter is not properly before the members of the Senate inasmuch as Substitute House Bill 29 was vetoed April 30, 1979 by Governor Ray. This veto was delivered to the legislature while it was in session; therefore, in order to override the Governor's veto each house would have had to vote to override while the legislature was still in session. The House voted to override, however, the Senate did not. The legislature adjourned Sine Die on June 2, 1979, As a result, in the opinion of the President, the legislature lost the power to consider the bill further at the close of the 1979 extraordinary session."

PARLIAMENTARY INQUIRY

Senator Hayner: "Is this not technically a continuation of the forty-sixth session of the legislature?"

REPLY BY THE PRESIDENT

President Cherberg: "That is a very interesting question. The voters declared this to be a regular session."

REMARKS BY SENATOR HAYNER

Senator Hayner: "I think that is correct but it was determined that this would be the forty-sixth session both 1979 and 1980 and that we would subsequently have two years in each one of the regular sessions, of the session, a first and a second."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes the proper interpretation is that this is the forty-sixth legislature; however, at the dictate of the electorate is the second regular session of the forty-sixth legislature."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Yes, Mr. President. When I arose originally I had made the suggestion that it was my impression that in the past the President had declined to rule upon the question of alleged constitutionality or unconstitutionality, and respectfully suggest the proper procedure here would be to allow the body to act upon the matter which is before it and which I think the body has a right to express its opinion one way or the other, and then leave it to the courts to determine whether or not the purported action of the body is or is not constitutional.

"This is obviously a matter of first impression, this is the first time we have had a constitutional annual session. There certainly is a justifiable legal difference of opinion upon the point which has been raised by Senator Walgren and I respectfully suggest that it is not the proper function of this body to make that judicial determination as to whether or not an action by this body would not be in accordance with the Constitution.

"Now our compatriot body, the House, has already acted on the presumption, apparently, that this was a proper function and a constitutional function and again I respectfully suggest that it is not the proper function of the President to, in substance, prevent this body from taking whatever action the majority may or may not deem proper, and then leave it up to the courts to make a determination as to whether that was or was not constitutional. If the other procedure is followed then I respectfully suggest that the President will be continually placed in the position of ruling upon the purported constitutionality of various actions of this body. Now, I repeat that this question has come up before and if my recollection is correct the President has always respectfully declined to rule on those kinds of questions."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Clarke, the President did state that your remarks were well taken and the President believes that he understood them full well. That is why the President also believes he stated he was answering what might be considered a parliamentary inquiry and does not consider the remarks made as being a decision as to whether the measure is properly before the Senate."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President and members of the Senate, it is my belief the President properly ruled that it was not in order to bring the matter before this body at this time, Senator Clarke. The people directed us to come back into a regular session by their vote in amending the Constitution. Now all of our actions have

been to refer the bill back to the committees then through the committees we either vote for or against and we adopt the law, even those that have passed one house or the other or they are all referred back; so we are making new law. In effect if we take a one-half veto and bring it back before us we are not acting properly in session. Everything that we pass in this session directed by the people to come down here, goes before both houses, signed by the Speaker and signed by the President. There is no carry-over; and if we were to act on this veto message it would be a carry-over and would not be going before both bodies in the way that laws are created. We would be taking a law that the previous session had acted on and I think it is only proper that we act on laws that are created by either body in this session."

PARLIAMENTARY INQUIRY

Senator Clarke: "A matter of parliamentary inquiry. What is presently before the body? As I understand it this message from the House has been read in. There have been expressions of opinion on both sides whether or not under the Constitution the action taken by this body, if any, would not be proper. But my inquiry is as to what presently is before the body? The matter has been read in and regardless of opinion as to constitutionality, or unconstitutional that being brought before the body I respectfully suggest that it is before the body for action and the body should appropriately take action."

REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, although I frame my question through the Chair on the basis of a constitutional question, the question goes beyond that; and that is really whether or not this measure is properly before the Senate for action at all. I don't believe that the President has made any kind of a decision relating to constitutionality or unconstitutionality. He is talking on something that is well within the cognizance of all of us here and that is whether or not the people of this state set up a new, a brand new session of the legislature. Of course they did with the passage of SJR No. 110. We are in the forty-sixth legislature. We are in the second regular session of that legislature. The Constitution of this state requires that any bill to become a law, and there has been innumerable attorney generals' opinions on this, requires the passage of that bill in both houses as has been pointed out by Senator Rasmussen. For that reason, of course, we passed the concurrent resolutions in the past. We required that those measures that had previously passed the Senate be returned to us for further action so that we could, during this session of the legislature, if we so desired, pass those measures by action. Simply now to override a veto by both houses of a bill that was passed during a prior session of the legislature would simply be unconstitutional—not properly before us.

"Now that is not rendering necessarily a constitutional opinion by the Chair, that is simply stating the rules of the Senate that it is something that is within knowledge certainly of this Chair, something that is certainly within the knowledge of the members of this body."

PARLIAMENTARY INQUIRY

Senator Lewis: "Mr. President, as a non-attorney I have a rather perhaps naive question, but hasn't it been ruled that all bills in the last session have been declared alive and still in the same force they had at the time we adjourned at the last session; therefore this would be before us?"

PARLIAMENTARY INQUIRY

Senator Fleming: "Mr. President, a point of parliamentary inquiry. Mr. President, is there a bill before us at this time?"

REMARKS BY SENATOR CLARKE

Senator Clarke: "I merely wanted to join in the remarks of Senator Lewis to the effect that if we follow the logic of Senator Walgren, then all of the bills which were purportedly kept alive would fall exactly within the same category and substantially many of the actions which we have taken would be null and void. And again I suggest that this is a matter that ultimately must rest with the courts."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, if you will get out your constitution and read the section, I think the answer is rather obvious. 'Unlike bills.' Unlike any of the other subject matter we have talked about, there is a specific procedure for overriding a veto and it is set out very clearly in the constitution. It says that 'if the Governor returns the message before we adjourn, then by two-thirds vote of each house we can override the veto.' If, however, the law is returned to us after we have adjourned, then we have the power to call ourselves back into special session, not to exceed five days. But it says, on, about half-way down the line 'in its next session.' Now the bill in this case came back before we adjourned and no place in here does it say a special session, the next regular session, it says 'in its next session.' And that is the procedure the house is trying to use but they have ignored the lines above that talk about when they are still in session when the veto is returned to them. So they cannot get to the next session language because we failed to consider the act before we adjourned."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I did want to concur with Senator Clarke and Senator Lewis and when they talk of bills, this is no longer a bill and you are quite right when you say that all bills by the concurrent resolution were referred back to the appropriate committee. This happens to be a law. It was vetoed so it is no longer in the category of a bill and I think it would be improper for us to consider it. We do have, Senator Clarke and Senator Lewis, new legislation that is pending that will probably come before you for action."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, speaking to Senator Lewis' comments, he indicated that the bills were passed in the last session and they were reestablished, I guess, as a result of a resolution returning to their highest status. I think that resolution was talking about bills and resolution, and I don't think that resolution indicated that veto messages would be returned to their highest status also."

REMARKS BY SENATOR MARSH

Senator Marsh: "With the consent of the Senate, I would move that further consideration of this matter be deferred until tomorrow, appropriate time, so that the President may have additional time to consider this matter."

REPLY BY THE PRESIDENT

President Cherberg: "Thank you, Senator Marsh. The President has Senator Lewis' remarks, Senator Fleming's remarks, and mine, and would appreciate the additional time. If there are no objections to Senator Marsh's motion, it is so ordered."

MOTION

On motion of Senator Marsh, the Senate will resume consideration of the House Message on Substitute House Bill No. 29 on Thursday, January 24, 1980 at the proper time.

MOTION

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

SECOND READING

SENATE BILL NO. 2236, by Senators Ridder, Lee, Goltz, Walgren, Moore, McDermott, Vognilid, Talmadge and Lysen:

Providing collective bargaining rights for certain personnel of institutions of higher education.

REPORT OF STANDING COMMITTEE

January 16, 1980.

SENATE BILL NO. 2236, providing collective bargaining rights for certain personnel of institutions of higher education (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 25 of the title, after "28B.52.200;" strike all the material down through "41.59.050;" on line 29.

On page 14, line 17, after "prior to" strike "October 1, 1979" insert "January 1, 1982"

On page 15, beginning on line 29, strike all material down through line 33.

On page 16, line 1, before the period, strike "October 1, 1979" and insert "January 1, 1982"

Signed by: Senators Lysen, Chairman; Vognilid, Vice Chairman; McDermott, Moore.

The bill was read the second time by sections.

Senator Lysen moved the committee amendments to page 14 and page 16 be considered and adopted simultaneously.

POINT OF INQUIRY

Senator Guess: "Senator Lysen, the bill has no fiscal impact at least no statement here on the floor and the digest that I have seen did not show. Can you tell the body what the fiscal impact is going to be?"

Senator Lysen: "Yes, the fiscal impact for the next, future biennium, according to Mr. Schurke and the PERC Commission is close to one-half million dollars but that would be in the following biennium."

Senator Guess: "Senator Lysen, can you tell me what benefit to the educational system and the benefit to the youngsters that are graduating from our colleges is going to be from the expenditure of one-half million dollars for this bill?"

Senator Lysen: "I would, Senator, but I think that deals with the merits of the bill and really goes beyond this amendment. If it would be appropriate to get into

that now—I really think it would be more appropriate after this committee amendment changing the date was voted on."

The motion by Senator Lysen carried and the committee amendments to pages 14 and 16 were adopted.

On motion of Senator Lysen, the committee amendment to page 15 was adopted.

Senator Scott moved adoption of the following amendment:

On page 2, line 17, after "but" insert:

"shall not include the chief executive and administrative officers of the institution of higher education, including the president, vice presidents, deans, and department chairpersons, or their equivalents and principal assistants and associates, confidential employees, casual employees, supervisors, or employees subject to Chapter 28B.16 RCW."

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Rasmussen, maybe you could for this body define what 'department chairpersons or their equivalent' means. Could you tell us what an 'equivalent' is?"

Senator Rasmussen: "Senator McDermott, this exactly is what Senator Scott is going to work out if he has a little more time. What I am objecting to is to say here on the floor we do not have time enough to work out what we want to be in the law. I would like to point out, one of the problems, the Washington Administrative Code on the education of the handicapped occupies about fifty more pages. This is Administrative Code provisions adopted by rules than what the law was that we passed. I think we would be well-advised to take a little more time, make the law clear so that we know rather than having another group adopt what they think we meant. That is my only point, Senator McDermott."

Further debate ensued.

POINT OF INQUIRY

Senator Woody: "Senator Scott, I am on neither the higher education committee or the education committee and I would like to know your intent of the language 'or their equivalent', well, 'equivalent' I can understand but 'principal assistants and associates of department chairman,' could you tell me please what that would refer to? What category?"

Senator Scott: "Senator Woody, that refers to people like administrative assistants and those who work out of the departmental office but have, again, a supervisory or an executive position as opposed to a faculty position."

MOTION

On motion of Senator Scott, the amendment proposed by Senator Scott was held for corrective language.

MOTION

At 12:48 p.m., Senator Walgren moved the Senate adjourn until 11:00 a.m., Thursday, January 24, 1980.

POINT OF INQUIRY

Senator Rasmussen: "Senator von Reichbauer, you are the chairman of the parks and recreation . . ."

Senator von Reichbauer: "Yes, Senator."

Senator Rasmussen: "I have in hand here today's calendar, Wednesday, January 23, 2 p.m. you have scheduled a meeting. I am the average tax-paying citizen out here in the hinterlands and I would like to know House bills before the committee, Senate bills before the committee and other business. Now that does not tell me anything if I am outside. It does not tell me anything if I am a Senator that has another very important committee meeting that I must attend but I would like to come before your committee on one of the bills that you may have. Could you maybe, in future calendars, identify the bills that will be up for consideration?"

Senator von Reichbauer: "Senator, with great satisfaction I would point out I would never regard you as an average citizen or an average Senator, and I can assure you they will be on a — there is nothing on horse racing I might add — on today's calendar."

Senator Rasmussen: "Well it is my understanding, Mr. President, that, for the public and for the Senators and House members that might like to attend, that those bills should be identified rather than just in general. Would I be correct in that interpretation?"

President Cherberg: "The President . . ."

Senator Rasmussen: "You do not have to answer, Mr. President. I feel that it is right."

The motion by Senator Walgren carried. At 12:53 p.m. the Senate adjourned until 11:00 a.m., Thursday, January 24, 1980.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

ELEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 24, 1980.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger and Guess. On motion of Senator Wilson, Senator Bottiger was excused. On motion of Senator Jones, Senator Guess was excused.

The Color Guard, consisting of Pages Kelly Day and Craig Fortner, presented the Colors. Reverend Lester G. Olson, senior pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"WE ARE WILLING, LORD, TO UNDERWRITE THE EDUCATION OF PEOPLE WITHIN THIS STATE, TO FEED THE HUNGRY AND CLOTHE THE POOR, TO TRAIN THE UNDERPRIVILEGED, TO HOUSE, AND BIND UP WOUNDS. WE HAVE DISCOVERED THAT, LIKE THE MANNA YOU GAVE THE ISRAELITES IN THE WILDERNESS, THERE IS ENOUGH FOR ALL. WE ARE WILLING, LORD, TO DECLARE THAT WHAT WE HAVE WILL BE A BLESSING TO ALL. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 1980.

SENATE BILL NO. 2501, modifying powers of public utility districts relating to the conservation, utilization, development, and management of water resources (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

January 23, 1980.

SENATE BILL NO. 3165, exempting programs allowing students to obtain high school diplomas or certificates from overall dollar amount limitation on higher institution tuition and fee waiver (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3165 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules for second reading.

January 22, 1980.

SENATE BILL NO. 3197, creating a commission on families and children (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Hurley, Pullen, Talmadge.

Passed to Committee on Rules for second reading.

January 21, 1980.

SENATE BILL NO. 3200, establishing the office of mental health ombudsman (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Hurley, Talmadge.

Passed to Committee on Rules for second reading.

January 22, 1980.

SENATE BILL NO. 3201, assisting needy families with day care services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Hurley, Pullen, Talmadge.

Passed to Committee on Rules for second reading.

January 23, 1980.

SENATE BILL NO. 3251, authorizing students attending college in another state to receive financial aid when reciprocity agreement exists with institution students attend (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Shinpoch.

Passed to Committee on Rules for second reading.

January 23, 1980.

SENATE BILL NO. 3275, adding exemption to education services registration act (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3275 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Goltz, Chairman; Odegaard, Shinpoch, von Reichbauer.

MINORITY recommendation: Do not pass.

Signed by: Senator Guess.

Passed to Committee on Rules for second reading.

January 23, 1980.

SENATE BILL NO. 3298, relating to parks and recreation (reported by Committee on Parks and Recreation):

Recommendation: That Substitute Senate Bill No. 3298 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

January 23, 1980.

SENATE BILL NO. 3325, modifying the amount paid for redemption of property (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Hurley, Woody.

Passed to Committee on Rules for second reading.

January 23, 1980.

SENATE BILL NO. 3526, an act relating to parks and recreation and making an appropriation (reported by Committee on Parks and Recreation):

Recommendation: That Substitute Senate Bill No. 3526 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Ways and Means for second reading.

January 23, 1980.

SENATE BILL NO. 3551, establishing temporary tax incentives for alcohol fuels (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 3551 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

January 23, 1980.

SENATE BILL NO. 3576, exempting alcohol fuels from the liquor control laws (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

January 23, 1980.

SENATE BILL NO. 3629, providing tax incentives for alcohol fuels (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 3629 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

January 24, 1980.

HOUSE BILL NO. 762, authorizing savings and loan associations to permit use of negotiable transfer from accounts (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 23, 1980.

DAVID C. VAN HOOSE, to the position of Member of the Board of Trustees, Community College District No. 9, appointed by the Governor on October 5, 1979 for the term ending September 30, 1984, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

January 23, 1980.

PHILIP L. BURTON, to the position of Member of the Board of Trustees, Community College District No. 6, appointed by the Governor on December 17, 1979 for the term ending September 30, 1984, succeeding Marvin E. Glass (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

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 gubernatorial appointment 205.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rasmussen, the appointment of Wallace R. Edwards as a member of the State Gambling Commission was confirmed.

APPOINTMENT OF WALLACE R. EDWARDS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bottiger, Guess—2.

MOTION

On motion of Senator Wilson, the appointment of Ruby Chow as a member of the State Jail Commission was confirmed.

APPOINTMENT OF RUBY CHOW

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Matson, Quigg—2.

Excused: Senators Bottiger, Guess—2.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2236.

SECOND READING

SENATE BILL NO. 2236, by Senators Ridder, Lee, Goltz, Walgren, Moore, McDermott, Vognild, Talmadge and Lysen:

Providing collective bargaining rights for certain personnel of institutions of higher education.

The Senate resumed consideration of Senate Bill No. 2236. On January 23, 1980, the committee amendments were adopted and an amendment by Senator Scott to page 2, line 17 had been moved for adoption.

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

Senator Scott moved adoption of the following amendment:

On page 2, line 19, after "education," insert: "Including the president, vice presidents, deans, and department chairpersons or their equivalents and their respective principal assistants and associates,"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, I am picking your brains because I do not know the pecking order in the university. You indicated that the people that were proposed in this amendment were already included in the exclusion in the bill?"

Senator Goltz: "I said that the major officials had said—I understand that the president, vice president, deans are automatically thought of as administration but the chairpersons are the ones that are in doubt as to what status they would have."

Senator Rasmussen: "Well, if you are in doubt, I'm not—couldn't we make a positive statement then in this legislation? Let me explain what my concerns are. And I have been in the middle of Senator Walgren and Senator Odegaard and many of the rest of you, of that bill concerned with administrative review of rules. So in effect what we are doing turning over to PERC to make some more administrative rules that we may not agree with. Wouldn't it be much better to set it out clearly what our intent is in this legislation, and then there is no question about it, this is what the legislature said."

Senator Goltz: "Senator Rasmussen, I would respond to that by saying that we are not asking them to make rules; we are asking them to include in the collective bargaining unit, on each side of the table, those persons that are appropriately belonging on each side and I am trying to suggest that this circumstance is different in different institutions and with good reason, that it would not serve any useful purpose for the state to demand that all department chairman have certain administrative functions which in some institutions those department chairman have not traditionally had; and I would prefer that we not legislate down to the third level or fourth level of a college or university to describe a department chairman as something which he traditionally has not been."

Further debate ensued.

Senators Moore, Goltz and Talmadge demanded the previous question and the demand sustained.

The President declared the question before the Senate to be the amendment by Senator Scott to page 2, line 19.

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

The President declared the question before the Senate to be the roll call on the amendment by Senator Scott to page 2, line 19.

MOTION

On motion of Senator Jones, Senator Matson was excused.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 24; excused, 2;

Voting yea: Senators Benitz, Bluechel, Clarke, Donohue, Gallagher, Gould, Haley, Hansen, Hayner, Jones, Lee, Lewis, Marsh, Morrison, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Van Hollebeke, Wanamaker—23.

Voting nay: Senators Bausch, Bottiger, Conner, Day, Fleming, Gaspard, Goltz, Henry, Hurley, Lysen, McDermott, Moore, Odegaard, Peterson, Ridder, Talley,

Talmadge, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—24.

Excused: Senators Guess, Matson—2.

Senator Scott moved adoption of the following amendment by Senators Scott and Sellar:

On page 9, add a new section following section 8 as follows:

"**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."

Renumber the remaining sections consecutively.

Debate ensued.

Senator Peterson demanded the previous question.

Senator Gaspard moved adoption of the following amendment by Senator Gaspard to the amendment by Senators Scott and Sellar:

On line 1 of the Scott amendment to page 9, before "A" insert "Participation by students during bargaining sessions shall be determined by agreement between the employer and exclusive bargaining representative." and strike the last sentence of the Scott amendment to page 9, adding a new section 9.

POINT OF INQUIRY

Senator Lysen: "I think this is an interesting approach yet your amendment, the two parts of it, if it were to pass, would the effect of it be that if a prior agreement was reached between the negotiator, or the faculty, or the administrative representative bargaining agent and the union bargaining agent to allow the students to observe, but it would have to be agreed by both parties ahead of time they could do that. If either side disagreed then the students would not be allowed to observe. Is that the correct understanding?"

Senator Gaspard: "That is the correct interpretation. Both sides would have to agree."

Debate ensued.

POINT OF INQUIRY

Senator Gould: "Senator Gaspard, I just want to clarify the intent. With this change we would then be saying that students even as observers would have . . . the decision would have to be made by both parties. Is that your intent?"

Senator Gaspard: "Yes, that is my intent."

Senator Gould: "Okay. I just wanted to clarify. Thank you."

POINT OF INQUIRY

Senator Hayner: "Senator Gaspard, I do not see any need for this because certainly if the two parties who are negotiating wanted to let in observers they could do

so, so why do we want to put a bunch of words such as this in the law books? I think that is just an amendment to kill the basic purpose of Senator Scott's amendment."

Senator Gaspard: "Mr. President, I am not sure if that was a question because . . . but I would like to respond. I do not think this is trying to kill the Scott amendment. I think I am trying to put a little different intent into it and maybe make the Scott amendment survive with an amendment to it. The language is taken primarily from the last line of the Scott amendment so I do not think it is going to be superfluous language at all. I think we are arguing some options to the negotiating parties. If it is such a good idea to have the students participate maybe the two negotiating parties would think that also and like to invite them to do so, to observe and to be a part of the negotiations."

Further debate ensued.

POINT OF INQUIRY

Senator Donohue: "Senator Gaspard, let us assume for a moment that you are the bargaining representative and I am the employer and that you decide that you do not want student participation and you and I cannot come to an agreement. I want them; you do not. That is the end of the ballgame. Am I correct?"

Senator Gaspard: "That is correct."

Senator Donohue: "I hope that everybody will vote 'no' on this amendment to the amendment."

Further debate ensued.

Senator Talley demanded the previous question.

Senator Scott demanded a roll call on the amendment by Senator Gaspard to the amendment by Senators Scott and Sellar.

The President declared the question before the Senate to be the roll call on the amendment by Senator Gaspard to the amendment by Senators Scott and Sellar.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 19; nays, 28; excused, 2.

Voting yea: Senators Bausch, Bottiger, Conner, Fleming, Gaspard, Gould, Hurley, Lysen, McDermott, Moore, Odegaard, Peterson, Shinpoch, Talmadge, Vognild, Walgren, Williams, Wilson, Woody—19.

Voting nay: Senators Benitz, Bluechel, Clarke, Day, Donohue, Gallagher, Goltz, Haley, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Morrison, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wojahn—28.

Excused: Senators Guess, Matson—2.

Further debate ensued.

Senators Peterson, Goltz and Walgren demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the amendment by Senators Scott and Sellar.

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

The President declared the question before the Senate to the the roll call on the amendment by Senators Scott and Sellar.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 26; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Donohue, Gallagher, Gould, Haley, Hayner, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Quigg, Scott, Sellar, Shinpoch, Wanamaker—21.

Voting nay: Senators Bausch, Bottiger, Conner, Day, Fleming, Gaspard, Goltz, Hansen, Henry, Hurley, Lysen, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—26.

Excused: Senators Guess, Matson—2.

On motion of Senator Lysen, the committee amendment to the title was adopted.

On motion of Senator Ridder, the rules were suspended, Senate Bill No. 2236 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 Senate Bill No. 2236 and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Fleming, Gaspard, Goltz, Henry, Lee, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Donohue, Gallagher, Gould, Haley, Hansen, Hayner, Hurley, Jones, Lewis, Matson, Morrison, Pullen, Scott, Sellar, Wanamaker, Wilson—20.

Excused: Senator Guess—1.

SENATE BILL NO. 2236, having received the 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 von Reichbauer: "Mr. President, a point of inquiry."

REPLY BY THE PRESIDENT

President Cherberg: "The Senator will please state his point of inquiry."

FURTHER POINT BY SENATOR von REICHBAUER

Senator von Reichbauer: "Before I get to my questions, Mr. President, I would like to speak to circumstances of the last hour and a half. Upon coming on the floor of the Senate, received a phone call from the chairman of the liquor control board and since I assumed he was calling in response to an invitation to appear before the state government committee, I asked him at that time if planned to be at that meeting."

POINT OF ORDER

Senator Walgren: "Mr. President, a point of order."

REPLY BY THE PRESIDENT

President Cherberg: "The Senator will please state his point of order."

FURTHER REMARKS BY SENATOR WALGREN

Senator Walgren: "Senator von Reichbauer, as I understood his request to the Chair, was to raise a point of inquiry and it appears that he wants to discuss something further which he may very well be privileged to do, but it is not, I do not believe, under a point of inquiry."

RULING BY THE PRESIDENT

President Cherberg: "Senator Walgren's remarks are well taken. Senator, would you please. . . ."

POINT OF INFORMATION

Senator von Reichbauer: "A question of the Chair, Mr. President. Would a question of personal privilege be in order at this time?"

REPLY BY THE PRESIDENT

President Cherberg: "A point of personal privilege would be in order, Senator, but it must be confined to remarks personal to you as an individual . . . Senator von Reichbauer."

FURTHER REMARKS BY SENATOR von REICHBAUER

Senator von Reichbauer: "I will stick to the point of inquiry, Mr. President.

"Mr. President, I would like to find, to be advised as to whether or not a committee of this body can subpoena an individual and whether or not that person is subpoenaed or not, whether or not this body has the authority and under what process a committee can ask an individual to testify under oath before a committee.

"As the body is well aware, an individual who falsely testifies before a state . . . any committee . . . is not, cannot be held liable but if one testifies under oath one could be liable for penalties not only ten years in the federal penitentiary and ten thousand dollars but other penalties as well.

"While you are reviewing that matter, I would like to ask if Senator Rasmussen would yield to a question?"

Senator Rasmussen: "Anytime a Senator asks a question I would try to answer it to the best of my ability. What is your question?"

POINT OF INQUIRY

Senator von Reichbauer: "Senator Rasmussen, I was just advised by Mr. L. H. Pedersen, the chairman of the liquor control board that he had not been advised that he had been invited to testify before your committee today. I sent in a letter to you and a copy sent to every member of this body dated January 21, 1980 and preceding that I talked with your staff director for state government committee and advised her that I wanted not only Mr. Pedersen, but I also wanted Lieutenant Colonel Hayden, chairman or . . . director of the organized crime intelligence unit of the Washington State Patrol; Colonel T. F. Bell, the commander of the special services division; Lieutenant W. G. Keller, executive security; Gary L. Jackson, Douglas A. Wilson, Wiley Hurst, Claire Jones of the Governor's office, Frank Colacurcio, Senior; Frank Colacurcio, Junior; Mr. Michael Smith, a second party in joint venture agreements with Mr. Jackson dated August 9, 1972, and other parties appear before your committee.

"Secondly, Senator Rasmussen, I also advised you I wished copies of the court files of Yakima county on a number of alleged cases dealing with Mr. Jackson and

the publishing house which he is president. Moreover, I asked for corporate papers of the Yakima Valley Turf Club and other entities.

"My concern, and my question to you, Senator, is that something smells in the barn and it is an unnatural smell. The cloud over this gentleman's confirmation is now over this body and I do not think stonewalling is the answer.

"Did you or did you not receive my letter and did you or did you not notify these individuals that they were going to be asked to testify and is it or is it not your intention that they testify under oath?"

QUESTION BY THE PRESIDENT

President Cherberg: "Senator Walgren, for what purpose do you rise?"

REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, I think that we have confused the purpose of the hearing that is going to be held in Senator Rasmussen's committee. This is not a prosecutorial process that we are going to be proceeding with this afternoon, this is an inquiry by a duly constituted legislative committee chaired by well-qualified members of this Senate and staffed with well-qualified members for the purpose of determining the criteria of a . . ."

QUESTION BY THE PRESIDENT

President Cherberg: "For what purpose does Senator von Reichbauer rise?"

REMARKS BY SENATOR von REICHBAUER

Senator von Reichbauer: "Mr. President, I believe my question was addressed to Senator Rasmussen. I do not believe that was answered."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator von Reichbauer, to clarify the situation, the President does not believe that your inquiry was of parliamentary nature as nothing of that particular situation which you referred to is before the Senate. You asked rather a complex question. The President had difficulty in hearing your question as did the minute clerk; therefore it will be necessary for the President to get a transcript of your question and the President will make every effort to answer your questions, your inquiry, as well as he possibly can. The President believes the entire proceedings are not in order at this time."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "I would like to announce that, in answer to Senator von Reichbauer's question that, and he has distributed a newspaper clipping from the News Tribune, an explanation is due.

"All of the charges that Senator von Reichbauer made on the floor previous sessions concerning the appointee to the horse racing commission we have attempted to gather information on . . . that meeting was scheduled at one o'clock. I am going to postpone it to one-thirty and the notice came out in the official notice, the five-day notice, that we were going to hold this hearing, that it was an open meeting, that anybody could appear and testify. I would ask Senator von Reichbauer to please attend that meeting because all of the questions that he raised I am sure will be answered adequately with affidavits and other material.

"I know that the body here is concerned as they rightly should be and sorry that we are going to have to delay that due to the length of this meeting but it will

be held at one-thirty, room 103, which is the ways and means committee room over in the public lands."

MOTIONS

On motion of Senator Lysen, the Committee on Labor was relieved from further consideration of Senate Bill No. 3578.

On motion of Senator Lysen, Senate Bill No. 3578 was rereferred to the Committee on Higher Education.

At 1:05 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Friday, January 25, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 25, 1980.

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 Matson, Sellar and Williams. On motion of Senator Jones, Senators Sellars and Williams were excused.

The Color Guard, consisting of Pages Ella Bachman and Kelli Ott, presented the Colors. Reverend Lester G. Olson, senior pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"THE TUMULT AND THE SHOUTING DIES. QUIET REIGNS SUPREME. AND IN THE UNCOMFORTABLE SILENCE A FAMILIAR VOICE IS HEARD, 'BE STILL, AND KNOW THAT I AM GOD. I FORMED YOU OUT OF THE GROUND, I HAVE BROUGHT YOU TO THIS PLACE, I HAVE GIVEN YOU THE TOOLS WITH WHICH TO WORK AND I WILL BRING TO A GOOD CONCLUSION WHAT I HAVE BEGUN'. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

SENATE BILL NO. 2259, excluding certain professional organizations from the definition of "insurer" (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2259 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 18, 1980.

SENATE BILL NO. 2475, revising laws relating to homemaker services (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2475 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 24, 1980.

ENGROSSED SENATE BILL NO. 2667, providing for library assistance (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 2667 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

January 25, 1980.

SENATE BILL NO. 3136, exempting additional records from public inspection and copying under public disclosure act (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3136 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Marsh, Peterson, Ridder.

Passed to Committee on Rules for second reading.

January 23, 1980.

SENATE BILL NO. 3193, increasing local government participation in energy site certification procedures (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3193 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Hurley, Lewis, Lysen, Williams, Wilson.

Passed to Committee on Rules for second reading.

January 24, 1980.

SENATE BILL NO. 3202, repeal law relating to basic sciences (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 22, 1980.

SENATE BILL NO. 3228, modifying the motor vehicle emission control law (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 3228 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Williams, Chairman; Bradburn, Goltz, Hansen.

Passed to Committee on Rules for second reading.

January 24, 1980.

SENATE BILL NO. 3234, establishing procedures for review of administrative rules by the attorney general (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

January 25, 1980.

SENATE BILL NO. 3236, making an attended hit and run involving personal injury a Class C felony (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Jones, Pullen, Woody.

Passed to Committee on Rules for second reading.

January 24, 1980.

SENATE BILL NO. 3237, relating to highways (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3237 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

January 24, 1980.

SENATE BILL NO. 3240, enacting the Coordinated Review and Accountability Act of 1980 (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

January 23, 1980.

SENATE BILL NO. 3285, insuring that certain health and safety inspections will be performed at energy facilities (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 3285 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Lysen, Chairman; McDermott, Moore, Morrison, Sellar.

Passed to Committee on Rules for second reading.

January 25, 1980.

SENATE BILL NO. 3288, selecting juries for courts of limited jurisdiction (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Jones, Pullen, Woody.

Passed to Committee on Rules for second reading.

January 25, 1980.

SENATE BILL NO. 3320, permitting agencies to issue summary orders in contested cases (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Hurley, Jones, Pullen, Woody.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 24, 1980.

LYLE JACOBSEN, to the position of Director of the Office of Financial Management, appointed by the Governor on December 1, 1979 for the term ending at the pleasure of the Governor, succeeding Orin Smith (reported by the Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Fleming, Gaspard, Goltz, Jones, Morrison, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Wojahn.

Passed to Committee on Rules.

January 24, 1980.

NANCY CHINN-JANG, to the position of Member of the Commission on Asian-American Affairs, appointed by the Governor on August 30, 1979 for the term ending June 30, 1982, succeeding Raymond T. Lew (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 24, 1980.

WENDY HAMAI, to the position of Member of the Commission on Asian-American Affairs, appointed by the Governor on May 3, 1979 for the term ending June 30, 1980, succeeding Russell Nakatsu (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 24, 1980.

PAUL SHIGEMI ISAKI, to the position of Member of the Commission on Asian-American Affairs, appointed by the Governor on August 30, 1979 for the term ending June 30, 1982, succeeding himself (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 24, 1980.

PHOUNE KEOMAHAVONG, to the position of Member of the Commission on Asian-American Affairs, appointed by the Governor on August 30, 1979 for the term ending June 30, 1982, succeeding herself (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 24, 1980.

RAYMOND T. LEW, to the position of Member of the Commission on Asian-American Affairs, appointed by the Governor on August 30, 1979 for the term ending June 30, 1980, succeeding Cal Underhill (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 24, 1980.

JO-ELAINE AKIMI MATSUMOTO, to the position of Member of the Commission on Asian-American Affairs, appointed by the Governor on August 30, 1979 for the term ending June 30, 1982, succeeding herself (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 24, 1980.

SAM S. NAKAGAWA, to the position of Member of the Commission on Asian-American Affairs, appointed by the Governor on May 3, 1979 for the term ending June 30, 1981, succeeding John Y. Sato (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 24, 1980.

PAULL H. SHIN, to the position of Member of the Commission on Asian-American Affairs, appointed by the Governor on August 30, 1979 for the term ending June 30, 1982, succeeding himself (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 24, 1980.

JOHN L. F. SLEE, to the position of Member of the Commission on Asian-American Affairs, appointed by the Governor on August 30, 1979 for the term ending June 30, 1982, succeeding himself (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 24, 1980.

JOE YOSHIO TOKUNAGA, to the position of Member of the Commission on Asian-American Affairs, appointed by the Governor on August 30, 1979 for the term ending June 30, 1982, succeeding himself (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 24, 1980.

JANICE LEE YOSHIWARA, to the position of Member of the Commission on Asian-American Affairs, appointed by the Governor on August 30, 1979 for the term ending June 30, 1982, succeeding Paula Frial (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 24, 1980.

ALBERT ALVAREZ, to the position of Member of the Commission on Mexican-American Affairs, appointed by the Governor on August 7, 1979 for the term ending June 30, 1983, succeeding Roberto Lopez (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 24, 1980.

OLIVIA T. CUELLAR, to the position of Member of the Commission on Mexican-American Affairs, appointed by the Governor on August 7, 1979 for the

term ending June 30, 1983, succeeding Pete Garza (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 24, 1980.

ARMANDO A. GARCIA, to the position of Member of the Commission on Mexican-American Affairs, appointed by the Governor on August 7, 1979 for the term ending June 30, 1983, succeeding himself (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 24, 1980.

LINDA RAE WYNNE, to the position of Member of the Commission on Mexican-American Affairs, appointed by the Governor on August 7, 1979 for the term ending June 30, 1983, succeeding Miguel Esquivel (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 24, 1980.

WILDER FOOTE, to the position of Member of the Public Employees Retirement Board, appointed by the Governor on October 8, 1979 for the term ending at the pleasure of the Governor, succeeding Thomas H. Pendleton (reported by the Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Fleming, Gaspard, Goltz, Jones, Morrison, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Wojahn.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

January 23, 1980.

Mr. President: The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 10,
 SECOND SUBSTITUTE HOUSE BILL NO. 240,
 SECOND SUBSTITUTE HOUSE BILL NO. 299,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 312,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 714,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1000,
 SUBSTITUTE HOUSE BILL NO. 1016,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1210,
 ENGROSSED HOUSE BILL NO. 1410,
 HOUSE BILL NO. 1417,
 ENGROSSED HOUSE BILL NO. 1418,
 HOUSE BILL NO. 1431,
 ENGROSSED HOUSE BILL NO. 1449,
 SUBSTITUTE HOUSE BILL NO. 1454,

ENGROSSED HOUSE BILL NO. 1463, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

January 23, 1980.

Mr. President: The House has adopted: SUBSTITUTE HOUSE JOINT RESOLUTION NO. 37, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

January 24, 1980.

Mr. President: The House has passed:
SUBSTITUTE HOUSE BILL NO. 325,
SUBSTITUTE HOUSE BILL NO. 540,
HOUSE BILL NO. 1430,
HOUSE BILL NO. 1435,
SUBSTITUTE HOUSE BILL NO. 1457,
HOUSE BILL NO. 1521, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 10, by Committee on Revenue (originally sponsored by Representatives Winsley, Erickson, Sommers, Barr, Craswell, Fuller, Whiteside and Fancher):

Raising the property tax delinquency interest rate and shortening delinquency payment period.

Referred to Committee on Ways and Means.

SECOND SUBSTITUTE HOUSE BILL NO. 240, by Committee on Revenue (originally sponsored by Representatives Sommers, Newhouse, Warnke, Flanagan, Erickson, Winsley, Bond and Sanders):

Making real estate excise tax a state tax.

Referred to Committee on Ways and Means.

SECOND SUBSTITUTE HOUSE BILL NO. 299, by Committee on Revenue (originally sponsored by Representatives Nelson (G.) and Sommers):

Modifying the 106% levy lid calculation.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 312, by Committee on Commerce (originally sponsored by Representative Nelson (G.A.)):

Revising the laws regulating engineers and land surveyors.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 325, by Committee on Revenue (originally sponsored by Representatives Sprague, Sanders, Greengo and Bond):

Removing the inequalities on taxpayer overpayments.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 540, by Committee on Revenue (originally sponsored by Representatives Ehlers and Erickson):

Providing deduction from business and occupation tax, and exemptions from sales and use taxes for nonprofit organizations, bazaars or rummage sales.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 714, by Committee on Natural Resources (originally sponsored by Representatives Vrooman, Schmitten, Martinis and Wilson):

Regulating the taking of crabs.

Referred to Committee on Natural Resources.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1000, by Committee on Revenue (originally sponsored by Representatives Oliver, McCormick, Nelson (D.), Amen, Sanders, Haley, Barr, Clayton and Fuller):

Granting a temporary tax exemption for sales and use of alcohol in gasohol and related production facilities.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1016, by Committee on Revenue (originally sponsored by Representatives Newhouse and Sommers):

Dividing sales and use exemption subsections into separate sections.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1210, by Committee on Education (originally sponsored by Representatives Galloway, Whiteside, Vrooman, Erickson, Van Dyken and Zimmerman):

Authorizing certain exceptions relating to second class school districts respecting beneficial interests in contracts.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 1410, by Representatives Sommers and Greengo:

Modifying taxation of gambling devices.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1417, by Representatives Winsley, Newhouse, Knowles and Ellis (by Judicial Council request):

Providing for sentencing after appeals from police court.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1418, by Representatives Newhouse, Smith (R.), Knowles and Ellis (by Judicial Council request):

Modifying the laws governing traffic infractions.

Referred to Judiciary Committee.

HOUSE BILL NO. 1430, by Representatives Whiteside, Smith (C.), Clayton, Deccio, Flanagan, Newhouse, Isaacson and Oliver:

Authorizing compensation for county planning commission and board of adjustment members.

Referred to Committee on Local Government.

HOUSE BILL NO. 1431, by Representatives Heck, Chandler, Bauer, Taylor and Galloway:

Removing duty of educational service district superintendent to examine certain records and check certain accounts.

Referred to Committee on Education.

HOUSE BILL NO. 1435, by Representatives Charnley, Zimmerman, Teutsch, Deccio, May, Bauer, Tilly, Galloway and Nisbet:

Removing limitations on use of fire protection district equipment.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 1449, by Representatives Heck and Chandler (by Superintendent of Public Instruction request):

Providing for receipt of certain ballots if not postmarked when received.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 1454, by Committee on Local Government (originally sponsored by Representatives Keller, Zimmerman, Rosbach, Brown, Vrooman and Charnley):

Authorizing investments of county funds.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 1457, by Committee on Local Government (originally sponsored by Representatives Charnley, Rohrbach and Garrett):

Modifying the laws providing for joint county and city health departments.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 1463, by Representatives Bauer, Heck, Zimmerman, Galloway, Grimm, Maxie, Walk, Ehlers, Taylor, Tupper, Gallagher, North, Salatino, Taller and Williams:

Authorizing waiver of mandatory attendance law for certain students excused for purposes agreed to by school authorities.

Referred to Committee on Education.

HOUSE BILL NO. 1521, by Representatives Whiteside, Adams, Mitchell and Van Dyken (by Department of Social and Health Services request):

Regulating transfers of property by persons seeking eligibility for public assistance.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 37, by Committee on Judiciary (originally sponsored by Representatives Newhouse, Knowles, Smith (R.) and Ellis):

Establishing a judicial performance and disciplinary commission.

Referred to Judiciary Committee.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT MOTION

On motion of Senator Wilson, the appointment of Larry V. Erickson as a member of the State Jail Commission, was confirmed.

APPOINTMENT OF LARRY V. ERICKSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Matson—1.

Excused: Senators Sellar, Williams—2.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Senate Bill No. 2204.

SECOND READING

ENGROSSED SENATE BILL NO. 2204, by Senators Woody, Odegaard, Conner, Peterson, Newschwander, von Reichbauer and Talley:
Modifying the provisions for free hunting and fishing licenses.

REPORT OF STANDING COMMITTEE

January 17, 1980.

ENGROSSED SENATE BILL NO. 2204, modifying the provisions for free hunting and fishing licenses (reported by Committee on Natural Resources):

Recommendation: Do pass with the following amendments:

On page 2, line 28, after "having a" insert "one hundred percent".

On page 2, line 29, after "who" strike all of the material to the end of the line and insert "has been a resident of this state for one year, upon application.".

On page 2, line 30, after "hunting" insert "and fishing".

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Lysen, Odegaard, Quigg, Rasmussen, Talley, Vognild.

The bill was read the second time by sections.

On motion of Senator Peterson, the committee amendments were adopted.

MOTIONS

On motion of Senator Jones, Senator Matson was excused.

Senator Lee moved adoption of the following amendment by Senators Lee and Gallagher:

On page 3, after line 3, insert the following paragraph:

"The state treasurer shall annually transfer from the general fund to the game fund sufficient moneys to compensate the game fund for fees lost during the fiscal year as a result of free licenses issued under this section. The amount to be transferred shall be certified to the state treasurer by the director of financial management within thirty days of the close of each fiscal year."

Debate ensued.

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

MOTION

On motion of Senator Jones, Senator Matson was excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the amendment by Senators Lee and Gallagher to Engrossed Senate Bill No. 2204.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays, 27; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Gallagher, Guess, Haley, Hayner, Jones, Lee, Lewis, Lysen, Morrison, Pullen, Quigg, Scott, Wanamaker, Wilson—19.

Voting nay: Senators Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Hansen, Henry, Hurley, Marsh, McDermott, Moore, Odegaard, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wojahn, Woody—27.

Excused: Senators Matson, Sellar, Williams—3.

MOTIONS

On motion of Senator Lee, the amendment by Senators Lee and Gallagher on the desk of the Secretary of the Senate was withdrawn.

Senator Pullen moved adoption of the following amendment:

On page 3, after line 3, add new sections as follows:

"Section 3. Section 77.32.070, chapter 36, Laws of 1955 and RCW 77.32.070 are each amended to read as follows:

Every application for a license shall be in writing on a blank form to be furnished for that purpose and signed by the applicant and shall contain information concerning sex, citizenship, age, place of residence, and any other matters required by rule and regulation of the commission. The application for a hunting license shall contain the following statement, which shall be signed and agreed to by the holder of the license: "I understand that as holder of this license I will be responsible for all of my actions relating to the hunting permitted by this license. I understand that the license applied for does not authorize the illegal or improper use of firearms."

Sec. 4. Section 77.32.090, chapter 36, Laws of 1955 and RCW 77.32.090 are each amended to read as follows:

Licenses issued under this title shall be in such form, of such materials, and of such colors as may be designated by the commission, and the commission may adopt rules and regulations pertaining to the form, material, color, use, possession, and display of such licenses. Each hunting license shall contain the following language: "The holder of this license is responsible for all actions relating to the hunting permitted by this license. This license does not authorize the illegal or improper use of firearms."

POINT OF ORDER

Senator Woody: "Mr. President, the legislation which I sponsored speaks directly to the provision of free fishing licenses to senior citizens. I am sorry but I am afraid that this is far afield from the scope and object of the original bill which subject matter of the original bill which I submitted and I would like to raise that question to you, please."

Debate ensued.

At 11:55 a.m., the President declared the Senate to be at ease.

At 12:03 p.m., the President called the Senate to order.

RULING BY THE PRESIDENT

President Cherberg: "The President in ruling upon the Point of Order presented by Senator Woody finds that Engrossed Senate Bill 2204 is a measure that merely provides for the issuance of free fishing and hunting licenses to certain citizens.

"The amendment proposed by Senator Pullen clearly attempts to regulate use of firearms; therefore, the Point of Order raised by Senator Woody is well taken.

"Senator Pullen, pursuant to your introductory remarks the President believes that perhaps a word of explanation should be given to you. The President defines 'scope' as the ultimate intention of a bill, whereas the President also defines in his mind 'object' as being the purpose or goal of a bill.

"Perhaps that will give you a little better understanding of the method that the President uses in determining these very important Points of Order."

REMARKS BY SENATOR PULLEN

Senator Pullen: "Thank you, Mr. President. I agree one hundred percent with every single thing you said and I think the ruling was a very just one. However, I

want to disagree with one thing — in no way was I attempting to regulate firearms and I surely hope no reporter will report that back to the people in my district."

On motion of Senator Peterson, the rules were suspended, Reengrossed Senate Bill No. 2204 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 Senate Bill No. 2204., and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; excused, 3.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wilson, Wojahn, Woody—38.

Voting nay: Senators Benitz, Bluechel, Guess, Jones, Lee, Pullen, Scott, Wanamaker—8.

Excused: Senators Matson, Sellar, Williams—3.

REENGROSSED SENATE BILL NO. 2204, having received the 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 eighth order of business.

MOTION

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

SENATE RESOLUTION 1980-164

By Senator Lysen:

WHEREAS, The United States of America has a current trade deficit on fish of about two billion dollars a year; and

WHEREAS, Fish and fish products constitute a sizable and growing portion of foreign imports; and

WHEREAS, On some species the increase in fish imports to this country has been as high as 166%; and

WHEREAS, Almost all of the frozen fish blocks used in this country are imported; and

WHEREAS, Much of this imported fish is actually caught in the fish conservation zones off the coasts of this country; and

WHEREAS, Markets for American fishermen in the United States have been eroded to the point that many commercial trawlers have been forced to restrict or discontinue fishing; and

WHEREAS, These foreign interests are rapidly gaining a dangerous stranglehold in the seafood industry and related markets; and

WHEREAS, The government of the United States is exporting viable salmon eggs and related technology at taxpayer expense to the detriment of American commercial fishermen;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington urges the President and the Congress of the United States to impose

reasonable tariffs on imported fish so that the American commercial fishermen will be able to compete with their foreign counterparts on a fair and equitable basis; and
BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to the President of the United States and the Congressional Delegation from the State of Washington.

MOTIONS

On motion of Senator Haley, the rules were suspended and any member wishing to be added as an additional sponsor to Senate Resolution 1980-165 will be permitted to do so.

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

SENATE RESOLUTION 1980-165

By Senators Haley, Vognild, Goltz, Rasmussen, Bradburn, Gould, Wanamaker, Hayner, Hanson, Wojahn, Bausch, Jones, Ridder, Fleming, Lee and Pullen:

WHEREAS, The members of the Washington State Senate believe that the continued Soviet aggression in and occupation of the nation of Afghanistan poses a grave threat to world peace; and

WHEREAS, One hundred three other nations of the world have joined with the United States in calling for the immediate, unconditional and total withdrawal of Soviet troops from Afghanistan; and

WHEREAS, The Secretary General of the United Nations has declared the resolution calling for troop withdrawal from Afghanistan is "an appeal to the international community" to act; and

WHEREAS, The Soviet Union has expressed complete contempt for and utter disregard of all international forums and their opinions; and

WHEREAS, The 1980 Summer Olympics are scheduled to begin in Moscow on July 19, 1980; and

WHEREAS, There is reason to believe that Soviet troops will, in the face of world wide condemnation, be occupying by aggression the Nation of Afghanistan on the starting date of the Summer Olympics; and

WHEREAS, The leadership of the Soviet Union has demonstrated an inability or unwillingness to conform to at least a minimal level of civilized conduct; and

WHEREAS, It would not be possible to provide for the security of our athletes and spectators, and the athletes and spectators of other countries at the Moscow games; and

WHEREAS, The sixth, twelfth and thirteenth Olympiads were cancelled altogether due to World Wars; and

WHEREAS, The only difference between the Soviet invasion of Afghanistan and a World War is one of scope not savagery;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate requests that the International Olympic Committee relocate the XXII Summer Olympiad to a country whose concept of civilized conduct more closely reflects the philosophy of the Olympics than does that of the Soviet Union; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby instructed to transmit copies of this resolution to the International Olympic Committee, the United States Olympic Committee, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Soviet Embassy in Washington, D. C.

MOTION

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

SENATE RESOLUTION 1980-166

By Senators Moore, Henry, Odegaard, Benitz, Bradburn, Morrison, Day, Quigg, Talmadge, Woody, Lysen, Lewis, Jones, Vognild, Shinpoch, Van Hollebeke, Fleming, McDermott and von Reichbauer:

WHEREAS, The State of Washington enjoys a range of physical beauty and climates and a diversity of people which makes it unique in the Union; and

WHEREAS, The premiere City of Seattle enjoys an international reputation as the most livable city in the United States; and

WHEREAS, This reputation is founded upon Seattle's juxtaposition to a plentitude of natural recreational resources, a vibrant integration of diverse cultures and a thriving artistic and cultural community; and

WHEREAS, The 1962 World's Fair celebrated these attributes; and

WHEREAS, The Seattle Center House, through its culturally diverse culinary resources symbolizes Seattle's commitment to maintaining a healthy urban environment within a diverse and livable city;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that the Senate salutes Seattle for its pioneering efforts in maintaining a livable urban center and its leadership in encouraging diversity and discouraging homogeneity and mediocrity; and

BE IT FURTHER RESOLVED, That Seattle be commended for maintaining the Seattle Center as a symbol of the vibrancy and commitment to quality and opportunity which is shared by the citizens of the State of Washington; and

BE IT FURTHER RESOLVED, That Seattle be urged to preserve the Seattle Center and the Center House in a manner consistent with its international reputation as a diverse and livable city and as a city which encourages the sharing of many cultural experiences; and

BE IT FURTHER RESOLVED, That Seattle be urged to preserve the present food service operator leases and promote the offering of unique products at a reasonable price by small entrepreneurs; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be immediately transmitted to the Honorable Charles Royer, Mayor of Seattle, to Mr. Paul Kraabel, President of the Seattle City Council, and to the City Council and each member thereof.

MOTIONS

On motion of Senator Lysen, the Committee on Labor was relieved from further consideration of Senate Bill No. 3601.

On motion of Senator Lysen, Senate Bill No. 3601 was rereferred to the Committee on Ways and Means.

At 12:38 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Monday, January 28, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 28, 1980.

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, Conner, Donohue, Fleming, Gaspard, Goltz, Matson, Quigg, Rasmussen, von Reichbauer and Williams. On motion of Senator Jones, Senator Matson was excused. On motion of Senator Wilson, Senators Bluechel, Conner, Donohue, Fleming, Gaspard, Goltz, Rasmussen, von Reichbauer and Williams were excused.

The Color Guard, consisting of Pages Holly Hecker and Kurt Pfeifer, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"LORD OF ALL POWER AND MIGHT, FATHER OF LIGHT AND ALL WISDOM, DIRECT AND GUIDE THESE YOUR SERVANTS, THE MEN AND WOMEN OF THE SENATE OF THE STATE OF WASHINGTON NOW CONVENED IN REGULAR SESSION. GIVE THEM DISCERNMENT AS TO THOSE THINGS TRULY WORTHY OF THEIR LIMITED TIME AND ENERGY. HELP THEM TO LAY ASIDE ALL PETTY DIFFERENCES THAT THEY MAY ACCOMPLISH THOSE GOOD THINGS FOR THE PEOPLE OF THIS STATE IN WHOSE NAME AND FOR WHOSE WELFARE THEY ACT. AS THEY MOVE WITH DELIBERATE DISPATCH TO A RAPID CONCLUSION OF THEIR BUSINESS SAVE THEM FROM ALL FALSE CHOICES. ALL OF WHICH WE ASK IN THE NAME OF HIM WHO IS THE MODEL OF SERVANTHOOD, JESUS CHRIST YOUR SON OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 1980.

SENATE BILL NO. 2381, revising superior court clerks' fees (reported by Judiciary Committee):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2381 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Talmadge, Vice Chairman; Bottiger, Clarke, Hurley, Pullen, Woody.

Passed to Committee on Rules for second reading.

January 25, 1980.

SENATE BILL NO. 2396, exempting certain intra-family transfers from the excise tax on real estate transfers (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Fleming, Gaspard, Jones, Morrison, Odegaard, Rasmussen, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1980.

SENATE BILL NO. 3187, allowing exchange of public lands to further public land management (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 3187 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

January 25, 1980.

SENATE BILL NO. 3224, revising laws governing elections of county weed board members (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 3224 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

January 28, 1980.

SENATE BILL NO. 3241, allowing military recruiters equal access to common schools and institutions of higher education (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended and be referred to Committee on Higher Education.

Signed by: Senators Gaspard, Vice Chairman; Gould, Hayner, Morrison, Talmadge.

Passed to Committee on Higher Education for second reading.

January 15, 1980.

SENATE BILL NO. 3250, establishing a nursing home audit and cost reimbursement system (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3250 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Fleming, Gaspard, Jones, Morrison, Odegaard, Rasmussen, Ridder, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

January 23, 1980.

SENATE BILL NO. 3309, regulating ocularists (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3309 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 24, 1980.

SENATE BILL NO. 3330, permitting university hospitals to make purchases directly from cooperative hospital service organizations (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3330 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 25, 1980.

SENATE BILL NO. 3482, removing marine employees from restrictions which might otherwise be imposed by state employees insurance board (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 3482 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Morrison.

Passed to Committee on Rules for second reading.

January 24, 1980.

SENATE BILL NO. 3581, supplementing law relating to lease or rental of school property of whatsoever kind (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 3581 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 25, 1980.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 613,

HOUSE BILL NO. 878,

HOUSE BILL NO. 1197,

HOUSE BILL NO. 1421,

ENGROSSED HOUSE BILL NO. 1425,

HOUSE BILL NO. 1585,

HOUSE BILL NO. 1586,

HOUSE BILL NO. 1587,

HOUSE BILL NO. 1588,

HOUSE BILL NO. 1589,

SUBSTITUTE HOUSE BILL NO. 1852, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, 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 Senate Bill No. 3011.

SECOND READING

ENGROSSED SENATE BILL NO. 3011, by Senator Bausch:

Eliminating the beaver tag requirement and increasing the trapper's license fee.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 3011 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. 3011 and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 1; excused, 10.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Day, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognil, Walgren, Wanamaker, Wilson, Wojahn, Woody—38.

Absent or not voting: Senator Quigg—1.

Excused: Senators Bluechel, Conner, Donohue, Fleming, Gaspard, Goltz, Matson, Rasmussen, von Reichbauer, Williams—10.

ENGROSSED SENATE BILL NO. 3011, having received the 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. 3282, By Senators Marsh, Hayner and Talmadge:
Modifying the business corporation act.

REPORT OF STANDING COMMITTEE

January 18, 1980.

SENATE BILL NO. 3282, modifying the business corporation act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 13, beginning on line 29, after "committee," strike "or (7)" and insert "(7) approve a plan of merger, consolidation, or exchange of shares not requiring shareholder approval, (8) reduce earned or capital surplus, or (9)"

On page 18, line 18, after "dissolution." insert "The directors of any such corporation shall hold title to the property of the corporation as trustees for the benefit of its creditors and shareholders."

On page 22, line 3, after "penalty of" strike "one hundred" and insert "twenty-five"

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Jones, Pullen, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Talmadge, the committee amendments were adopted.

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3282 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. 3282 and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognil, Walgren, Wanamaker, Wilson, Wojahn, Woody—41.

Excused: Senators Conner, Donohue, Fleming, Goltz, Matson, Rasmussen, von Reichbauer, Williams—8.

ENGROSSED SENATE BILL NO. 3282, having received the 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 11:27 a.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute Senate Bill No. 2372.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2372, by Committee on Constitution and Elections (originally sponsored by Senators Wilson and Lewis):

Providing for postponement of an election to fill a partisan elective office becoming vacant shortly before the primary.

MOTIONS

On motion of Senator Wilson, Second Substitute Senate Bill No. 2372 was substituted for Substitute Senate Bill No. 2372 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, the following amendments were considered and adopted simultaneously:

On page 1, line 15, strike "If" and insert ". Except during the last year of the term of office, if".

On page 1, line 20, after "not" strike everything through and including "(2)" on line 22.

On motion of Senator Wilson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 2372 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 Second Substitute Senate Bill No. 2372 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Goltz, Matson, von Reichbauer—4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2372, having received the 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 SENATE BILL NO. 3140, by Committee on Local Government (originally sponsored by Senators Walgren, Goltz and Rasmussen):

Authorizing combined city-county housing authorities.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Engrossed Substitute Senate Bill No. 3140 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. 3140 and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Guess, Pullen—2.

Excused: Senators Fleming, Goltz, Matson, von Reichbauer—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3140, having received the 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. 3220, by Senators Talmadge, Hayner and Vognild:
Modifying procedures for civil judgments.

REPORT OF STANDING COMMITTEE

January 18, 1980.

SENATE BILL NO. 3220, modifying procedures for civil judgments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 10 of the original bill, being line 11 of the printed bill, strike all the material down to and including the period on page 3, line 5 of the original bill, being line 8 of the printed bill.

Renumber the remaining sections accordingly.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Hurley, Van Hollebeke, Woody.

The bill was read the second time by sections.

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

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

On page 1, beginning on line 22, insert a new section 2 as follows:

"Section 4, chapter 84, Laws of 1973 and RCW 4.84.270 are each amended to read as follows:

The defendant, or party resisting relief, shall be deemed the prevailing party within the meaning of RCW 4.84.250, if the plaintiff, or party seeking relief in an action for damages where the amount pleaded, exclusive of costs, is three thousand dollars or less, recovers nothing, or if the recovery, exclusive of costs, is the same or

less than the amount offered in settlement by the defendant, or the party resisting relief, as set forth in RCW 4.84.280."

Renumber remaining sections accordingly.

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3220 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. 3220 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Goltz, Matson, von Reichbauer—4.

ENGROSSED SENATE BILL NO. 3220, having received the 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. 3280, by Senators Van Hollebeke, Wojahn, Quigg and Hurley (by Department of Licensing request):

Revising laws relating to real estate brokers and salesmen.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the rules were suspended, Senate Bill No. 3280 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Peterson: "Senator Van Hollebeke, under the present rules and regs of the licensing board, if I wanted to get a real estate license and I failed the exam, it is a twenty-five dollar fee, I understand, to retake the exam at a given period of time. What effect is that going to have if we contract these services out? Is the fee going to be fifty dollars then if we contract it out to a private vendor? What is in the bill relative to that?"

Senator Van Hollebeke: "There is nothing in the bill relative to that except that, and since there is nothing in the bill, the fee cannot be increased. Your question raises something that I should have brought up in my explanation of the bill and that is also that it makes it easier for these people to make their application apply the next time they fail the exam, they take it on shorter notice. That is the main thrust of the legislation but no, it does not affect the fee in any way."

POINT OF INQUIRY

Senator Rasmussen: "Senator Van Hollebeke, as I read this bill, this proposed . . . instead of submitting your application to the director of licensing, you will submit your application to whatever private firm that the director contract with. Is this correct?"

Senator Van Hollebeke: "It is not a private firm in the normal sense, but yes, it is a non-profit organization, not a public agency so in that sense it is a private firm

and that is correct, it would allow the department to pass rules and regs to permit this type of thing.

"The money would be, and the application would be transmitted directly to the non-profit organization involved in the administration of the testing."

Senator Rasmussen: "It would be allowing the application to be sent directly to the private business conducting examinations. This is correct?"

Senator Van Hollebeke: "That is correct."

Senator Rasmussen: "No restrictions on where this private business may be?"

Senator Van Hollebeke: "The restrictions will be placed by the department of licenses."

Senator Rasmussen: "Under this law the private business that is going to handle our, our state's residents' applications could be in, could be in Japan, Korea, Taiwan, Puerto Rico, it could be any place — is this correct?"

Senator Van Hollebeke: "No, that is not correct. They will not administer either. They will be receipting the applications and will be forwarding them directly to our department of licenses. Under the present director that would be Roz Woodhouse. It is a very well-run department, too. But no, they cannot just be anywhere and the department will have close control of that, and . . ."

Senator Rasmussen: "Mr. President, a further question of Senator Van Hollebeke: 'pay an examination fee of twenty-five dollars as directed by the director,' so that when they send their application in for the license, and this private business, it may be in Taiwan, North Korea, South Korea, whatever, they would then send their twenty-five dollars there along with their application?"

Senator Van Hollebeke: "The Taiwanese and North Koreans are not engaged in this particular activity; but no, they could not be abroad. Senator Wojahn has some remarks she is going to be adding to this in a moment; but the money can be forwarded to them if the department so elects but it has to be remitted back to the department."

Senator Rasmussen: "Senator Van Hollebeke . . ."

Senator Van Hollebeke: "Senator Wojahn would like to join us in this conversation if you would be willing, Senator."

Senator Rasmussen: "Mr. President, I can only talk to one senator at a time and Senator Van Hollebeke apparently wants to get into a whole group and I do not like that. My questions are presented to Senator Van Hollebeke, chairman of the committee."

Senator Van Hollebeke: "All right."

Senator Rasmussen: "Further question . . ."

Senator Van Hollebeke: "Fair enough."

Senator Rasmussen: ". . . an applicant is required to furnish such other proof as the director may require concerning the honesty, truthfulness and good reputation as well as the identity, including but not limited to fingerprints of any applicant for a license'."

Senator Van Hollebeke: "Where are you reading from, Senator?"

Senator Rasmussen: "I am reading from the law that has not been amended."

Senator Van Hollebeke: "That is right and that would not be changed."

Senator Rasmussen: ". . . 'including but not limited to fingerprints . . .'"

Senator Van Hollebeke: "What line are you on there, Senator?"

Senator Rasmussen: "If you will look at the top of page 2."

Senator Van Hollebeke: "Bottom of page 1 and top of page 2? Yes . . ."

Senator Rasmussen: ". . . 'as well as the indentity including but not limited to fingerprints', so is he required to furnish all of this information including your fingerprints to this private firm? Is that correct?"

Senator Van Hollebeke: "No, that is not correct."

Senator Rasmussen: "It says when you file your application you have to furnish this information."

Senator Van Hollebeke: ". . . 'to the department'."

Senator Rasmussen: "Well, thank you, Senator Van Hollebeke."

Debate ensued.

POINT OF INQUIRY

Senator Hayner: "Senator Van Hollebeke, you have deleted on line 11 and 12 the words 'to the director for . . . such persons shall make application for examination'. Now anyone looking at that statute has no idea where they are supposed to make the application, do they?"

Senator Van Hollebeke: "Looking at this statute as such they would because at the present time they have to make it to the director."

Senator Hayner: "But that language is going to be deleted."

Senator Van Hollebeke: "They could still have to make it to the director after the bill comes into being for that matter."

Senator Hayner: ". . . but it won't say that any longer."

Senator Van Hollebeke: "Your question is a legitimate one. The concern is certainly a legitimate one. The purpose of the statute and the request by the department of licenses, Roz Woodhouse, was made to avoid that and get them out of the initial processing . . . not the processing of the application itself but receipt of the application and the fee. And they, that is one thing they are anxious to do.

"It would be, for instance, I think there is an organization back at Princeton, they would be most likely to be doing this with, and it will not however, Senator Hayner, be putting that organization, this non-profit organization in the business of administering the examination. It will not. The administration will still be handled and can, most of it will be handled by the department. They are trying to facilitate matters. That is why the department requested it. Both facilitate and expedite, both without losing control. I think they will not lose control."

Senator Hayner: "Mr. President, may I pursue this just a little bit further. Is there somewhere else in this that it indicates to the individual that is making the application that they are to apply to the director?"

Senator Van Hollebeke: "That is done by rules and regulations of course."

Senator Hayner: "Well that would not, that would not be available to the individual out there, the real estate broker or associate real estate broker would not see all the rules and regulations; so might he not be confused?"

Senator Van Hollebeke: "Well, there is a mechanism for taking care of that through the department so that they would not be confused and they would be made aware of the fact how the applications are to be made."

REMARKS BY SENATOR DAY

Senator Day: "Senator Van Hollebeke, I notice that this amends only one section of this licensing act, 18.85.120. Now there must be a lot of preceding sections and it is possible in those preceding sections to term 'department' or 'director' is defined or related to this in such a manner that it takes care of that problem; but I would suggest that you hold this for a few minutes and go get the RCW and I am certain that in the preceding sections of this licensing act that we are amending if the department is asking for an amendment like this that is must clarify what they are referring to here."

Senator Van Hollebeke: "I think you were addressing me, Senator, so I would like to respond and Senator Marsh if you would, Senator Wojahn is anxious to make remarks on this and I would appreciate it if she would have the time to do that now."

REMARKS BY SENATOR WOJAHN

Senator Wojahn: "Mr. President, members of the Senate, in, as you notice in the director's, the language for director is stricken but they still have to make application for a license on a form prescribed by the director; so therefore they would apply to the director, the director if the department of licensing would mail the application to them and they would forward that application to the Educational Testing Services in Princeton, New Jersey and it is as simple as that. The money would flow back to this state for the portion that was not used by the testing service to perform the test and do the mechanics that are necessary. All that happens is the same type of procedure that we use for our scholastic aptitude that every high school in this state uses, SAT test, it is done by Educational Testing Services of Princeton, New Jersey. Several licensing groups do this right now — the law test is also authorized — the LSAT comes out of the same area and that is the way persons are tested in order to be able to enter law school. They are even, their applications are mailed by TSAT to the various law schools that they wish to attend. There is nothing difficult about the deal, and I think it has been totally confused on the floor. This is only permissive legislation — it says 'department of licenses, if you wish to do this, you may pursue it.' We have always used out-of-state testing for the educational system . . . , for the licensing of real estate brokers and salesmen. We use the California test. The California test is not being used any more because they are not producing one any more. Therefore the state may contract if they wish to for professional services. If the testing costs seven dollars to administer and to do the paper work and the fee is twenty-five, then the testing service would keep seven and remit to the state of Washington the remainder of the money. And that is all it is — it is a department request. The real estate people are not involved at all, if that is worrying some of you, although a person could get an application for an examination from a local real estate office, if they wished; and I think that that should answer your questions. Also in answer to Senator Rasmussen talking about the superintendent of public instruction doing this to teachers, we do not license teachers, they are certified by the education department of the state and we do our own certifying; and certification is different than licensing."

REMARKS BY SENATOR DAY

Senator Day: "Well Mr. President, under 18.85.010, definitions, it defines 'director' as meaning the director of licensing so that solves that problem. When it says they have to apply to the director, that is what it means. The director of licensing, yes, but it does in the preceding part of the bill which has defined the term 'director' to mean the director of licensing. Also under 18.85.040, 'director' is further instructed as to his general powers and duties and that is quite completely set forth there so there is no problem with that part of it. As to the out-of-state licensing procedures, Senator, I do not understand that one; but I believe Senator Wojahn addressed herself to that."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I would call the body's attention to the fact that Senator Hayner has pointed out that the director is stricken from this legislation 'to such persons shall make an application' striking out 'to the director' for an examination and for, and it goes on to say 'license and concurrently the applicant shall' then it goes right down the line what the applicant shall do, which means at the time he files his application, at the time he pays his examination fee of twenty-five dollars and furnishes the information on his honesty, truthfulness and good reputation, then, as well as his identity, including but not limited, you see, including the fingerprints that you are sending outside to a private firm which is far and away

from what we have done in this state before. I really cannot see the reason for the department of licenses asking for this type of legislation. Turning all of the examination applications and the money over to this outside firm. I would question whether it is even legal that we do it this way. So I would urge the body take a good look at this — I am going to vote 'no' — I do not like that approach."

POINT OF INQUIRY

Senator Guess: "Senator Wojahn, you said, and I do not know whether I heard you correctly or not, but it appears to me that the money would be sent back to New Jersey and then they would send the money back to the state?"

Senator Wojahn: "The twenty-five dollars would be sent to New Jersey; the amount they needed to give the examination and to process the papers and to alert the department of who has taken it and who had passed, and to alert the person taking the exam, that money would be taken out, it would be approximately, I was told, seven dollars; the rest of the money would be remitted to the state of Washington."

Senator Guess: "What kind of control would we have on that fee, though, that they would charge; could they charge one group of them seven dollars and the other one going to pay forty dollars, could they charge them more?"

Senator Wojahn: "We contract for in advance, Senator Guess. The state will know if they contract with the Educational Testing Service, they will know what each application is going to cost them, and then they will be able to select who they wish to do it. They may wish to do it right here in this state, but if they want to do it they will know in advance by contract amount."

Senator Guess: "Wouldn't it be wiser and more prudent if we required that the money be sent to the department of licenses; and then at the end of the year, or quarterly, or monthly, that the department pay Educational Service Testing back in Princeton, rather than sending the whole twenty-five dollars back there?"

Senator Wojahn: "They felt that it would be less paper work for the department and there would be a lot less paper shuffling to do it that way because they cannot charge more than the amount of the contract; and the director apparently felt it would be much simpler, and I am not for sure that most of the professional licensing that is done by testing services is not done this way."

Senator Guess: "I would wonder how we could audit what is really going on back there and how long they keep the money — there is nothing in this law that says they have got to remit daily — they get the twenty-five dollars in, they take the seven dollars out and remit to us that day? By telegram so there is not that loss of interest on the money?"

Senator Wojahn: "Senator Guess, that would have to be in the contract that the department of licensing would sign with the testing service, and the amount that they would be spending, and it is on a contractual bid basis, and, so you do have control."

Senator Guess: "Thank you, Senator."

MOTIONS

On motion of Senator Bottiger, Senate Bill No. 3280 was ordered placed on the third reading calendar for January 29, 1980.

On motion of Senator Marsh, the Senate commenced consideration of gubernatorial appointment 211.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Wilson, the appointment of C. J. "Corky" Johnson as a member of the State Jail Commission was confirmed.

APPOINTMENT OF C. J. "CORKY" JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Goltz, Matson, von Reichbauer—4.

MOTION

On motion of Senator Wilson, the appointment of James L. Young as a member of the State Jail Commission was confirmed.

APPOINTMENT OF JAMES L. YOUNG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Goltz, Matson, von Reichbauer—4.

MOTION

On motion of Senator Marsh, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 613, by Representatives King, Winsley, Owen, Monohon 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 long-shoremen's and harbor workers' compensation act.

Referred to Committee on Labor.

HOUSE BILL NO. 878, by Representative Knowles:

Clarifying the powers of sewer districts.

Referred to Committee on Local Government.

HOUSE BILL NO. 1197, by Representatives Pruitt, Fuller, Van Dyken, May and Nelson (D.) (by Joint Board of Legislative Ethics request):

Extending the scope of the legislative ethics laws and establishing a statute of limitations for complaints thereunder.

Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 1421, by Representatives Newhouse, Knowles and Ellis (by Judicial Council request):

Providing for subsistence, lodging, and travel expense of pro tem judges.
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1425, by Representatives Taller, Ehlers, Greengo, Walk, Addison, Sommers, Williams, Jovanovich, Tupper, Burns, Gallagher, Granlund and Pruitt:

Requiring financial disclosure of the members and director of the commission for the blind.

Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 1585, by Representatives Smith (R.) and Newhouse (by Code Reviser's request):

Correcting double amendments to RCW 18.26.040 and 18.26.070.
Referred to Judiciary Committee.

HOUSE BILL NO. 1586, by Representatives Smith (R.) and Newhouse (by Code Reviser's request):

Correcting double amendments to RCW 28A.57.312, 28A.57.357 and 28A.57.358.

Referred to Judiciary Committee.

HOUSE BILL NO. 1587, by Representatives Newhouse and Smith (R.) (by Code Reviser's request):

Correcting double amendments in Title 51 RCW.
Referred to Judiciary Committee.

HOUSE BILL NO. 1588, by Representatives Newhouse and Smith (R.) (by Code Reviser's request):

Correcting double amendments to RCW 67.16.100.
Referred to Judiciary Committee.

HOUSE BILL NO. 1589, by Representatives Newhouse and Smith (R.) (by Code Reviser's request):

Correcting double amendments to RCW 72.64.110.
Referred to Judiciary Committee.

MOTION

Senator Rasmussen: "Mr. President, I move that the state government committee who is required to report back to the Senate today be granted ten more days in order to report back on the information regarding Senator . . . , or the party to the Horse Racing Commission, Mr. Jackson."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Rasmussen has moved that the Senate grant ten additional days for the consideration of the gubernatorial appointment. Senator Rasmussen. . . ."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President and members of the Senate, I anticipate that the committee at their meeting tomorrow morning will handle the confirmation of Gary Jackson. The time that we had a hearing, state government committee, we received affidavits and documents which, in effect, cleared up all of the misconceptions that Senator von Reichbauer raised on the floor and at the same time the committee had not time to thoroughly read these documents.

"Today I am advised that Senator von Reichbauer is ill and I did not want to take any action while he was away from the Senate. He has sent a letter to the committee asking, in effect, additional time. In behalf of the committee I have sent him a letter which says the state government committee would hold an executive hearing — 'If you have any concrete evidence that would indicate that Mr. Jackson should not serve on the Washington State Horse Racing Commission we would appreciate your giving the committee the information you keep hinting that you have. Please advise the committee of your source so that we may question them also' and I would like to give Senator von Reichbauer the additional time. I do not think it will take ten more days but this gives a little leeway for the committee."

REMARKS BY THE PRESIDENT

President Cherberg: "If there are no objections, the Senate will grant the committee on state government ten days for additional consideration."

There being no objection, the additional ten days was granted to the committee on state government, at the request of Senator Rasmussen, to report back to the Senate on gubernatorial appointment 157, Gary L. Jackson to the Horse Racing Commission.

MOTION

At 2:25 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Tuesday, January 29, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SIXTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 29, 1980.

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 Jones, Matson, Morrison, Pullen, Rasmussen, Talmadge and Wanamaker. On motion of Senator Wilson, Senators Rasmussen and Talmadge were excused. On motion of Senator Sellar, Senator Jones was excused.

The Color Guard, consisting of Pages Midge LaBelle and Timothy Smith, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"LORD OF LIFE AND LORD OF WISDOM, SHED YOUR LIGHT UPON THESE YOUR SERVANTS, THE MEMBERS OF THE SENATE OF THE STATE OF WASHINGTON HERE ASSEMBLED. INSPIRE THEM TO TACKLE AND ATTEMPT TO SOLVE THE MAJOR PROBLEMS WHICH BESIEGE US AS A STATE. HOLD UP BEFORE THEM THE EVER PRESENT NEED TO PRESERVE THE MAJESTY AND GRADEUR OF THE COUNTRYSIDE. WHERE HUMAN GREED BEGS FOR SPECIAL FAVOR AND UNDUE ATTENTION, OPEN THE HEARTS AND MINDS OF THESE DECISION-MAKERS TO THE NEED FOR CONSIDERING THE NEEDS OF OTHERS. FOCUS THEIR VISION AND IMPEL THEIR WILLS TO A RESOLUTE EFFORT TO ACCOMPLISH YOUR WILL IN THE SHORT TIME THEY HAVE TO ACT HERE. ALL OF WHICH WE ASK IN THE NAME OF HIM WHO CARED ENOUGH TO DIE IN OUR SERVICE, JESUS THE CHRIST. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 1980.

SENATE BILL NO. 2922, providing for a building for the public employees retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2922 be substituted therefor, and the second substitute bill do pass per recommendation from State Government.

Signed by: Senators Donohue, Chairman; Bluechel, Clarke, Fleming, Gaspard, Marsh, Matson, Morrison, Odegaard, Rasmussen, Ridder, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1980.

SENATE BILL NO. 3169, modifying worker's compensation period for temporary total disability (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 3169 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison.

Passed to Committee on Rules for second reading.

January 23, 1980.

SENATE BILL NO. 3210, extending privileged communications to nurse-patient dialogue (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 28, 1980.

SENATE BILL NO. 3226, revising laws relating to prescriptions (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3226 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 25, 1980.

SENATE BILL NO. 3232, modifying inheritance and gift tax laws (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3232 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Fleming, Gaspard, Jones, Morrison, Odegaard, Rasmussen, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1980.

SENATE BILL NO. 3235, modifying restrictions on compensation of fire commissioners (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Lee, Moore.

Passed to Committee on Rules for second reading.

January 28, 1980.

SENATE BILL NO. 3244, providing certain elective membership in LEOFF retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Bluechel, Clarke, Fleming, Marsh, Matson, Morrison, Odegaard, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1980.

SENATE BILL NO. 3245, clarifying certain public retirement laws (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Bluechel, Clarke, Marsh, Matson, Morrison, Odegaard, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1980.

SENATE BILL NO. 3297, modifying the law on warrants (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3297 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Lee, Moore.

Passed to Committee on Rules for second reading.

January 28, 1980.

SENATE BILL NO. 3332, modifying maximum fees charged by notaries public (reported by Committee on Commerce):

Recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

January 28, 1980.

SENATE BILL NO. 3378, authorizing county civil service transfers to the sheriff's office without meeting competitive examination requirements (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Lee, Moore.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3404, disestablishing various state funds and accounts (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

January 28, 1980.

SENATE BILL NO. 3415, including hearing aid dogs under the white cane law (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 28, 1980.

SENATE BILL NO. 3487, allowing transfer of certain retirement plan credits for person having transferred employment between certain state universities (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Bluechel, Clarke, Fleming, Gaspard, Matson, Morrison, Odegaard, Rasmussen, Ridder, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 28, 1980.

EUGENE M. CORR, to the position of Member of the Board of Prison Terms and Paroles, appointed by the Governor June 6, 1979 for the term ending April 15, 1984, succeeding himself (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules.

January 28, 1980.

J. H. TODD, to the position of Member of the Board of Prison Terms and Paroles, appointed by the Governor on July 5, 1979 for the term ending April 15, 1984, succeeding Helen Ratcliff (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 28, 1980.

Mr. President: The House has passed: HOUSE BILL NO. 1404, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of gubernatorial appointment 221.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT MOTION

On motion of Senator Goltz, the appointment of Ernest M. Conrad as a member of the Council for Postsecondary Education, was confirmed.

APPOINTMENT OF ERNEST M. CONRAD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Keefe, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Matson—1.

Excused: Senators Jones, Morrison, Rasmussen, Talmadge—4.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Senate Bill No. 2563.

SECOND READING

ENGROSSED SENATE BILL NO. 2563 by Senators von Reichbauer, Lewis, Gaspard and Sellar:

Reorganizing and renaming the interagency committee for outdoor recreation.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 2563 was substituted for Engrossed Senate Bill No. 2563 and the substitute bill was read the second time in full.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 2563 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

Senator Guess moved Substitute Senate Bill No. 2563 be held on the third reading calendar for January 30, 1980.

Debate ensued.

The motion by Senator Guess failed.

Further debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Mr. President, I wish to ask a question of Senator von Reichbauer, but I do not see him on the floor; maybe there is someone else who could answer for me.

"Presently the IAC contains a membership from the, well actually the director of fisheries, not a representative but the director, department of fisheries; Senator von Reichbauer, if I may ask you a question—I am asking Senator von Reichbauer. I have personally spoken to the director of the department of fisheries about this matter. He has stated to me that in the revised bill, this bill here, that he really would rather have not also continued as a member of this body because he is on so many different councils and boards and commissions as you can imagine; and there aren't really very many matters of importance that he feels that were he, that pertains to the department of fisheries; and so I am wondering if this bill is to solve the problems of the IAC why it did not contain language to at least allow a representative of the director of the department of fisheries, rather than the director himself?"

Senator von Reichbauer: "Senator Odegaard, I think the primary concern was to get the directors there because of their direct input on the decision-making process. I know that the members who are directors of state agencies, the director of fisheries, the director of parks and recreation, and natural resources, have busy schedules but the allocation of these funds in our areas throughout the state are of primary concern — I know to us as legislators of those districts and I suspect of those department heads; and in order to insure that we have direct input with these department heads who obviously have a broader prospective of the needs of the state than an individual sent to represent them, it was deemed important by the members to have the department heads be there."

Senator Odegaard: "Senator von Reichbauer, do you know what percentage of the projects or the funds that would actually pertain to the department of fisheries?"

Senator von Reichbauer: "No, Senator."

Senator Odegaard: "It is my understanding, Mr. President, that it is very low and that was his concern, too, that there might be a pier once in a while, fishing pier, but other than that there is very little that has to pertain to that department. And if we are really going to reorganize the IAC I would think we should look at that possibility of allowing a representative of the director."

Senator von Reichbauer: "The answer to your question, unfortunately Senator, I was going to say Senator Sandison, the director of fisheries, did not appear before our committee. We did send a number of letters to all the agency heads who are involved in this and asked for their direct input; and your comments today on the floor is the first I have heard of it."

REMARKS BY SENATOR LEWIS

Senator Lewis: "Yes, Mr. President. Members of the Senate, in direct response, Senator Odegaard, at the select committee hearings in which he had a number of hearings, a number of excellent hearings, the testimony was that the directors who are no longer included in the makeup of the interagency committee, were left out by, with their agreement because of the very fact you state, that their interest in this area was minimal. However, they still have a member on the technical, state technical advisory committee, so if they do have, in those minor instances, something for input, it does still have a pipeline into the interagency committee through the state technical advisory committee."

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Hurley, when you and I were serving on the parks committee in the house, one of the emphasis at that time before a total look at the IAC, was a request and quite extensive lobbying by the parks department, parks commission, to, in fact, have total control of this group, in other words not to have to bother, shall we say, with other agency directors, particularly those who have some regulatory ability such as the department of ecology which has a shorelines act and water quality control; and the department of transportation which has some 'yes' and 'no' procedures as far as entrance roads and turnouts and those kind of things that serve these various recreational facilities. Do you see this bill as a step in that direction?"

Senator Hurley: "Senator Lee, yes I do. If the sunset committee recommends the abolition of this committee, then those powers would go to the governor to be allocated, probably either to the department of natural resources or to the parks committee itself, because federal law requires that there be an agency that is a repository for those funds that come from the federal government. I think that you would find that, to clear a few things up here, that the duplication of those state agencies is increased under this bill. They remain on the IAC and then they are placed on an advisory committee also. I know very many of them have said 'We do not want to spend this much time with this kind of activity' and now under this bill they are going to be required to spend twice as much time. Also in direct answer to your question, I would like to say that our parks committee in the house did a survey of the other states and how they handled the receiving of the federal funds. A number, a great number probably more than any other way had those funds go either directly to the department of natural resources or the parks department, if that state had a parks department; and it is funny, each one of those states also commented that it could be predicted where most of the funds would be used in that very department and very few funds trickled down, then, to the local agencies."

Further debate ensued.

POINT OF INQUIRY

Senator Gaspard: "Yes, Mr. President. Senator, some mention as to the technical advisory committee. It was my understanding that the technical advisory committee is not made up of the department heads but their designees, and is composed of staff members. Is that correct?"

Senator von Reichbauer: "That is correct."

Senator Gaspard: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2563, and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Day, Fleming, Gaspard, Gould, Guess, Hayner, Henry, Keefe, Lewis, Marsh, Newschwander, North, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn—30.

Voting nay: Senators Conner, Donohue, Gallagher, Goltz, Hansen, Jones, Lee, Lysen, Matson, McDermott, Moore, Morrison, Odegaard, Rasmussen, Vognild, Wilson, Woody—18.

Excused: Senator Talmadge—1.

SUBSTITUTE SENATE BILL NO. 2563, having received the 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

January 28, 1980.

Mr. President: The House has passed Senate Bill No. 3183 with the following amendments:

On page 7, following section 3, add a new section to read as follows:

"NEW SECTION. Sec. 4. Section 8, chapter 166, Laws of 1977 1st ex. sess. and RCW 47.60.670 are each hereby repealed."

Renumber the remaining section.

On page 1, line 6, of the title after "RCW 90.58.030;" insert "repealing section 8, chapter 166, Laws of 1977 1st ex. sess. and RCW 47.60.670;" and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Henry, the Senate concurred in the House amendments to Senate Bill No. 3183.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3183, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Keefe, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Talmadge—1.

SENATE BILL NO. 3183, 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 10:50 a.m., on motion of Senator Walgren, the Senate recessed until 12:20 p.m.

NOON SESSION

The President called the Senate to order at 12:20 p.m.

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. 2751.

SECOND READING

SENATE BILL NO. 2751, by Senators Rasmussen, Newschwander and Lysen: Pertaining to pollution control facilities.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 2751 was substituted for Senate Bill No. 2751 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, Senators Gaspard and Walgren were excused.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 2751 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. 2751, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Keefe, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Gaspard, Walgren—2.

SUBSTITUTE SENATE BILL NO. 2751, having received the 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. 3195, by Senators Peterson, von Reichbauer and Wanamaker:

Providing for the purchase of the Heart Lake property by the parks and recreation commission.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3195 was substituted for Senate Bill No. 3195 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3195 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. 3195, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Keefe, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Gaspard, Walgren—2.

SUBSTITUTE SENATE BILL NO. 3195, having received the 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 eighth order of business.

MOTIONS

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1980-168.

On motion of Senator Rasmussen, the rules were suspended and any member will be permitted as an additional sponsor to Senate Resolution 1980-168.

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

SENATE RESOLUTION 1980-168

By Senators Rasmussen, Bottiger, Wojahn, Bausch, Benitz, Bluechel, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson and Woody:

WHEREAS, The Mt. Tahoma School Thunderbirds football team went through its 1979 schedule with twelve wins and no losses; and

WHEREAS, The Thunderbirds, under the direction of Coach George Nordi and his staff, conducted themselves as gentlemen and athletes all year; and

WHEREAS, The Thunderbirds defeated Rogers of Puyallup in the Kingdome for the state AAA championship by a score of 37-3, for their first state athletic championship; and

WHEREAS, Mt. Tahoma High School represents the City of Tacoma and the State of Washington as the state champions;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, that the Mt. Tahoma High School football team, its coaches, staff, cheer squad,

trainers and entire student body be officially congratulated for their accomplishments in 1979; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Mt. Tahoma High School for the coaches: George Nordi, Maurice Boughton, Don Leebrick, Dan Gurash and Mike Deutsch; the trainer, Ray Richards; the athletic director, Gregg Friberg; the front office: Carroll Kastle, principal, and Jim McDonald and Don Doran, vice-principals; band director, Stuart Lane; team physicians: Dr. Daniel Thomas and Dr. John Bargren; yell staff: Marilyn Strickland, Queen, Deidre Raynor, Mari McKinney and Cheryl Ball; song staff: Ruth Freyman, Queen, Donna Carr, Lee Uy and Stephanie Webber; Scott Nordi, manager; and all of the players: Brad Gobel, Mike Vindivich, Fred Baxter, Doug Parish, Darell Harper, Joel Harper, Ralph Gomez, Anthony Broughton, Ivan Castillo, Quinn Baxter, Ken Baker, Garland Beardon, Craig Meyer, Ramon Moore, Ron Eckert, Don Moore, Todd DeCarteret, Dan Hart, Dan Flannery, John Moore, Keven Harper, Arnie Richard, Curtis Sanders, Brian Humphrey, Malcum Sorrell, Mike Young, Dirk Pettitt, Frank Hobbs, Charles Dalton, Fred Cooper, Vic Melton, John Hayward, Lacy Walker, Angelo Suarez, Todd Pressey, Todd Hunter, Mike Sonnier, Robert Ross, John Cole and Maurice Hanks.

MOTIONS

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1980-169.

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

SENATE RESOLUTION 1980-169

By Senators McDermott, Walgren, Conner, Rasmussen, Talmadge, Odegaard and Goltz:

WHEREAS, The Milwaukee Road has provided the State of Washington, including Spokane, Tacoma, Seattle, the Puget Sound, and the Olympic Peninsula, with a great northern trans-continental railroad system in competition with earlier roads; and

WHEREAS, The public interest demands viable competition to sustain the free enterprise system; and

WHEREAS, A rail monopoly would have a considerable negative cost and service impact upon Northwest shippers; and

WHEREAS, The national energy crisis has revived and increased the essential need for railroad service; and

WHEREAS, The development and growth of our ports, many of our agricultural areas, and many other important sectors of our economy make it imperative that service on the Milwaukee transcontinental mainline be preserved and expanded; and

WHEREAS, The demand for rail service in the Northern Tier region and, in particular, in the State of Washington, already far exceeds the capacity of all carriers combined; and

WHEREAS, The Milwaukee Road's bankruptcy trustee proposes to abandon this vital transcontinental route; and

WHEREAS, The New Milwaukee Lines proposes to take over the threatened route with support of the Northwest's agricultural and industrial shippers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate strongly urges the Interstate Commerce Commission to approve the Employee-Shipper Ownership Plan to reorganize the bankrupt Milwaukee Railroad.

MOTION

On motion of Senator Marsh, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1404, by Representatives Ehlers, Taller, Williams, Pruitt, Burns, Greengo, Nisbet and Taylor (by House Committee on State Government request):

Revising the law pertaining to the adjutant general and military department.
Referred to Committee on State Government.

MOTION

At 12:35 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Wednesday, January 30, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 30, 1980.

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, Lysen and Walgren. On motion of Senator Wilson, Senators Bottiger, Lysen and Walgren were excused.

The Color Guard, consisting of Pages April Davis and Melissa Hertel, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia offered the following prayer:

"LORD GOD ALMIGHTY, WHO DID CREATE ORDER FROM THE CHAOTIC VOID, CONFER YOUR WISDOM UPON THESE THE MEMBERS OF THE SENATE OF THE STATE OF WASHINGTON AS THEY ATTEMPT IN THEIR MICROCOSMIC WAY TO DO LIKEWISE. WHERE THERE IS GREED, BRING GENEROSITY. WHERE MINDS ARE CLOSED, OPEN THEM WITH THE PIERCING BEAMS OF YOUR LOVE. WHILE REMINDING THEM OF THE IMPORT OF WHAT THEY DO AND NOT DO, STRENGTHEN THEM WITH THE EVERLASTING ARMS OF YOUR SUPPORT. FINALLY, REMIND US ALL WHOSE MINISTERS WE ARE. THROUGH HIM WHO GAVE ALL JESUS YOUR SON OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 1980.

SENATE BILL NO. 3246, providing for error corrections in public retirements systems' records and payments (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3246 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Bluechel, Clarke, Fleming, Jones, Marsh, Morrison, Odegaard, Ridder, Scott, Sellar, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1980.

SENATE BILL NO. 3249, implementing law relating to rates to be paid by employers under state teachers' retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Jones, Marsh, Matson, Rasmussen, Scott, Sellar, Shinpoch.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3254, exempting certain medically necessary items from the sales and use tax (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Goltz, Jones, Marsh, Odegaard, Rasmussen, Scott, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3256, modifying the fish tax (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3256 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3262, making miscellaneous changes in law relating to credit unions (reported by Committee on Financial Institutions and Insurance):

Recommendation: That Substitute Senate Bill No. 3262 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3317, revising laws relating to insurance (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3318, revising laws relating to insurance (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

January 28, 1980.

SENATE BILL NO. 3359, relating to elections (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 3359 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Ridder.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3372, modifying the law on public employment salary surveys (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Goltz, Jones, Marsh, Odegaard, Rasmussen, Scott, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3422, increasing port districts' authority to operate facilities for the movement of freight and passengers (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Gallagher, Hansen, Peterson, Van Hollebeke, Wanamaker.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3442, prohibiting ownership of commercial salmon fishing licenses by alien corporations (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3442 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Lysen, Odegaard, Quigg, Rasmussen, Vognild.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3474, protecting landowners from tort liability for unintentional injuries to persons cutting firewood on the property (reported by Committee on Natural Resources):

Recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Lysen, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3479, directing that vehicles and boats used by fish and game enforcement officers be equipped with CB radios (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3479 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Lee, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 28, 1980.

SENATE BILL NO. 3499, providing a program to aid fragile children (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3558, creating a fleet opportunity board and setting forth its powers and duties and providing for the expiration thereof (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3558 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Lee, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3593, vesting rights of the state in unappropriated public lands (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Odegaard, Quigg, Rasmussen, Talley, Vognild.

MINORITY recommendation: Do not pass.

Signed by: Senator Lysen.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE JOINT MEMORIAL NO. 113, memorializing Congress to enact legislation to assist the state's fishing industry (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Lee, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3183.

MESSAGE FROM THE HOUSE

January 29, 1980.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 45,

SUBSTITUTE HOUSE BILL NO. 1481,

ENGROSSED HOUSE BILL NO. 1495,

HOUSE BILL NO. 1497,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 45, by Committee on Agriculture (originally sponsored by Representatives Clayton, Kreidler and Smith (C.)) (by House Committee on Agriculture of the 45th Legislature request):

Increasing the scope of crop liens.

Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 1481, by Committee on Higher Education (originally sponsored by Representatives Burns, Teutsch, Erickson, Salatino and Gruger):

Implementing law relating to higher education tuition and fee waivers.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 1495, by Representatives Barnes, Grimm, Ellis, Gruger, Teutsch, Salatino, Patterson, Burns, Oliver, Erickson and McGinnis:

Adding exemption to educational services registration act.

Referred to Committee on Higher Education.

HOUSE BILL NO. 1497, by Representatives Schmitt, Adams, Whiteside, Mitchell and Charnley:

Revising laws relating to life-sustaining procedures.

Referred to Committee on Social and Health Services.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Mitchell, Schmitt, Adams, Lux and Brekke):

Revising requirements for health care planning.

Referred to Committee on Social and Health Services.

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 gubernatorial appointment 230.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Goltz, the appointment of Vitt P. Ferrucci as a member of the Board of Regents, Washington State University was confirmed.

APPOINTMENT OF VITT P. FERRUCCI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yea: Senators Benitz, Bluechel, Clarke, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Absent or not voting: Senators Bausch, Conner, Day—3.

Excused: Senators Bottiger, Lysen, Walgren—3.

MOTION

On motion of Senator Goltz, the appointment of Herberg Gelman as a member of the Board of Trustees, The Evergreen State College was confirmed.

APPOINTMENT OF HERBERT GELMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Bottiger, Lysen, Walgren—3.

MOTION

On motion of Senator Goltz, the appointment of Frank H. Larner as a member of the Board of Trustees, Grays Harbor Community College, District 2 was confirmed.

APPOINTMENT OF FRANK H. LARNER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Matson—1.

Excused: Senators Bottiger, Lysen, Walgren—3.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2174.

SECOND READING

SENATE BILL NO. 2174, by Senator Van Hollebeke:

Prohibiting the unlawful possession and sale of drug-related paraphernalia.

MOTION

On motion of Senator Van Hollebeke, the rules were suspended and the following additional sponsors were permitted on Senate Bill No. 2174: Senators Guess, Conner, Wojahn, Lee, Talley, Lewis, Gaspard, Hurley and Bradburn.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the following amendments were considered and adopted simultaneously:

On page 1, line 16, after "(1)" strike "Metal, wooden, acrylic, glass, stone, plastic, or ceramic marijuana" and insert "Marijuana"

On page 2, following the last section, add the following:

"If any provision of this 1980 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Guess moved the following amendments by Senators Guess, Hayner and Van Hollebeke be considered and adopted simultaneously:

On page 1, beginning on line 14, strike: "Sections 3 and 4 of this act" and insert: "this chapter"

On page 2, after line 14, insert:

NEW SECTION. Sec. 5. A person shall not display or sell drug-related paraphernalia in a commercial establishment unless such material is displayed or sold in a separate room into which persons under the age of 18 years are not allowed to enter except when accompanied by a parent or legal guardian. Each entrance to such rooms must be conspicuously posted with a sign to the effect that drug related paraphernalia is displayed or sold therein and that persons under the age of 18 years are excluded unless accompanied by a parent or legal guardian. Violation of this section constitutes a gross misdemeanor.

NEW SECTION. Sec. 6. No owner, manager, employee or other person in charge of or responsible for a room in a commercial establishment in which room drug-related paraphernalia is displayed or sold shall allow any person under the age of 18 years to enter such room unless accompanied by his or her parent or legal guardian. Violation of this section constitutes a gross misdemeanor.

NEW SECTION. Sec. 7. A person under the age of 18 years shall not enter a room in a commercial establishment in which room drug-related paraphernalia is displayed or sold unless such minor person is accompanied by his or her parent or legal guardian. Violation of this section constitutes a gross misdemeanor."

POINT OF INQUIRY

Senator McDermott: "Senator Guess, it says here 'a person shall not display or sell drug-related paraphernalia' and I refer back to the rest of the bill. It says here that 'he can't sell carburetor pipes.' Could you explain to me what 'carburetor pipes,' what that might be? Well it says 'pipes' in the bill so I wondered if this applies to all auto supply places, or, if you could explain to me what that is about I would appreciate it."

Senator Guess: "That is a type of pipe that you find in the use of smoking hashish and it is, actually is named that by those people that really do not know exactly its use but it is the water-filled pipe. It has a number of tubes coming off of it and anybody that is in on the know would know that that type of a pipe is the one we are talking about."

Senator McDermott: "May I ask one further question? In reading this bill are you certain that there is no reference here to zig-zig papers or any kind of cigarette papers? There is no question about that being a drug-related paraphernalia, I hope."

Senator Guess: "No, Senator, we did not put in zig-zag papers and I do not know whether it could be interpreted in there, truthfully, but I do not think that that is one of those things that is considered. Zig-zag papers can be bought at the tobacconist shop and, so, it is not covered by this."

Senator McDermott: "Well that is precisely my point. I think cigarette papers can be used for a lot of things and when you try to write a law like this and you are going to try and put down those things that are drug-related paraphernalia, I think you have to be concerned about how wide-reaching your law actually is. You may have included something here that you are not really intending to include."

Debate ensued.

REMARKS BY SENATOR VAN HOLLEBEKE

Senator Van Hollebeke: "I would like to clarify a point for Senator McDermott. Senator McDermott, looking over here I cannot see I share your type of concern but the bill takes care of that. The bill specifically mentions what are drug-related paraphernalia and only those things, under the bill, are drug-related paraphernalia; and so the Bull Durhams, zig-zag situation is not a concern as long as it is not mentioned in there."

POINT OF INQUIRY

Senator Wanamaker: "Senator Guess, on your amendment here would this require every drug store in the state of Washington to build another room to put their hypodermic needles and such as that in?"

Senator Guess: "No, Senator. I worked for many years in a drug store and we never did display hypodermic needles and so I do not think this would affect . . ."

Senator Wanamaker: ". . . but you have got in your amendment here 'a separate room' which is, of course a hypodermic needle is a drug-related, and so it looks to me like you would be requiring every drug store to have a separate room to put all of that paraphernalia in."

Senator Guess: "Senator, it says that 'if it is displayed' they would have to do that; now I know of no drug store, and I have been in and out of drug stores for a

long time — I don't know where they display hypodermic needles. It is an item that is usually kept in the bottom drawer, pretty close to the cash register."

REMARKS BY SENATOR VAN HOLLEBEKE

Senator Van Hollebeke: "I think I can further clarify that for you, Senator Wanamaker. It has to be, in order to come within the confines of the amendment, the amendment uses the term 'drug-related paraphernalia'; 'drug-related paraphernalia' is delineated in the act in section two, it does not mention hypodermic needles, so they are not covered. That is a legitimate concerns but it is covered in the bill because it just goes into specific types of things without mentioning such things as that. So we would not be hampering the druggist in plying their trade."

The motion by Senator Guess carried and the amendments were adopted.

On motion of Senator Guess, the following amendment by Senators Guess, Hayner and Van Hollebeke was adopted:

On page 2, line 15, strike "4" and insert: "7".

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

Beginning on page 2, after line 14, insert:

"NEW SECTION. Sec. 5. (1) Every person who displays for a commercial purpose or sells any materials promoting the use of any controlled substance as defined in Chapter 69.50 RCW shall be guilty of display or sale of drug promoting material.

(2) Display or sale of drug promoting material under this section is a gross misdemeanor."

Renumber the remaining sections consecutively.

On page 2, line 15, strike "4" and insert: "8".

POINT OF INQUIRY

Senator Goltz: "Senator Lee, I note that you use in your amendment the phrase 'every person who displays for a commercial purpose or sells any material promoting the use of any controlled substance.' Is drug paraphernalia as defined in section two that kind of material?"

Senator Lee: "The whole gist of the act that we are talking about today, Senator Goltz, seems to be precisely that kind of thing, is the fact that in a record shop, for example, that there is a section where drug-related paraphernalia is indeed displayed. It is often done, according to some of the people I have talked to, as kind of a trade stimulant, shall we say? And the posters, comic books and so on are often on the same shelf, the same counter, also lead toward, actually encouraging the sale of that drug-related paraphernalia."

Senator Goltz: "I believe, Senator Lee, what I am trying to clarify is whether or not you include in your amendment, under the phrase 'materials promoting the use of any controlled substance' any of the items which are contained in section two of the bill, or is this entirely separate from those items?"

Senator Lee: "It would include all of those items but it could also include the material that would be used in those items because in other words, something that is, if you buy a turkish smoking pipe and use it as a display item of course it is not anything other than that. It is the use of the product that makes it, in fact, a drug-related item."

Senator Goltz: "Then I see a problem in the language of the bill for this reason that you refer to the selling of these materials as a misdemeanor; and yet in the amendment which we just adopted, offered by Senator Guess and others, we do allow

allow these things to be sold but they have to be sold under very separate and controlled conditions and at least to that extent it seems to me that there is a contradiction in your amendment with the previously adopted amendment."

Senator Lee: "Senator Goltz, I think that the Guess amendment is in fact in some ways contradictory to the entire bill but the severability clause that has been added to it, and the reason this particular section was added is that if indeed the original bill is found unconstitutional that the section that has been inserted by Senator Guess and others since it is in fact now being investigated by certain city councils, would stand. When we are trying to address something of this kind we may find ourselves in some contradictions but we have to make an attempt to work it out, and in fact the portion that I am talking about on the display of material could also stand by itself even if the rest of the bill should be declared null and void."

On motion of Senator Van Hollebeke, the following amendment to the amendment by Senator Lee was adopted:

In section 5 of the amendment after "the" and before "Use" insert "illegal".

Further debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Lee, this statement says 'every person who displays for a commercial purpose or sells any material promoting' — 'promoting' — I would like to know if you would please define for us the word 'promoting' because I have a question about whether or not the display in a book store is 'promoting', and I think it is necessary to have it in the record, otherwise you are going to have every book store in the whole state having to go through their racks and pull out any book on the basis of whatever definition you now put in the record for the word 'promote'."

Senator Lee: "I think that, short of definition on this floor, Webster's dictionary is the one that prevails, and that is where we use this particular word 'promoting.' And when you are talking about the fact that book stores having books that, in fact, promote the 'illegal' use of any controlled substance, because we have added that word, precisely what we are looking at; and in fact it was the PTA people who have been very strongly supporting this bill who looked it over and said 'indeed this is probably one of the most important facets and we are glad that the legislature through its hearing process and the discussion within the caucuses was able to come up with some wording' because they had wanted this as part of their total package."

Further debate ensued.

The motion by Senator Lee failed and the amendment, as amended, was not adopted on a rising vote.

Senator Pullen moved adoption of the following amendment:

On page 2, after line 14, add a section as follows:

"Section. 5. Section 69.50.401, chapter 308, Laws of 1971, 1st ex. sess. as last amended by section 1, chapter 67, Laws of 1979 and RCW 69.50.401 are each amended to read as follows:

(a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) A controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or fined not more than twenty-five thousand dollars, or both: PROVIDED, That any person so convicted shall serve a mandatory minimum period of confinement of two years in a state correctional institution, and such mandatory minimum sentence may not be suspended or deferred by any judge;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars; or both.

(c) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(d) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (e) of this section.

(e) Except as provided for in subsection (a)(1)(ii) of this section any person found guilty of possession of forty grams or less of marijuana shall be guilty of a misdemeanor.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410.

Renumber following section accordingly.

POINT OF ORDER

Senator Van Hollebeke: "Mr. President, I raise the issue of scope and object. I think probably the argument is self-explanatory but it does indeed greatly widen the scope of the legislation and it is not within the object of the original legislation."

The President declared the Senate to be at ease.

The President called the Senate to order.

RULING BY THE PRESIDENT

President Cherberg: "The President in ruling upon the Point of Order presented by Senator Van Hollebeke finds that Senate Bill 2174 is a measure prohibiting the unlawful possession and sale of drug-related paraphernalia.

"The amendment by Senator Pullen proposes a mandatory jail sentence upon conviction for the manufacture, delivery or possession with intent to manufacture or deliver a controlled substance.

"Therefore the President finds the amendment to be beyond the scope and object of the bill and the Point of Order presented by Senator Van Hollebeke is well taken."

The amendment by Senator Pullen was ruled out of order.

MOTIONS

On motion of Senator Wilson, Senator Conner was excused.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Senate Bill No. 2174 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 McDermott: "Senator Van Hollebeke, in order to clarify this bill so the people will know exactly what they are voting on, I would ask you if you would please define the circumstances which would demonstrate an intent to use, so that everyone will know in advance what they are voting on."

Senator Van Hollebeke: "Senator, if I were able to do that in the time allotted here I would be a greater man than you or I are, or anybody here, I think. I think you understand the thrust of the law and that is something that cannot be done in a few words. I would suggest to you that if you are confused about what the purpose of the journal is in here and what that does, it is only to clarify ambiguous wording. Statutory construction and one of the major premises of statutory construction is that that is needed only when the wording is ambiguous and the journal does not even apply when the wording is not ambiguous. You do not go beyond a statute itself to interpret a statute when it is clear. It is clear enough here I believe."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2174 and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Wilson, Wojahn, Woody—41.

Voting nay: Senators Haley, Matson, McDermott, Ridder, Williams—5.

Excused: Senators Conner, Lysen, Walgren—3.

ENGROSSED SENATE BILL NO. 2174, having received the 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 fifth order of business.

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 1852.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 1852, by Committee on Constitution, Elections and Governmental Ethics (originally sponsored by Representatives Oliver and Erickson):

Avoiding a conflict between election dates and party caucuses.

MOTIONS

On motion of Senator Marsh, the rules were suspended, Substitute House Bill No. 1852 was advanced to second reading and read the second time in full.

On motion of Senator Vognild, the following amendments by Senators Vognild and Woody were considered and adopted simultaneously:

On page 3, line 7, after "elections" insert "except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state constitution"

On page 4, line 5, after "March" insert ": PROVIDED HOWEVER, That in any county holding an election on the second Tuesday in March of 1980 pursuant to a home-rule charter adopted under Article XI, section 4 of the state constitution, any city, town, or district where any portion of the registered voters of that city, town or district reside within that charter county may hold special elections on the second Tuesday in March of 1980"

On motion of Senator Woody, the rules were suspended, Substitute House Bill No. 1852, 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. 1852, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Lysen, Walgren—2.

SUBSTITUTE HOUSE BILL NO. 1852, 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, all measures passed by the Senate today were ordered immediately transmitted to the House.

At 11:35 a.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Thursday, January 31, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 31, 1980.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Lee.

The Color Guard, consisting of Pages Jill Lublin and Esther Warber, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"GRACIOUS LORD ABOVE ALL EARTHLY LORDS, WE ASK YOUR SPECIAL GUIDANCE UPON THESE MEN AND WOMEN OF THE WASHINGTON STATE SENATE NOW ASSEMBLED. OPEN THEIR HEARTS AND MINDS TO THE DIRECTION OF YOUR SPIRIT. EMPOWER THEM WITH THE CAPACITY TO DO THE TRULY GOOD THING FOR THIS STATE AND ALL ITS PEOPLE. WHERE EGOCENTRICITY AND PERSONAL AMBITION DOMINATE, REMOVE ALL BARRIERS TO OPENNESS TO OTHERS. IN THE MIDST OF ALL THE GIVE AND TAKE NECESSITATED BY THE POLITICAL PROCESS, MAY YOUR WILL BE DONE, THROUGH THE ONE WHOSE POWER LAY CHIEFLY IN HIS LOVE, JESUS THE CHRIST. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 30, 1980.

SENATE BILL NO. 2566, disestablishing an inactive program of state aid to county probation services (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hurley, Jones, Woody.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 2616, authorizing persons under twenty-one years of age to be on the premises of liquor licensees for certain professional purposes (reported by Committee on Commerce):

Recommendation: That Substitute Senate Bill No. 2616 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 2748, increasing the compensation of members of the board of directors for irrigation districts (reported by Committee on Agriculture):

Recommendation: That Second Substitute Senate Bill No. 2748 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 2977, relating to energy conservation (reported by Committee on Energy and Utilities):

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

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hurley, Williams, Woody.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3108, exempting school buses from the motor vehicle excise tax (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 3108 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3163, protecting the privacy of initiative and referendum petitioners (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 3163 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Bottiger, Henry, Peterson, Ridder.

MINORITY recommendation: Do not pass and that it not be substituted.

Signed by: Senators Haley, Pullen.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3190, authorizing transportation of members of the public to school sports activities by school transportation when such transportation has been authorized for students and school employees supervising same (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3196, revising laws regulating veterinary medicine (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3205, permitting the names of absentee ballot applicants to be private (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 3205 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Peterson, Ridder.

MINORITY recommendation: Do not pass and that it not be substituted.

Signed by: Senator Pullen.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3222, requiring medical insurers to periodically update reimbursement rates (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Clarke, Day, Donohue, von Reichbauer.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3241, allowing military recruiters equal access to common schools and institutions of higher education (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended by Committee on Education.

Signed by: Senators Goltz, Chairman; Benitz, Odegaard, Scott, von Reichbauer.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3247, authorizing collection agencies to do business with the state and political subdivisions (reported by Committee on Commerce):

MAJORITY recommendation: That Substitute Senate Bill No. 3247 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Van Hollebeke, Chairman; Hurley, Morrison, Quigg.

Passed to Committee on Rules for second reading.

January 24, 1980.

SENATE BILL NO. 3257, establishing a program of poison control and drug information service (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3257 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3258, modifying provisions relating to enhanced penalties for crimes with firearms (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Hurley, Jones, Woody.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3267, appropriating funds for capital projects of the parks and recreation commission (reported by Committee on Parks and Recreation):

Recommendation: Do pass as amended and refer to Committee on Ways and Means.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Ways and Means for second reading.

January 30, 1980.

SENATE BILL NO. 3273, requiring use of renewable energy sources to heat new swimming pools (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Gould, Hayner, Hurley, Lewis, Williams, Wilson.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3319, utilizing accrual basis instead of cash basis in recognition of certain expenditures relating to school districts (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3321, providing for receipt of certain ballots if not post-marked when received (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 3373 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3334, extending the lien and enforcement of judgments to ten years (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hurley, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3337, modifying the law on the commencement of civil actions in justice court (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Jones, Woody.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3362, correcting laws relating to election precincts (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Marsh, Peterson, Pullen, Ridder.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3371, establishing the Padilla Bay estuarine sanctuary in Skagit county (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lysen, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3373, implementing law relating to student discipline in common schools (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 3373 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3406, abolishing current state school fund and transferring moneys therein to common school construction fund (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3452, establishing recount procedures for state and local measures (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Marsh, Peterson, Pullen, Ridder.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3476, making arbitration panel created for uniformed personnel impasse procedures a state agency for certain purposes (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Vogndild, Vice Chairman; McDermott, Moore, Morrison.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3481, mandating biennial review and update of land management and sustained yield plans on educational trust lands (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Ridder, Talmadge.

MINORITY recommendation: Do not pass as amended.

Signed by: Senators Gould, Hayner, Morrison.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3546, providing procedure for judicial enforcement of liens for certain utility service charges (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3546 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; Bradburn, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3549, providing for wine and grape research (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 3549 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3565, increasing the time for which a temporary permit for driving trucks, buses, or cabs may be issued (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Hansen, Lee, Peterson, Quigg, Wanamaker.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3574, maintaining the delinquency prevention services program without significant changes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Bluechel, Clarke, Marsh, Morrison, Odegaard, Ridder, Sellar, Walgren.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3575, mandating study of effects of drugs on human system in health classes as part of basic education (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3578, providing for apprenticeship training facilities (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Scott, Shinpoch.

Passed to Committee on Ways and Means for second reading.

January 29, 1980.

SENATE BILL NO. 3618, providing for the capital acquisition, development, and improvement of municipal park facilities (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3618 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Goltz, Jones, Marsh, Odegaard, Rasmussen, Ridder, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3624, permitting home-made family wine to be entered in contests (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 3624 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE JOINT MEMORIAL NO. 112, requesting federal support in revising regulation against youths berry picking (reported by Committee on Agriculture):
Recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 28, 1980.

R. D. LEARY, to the position of Member of the Washington State University Board of Regents, appointed by the Governor on November 19, 1979 for the term ending September 30, 1988, succeeding Harold A. Romberg (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

January 30, 1980.

JANET ALLISON, to the position of Member of the Commission for Vocational Education, appointed by the Governor on July 17, 1979 for the term ending July 1, 1984, succeeding David P. Alcorta (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Scott, Shinpoch.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, January 30, 1980.

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:

Marjorie J. Kafer, appointed January 30, 1980, for a term ending December 31, 1984, succeeding Jean Davis as a member of the Public Disclosure Commission.

Sincerely,

DIXY LEE RAY

Governor.

Office of the Governor, January 30, 1980.

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:

Harold F. Osborne, appointed January 23, 1980, for a term ending January 16, 1984, succeeding Barbara Nelson as a member of the Board of Pharmacy.

Sincerely,

DIXY LEE RAY

Governor.

Office of the Governor, January 30, 1980.

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

LADIES AND GENTLEMEN:

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

William A. Grant, reappointed January 18, 1980, for a term ending September 30, 1984, as a member of the Board of Trustees, Community College District No. 20.

Sincerely,
DIXY LEE RAY
Governor.

Office of the Governor, January 30, 1980.

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

LADIES AND GENTLEMEN:

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

Patricia G. Hite, reappointed January 18, 1980, for a term ending September 30, 1984, as a member of the Board of Trustees, Community College District No. 21.

Sincerely,
DIXY LEE RAY
Governor.

Office of the Governor, January 30, 1980.

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:

Robert E. Hunt, Jr., appointed January 21, 1980, for a term ending September 30, 1981, succeeding Mildred Jeynes as a member of the Board of Trustees, Community College District No. 22.

Sincerely,
DIXY LEE RAY
Governor.

MESSAGES FROM THE HOUSE

January 30, 1980.

Mr. President: The Speakers have signed: SENATE BILL NO. 3183, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

January 30, 1980.

Mr. President: The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 38,
ENGROSSED HOUSE BILL NO. 46,
SUBSTITUTE HOUSE BILL NO. 318,
SUBSTITUTE HOUSE BILL NO. 340,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 370,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 395,
REENGROSSED HOUSE BILL NO. 542,
SUBSTITUTE HOUSE BILL NO. 810,

ENGROSSED HOUSE BILL NO. 829, and the same are herewith transmitted.

January 30, 1980.

Mr. President: The House has passed: SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 6, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

January 30, 1980.

Mr. President: The House has adopted: HOUSE JOINT RESOLUTION NO. 31, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 38, by Committee on State Government (originally sponsored by Representatives Taller, Ehlers, Sommers, Nelson (G.) and Sanders):

Establishing a program of training and career development for state civil service employees.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 46, by Representative Clayton (by Committee on Agriculture of the 45th Legislature request):

Providing for promoting markets for state agricultural products.

Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 318, by Committee on Judiciary (originally sponsored by Representatives Winsley, Smith (R.), Deccio, Addison and Tilly):

Revising the law on adoption.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 340, by Committee on Institutions (originally sponsored by Representatives Struthers, Becker, Dunlap, Clayton, Smith (C.P.) and Bond) (by Department of Social and Health Services request):

Requiring parents to support their children in juvenile institutions.

Referred to Committee on Social and Health Services.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 370, by Committee on Appropriations (originally sponsored by Representatives Bender, Chandler, Charnley, Gruger, Burns, Eng, Valle, Nelson (G.), Winsley, Brekke, Teutsch, Pruitt, Schmitten, Nelson (D.), Mitchell and Douthwaite):

Mandating funds for programs for gifted students.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 395, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Whiteside, Thompson, Haley, Pruitt, Gruger, Wilson, Salatino, McCormick, Mitchell, Schmitten, Taller, Bauer, King, Lux, Kreidler, Erak, Newhouse, Deccio, Martinis and Brown):

Revising laws regulating chiropractors.

Referred to Committee on Social and Health Services.

REENGROSSED HOUSE BILL NO. 542, by Representatives Bauer, Chandler, Erickson, Barnes, Blair, Thompson, Patterson, Galloway, Heck, Whiteside, McGinnis, Taylor and Hurley:

Abolishing existing educational television commission and creating another; setting out its powers and duties, and making appropriations thereto.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 810, by Committee on Revenue (originally sponsored by Representatives Barr, Sommers, Craswell, Thompson and Fuller):

Modifying the law on forest lands and open space, agricultural, and timber lands.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 829, by Representatives Haley, Kreidler, Craswell, Thompson and Smith (R.):

Increasing the funding of family court.

Referred to Judiciary Committee.

HOUSE JOINT RESOLUTION NO. 31, by Representatives Oliver, Erickson, Fuller, Gruger, Barnes, Granlund, Sommers, Tupper, Nelson (Dick), Isaacson, Burns, Taller, Brekke, Williams, Valle, Schmitten, Sherman, Nisbet, Addison, Sprague, Haley, Rosbach and Taylor:

Establishing a redistricting commission.

Referred to Committee on Constitution and Elections.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 6, by Committee on Social and Health Services (originally sponsored by Representatives Becker, Whiteside, Adams, Zimmerman, King, Polk, Gruger and Galloway):

Establishing a task force on children and families.

Referred to Committee on Social and Health Services.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3179.

SECOND READING

SENATE BILL NO. 3179, by Senators Shinpoch, Rasmussen and von Reichbauer:

Expanding the membership of the horse racing commission.

MOTIONS

On motion of Senator Shinpoch, Substitute Senate Bill No. 3179 was substituted for Senate Bill No. 3179 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Shinpoch, the rules were suspended, Substitute Senate Bill No. 3179 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lewis: "Senator Shinpoch, there might be some concern, you know Spokane, Yakima, Seattle, where the tracks are, is there any limitations about any number from a given area, for example, there might be some concern that three of

the commissioners might come from one track area and be a little bit perhaps subjectively even, subconsciously a little bit inclined to favor that particular track in any of its interests, any of its desires to get dates, et cetera."

Senator Shinpoch: "Senator Lewis, I think that is always a possibility; however I guess that I really think that the commissioners should not be worried about where the tracks are located, they should be worrying about the industry. I come from the Renton-Kent area and I guess it is difficult for you to find where, with one exception for parks, last time, in the ten years I have been here that you can ever find anything I have worked for that area; and I would expect the commissioners to work things in the same type of fashion."

Senator Lewis: "Senator Shinpoch, I would have confidence that you would work in that area; but I am not so sure I have the same confidence that the board, if you will pardon the expression, couldn't be loaded a little bit with a particular area of interest."

Senator Shinpoch: "I do not have the same concern, Senator Lewis."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3179, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Lewis, Matson, Morrison, Scott—4.

Absent or not voting: Senator Lee—1.

SUBSTITUTE SENATE BILL NO. 3179, having received the 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, Senator Lee was excused.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3250.

SECOND READING

SENATE BILL NO. 3250, by Senators Fleming, Jones, Day, Sellar, McDermott, Ridder and Morrison (by Senate Select Committee on Nursing Homes request):

Establishing a nursing home audit and cost reimbursement system.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 3250 was substituted for Senate Bill No. 3250 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fleming, the following amendments by Senators Fleming and Jones were adopted:

On page 12, line 5, after "relationship" insert ", other than as an independent auditor,"

On page 38, line 9, after "financing" strike the semicolon.

On page 38, line 16, after "retirement" strike "on" and insert "of".

On page 40, line 2, after "days," strike "subject to section 45(3) of this act,".

On page 55, line 2, after "force" strike "created".

On page 56, line 1, after "(c)" strike "Adopting" and insert "Adopt".

On motion of Senator Fleming, the rules were suspended, Engrossed Substitute Senate Bill No. 3250 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Senator Fleming, last time I did not vote for the bill. I want to compliment you on the tremendous amount of work you have done on it and I think that it approaches equity better than any piece of legislation I have seen in a long time. There is one concern I still have and that is the thing I would like to get into the record.

"The nursing homes do not know for certainty from time to time what the demands of the auditors will be. First, they get one auditor and that is one set of demands; they get their books up in accordance with that person's demands. The next time they get an entirely different person and the demands are levied on them which they did not meet and therefore they are penalized for not having done the work as the auditor says. Can you tell us how this bill will approach the correction of that situation?"

Senator Fleming: "Well first of all, under the present situation, there has been havoc, there has not been uniform system, and that is one reason why we are putting this measure more in law and statute than by rules and regulations so people will know what the ball game is that they are playing. But under this system there is set up a situation whereas that the department will make sure that certain forms for the audit procedure will be set up and they will be uniform and those people will know what forms they are supposed to fill out, when they are supposed to be due, and in what manner; and I think this measure, being in statute the way it is, I think it will go a long ways in improving the situation which you are talking about. I think the industry itself feels as though this is the way to go because one, I think it will make a better industry if no more than having better records because many of those nursing homes out there, they do not do a very good job on their records and in their accounting procedures; but I think this is going to make many of those smaller nursing homes and so forth a better operation."

Senator Guess: "Senator, one suggestion that was made to me by a constituent, and that is that after the study has been made and an audit procedure established, the individual nursing homes will have to have their own auditors. I wonder if, after those procedures are established, it wouldn't save us money for a provision to be made in there that upon certification that this was a true audit done in accordance with the state regulation, the state could not save money by relying upon that certificate of a CPA firm; and in order to get some, or to achieve a degree of efficiency and not having to duplicate the services. I hope that your committee would look at that."

Senator Fleming: "Senator Guess, I hope, and it is the intent that we will try and eliminate as much duplication as we possibly can. Beginning of the system you are going to have certain amounts of duplication but it is to the degree that you might think that something is duplication, I might not. But I think right now because of the uncertainty of what is out there in the market place in the nursing home industry we have to find out what is out there. And I think that in the future if the process that we have now is overburdensome, then I think we, the legislature, can take a look at that. But at this point in time I think we ought to find out what is out there, find out what services we are getting and find out what we ought to be

paying for, and I think we will cut down a lot of the confusion that is out there now."

Senator Guess: "Thank you Senator Fleming. Your committee is certainly to be commended for the work that you have done."

Debate ensued.

POINT OF INQUIRY

Senator Shinpoch: "Senator Fleming, if I understand correctly in the area of turnover, the area that I want to talk about, if I understand correctly under this bill, between now and July 1, 1981, any turnover that is arm's length is all right before you start the ten-year cycles. Is that correct?"

Senator Fleming: "To answer that it did address one of the major concerns and what the bill says now is that those people that are in the business, right now, because there are some of them that would love to get out, probably, maybe some of those are the ones maybe need to get out, I do not know. But this would allow those people to say 'Hey, there is a new ball game' and if they want to get out they would be willing, they would be able to sell once; now if they tried to sell twice, well, they could sell any number of times before the effective date because that is the system now."

Senator Shinpoch: "Before July 1?"

Senator Fleming: "Yes, before July 1, they could as many times as they want to because that is the current system right now; but once July 1 came they would be allowed to sell once before the ten-year cycle start . . ."

Senator Shinpoch: "Thank you, Senator Fleming."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Fleming, on page 9, section 7, you provide for the development of accounting and auditing requirements 'within seventy-five days' they will 'engage a consultant', the department will engage a consultant and then that consultant will present a report; 'the secretary will adopt rules and regulations necessary to implement the consultant's product'. My question is, is this a command, demand of the department that they accept in toto the consultant's report? We have been, you know, consulted to death with consultants' reports and what I am wondering is, you appropriated the money for it, I think one hundred twenty-five, hundred and thirty-five thousand dollars but do we not now have a standardized form and would there be any difference in this consultant's report than what our state auditor would request, in the matter of forms?"

Senator Fleming: "Senator Rasmussen, what takes place there we do not necessarily do things under general accepted accounting practices totally within the department now. We are setting up a certain system here and what we are doing is, and I realize just like Senator Shinpoch, and I will react to some of that, if you have not been following the process all along you would not know why we are doing certain things. And one of the problems we have is we have been having a tough time having the department to meet deadlines of any sort and we have continually gotten in trouble, whether it is in court or whatever, and the thinking here was that if they contracted that work out that contract is going to have that process or that program completed when we needed it. And so that is some of the reasons why contracting this out and demanding that they come forth and then the department will set rules and regulations in accordance with that. But there is give and take in that."

Further debate ensued.

POINT OF INQUIRY

Senator Goltz: "Would someone yield to a question and I am not quite sure to whom the question should be addressed. I would like to ask a question concerning the contractual requirements or the contractual conditions which are built into this law, and the meaning of that in terms of the ability of the legislature to come back and address some of the concerns that we may want to address a year or two down the road. If there is someone here that could tell me whether or not this bill contains contractual language which makes it impossible for the legislature to correct if a nursing home decides to buy a property, decides to come into the business, based upon this law, are they in any way able to claim that this is a contract rather than simply a statute? I think I am addressing that to Senator Jones who is rising slowly from his chair."

Senator Jones: "Senator Goltz, as a layman on the judiciary committee I will try to talk about contractual rights which is a pretty deep, deep subject, but it is my feeling that, in answer to your question, no, there is nothing in this that is going to prevent us from coming along and adjusting any problems that may have arisen as a result coming to our attention. If anything I think we have made it much more clear and less obscure in terms of, legal terms that we can pin situations down. We do have the, if you read the entire bill, we have a certificate of need included in it. We put about everything in here in such a manner that it will meet the legal tests on our part and we can certainly come back and make any changes as we meet as the legislature; and I hope that we will continue as a, if the proper word is a little oversight on this situation, because some of us have become fairly knowledgeable (we are a little dangerous at this point with the amount of knowledge) but we would appreciate trying to continue in this line and make adjustments which I believe is the essence of your suggestion; and I think Senator McDermott has not risen yet and I would hope he would perhaps respond to this, too."

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President and members of the Senate: Senator Fleming and I talked briefly about his answer to Senator Shinpoch's question which I think is also a part of Senator Goltz's question. Senator Shinpoch, on page 27, at the bottom, you will see, that you asked a question about 'turnovers' and Senator Fleming talked about how many could occur. The first turnover that occurs after January 1, 1980 begins the clock running and note they cannot sell for ten years after that and expect to recoup any kind of increase; so whatever happens in this next year before the whole bill goes into effect, will begin at that point also. You are not going to get a lot of quick turnovers in the next year because this bill will not recognize those costs and people are not going to be able, there would be no point for it for an income tax purpose.

"Now the second thing that should be pointed out is on page 37; we have some language which I think is directed to the department of social and health services, really. It says 'When a certificate of need for a new facility is requested, the department, in reaching its decision, shall take into consideration per-bed land and building construction costs for the facility which shall not exceed a maximum to be established by the secretary.' Every time there is a sale there has to be a new certificate of need obtained and we are giving the department some discretion, and this is one of the areas where there must be oversight, is the question of whether or not it is a reasonable kind of transaction and whether the state ought to pick up the costs. So there are two controls on this that there can only be a sale once every ten years that we will pick up the costs of, and secondly the certificate of need process will look carefully at the implications of it.

"I would like to say one other thing and I guess sometimes passing bills like this gets a little anti-climatic when you have been working on a bill for two and one-half or three years as the committee has. I personally want to recognize Senator Fleming's efforts. There has been a lot of publicity, a lot of negative things in the press from a variety of sources, from governmental departments, from industry people; we have had mail of all sorts come into our mail box and I want to say that Senator Fleming hung in there in spite of it all. It is very clear to me why the University of Washington won Rose Bowl games, Senator Fleming. I would love to run through holes where you were blocking for me. And I think that this is an issue that we are not through with; we will continue to be bothered by this because we really need a long-range plan for the elderly. The number of people is growing every day and if we continue to use nursing homes as the only source by which we deal with the problem, we are going to have continued problems in this particular area. I think we really need a legislative committee to look at the much broader issue of the aging; and in that committee we can also look at the oversight that is necessary in this bill. But I think Senator Fleming, this body will never know all the things you have dealt with in this bill, and I really appreciate it personally."

POINT OF INQUIRY

Senator Guess: "Senator McDermott, I do not read the English language as you described it on the floor and I would like to ask you if you read page 37, line 5, 'When a certificate of need for a new facility is requested, the department, in reaching its decision, shall take into consideration per-bed land and building costs. . .'. As I got it, and I do not know whether I heard it correctly or not, but you indicated to me that when somebody wanted to make a sale that they were going to take into consideration the per-bed need. Would you clarify that point?"

Senator McDermott: "Senator Guess, for the purposes of this whole area when a facility is put up for sale, it is considered as a new facility by the department. In other words if I want to sell my facility to you, you have to go to the department of social and health services and get a certificate of need which says that we need that facility. It is treated as though it were a new facility as though it had not ever existed before the moment I sell it to you. And it is that process, that use of the word 'new' is really to reflect the fact that it is considered a new facility even though it may have been in operation for forty or fifty years prior to that."

Senator Guess: "Senator, you are putting an interpretation onto the words 'new facility' that I do not believe it should neither be there because it will be misleading to those people who are trying to meet the needs of the citizens; and I do not want the record to stand until this point is clarified. The department should not be under the illusion, for instance, that this is what it means. This says that you will take into consideration the land cost for a new facility, building construction costs—hasn't anything to do at all with a transfer of property, and I think that would be perhaps blocking the transfer of sales if we went with your interpretation."

Senator McDermott: "Mr. President, may I continue my answer to your question. On page 27, we begin a paragraph that talks about the sales, the first arm-lengths transaction after January 1, 1980. It says '. . . for facilities participating in the medicaid (sic) program prior to January 1, 1980. The new depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal process (sic)'. Staff indicated to me I made a misstatement, if there is a sale, the department of general administration will do an appraisal of it and it will be on that basis decided; so I was incorrect initially. I am sorry I misled you."

POINT OF INQUIRY

Senator Guess: "Thank you very much, Senator. The other thing that I would, as a part of that question, have asked 'What is going to happen to those facilities that are now in existence?' Will the department evaluate those as fair market costs or just what is the position of the department going to be in arriving at the rate? Senator Fleming, I would like to ask the question, what is the department going to do in constructing the base rate now with the older facilities? They are in existence, they have been there, how is the department to handle this?"

Senator Fleming: "Senator Guess, if you are talking about a treatment of fairness, and that is what we are talking about in this; if there are existing facilities, if you are asking whether the department as of the effective date of this measure, is going to reappraise each one of those pieces of property and bring them up to present value, no. There would not be any purposes to do that other than to just increase the depreciation expense for reimbursement that they would be receiving but they will not have incurred any additional cost or what have you. That appraisal factor, in two instances, in the leasing transaction, that is there to establish a case of reasonableness. The other appraisal is for the purpose, if someone wants to sell, that will also be a test of reasonableness, because if you were to sell that place, you might want to sell it for more than what it is worth to the state. But if somebody wants to buy that for more than that, then I think we have a pretty good deal because they have seen something else in our system in terms of the rate of return and the profits they can make as to why they decided to buy that at that cost. So we should not and that is what someone wanted to do, Senator Guess, was to take every nursing home at the effective date of this bill and reevaluate them and bring that appraisal right up to January 1, 1980, and start paying them at that depreciation base. And that is not the case."

Senator Guess: "Senator, I am yet unclear how the rate will be established of those already in existence."

Senator Fleming: "They already have their rates. They are being paid their rate at the present time, Senator Guess. And we pay that based on the cost, the depreciation cost, and they take their interest plus so forth, out of that so forth. Now they entered into a contract and we have been paying them all along. Just because this bill comes into effect, we should not increase that depreciation because they have not been out any additional expense, or cost. The historical cost is the base."

Senator Guess: "Let me give you an illustration of the problem that comes to me from a constituent of another Senator sitting very close to me that I happen to know about. The facility was built twelve years ago. The owner at that time entered into an agreement with the bank to borrow the money on a twenty-year pay-back. Now the department comes along and said 'We are depreciating your value on a thirty-year pay-back.'

"Now this seems to me that I was hopeful this bill would correct that so that the pay-out could continue on the basis, now we are twelve years into this, there are so many dollars a month going to the bank. There are eight years left to pay but the department says 'we are going to pay you on the basis of a thirty-year pay-out from now.' Now that is not going to supply nearly enough money to continue the pay out at the twenty-year rate in the next few years."

Senator Fleming: "Senator Guess, in the first place, when that individual entered into that agreement he or she knew what ball game they were in and they had anticipated some way or another how they were going to finance that operation. So we are not doing anything to that. It is not any different than when they entered into it. Now the one thing that is happening and that person is going to be a heck of a lot better off as a result of this measure. Under the present system that they seem to be doing okay under, they have said the only place we are able to get profits is out of the property. You don't allow any profits at all. And we heard that and we said in

that case and in a case where someone leases an operation, that lessee ought to be able to make, have some incentive to do a better job and receive some profit out of it, other than his salary. So what is happening now is that person will be in a better position to pay on that obligation than they are presently now because we are going to allow them to make a profit on the operation of their business. We have increased their payments on food. We are taking care of their patient care, and workers, and so forth and from what I hear out there in the market place now, not too many of them are squabbling about that type of situation. This is not going to hurt them. This is going to help them because they are going to have more money coming in than they had before."

Senator Guess: "Thank you very much for your assurance, Senator."

POINT OF INQUIRY

Senator Odegaard: "Mr. President, I think, I have a concern it relates so much to Senator Guess' concern, and Senator Fleming and I have discussed this before. I have a concern about the operator of an existing facility who made improvements to that facility and Senator Fleming, if you would yield to a question—will that operator be reimbursed? Will that show up in his rates and if so, how; and what kind of documentation will he have to show?"

Senator Fleming: "Senator Odegaard, under the present system and this system will hopefully encourage more of that, when you reinvest funds into the operation in buildings and so forth, we hope that that is going to make that a better nursing home; and under the present system it doesn't change here and probably will be more enhanced, the operators are reimbursed, are reimbursed for those expenses that they incur when they reinvest money into those nursing homes. That, in itself, at some point in time increases that depreciation base because, it is just like any other equipment and so forth. You have it over a life and when they bring in new equipment that comes on a new depreciation schedule. And so when they would make these repairs and so forth and invest that money into that nursing home, that eventually gets into their depreciation base, and they are increased, the depreciation schedule. Now you say what kind of documents that you have. Well I guess this situation is no different than any other where you have to have proof, where you have to have proof of your expenditures. And so I would assume those normal, how do they prove it now? Whatever they have been doing up to now to prove it I am sure this does not change it any; so I think those normal avenues in which you use, you have to have proof as to what expenditures would be accepted under this situation. It would not change any."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3250, and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lewis, Marsh, Matson, McDermott, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn—42.

Voting nay: Senators Jones, Lysen, Moore, Pullen, Shinpoch, Woody—6.

Excused: Senator Lee—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3250, having received the 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 three-minute rule will be imposed limiting each member to one speech on each bill being considered with no yields.

At 11:35 a.m., on motion of Senator Walgren, the Senate recessed until 12:13 p.m.

NOON SESSION

The President called the Senate to order at 12:13 p.m.

MOTIONS

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

On motion of Senator Scott, Senator Hayner was excused.

MESSAGE FROM THE HOUSE

January 31, 1980.

Mr. President: The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1852 and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Woody moved the Senate recede from its amendments to Substitute House Bill No. 1852.

Debate ensued.

The motion by Senator Woody carried.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1852, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senator Vognild—1.

Absent or not voting: Senators Matson, Quigg—2.

Excused: Senators Hayner, Lee—2.

SUBSTITUTE HOUSE BILL NO. 1852, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Scott, the rules were suspended and all members were permitted as sponsors of Senate Resolution 1980-170.

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

SENATE RESOLUTION 1980-170

By Senators Day, Goltz, Walgren, Talmadge, Moore, Hurley, Williams, Marsh, Bluechel, Lysen, Bausch, Benitz, Bottiger, Bradburn, Clark, Conner, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Henry, Jones, Lee, Lewis, Matson, McDermott, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Wilson, Wojahn and Woody:

WHEREAS, Canada and the United States have been friends and allies for many years; and

WHEREAS, The courage and conviction of that friendship was illustrated during the past few days; and

WHEREAS, The government of Canada kept American diplomats and citizens safe in Iran during the current crisis; and

WHEREAS, The people of the United States were recently informed of this courageous act; and

WHEREAS, The Canadian people through their government and press kept a silent vigil over the well-being of those American citizens; and

WHEREAS, The citizens of Washington have long enjoyed a special relationship with the citizens of Canada because of our common border and interests;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, that on behalf of the American people we extend our most grateful and heartfelt appreciation to the government, press and people of Canada for their courageous act of heroism; and

BE IT FURTHER RESOLVED, That a suitably inscribed copy of this Resolution be transmitted to the Prime Minister of Canada at Ottawa, and the Premiers of each Canadian province.

MOTION

At 12:30 p.m., on motion of Senator Walgren, the Senate recessed until 1:40 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:40 p.m.

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

MESSAGE FROM THE HOUSE

January 31, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE HOUSE BILL NO. 1852, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE HOUSE BILL NO. 1852.

MOTION

At 1:42 p.m., on motion of Senator Walgren, the Senate adjourned until 9:00 a.m., Friday, February 1, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 1, 1980.

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 Haley, Matson, McDermott, Peterson, Pullen, Ridder and Wanamaker. On motion of Senator Wilson, Senators McDermott, Peterson and Ridder were excused. On motion of Senator Jones, Senators Haley, Matson, Pullen and Wanamaker were excused.

The Color Guard, consisting of Pages Heidi Biggs and Joe Von Volki, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"LORD OF HEAVEN AND EARTH WHO UNDERSTANDS THE STRENGTHS AND WEAKNESSES OF BEING HUMAN, HELP THESE MEN AND WOMEN OF THE WASHINGTON STATE SENATE COME TO GRIPS WITH THEIR OWN LIMITATIONS AS WELL AS BE AWARE OF THEIR POTENTIAL FOR HELPFUL CHANGE. STRENGTHEN THEM TO PUT ASIDE PERSONAL INTEREST FOR THE WELFARE OF ALL. GIVE THEM THE HONESTY TO FACE THE DIFFICULTIES AND A SENSE OF HUMOR TO LAUGH AT THEIR FOIBLES AND MISJUDGMENTS. EVEN WHEN FATIGUED, HOWEVER, MAY THEY NEVER FORGET THEIR TASK TO SERVE THE PEOPLE AS BEST AS THEY KNOW HOW. THROUGH HIM WHO WALKED AMONG US AS PERFECT MAN, JESUS YOUR SON OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 1980.

SUBSTITUTE SENATE BILL NO. 2299, requiring railroads to provide first aid training for certain employees (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Hansen, Peterson, Quigg, Wanamaker.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 2581, permitting the state employees' insurance board to self-fund any insurance program under its jurisdiction (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2581 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallaghan, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

January 31, 1980.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2865, regulating political advertising (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2865 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Woody, Chairman; Bottiger, Henry, Lewis, Marsh, Peterson, Ridder.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3130, implementing law relating to sale or lease of school district or educational service district surplus property (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 3130 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3133, exempting all school buses from payment of vehicle license fees (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3133 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Gallagher, Hansen, Peterson, Quigg, Van Hollebeke, Wanamaker.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3170, appropriating monies to implement Referendum 37 (facilities for the handicapped) (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3192, adjusting the senior citizens' property tax relief income limits by the consumer price index (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3192 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Sellar, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3219, commemorating the 175th anniversary of the Lewis and Clark expedition (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Dav Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3268, creating a program to study the use of wood for energy and heat (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hurley, Lysen, Williams, Wilson.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3290, providing a special program for naive criminals (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3302, modifying penalties for attempted arson (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Pullen.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3322, providing for reporting of fire data (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Pullen.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3329, revising definition of charitable or nonprofit organizations (reported by Committee on Commerce):

MAJORITY recommendation: That Substitute Senate Bill No. 3329 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3366, establishing a two-year demonstration project on adoptive services for special need children (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Hurley, Pullen, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3368, modifying the mobile home landlord-tenant act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Hurley, Jones, Woody.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3392, relating to public disclosure (reported by Committee on Constitution and Elections):

Recommendation: That Substitute Senate Bill No. 3392 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Marsh, Peterson, Pullen, Ridder.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3405, regulating administrative practice and procedure applicable to licenses and licensing (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3405 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallaghan, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3412, exempting vans used for ridesharing from sales, use, and motor vehicle excise taxation (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Conner, Hansen, Peterson, Quigg, Van Hollebeke, Wanamaker.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3441, transferring limited partnership filing requirements to the department of licensing (reported by Committee on Commerce):

MAJORITY recommendation: That Substitute Senate Bill No. 3441 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurlley, Morrison, Quigg.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3494, revising laws relating to deferred compensation plans (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill no. 3494 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Gaspard, Goltz, Jones, Marsh, Odegaard, Rasmussen, Ridder, Scott, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1980.

SENATE BILL NO. 3509, granting property tax relief to senior citizens owning a residence by a lease for life (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3509 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Bluechel, Gaspard, Goltz, Jones, Morrison, Odegaard, Rasmussen, Ridder, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3559, providing for the approval of title insurance forms and rates (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3561, modifying the law on the examination of insurers (reported by Committee on Financial Institutions and Insurance):

Recommendation: That Substitute Senate Bill No. 3561 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3602, exempting the legislative information system from the jurisdiction of the data processing authority (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3602 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3604, limiting large political contributions (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 3604 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Bottiger, Henry, Marsh, Peterson, Ridder.

MINORITY recommendation: Do not pass and that it not be substituted.

Signed by: Senator Pullen.

Passed to Committee on Rules for second reading.

January 29, 1980.

SENATE BILL NO. 3611, authorizing the investment of municipal pension funds in state authorized investments (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3611 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Goltz, Jones, Marsh, Morrison, Odegaard, Rasmussen, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE JOINT RESOLUTION NO. 132, modifying the state's disclaimer of rights to unappropriated public lands (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Fleming, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Ridder, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 1, 1980.

ALLISON COWLES, to the position of Member of the Council for Postsecondary Education, appointed by the Governor on July 1, 1979 for the term ending

June 30, 1985, succeeding herself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 1, 1980.

MARIANNE CRAFT NORTON, to the position of Member of the Council for Postsecondary Education, appointed by the Governor on August 3, 1979 for the term ending June 30, 1981, succeeding Tommy W. Ambrose (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 1, 1980.

EDWIN J. McWILLIAMS, to the position of Member of the Washington State University Board of Regents, appointed by the Governor on November 19, 1979 for the term ending September 30, 1984, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 1, 1980.

WILLIAM F. KENNELLY, to the position of Member of the Board of Trustees, Community College District No. 10, appointed by the Governor on October 10, 1979 for the term ending September 30, 1984, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 1, 1980.

VIVIAN M. STARTUP, to the position of Member of the Board of Trustees, Community College District No. 1, appointed by the Governor on December 11, 1979 for the term ending September 30, 1984, succeeding Henry V. Charnell, Jr. (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 1, 1980.

MELVIN G. HAMMER, to the position of Member of the Board of Trustees, Community College District No. 15, appointed by the Governor on January 15, 1980 for the term ending September 30, 1984, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 1, 1980.

K. O. ROSENBERG, to the position of Member of the Board of Trustees, Community College District No. 17, appointed by the Governor on December 12, 1979 for the term ending September 30, 1984, succeeding Ellen Sax (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

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 gubernatorial appointment 236.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS MOTION

On motion of Senator Goltz, the appointment of Carolyn Powers as a member of the board of trustee, Olympic Community College, District 3 was confirmed.

APPOINTMENT OF CAROLYN POWERS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Hayner—1.

Excused: Senators Haley, Matson—2.

MOTION

On motion of Senator Goltz, the appointment of Dr. Glenn Terrell as a member of the Western Interstate Commission for Higher Education, was confirmed.

APPOINTMENT OF DR. GLENN TERRELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Haley, Matson—2.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3280.

THIRD READING

SENATE BILL NO. 3280, by Senators Van Hollebeke, Wojahn, Quigg and Hurley (by Department of Licensing request):

Revising laws relating to real estate brokers and salesmen.

POINT OF INQUIRY

Senator Rasmussen: "Senator Van Hollebeke, I do not know who agreed to this bill. It seems to me this is the same bill we asked you about the other day and you have not made any changes in it."

Senator Van Hollebeke: "Well, maybe . . ."

Senator Rasmussen: "Will you submit . . . you have to mail your applications out of state, you have to mail the money with it. Let me explain, Senator Van Hollebeke, I had a check come to me and it was lost in the mail. These people sent their applications out-of-state, send their money out-of-state, and will have to go out-of-state in order to trace it instead of dealing with local people. I think our license department is, we may just as well abolish the department if this is the attitude they are going to have, if they are going to have all their work done by out-of-state people."

Senator Van Hollebeke: "Senator, you asked me to yield . . ."

Senator Rasmussen: "Has there been any changes in this bill that would change my mind?"

Senator Van Hollebeke: "I was going to say, you asked me to yield and it's not entirely clear to me what you want me to yield to . . ."

Senator Rasmussen: "Well, what I wanted to ask you you said this was an agreed-on bill. I wanted to know if you had made any changes so we could agree on it."

Senator Van Hollebeke: "Well, I thought that you had had the time to become better educated on it but I would like to explain how the bill works, for all of the members. It was requested by the department of licensing. Currently the department utilizes the national standardized tests for many professional examinations as you of course realize, Senator, health care professionals, veterinarians, chiropractors and many others, CPAs, and so forth. Many of the national testing services such as Educational Testing Services of Princeton, New Jersey, find it easier and more economical to handle registration procedures and fees and test results reporting directly into and communicate directly with the applicant. This is one of the reasons, in order to save the state money—saving the state money was one of the reasons why it was requested by the department. Because of some unique language, Senator, in the real estate code, the department cannot allow this processing by testing services directly—that is the processing of the examination really (sic) a receipt and then they have, this would give the department discretionary authority. It would not put it in the law but it would give them authority to enter an agreement with a testing service to allow applicants for the real estate examination to communicate directly with the testing service and, as to the test application and the fee for the test only, then a pre-determined amount, the way this would be handled, a pre-determined amount, that is, a contracted amount, would be retained by the testing service. If they get five dollars out of every twenty-five, then they just keep that and forward the other twenty back to the state.

"I am quite sure that the state auditor and the department of licensing are not going to lose any of this money and the state is not going to lose any of it. So I have a great deal of confidence in the state auditor and the department of licensing. This

bill merely removes the restrictive language currently in the real estate code and gives the department this discretion. It does not affect any authority, it does not affect any funding, and I do not think it does quite what you had in mind, Senator.

Senator Rasmussen: "Mr. President, the very complete report that Senator Van Hollebeke gave us indicated that the license applicant would send his application and his money back to some outfit some place, out of the state, maybe some foreign country when they decide they would have a better examination. And then whatever money that they did not use they would send back to the state. I think it is rather the wrong approach and I would urge we vote against this bill."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3280, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Voting nay: Senators Guess, Lysen, McDermott, Rasmussen—4.

Absent or not voting: Senators Conner, Walgren—2.

Excused: Senators Haley, Matson—2.

SENATE BILL NO. 3280, having received the 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 9:38 a.m., on motion of Senator Marsh, the Senate recessed until 11:20 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:20 a.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 11:35 a.m.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2381.

SECOND READING

SENATE BILL NO. 2381, by Senators Talmadge, Bottiger and Gallagher:
Revising superior court clerks' fees.

MOTIONS

On motion of Senator Talmadge, Second Substitute Senate Bill No. 2381 was substitute for Senate Bill No. 2381 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Talmadge, the rules were suspended, Second Substitute Senate Bill No. 2381 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, I am curious. Senate Bill 2381 would impose higher rates at the local level."

Senator Talmadge: "Yes it would, Senator."

Senator Rasmussen: "Initiative 62, by an overwhelming vote of the people, in every county of the state, indicated if, at the state level we impose higher rates for fees, services, taxes, on the local level does the same law that imposed that higher rate would have to be accompanied with the money to pay for it from the state level? Is this bill providing any money at the state level to handle those higher rates of taxes or fees, that are being imposed on the local level?"

Senator Talmadge: "Senator, no it does not. What this bill simply allows is that the superior court clerks can charge that fee to the user of the system. It does not do anything more than that. When I go down to superior court in King county to file a lawsuit, I pay to the King county superior court clerk, forty-five dollars. What this bill will do is allow the superior court clerk in King County to charge me sixty dollars for that filing fee; or if I ask the court clerk to search the records because I have a client who is very concerned about his or her roots or his family tree, this allows the clerk to charge me on behalf of the client for that search of the records. It is simply an authorization to the superior court clerks to charge, and it does not mandate anything from the state level, and does not carry any appropriation from the state level for that reason."

Senator Rasmussen: "Senator Talmadge, as I read the bill it sets the fee for searching records and it sets the fee for filing and it sets the fee as mandatory, — maybe I am reading the bill wrong. Does it say 'may' or does it say 'This is the fee.'?"

Senator Talmadge: "This is the fee that the court clerk at the local level can charge. The state's involvement in this is nothing more than authorization, Senator. We are authorizing the court clerk to make that charge."

Senator Rasmussen: "Well Senator Talmadge, again I am trying to clarify initiative 62. We say that this is the fee that they must charge, not that they may. Is that correct?"

Senator Talmadge: "Senator, it goes entirely to local government. The state has no fiscal role in this whatsoever. We do not receive a dime of that money; it goes simply to the local government. We receive some back for certain specified services that the state provides and those include the judicial information system. But short of that, it is all a fee that the county government charges the users of the system."

Senator Rasmussen: "... but it is a state-imposed fee on the local government?"

Senator Talmadge: "It is not imposed on local government, Senator. It simply authorizes local government to charge that fee to the user."

Senator Rasmussen: "I guess probably, Senator Talmadge, I am confusing government with people. The people voted that they did not want any additional fees imposed at the state level unless the state agreed to pay; not the local elected officials, they did not have anything, it was the people's initiative that said that. I am trying to clarify the fact which state-imposed levels rather, we just do not say 'They may do this.' Some counties may do it, some counties may not do it. It is mandatory, is that correct?"

Senator Talmadge: "Senator, if the county does not wish to charge for the service, they do not have to. We are simply authorizing the county to charge that fee if they wish to do that for that service provided. There is no initiative 62 implication, Senator."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator Rasmussen, the situation now is that if you were to ask the clerk to do something she would tell you, let us say that I ask them to check and see if a judgment has been satisfied. She does not have the help to do it so this bill authorizes her to charge me for the service so that she can perform it for me in that search record. The rest of the fees are fees we have always set. We have tried to keep the system economically viable and by periodic raises because of inflation we keep the clerk's office and the superior court, a portion of the superior court budget in balance."

REMARKS BY SENATOR WILSON

Senator Wilson: "Mr. President, in further response to Senator Rasmussen, this bill has nothing to do with initiative 62. The purpose of section six of initiative 62 was to protect local governments against obligations that they are unable to finance. This bill works in exactly the same direction as initiative 62 does in that respect, in the sense that it permits local governments to collect enough money to finance services that are solicited of the clerk's office by attorneys and by other people involved in superior court actions. This is a favorable bill from the standpoint of local government."

POINT OF INQUIRY

Senator Donohue: "Senator Wilson, normally the clerk's office receives funds from that budget passed by the county commissioners, is that correct?"

Senator Wilson: "The clerk's office is supported in part by appropriation from the county general fund and in part by fees charged to users."

Senator Donohue: "So it would be possible, then, that this particular bill is generated, the bill is generated for, by the clerk's association because at the local level the county commissioners are, in fact, not budgeting enough for them? I am trying to . . ."

Senator Wilson: "Senator Donohue, I expect that Senator Talmadge could comment more knowledgeably on this topic but it is my understanding that the county commissioners appropriate funds for the general operations and expenses of the county clerk's office. In addition to that and beyond it, attorneys or their clients ask for certain services of the clerk's office in the way of filing papers or searches and so on, and are expected to pay for them; and this bill increases the cost they will pay for these services to a level that is more consistent with the inflationary times of today."

Senator Donohue: "The clerk wants to hire more people, is that the issue?"

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "In response to Senator Donohue's concern, I think the problem is essentially this, Senator, that the legislature has required of the clerks that certain portions of the filing fee be earmarked for certain services such as the county law library, such as a number of other services. What this bill permits is the county clerk's can now attempt to pay more of the service out of a user fee than out of the general fund of the county; and that is what the filing fee attempted to do at one time but with the earmarking of funds that the legislature has required that ability to use have the users pay for a good, a larger portion of the service has diminished. And now this simply allows for that."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, we are always concerned on a consent calendar where questions start coming up. But to clarify the point that Senator Donohue made, the county commissioners set the budget for the county clerks. They go down and say 'Look how much we took in — we need so many employees to perform the service that are required'. The county commissioners can overrule them with the exception of the earmarked funds that Senator Talmadge mentioned. Now undoubtedly there will be some county clerks, who in one case may get some employees restored that were cut by the county commissioners, or in other cases may get an additional employee. But they will have to prove their case to the county commissioners."

REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President, I think that the point Senator Rasmussen was trying to make that when the people voted initiative 62 they wanted a limitation on taxes and on fees—not that this bill would place an obligation on local government but there was another message in that initiative. I think that is the point he is trying to make; and I see in reading this it increases from thirty-two to sixty dollars the fee that a defendant in a criminal case is liable upon conviction or plea of guilty or upon failure to prosecute an appeal from a lower court as provided by law. That is just about one hundred percent increase, which I would think would be very contrary to the message that the people were trying to get to us in initiative 62."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Senator Odegaard, I can appreciate your concern about the increase in the criminal filing fee, but the fact of the matter is, the legislature increased the filing fee for civil cases not long ago from thirty-two to forty-five dollars. All this provides for is that the filing fee essentially for criminal cases is the equivalent of the one in civil cases. And it brings the criminal one up to what we are arriving for for civil cases."

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 2381, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Donohue, Marsh, Odegaard, Rasmussen—4.

Excused: Senator Matson—1.

SECOND SUBSTITUTE SENATE BILL NO. 2381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3359.

SECOND READING

SENATE BILL NO. 3359, by Senator Woody:
Relating to elections.

MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 3359 was substituted for Senate Bill No. 3359 and the substitute bill was placed on second reading and read the second time in full.

Senator Woody commenced reading an oral amendment.

Senator Marsh objected.

On motion of Senator Walgren, Substitute Senate Bill No. 3359 will be considered following Senate Bill No. 2396.

SECOND READING

SENATE BILL NO. 2396, by Senators Wilson, Matson, Donohue and Hayner:

Exempting certain intra-family transfers from the excise tax on real estate transfers.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Senate Bill No. 2396 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Wilson, Senators Goltz and Bausch were excused.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2396, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Bausch, Goltz, Matson—3.

SENATE BILL NO. 2396, having received the 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. 2501, by Senators Benitz, Gaspard and Hansen:

Modifying powers of public utility districts relating to conservation, utilization, development, and management of water resources.

The bill was read the second time by sections.

On motion of Senator Benitz, the rules were suspended, Senate Bill No. 2501 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2501, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Guess—1.

Excused: Senators Bausch, Matson—2.

SENATE BILL NO. 2501, having received the 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. 3136, by Senator Goltz:

Exempting additional records from public inspection and copying under public disclosure act.

MOTIONS

On motion of Senator Goltz, Second Substitute Senate Bill No. 3136 was substituted for Senate Bill No. 3136 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Goltz, the rules were suspended, Second Substitute Senate Bill No. 3136 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Senator Goltz, could you give me a more specific example as to the provision in this bill pertaining to the trust funds and why the exemption is needed?"

Senator Goltz: "This was requested by the assistant attorney general for some of the higher educational institutions, Mr. Richard Montecucco and I believe there is a trust fund which, as far as I can remember the name of it was the 'Bremer fund' but that is unimportant. As I understand it, when they have these assets in one of these trust funds and are trying to make a decision as to negotiating or selling a part of this fund, if that public record which would be a part of the record of the trustees is open to public examination, it would reveal what they are planning to do with their trust fund and that would tend, in itself, to drive, might drive down the value of the fund. It is hard to be specific because each one of these instances is a separate business transaction. But the rationale is that if you were in private business instead of a public business, you would want to jealously guard your right to negotiate and to get rid of assets, whereas a public body having the same kinds of business transactions to perform in the name of a trust, under the present law, may be denied that right to operate in secrecy, if you will, but this is done only to protect the value of the trust."

MOTION

Senator Guess moved that Second Substitute Senate Bill No. 3136 be held on third reading following consideration of Substitute Senate Bill No. 3359.

POINT OF INQUIRY

Senator Marsh: "Senator Guess, I would like to ask if you have a substantial amendment because we have an agreement that if we have substantial amendments we are not going to consider them today; we are going to move them to the bottom of the calendar."

Senator Guess: "Senator Marsh, it is a very short four-line amendment to it that would exclude the records or information supplied to the department of transportation by any person, firm or corporation for the purpose of qualifying to submit a bid. It is a pre-qualification deal."

Senator Marsh: "Senator Guess, is there any reason we cannot consider now what is in front of us?"

Senator Guess: "I was trying not to hold up the action, if the secretary would distribute it, I think we could take it down."

The motion by Senator Guess was withdrawn.

On motion of Senator Goltz, the rules were suspended, Second Substitute Senate Bill No. 3136 was returned to second reading.

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

On page 3, after 7, insert:

"(n) Any records or information supplied to the department of transportation by any person, firm or corporation for the purpose of qualifying to submit a bid or proposal for a construction contract let by the department of transportation."

On motion of Senator Goltz, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3136 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 Second Substitute Senate Bill No. 3136, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognilid, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—45.

Voting nay: Senators Rasmussen, Wilson—2.

Excused: Senators Bausch, Matson—2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3116, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3185, by Senators Hansen, Benitz and Conner:

Modifying minimum rental requirements for oil and gas leases on state lands.

The bill was read the second time by sections.

On motion of Senator Benitz, the rules were suspended, Senate Bill No. 3185 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3185, and the bill passed the Senate by the following vote: Yeas, 47, excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Matson—2.

SENATE BILL NO. 3185, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate resumed consideration of Substitute Senate Bill No. 3359.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3359, by Committee on Constitution and Elections (originally sponsored by Senator Woody):

Avoiding conflict between dates of political caucuses and elections.

The Senate resumed consideration of Substitute Senate Bill No. 3359 from earlier today.

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

On page 4, after line 31, insert:

"**NEW SECTION.** Sec. 3. Notwithstanding the provisions of RCW 29.13.010 and 29.13.020, as now or hereafter amended, any county, city, town, or district calling a special election on the third Tuesday of March pursuant to section 1 or 2 of this 1980 amendatory act shall call such election by presenting a resolution to the county auditor at least forty-two days prior to that proposed election date. Notwithstanding the provision of RCW 29.07.160, the county auditor shall give notice of the closing of voter registration for any special election to be held on the third Tuesday in March of 1980 by one publication in a newspaper of general circulation in the county at least three days before such closing. The provisions of this section shall only apply to elections to be held in March of 1980."

Re-number the remaining section.

On motion of Senator Woody, the rules were suspended, Engrossed Substitute Senate Bill No. 3359 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Wilson, Senator Hansen was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3359, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Bausch, Hansen, Matson—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3359, having received the 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 measures passed by the Senate today were ordered immediately transmitted to the House.

MOTION

Senator McDermott: "Mr. President, I move that the five-day rule of notice be suspended and that there be an education committee meeting in the Democratic caucus at adjournment of this session or at the close for lunch."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, I did not know that that motion was needed."

REPLY BY THE PRESIDENT

President Cherberg: "The committee may decide on its own to suspend the rules, Senator."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "The committee may decide? The reason I inquired was because we are having a special meeting ourselves — the state government committee — a carryover from yesterday which will be at three o'clock today in room 103."

MOTION

At 12:30 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.

MOTION

On motion of Senator Marsh, Senate Bill No. 3211 will be considered following Senate Bill No. 3621.

SECOND READING

SENATE BILL NO. 3224, by Senator Hansen:
Revising laws governing elections of county weed board members.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3224 was substituted for Senate Bill No. 3224 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Jones, Senators Bluechel and Quigg were excused.
On motion of Senator Wilson, Senator Woody was excused.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3224 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. 3224 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn—44.

Excused: Senators Bausch, Bluechel, Matson, Quigg, Woody—5.

SUBSTITUTE SENATE BILL NO. 3224, having received the 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. 3226, by Senators Day and Henry:
Revising laws relating to prescriptions.

MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 3226 was substituted for Senate Bill No. 3226 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, Senators Conner and Lysen were excused.

On motion of Senator Day, the rules were suspended, Substitute Senate Bill No. 3226 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3226, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Benitz, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn—42.

Excused: Senators Bausch, Bluechel, Conner, Lysen, Matson, Quigg, Woody—7.

SUBSTITUTE SENATE BILL NO. 3226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3232, by Senators Rasmussen, Donohue, Clarke and Odegaard:

Modifying inheritance and gift tax laws.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 3232 was substituted for Senate Bill No. 3232 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 3232 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: "Senator Rasmussen, you did not explain what the change was — you said it 'permits' people to appeal to the board of tax appeals and I notice it says that in the digest, the digest does not tell what present law is and presently, of course, they have the right to appeal to superior court and the digest says they can do that. I presume they could always do that. Is that correct, Senator?"

Senator Rasmussen: "This is correct."

Senator Van Hollebeke: "And what about the board of tax appeals — presently it would not be allowed to appeal to that board?"

Senator Rasmussen: "No, you have the option. You can go at the old law before we have changed it, said the only place you could go for an appeal was to the superior court."

Senator Van Hollebeke: "Before, you mean the present law as of this moment, the law is, you can only go to superior court?"

Senator Rasmussen: "No, no, the inheritance tax code we adopted last session allows the same appeal to the superior court, or you could go to the board of tax appeals which is much less costly. And we are making that change now for gift tax also in cases of dispute over the gift tax."

Senator Van Hollebeke: "Thank you, Senator, I certainly appreciate that."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3232 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Benitz, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn—43.

Excused: Senators Bausch, Bluechel, Conner, Lysen, Matson, Woody—6.

SUBSTITUTE SENATE BILL NO. 3232, having received the 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 Moore, Senate Bill No. 3235 was ordered to hold its place on the second reading calendar for February 4, 1980.

On motion of Senator Wilson, Senator Williams was excused.

SECOND READING

SENATE BILL NO. 3236, by Senators Walgren, Clarke, Hayner, Wojahn, Matson and Pullen:

Making an attended hit and run involving personal injury a class C felony.
The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 3236 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: "Senator Walgren, what is the present penalty?"

Senator Walgren: "I am advised by my attorney that it is a gross misdemeanor with the penalties that apply to a gross misdemeanor as opposed to a class B felony provision."

Senator Van Hollebeke: "That changes it from a maximum of one year in the county jail and/or up to one thousand dollars to up to five years and five thousand. Is that correct?"

(No audible reply)

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3236, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—43.

Voting nay: Senator Van Hollebeke—1.

Excused: Senators Bausch, Bluechel, Lysen, Matson, Williams—5.

SENATE BILL NO. 3236, having received the 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. 3244, by Senators Donohue, Shinpoch, Jones, Wojahn, Gaspard, Scott and Lee:

Providing certain elective membership in the LEOFF retirement system.

The bill was read the second time by sections.

On motion of Senator Shinpoch, the rules were suspended, Senate Bill No. 3244 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3244, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—44.

Excused: Senators Bausch, Bluechel, Lysen, Matson, Williams—5.

SENATE BILL NO. 3244, having received the 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. 3245, by Senators Donohue, Shinpoch, Jones, Wojahn, Gaspard and Scott:

Clarifying certain public retirement laws.

The bill was read the second time by sections.

On motion of Senator Shinpoch, the rules were suspended, Senate Bill No. 3245 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3245, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—43.

Absent or not voting: Senators Guess, Hayner—2.

Excused: Senators Bausch, Bluechel, Matson, Williams—4.

SENATE BILL NO. 3245, having received the 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. 3246, by Senators Donohue, Shinpoch, Jones, Gaspard and Scott:

Providing for error corrections in public retirements systems' records and payments.

MOTIONS

On motion of Senator Shinpoch, Substitute Senate Bill No. 3246 was substituted for Senate Bill No. 3246 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Shinpoch, the rules were suspended, Substitute Senate Bill No. 3246 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Senator Shinpoch, in the committee we talked about a measure that on the under payments and overpayments there was some question or discussion about plus interest. I do not have that bill, I have . . ."

Senator Shinpoch: "The way that it reads 'The full amount of such under payment of under payments plus interest at the rate was specified in RCW 4.56.110', which I understand is the one that is the interest on . . ."

Senator Fleming: "Judgment? Okay, thank you."

Senator Shinpoch: "I am not sure that that is my understanding, that it is judgment. I think, we did have one that was judgment and without looking this up, it is my understanding that this is the interest that applies to delinquent taxes and I am not sure that is correct but I understood that that was what we instructed the staff to do."

Senator Fleming: "I thought there was some question . . ."

Senator Shinpoch: "We do specify it, we did not leave it up to the department of retirement."

Senator Fleming: "I thought there was some question . . ."

Senator Shinpoch: "We do specify, we did not leave it up to the department of retirement."

Senator Fleming: "Okay. I know there was some question by Senator Clarke, and they were going to try and work out some language. I was interested."

MOTION

On motion of Senator Fleming, Substitute Senate Bill No. 3246 was ordered held on third reading following consideration of Senate Bill No. 3254.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3256.

SECOND READING

SENATE BILL NO. 3256, by Senators Gallagher, Rasmussen and Lee:
Modifying the fish tax.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3256 was substituted for Senate Bill No. 3256 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3256 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator McDermott: "Senator Gallagher, on page 3, it says that 'a credit shall be allowed against the tax imposed for a tax paid in another state.' Can you tell me what Oregon's tax is, is it less or more than it is in Washington?"

Senator Gallagher: "A lot of times they paid a tax in Oregon, for instance, and we would deduct that amount from whatever the difference would be in the state of Washington."

Senator McDermott: "Thank you. Is there any fiscal impact to this bill?"

Senator Gallagher: "We will gain about one million, four hundred thousand a year."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3256 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore,

Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—46.

Excused: Senators Bausch, Matson, Williams—3.

SUBSTITUTE SENATE BILL NO. 3256, having received the 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. 3254 by Senators Ridder, Day, Donohue and Jones:
Exempting certain medically necessary items from the sales and use tax.

REPORT OF STANDING COMMITTEE

January 29, 1980.

SENATE BILL NO. 3254, exempting certain medically necessary items from the sales and use tax (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 8, line 18, after "prescribed," strike "items, including"

On page 15, line 31, strike "items, including"

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Goltz, Jones, Marsh, Odegaard, Rasmussen, Scott, Sellar, Wojahn.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendments were considered and adopted simultaneously.

On motion of Senator Donohue, the rules were suspended, Engrossed Senate Bill No. 3254 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3254, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Gallagher—1.

Excused: Senators Bausch, Matson, Williams—3.

ENGROSSED SENATE BILL NO. 3254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3246, by Committee on Ways and Means (originally sponsored by Senators Donohue, Shinpoch, Jones, Gaspard and Scott):

Providing for error corrections in public retirements systems' records and payments.

The Senate resumed consideration of Substitute Senate Bill No. 3246 from earlier today.

REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "Thank you, Mr. President. In response to Senator Fleming's question relative to the citation on the interest to be paid, the citation is RCW 4.56.110 and that is the interest on judgment as had been indicated."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3246, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—46.

Excused: Senators Bausch, Matson, Williams—3.

SUBSTITUTE SENATE BILL NO. 3246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, Senate Bill No. 3262 was ordered to hold its place on the second reading calendar for February 4, 1980.

SECOND READING

SENATE BILL NO. 3288, by Senator Van Hollebeke:

Selecting juries for courts of limited jurisdiction.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the rules were suspended, Senate Bill No. 3288 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3288, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Voting nay: Senator Talley—1.

Excused: Senators Bausch, Matson, Williams—3.

SENATE BILL NO. 3288, having received the 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. 3237.

SECOND READING

SENATE BILL NO. 3237, by Senator Henry:
Relating to highways.

MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 3237 was substituted for Senate Bill No. 3237 and the substitute bill was placed on second reading and read the second time in full.

Senator Bottiger moved adoption of the following amendment:

On page 1, line 16, after "gas" insert "oil or coal"

POINT OF INQUIRY

Senator Marsh: "Senator Bottiger, I am wondering if you have this inserted in the right place. If I look on Substitute Senate Bill 3237, after the word 'gas' and insert your wording, we are going to have oil or coal pipes, and I am wondering if there are 'coal pipes'?"

Senator Bottiger: "Yes, they are called 'coal slurry pipes'."

The motion by Senator Bottiger carried and the amendment was adopted.

On motion of Senator Henry, the rules were suspended, Engrossed Substitute Senate Bill No. 3237 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. 3237, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators McDermott, Wanamaker—2.

Excused: Senators Bausch, Matson—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3237, having received the 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 Senate Bill No. 2084.

SECOND READING

ENGROSSED SENATE BILL NO. 2084, by Senator Conner:
Exempting nonprofit youth organizations from the timber excise tax.

MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 2084 was substituted for Engrossed Senate Bill No. 2084 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. 2084 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. 2084, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—46.

Excused: Senators Bausch, Matson, Williams—3.

SUBSTITUTE SENATE BILL NO. 2084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

January 30, 1980.

SENATE BILL NO. 2850, regulating floating home moorages (reported by Judiciary Committee):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2850 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Marsh, Chairman; Clarke, Hayner, Hurley, Jones, Woody.

MINORITY recommendation: Do not pass and that it not be substituted.

Signed by: Senator Talmadge.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3189, providing attendance incentive programs for employees of school districts and educational service districts (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3478, making it a Class C felony to buy or sell a child (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hurley, Pullen, Woody.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3597, broadening the authority of cities to operate off-street parking facilities (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3597 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; Fleming, Moore, Sellar, Talley.
Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 1, 1980.

DONALD BUNCH, JR., to the position of Member of the Board of Prison Terms and Paroles, appointed by the Governor on August 1, 1979 for the term ending April 15, 1982, succeeding Father Matthew Naumes (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Vognild.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 31, 1980.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 31,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1141,

SUBSTITUTE HOUSE BILL NO. 1406,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412,

HOUSE BILL NO. 1427,

ENGROSSED HOUSE BILL NO. 1445,

SUBSTITUTE HOUSE BILL NO. 1471,

SUBSTITUTE HOUSE BILL NO. 1485,

SUBSTITUTE HOUSE BILL NO. 1510,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516,

SUBSTITUTE HOUSE BILL NO. 1520, and the same are herewith transmitted.

DEAN F. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MESSAGE FROM THE HOUSE

January 31, 1980.

Mr. President: The House passed: REENGROSSED HOUSE JOINT RESOLUTION NO. 22, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 31, by Committee on State Government (originally sponsored by Representatives Ehlers, Taller, Struthers, Walk, Sanders and Addison):

Creating rules review committees and procedures.

Referred to Committee on State Government.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1141, by Committee on Appropriations (originally sponsored by Representatives Hurley, Zimmerman, North, Winsley, Charnley, Fuller, Granlund, Nelson (G.), Clayton, Sprague, Wilson and Tilly):

Establishing a reservation system for state park campsites.

Referred to Committee on Parks and Recreation.

HOUSE BILL NO 1406, by Representative Newhouse:
Correcting double amendments in laws relating to motor vehicle offenses.
Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412, by Committee on Ecology (originally sponsored by Representatives Isaacson, Barr, Oliver, Williams and Wilson):

Regulating the transportation and disposal of radioactive wastes.
Referred to Committee on Ecology.

HOUSE BILL NO. 1427, by Representatives Martinis, Wilson, Sherman, Chandler, Nelson (D.), Bauer, Heck, Bender, Brekke, Burns, Charnley, Erak, Galloway, Garrett, Granlund, Gruger, King, Monohon, Pruitt and Vrooman:

Increasing the municipal public transit motor vehicle excise tax authorization.
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1445, by Representatives Erickson, Oliver, King, Fuller, Hughes, Barnes, Eng, Tilly, Granlund, Gruger, Pruitt and Winsley:

Reconstituting the Public Disclosure Commission.
Referred to Committee on Constitution and Elections.

SUBSTITUTE HOUSE BILL NO. 1471, by Committee on Insurance (originally sponsored by Representatives Keller, Dawson and Deccio) (by Insurance Commissioners request):

Modifying capital surplus requirements for insurance companies.
Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 1485, by Committee on Social and Health Services (originally sponsored by Representatives Mitchell, Teutsch, Whiteside, Flint, Houchen, Brekke, Kreidler and Granlund) (by Board of Pharmacy request):

Revising laws on controlled substances.
Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 1510, by Committee on Commerce (originally sponsored by Representatives Warnke and Greengo):

Extending grounds for termination of a franchise.
Referred to Committee on Commerce.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516, by Committee on Social and Health Services (originally sponsored by Representatives Teutsch, Pruitt, Brekke, Whiteside, Mitchell, Kreidler, Stratton, May, Flint, Lux and Adams:

Establishing requirements for in-home services.
Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 1520, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Whiteside, Mitchell, Galloway, Gallagher, Hughes, Erak and Stratton) (by Department of Social and Health Services request):

Granting DSHS personnel access to criminal records when investigating applicants for child care agency licenses.
Referred to Committee on Social and Health Services.

ENGROSSED HOUSE JOINT RESOLUTION NO. 22, by Representatives O'Brien, Zimmerman, Garrett, Nelson (Gary), Sommers, Bauer, Galloway, Teutsch, Heck and Taller:

Providing the means to pay the indebtedness on public development projects.
Referred to Committee on Ways and Means.

MOTION

At 2:35 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Monday, February 4, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 4, 1980.

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, Matson, Ridder and Talley. On motion of Senator Wilson, Senators Bausch, Ridder and Talley were excused. On motion of Senator Jones, Senator Matson was excused.

The Color Guard, consisting of Pages Marilyn White and Matthew Sheridan, presented the Colors. Reverend Richard Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"I WANT TO SHARE WITH YOU FOR JUST A MOMENT AS WE BEGIN THIS FOURTH WEEK OF THE SESSION THE ORDINARY PASSING OF TIME AND PREOCCUPATION WITH ROUTINE DAILY HAPPENINGS OFTEN DULLS MY AWARENESS OF THE PRESSING NEEDS OF OTHERS, AND BECAUSE WE ARE CREATED IN THE SAME IMAGE, I SUSPECT THE SAME IS TRUE OF YOU. BECAUSE OF THEIR GREAT NEED, I INVITE YOU TO SPEND A FEW MOMENTS SILENTLY PRAYING FOR THE SAFE RELEASE OF OUR FELLOW AMERICANS STILL BEING HELD HOSTAGE IN TEHRAN. (A MOMENT OF SILENCE WAS OBSERVED BY THE SENATE).

"THEN WOULD YOU LIFT A PRAYER OF THANKSGIVING FOR OUR NEIGHBORS WITH WHOM WE SHARE A COMMON BORDER, THE CANADIANS WHO RISKED THEIR OWN SAFETY IN ORDER THAT SIX AMERICANS MIGHT RETURN HOME TO FREEDOM. (A MOMENT OF SILENCE WAS OBSERVED BY THE SENATE).

"LORD, MAYBE WITH A LITTLE MORE AWARENESS OF THE MEANING OF FREEDOM THIS MORNING, HELP THESE OUR SENATORS TO GIVE THE VERY BEST THEY HAVE IN ORDER THAT THEY MIGHT BECOME YOUR INSTRUMENTS OF JUSTICE AND FREEDOM FOR THE PEOPLE OF THIS GREAT STATE.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 2, 1980.

ENGROSSED SENATE BILL NO. 2667, providing for library assistance:

Reported by Committee on Rules which recommends that Engrossed Senate Bill No. 2667 be referred to the Committee on Ways and Means.

Signed by: John A. Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Hayner, Odegaard, Ridder, Sellar, Shinpoch, Talley, Walgren, Wojahn.

Rereferred to Committee on Ways and Means.

February 1, 1980.

SENATE BILL NO. 3047, relating to cloud seeding (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 3047 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3170, appropriating moneys to implement Referendum 37 (facilities for the handicapped):

Reported by Committee on Rules which recommends that Senate Bill No. 3170 be referred to the Committee on Ways and Means.

Signed by: John A. Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Hayner, Odegaard, Ridder, Sellar, Shinpoch, Talley, Walgren, Wojahn.

Rereferred to Committee on Ways and Means.

January 31, 1980.

SENATE BILL NO. 3191, modifying the state employee attendance incentive program (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3271, providing for membership transfers by former PERS members now in the judicial retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3271 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Fleming, Gaspard, Goltz, Marsh, Morrison, Odegaard, Ridder, Sellar, Shinpoch.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3278, providing state scholarship program waiving tuition fees at state's institutions of higher education for academic excellence (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3278 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Shinpoch.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3279, authorizing transfer of retirement system membership by law enforcement officers (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Clarke, Fleming, Gaspard, Goltz, Odegaard, Ridder, Shinpoch, Walgren, Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3308, revising motor vehicle tonnage licensing (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Conner, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3363, allowing certain public employees credit for military service without need to restore withdrawn contributions not affecting creditable service (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3363 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Fleming, Gaspard, Goltz, Morrison, Odegaard, Ridder, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3366, establishing a two-year demonstration project on adoptive services for special need children:

Reported by Committee on Rules which recommends that Senate Bill No. 3366 be referred to the Committee on Ways and Means.

Signed by: John A. Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Hayner, Odegaard, Ridder, Sellar, Shinpoch, Talley, Walgren, Wojahn.

Rereferred to Committee on Ways and Means.

January 31, 1980.

SENATE BILL NO. 3424, limiting special veteran's license plates to honorably discharged disabled veterans (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3424 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3515, relating to cloud seeding (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 3515 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3571, providing study for institute of applied technology (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3571 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3603, authorizing a bond issue for pollution control facilities (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3603 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Fleming, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Ridder, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE JOINT MEMORIAL NO. 114, requesting Congress to appropriate money to replace the Hood Canal bridge (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 114 be substituted therefor, and the substitute memorial do pass.

Signed by: Senators Henry, Chairman; Conner, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 1, 1980.

SUBSTITUTE HOUSE BILL NO. 1481, implementing law relating to higher education tuition and fee waivers (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

February 1, 1980.

ENGROSSED HOUSE BILL NO. 1495, adding exemption to educational services registration act (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 1, 1980.

JAMES M. SPALDING, to the position of Member of the State Board for Community College Education, appointed by the Governor on August 24, 1979 for the term ending April 3, 1980, succeeding Harvey Vernier (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 1, 1980.

RAYMOND A. NORWOOD, to the position of Member of the Council for Postsecondary Education, appointed by the Governor on August 1, 1979 for the term ending June 30, 1985, succeeding Richard P. Wollenberg (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR

Office of the Governor, February 1, 1980.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on February 1, 1980, Governor Ray approved the following Senate Bill entitled:

SENATE BILL NO. 3183, relating to Hood Canal Bridge.

Sincerely,
H. B. HANNA
Legal Counsel.

MOTIONS

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

On motion of Senator Walgren, Senate Bill No. 3191 was rereferred to the Committee on Ways and Means.

REPORT BY SENATOR RASMUSSEN
ON GUBERNATORIAL APPOINTMENT
GARY L. JACKSON

Senator Rasmussen: "I was ordered to take back for review, an appointment to the horse racing commission. I want to report back to the Senate now. The committee did hold hearings and I will furnish to the members of the Senate the information that we received, affidavits where there was no conflict of interest by reason of holding a hearing with only two members of the horse racing commission present. There was also an affidavit from Colonel Bell of the state patrol where he was the one that ordered the car for Mr. Jackson to ride in; Mr. Jackson had nothing to do with that part of it. However, Mr. Jackson does not feel it is, for the amount of compensation, that he should have to take the harassment any longer; and Mr. Jackson, I am informed, has withdrawn his name. He has resigned from the horse racing commission where he has served without question for some two years. So we will be having another appointment sent up from the Governor's office. Can't say that I blame Mr. Jackson for resigning. There has never been any question proven of any of the material that was charged to him. The only thing that could be said was that some of the Mexican-Americans who had appeared before our committee a year previously asking that the illegal aliens be transported out of the state come before the committee and were disturbed because of an editorial that had rather harsh words about illegal aliens. So we no longer have Mr. Jackson's confirmation before the Senate. That concludes my report, Mr. President."

PERSONAL PRIVILEGE

Senator von Reichbauer: "Mr. President, I rise to a point of personal privilege."

President Cherberg: "The Senator will speak upon a point of personal privilege."

Senator von Reichbauer: "Mr. President and members of the Senate; I wish to thank this body for giving me the opportunity to raise certain questions on the floor and in the committee process. I also want to thank the members in this body, and in particular the state government committee for the time to review those . . ."

POINT OF ORDER

Senator Rasmussen: "Point of order. Was Senator von Reichbauer's motives impugned? He has raised the question of personal privilege which is only granted to a senator when his motives have been impugned."

Senator von Reichbauer: "Mr. President, I speak to make a comment. It relates to my involvement."

President Cherberg: "The President cannot hear you, Senator; would you hold the mike a little further away from your mouth, please?"

Senator von Reichbauer: "Mr. President, I rose to thank the Senate because of the questions raised on the floor here, as reflected in the questions I raised. Again I want to thank the body and I thank the body for reasserting its role to the constitutional process of advice and consent. No one individual won. I think the Senate as a whole, won, because of its reassertion of its role in the confirmation process."

RULING BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, the President believes that Senator von Reichbauer's remarks were related to the point of personal privilege."

MOTIONS

On motion of Senator Walgren, the Senate returned to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3186.

SECOND READING

SENATE BILL NO. 3186, by Senators Hansen, Benitz and Conner:

Allowing the commissioner of public lands or his agent to vote and serve as director in certain irrigation districts.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3186 was substituted for Senate Bill No. 3186 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3186 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. 3186, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senator Lysen—1.

Excused: Senators Bausch, Matson, Ridder, Talley—4.

SUBSTITUTE SENATE BILL NO. 3186, having received the 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. 3214, by Senators Wilson and Guess:

Repealing a limitation on road contract awards.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 3214 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3214, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Bausch, Matson, Ridder, Talley—4.

SENATE BILL NO. 3214, having received the 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. 3207, by Senators Talmadge, Clarke, Marsh, McDermott and Van Hollebeke:

Adding five judges to the King county superior court.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3207 was substituted for Senate Bill No. 3207 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Talmadge, Substitute Senate Bill No. 3207 will be held for consideration later today.

SECOND READING

SENATE BILL NO. 3253, by Senators Rasmussen and Matson:

Rearranging the law on electricians.

REPORT OF STANDING COMMITTEE

January 23, 1980.

SENATE BILL NO. 3253, rearranging the law on electricians (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendments:

On page 10, line 36, after "of" strike "~~((nine))~~ twelve" and insert "nine"

On page 11, beginning in line 1, after "governor." strike all the material down to and including "installations." on line 5.

On page 13, strike all of section 19 and renumber the remaining sections consecutively.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman, Hurley, Morrison, Quigg.

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 rules were suspended, Engrossed Senate Bill No. 3253 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. 3253, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Bausch, Matson, Ridder, Talley—4.

ENGROSSED SENATE BILL NO. 3253, having received the 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 Senate Bill No. 2433.

SECOND READING

ENGROSSED SENATE BILL NO. 2433, by Senators Day, Ridder and Shinpoch:

Revising the definition of unemployable persons.

REPORT OF STANDING COMMITTEE

January 18, 1980.

ENGROSSED SENATE BILL NO. 2433, revising the definition of unemployable persons (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 7, after "who" insert "are substantially incapacitated from gainful employment"

On page 2, line 8, after "cause" strike all language through line 16, and insert "((are substantially incapacitated from gainful employment)) including any cause identified by the employment security department by rule as a significant obstacle to referral of a person to any employment or work training opportunity. The commissioner of employment security shall promulgate rules identifying such causes. The employment security department shall provide information concerning obstacles to referral to the department of social and health services which shall make the determination of employability."

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments were not adopted.

Senator Day moved adoption of the following amendment by Senators Shinpoch, Day and Donohue:

Strike everything after the enacting clause, and insert the following:

"Section 1. Section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.005 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of (~~(public assistance)~~) social and health services.

(3) "County office"—The administrative office for one or more counties.

(4) "Director" (~~(—The director of the state department of public assistance)~~) or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons, including old age assistance, medical assistance, aid to families with dependent children, aid to the permanently and totally disabled persons, aid to the blind, child welfare services, and any other programs of public assistance for which provision for federal funds or aid may from time to time be made.

(6) "General assistance"—Shall include aid to unemployable persons and unemployed employable persons who are not eligible to receive or are not receiving federal-aid assistance.

(a) Unemployable persons are those persons who (~~(by reason of bodily or mental infirmity or other cause)~~) are substantially incapacitated from gainful employment as determined by the secretary and the commissioner of the employment security department in accordance with rules adopted pursuant to section 2 of this 1980 act.

(b) Unemployed employable persons are those persons who although capable of gainful employment are unemployed.

(7) "Medical indigents"—Are persons without income or resources sufficient to secure necessary medical services.

(8) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county office for assistance.

(9) "Recipient"—Any person receiving assistance or currently approved to receive assistance at any future date and in addition those dependents whose needs are included in the recipient's grant.

(10) "Requirement"—Items of goods and services included in the state department of (~~(public assistance)~~) social and health services standards of assistance and required by an applicant or recipient to maintain a defined standard of living.

(11) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as income which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons, shall raise a presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse

or dependent children or disabled sons or daughters, such property shall be considered as income which can be made available to meet need.

(b) Household furnishings and personal clothing used and useful to the person.

(c) Automobile(s) used and useful.

(d) Cash of not to exceed two hundred dollars for a single person or four hundred dollars for a family unit of two, or marketable securities of such value. This maximum shall be increased by twenty-five dollars for each additional member of the family unit.

(e) Life insurance having a cash surrender value.

(f) Other personal property and belongings which are used and useful or which have great sentimental value to the applicant or recipient.

Whenever such person ceases to make use of any of the property specified in items (b), (c) and (f) of this section, the same shall be considered as income available to meet need: PROVIDED, That the department may by rule and regulation exempt such personal property and belongings which can be used by the applicant or recipient to decrease his need for public assistance or aid in rehabilitating him or his dependents.

(g) The department shall by rule and regulation fix the ceiling value for the individual or family unit for all property and belongings as defined in items (c), (d) and (e) of this section. In establishing such ceiling, the department shall establish a sliding scale based upon the family size. If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient: PROVIDED, That in the determination of need of applicants for or recipients of general assistance no resources or income shall be considered as exempt per se, but the department may by rule and regulation adopt standards which will permit the exemption of the home and personal property and belongings from consideration as an available resource or income when such resources or income are determined to be necessary to the applicant's or recipient's restoration to independence.

(12) "Income"—All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient after applying for or receiving public assistance: PROVIDED, That all necessary expenses that may reasonably be attributed to the earning of income shall be considered in determining net income: PROVIDED FURTHER, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance: PROVIDED FURTHER, That in determining the amount of assistance to which a recipient of aid to the blind is entitled or to which any dependent of such recipient may be entitled under any category of public assistance, the department is hereby authorized to disregard as a resource or income the first eighty-five dollars per month of any earned income plus one-half of earned income in excess of eighty-five dollars per month and for a period of not in excess of thirty-six months such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the department, as may be necessary for the fulfillment of such plan of such blind recipient who is otherwise eligible for an aid to the blind grant: PROVIDED FURTHER, That in determining the amount of assistance to which a recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income (a) with respect to a child who is not a full time employee and who is a full time or part time student attending a school, college, or university, or a

course of vocational or technical training designed to fit him for gainful employment, all of the earned income of such child; and (b) with respect to any other dependent child, adult, or other person in the home whose needs are taken into account in making such determination, the first thirty dollars of the total of their earned income for such month and one-third of the remainder: **PROVIDED FURTHER**, The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants of public assistance, but consistent with federal requirements: **PROVIDED FURTHER**, That in determining the amount of assistance to which a recipient of old age assistance is entitled, the department is hereby authorized to disregard as a resource or income the first twenty dollars per month of any earned income plus one-half of additional earnings up to eighty dollars of such recipient who is otherwise eligible for an old age assistance grant; but the total amount of earnings or other income if accumulated shall not, when added to the amount of cash or marketable securities exempted under (d) of subsection (11) of this section, exceed the total amounts exempted under that subsection for a family unit: **PROVIDED FURTHER**, That a recipient of aid to the blind may accumulate without penalty from such exempt income, an amount not to exceed the maximum value of personal property as established by the department pursuant to this section less other cash, marketable securities, cash surrender value of insurance and/or car held by such recipient. In formulating rules and regulations pursuant to this chapter the department shall define "earned income" in such a manner as to meet with the approval of the department of health, education and welfare: and **PROVIDED FURTHER**, That all resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(13) "Need"—The difference between the applicant's or recipient's cost of requirements for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt net income received by or available to the applicant or recipient and the dependent members of his family.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

NEW SECTION. Sec. 2. (1) Not later than December 31, 1980, the secretary and the commissioner of the employment security department shall jointly promulgate and adopt rules regarding unemployable persons as set forth in subsection (3) of this section.

(2) (a) The secretary and the commissioner of the employment security department shall make periodic reports to the fiscal and other appropriate standing committees of the legislature as to the progress in the development of such rules.

(b) Not later than September 1, 1980, the secretary and the commissioner of the employment security department shall present their proposed rules to be promulgated as required by subsection (1) of this section to the fiscal and other appropriate standing committees of the legislature.

(3) The rules required by subsection (1) of this section shall include the following:

(a) A uniform definition of unemployable persons, which definition shall include physical, mental, or other personal obstacle or obstacles to any (i) employment or (ii) work training opportunity; and

(b) A system of review of such unemployable persons for the purpose of determining the continuing existence of such obstacle or obstacles to any (i) employment or (ii) work training opportunity.

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."

MOTIONS

On motion of Senator Marsh, Engrossed Senate Bill No. 2433, together with the pending amendment by Senators Shinpoch, Day and Donohue, was ordered held following consideration of Senate Bill No. 3234.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3243.

SECOND READING

SENATE BILL NO. 3243, by Senators Henry, Quigg and Talley:
Providing for household goods storage warehouses.

REPORT OF STANDING COMMITTEE

January 23, 1980.

SENATE BILL NO. 3243, providing for household goods storage warehouses (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 23, insert a section as follows:

"Sec. 2. Section 81.24.040, chapter 14, Laws of 1961 and RCW 81.24.040 are each amended to read as follows:

Every household goods storage warehouseman shall, on or before the thirty-first day of ~~March, 1950,~~ and of each year thereafter, file with the commission an annual report under oath, on forms to be provided by the commission, showing his gross operating revenue from intrastate operations for the preceding calendar year ending December 31st, or portion thereof, and pay to the commission one percent of such gross operating revenue: PROVIDED, That the fee so paid shall in no case be less than ten dollars: ~~PROVIDED FURTHER, That for the year 1950 the amount yet remaining due shall be computed to give credit for amounts paid during that year.~~ The percentage rate of gross operating revenue to be paid in any year may be decreased by the commission by general order entered before March 1st of such year."

Renumber the remaining sections consecutively.

In line 3 of the title after "81.24.030;" insert "amending section 81.24.040, chapter 14, Laws of 1961 and RCW 81.24.040;"

On page 3, line 19, after "((:));" strike "and (10)" and insert "(10) self-service storage rental units where the renter has exclusive access to the unit; and (11)"

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg.

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 committee amendment to the title was adopted.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Senate Bill No. 3243 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. 3243, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Lysen—1.

Excused: Senators Bausch, Matson—2.

ENGROSSED SENATE BILL NO. 3243, having received the 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 Substitute Senate Bill No. 3207.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3207, by Judiciary Committee (originally sponsored by Senators Talmadge, Clarke, Marsh, McDermott and Van Hollebeke):

Adding five judges to the King county superior court.

The Senate resumed consideration of Substitute Senate Bill No. 3207 from earlier today.

On motion of Senator Ridder, there being no objection, an amendment to page 1, line 20 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3207 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, you, being a young and eager attorney, and wanting to get your cases settled, can you tell me, does the court operate around the clock . . . not around the clock, around the year, every month; and do the judges allocate their vacations so all judges do not take their vacation in summertime?"

Senator Talmadge: "Senator, I guess you are referring to the fact that in some courts in the state, the judges take a holiday from jury trials during one month during the summer. In King county that is true but most of the judges are there hearing non-jury cases; and the concern that you have about judges scheduling vacations is taken care of in King county. We have a procedure that is slightly different from Pierce county. For example, in that we have judges assigned to particular types of situations, like civil motions, criminal motions, amendatory settlement conference procedure, and a number of others; and unlike, maybe, the situation in Pierce county, those judges are working almost all year 'round."

Senator Rasmussen: "Thank you, Senator Talmadge."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3207, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody—43.

Voting nay: Senators Guess, Lysen, Rasmussen, Wojahn—4.

Excused: Senators Bausch, Matson—2.

SUBSTITUTE SENATE BILL NO. 3207, having received the 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. 3309.

SECOND READING

SENATE BILL NO. 3309, by Senators Day, Jones, Talmadge and Moore: Regulating ocularists.

MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 3309 was substituted for Senate Bill No. 3309 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Day, the following amendments were adopted:

On page 3, line 4, strike "or" and insert "and"

On page 3, line 5, after "passes" insert "an examination conducted by the director"

On motion of Senator Day, the rules were suspended, Engrossed Substitute Senate Bill No. 3309 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. 3309, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Talley—1.

Excused: Senators Bausch, Matson—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3309, having received the 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 Senate Marsh, the Senate commenced consideration of Senate Bill No. 3175.

SECOND READING

SENATE BILL NO. 3175, by Senators Talley, Woody, Lee, Gallagher, Conner, Bausch, Odegaard and Peterson:

Permitting the public to cut free firewood on state lands prior to slash burning.

REPORT OF STANDING COMMITTEE

January 22, 1980.

SENATE BILL NO. 3175, permitting the public to cut free firewood on state lands prior to slash burning (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 11, after "remaining" strike "standing or" and insert "~~((stand-
ing-or))~~"

On page 1, line 16, after "cut" strike "standing or".

On page 1, line 21, after "remaining of" strike "standing or".

On page 1, line 18, after "burned." strike "Thirty" and insert "At least thirty".

Signed by: Senator Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Lysen, Odegaard, Quigg, Rasmussen, Talley.

The bill was read the second time by sections.

On motion of Senator Peterson, the committee amendments were adopted.

Senator McDermott moved adoption of the following amendment:

On page 1, line 24, after the last sentence, add the following:

"No sale of such timber shall be permitted under any circumstances."

Senator Goltz moved adoption of the following amendment to the amendment by Senator McDermott:

In the amendment by Senator McDermott, strike "timber" and insert "firewood"

POINT OF INQUIRY

Senator Gould: "Senator McDermott, I understand that there are several groups such as Boy Scouts that go out and cut firewood now and sell it for purposes of their own fund-raising. I wonder if your intention is to prevent that?"

Senator McDermott: "I presume, Senator Gould, that that is already possible by getting a permit and what this says is people can go in and get their own firewood. When you are talking about something like that where they are getting a large amount, then they go and get a permit from the department of natural resources or any other agency. I do not think this amendment has any effect on that at all. It is not intended to have any effect on it."

Senator Gould: "May I ask one further question because I do not like to inhibit this as far as the use by, not by large companies, but by people that may want to subsidize their college education by taking a dump truck and going out and cutting a couple pieces of firewood and selling it to somebody down the block. From what you are saying why this would not be permissible."

Senator McDermott: "They would have to get a permit to do that and that is possible now and they could continue to do that. This is for somebody to go in and get their own firewood without a permit, that is essentially what it is."

POINT OF INQUIRY

Senator Hayner: "Senator McDermott, would you be willing to accept an oral amendment that would strike the words 'under any circumstances'? I think that is awfully strong language if, in fact, we do permit the department to give permits to charitable organizations for occasions such as that."

Senator McDermott: "Senator Hayner, I guess my only objection to that is that if it is possible to do it now, presently, nothing in this is going to stop that because they are doing it already. They are getting permits; they are selling it. What I am saying is, under this section that talks about individuals going in and getting their firewood for personal use, then I think that should not be possible for them to go in and get it and sell it; they ought to have to go and get the permit, go through the process, rather than having some end run around this business."

Debate ensued.

The amendment by Senator Goltz to the amendment by Senator McDermott was adopted.

The President declared the question before the Senate to be the amendment by Senator McDermott as amended by Senator Goltz.

POINT OF INQUIRY

Senator Wilson: "Senator McDermott, does your proposed amendment place a restraint on the department or does it place a restraint on the person who has gone into the woods to cut firewood for his personal use?"

Senator McDermott: "It places a restraint on the person going into the woods to cut the wood for his own personal use. If you look in the subsection above, they have already been able to go in there without charge and get personal firewood. There is nothing in this law which says you cannot take a dump truck in there and pick up five cords of wood and go out and sell it in the neighborhood. Now if that is what you want, you have to understand that that is what you are doing. There is no restriction on this. It says 'we are encouraging people to go in and get the slash and cut it, and it is for their personal use'. Now all I am saying is, let us make sure they are not going out and selling it because they would be circumventing the process of going and getting a firewood permit and doing it the appropriate way. That is merely the intent of this particular amendment."

Further debate ensued.

The motion by Senator McDermott failed and the amendment, as amended, was not adopted.

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 3175 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. 3175, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator McDermott—1.

Excused: Senators Bausch, Matson—2.

ENGROSSED SENATE BILL NO. 3175, having received the 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. 3320, by Senators Bottiger and Clarke:
Permitting agencies to issue summary orders in contested cases.

REPORT OF STANDING COMMITTEE

January 25, 1980.

SENATE BILL NO. 3320, permitting agencies to issue summary orders in contested cases (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 29, after "parties." insert "The motion shall be granted if the pleadings, dispositions and admissions on file, together with the affidavits, if any, show there is no genuine issue as to any material fact and that the moving party is entitled to the order as a matter of law."

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Hurley, Jones, Pullen, Woody.

The bill was read the second time by sections.

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

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 3320 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. 3320, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Matson—2.

ENGROSSED SENATE BILL NO. 3320, having received the 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. 3202, by Senator Day:

Repeal law relating to basic sciences.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 3202 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3202, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—44.

Absent or not voting: Senators Fleming, Guess, Williams—3.

Excused: Senators Bausch, Matson—2.

SENATE BILL NO. 3203, having received the 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. 3197, by Senators Moore and Day:
Creating a commission on families and children.

MOTION

On motion of Senator Moore, Senate Bill No. 3197 was rereferred to the Committee on Social and Health Services.

SECOND READING

SENATE BILL NO. 3234, by Senators Walgren, Odegaard, Wilson, Fleming, Rasmussen and Matson:

Establishing procedures for review of administrative rules by the attorney general.

REPORT OF STANDING COMMITTEE

January 24, 1980.

SENATE BILL NO. 3234, establishing procedures for review of administrative rules by the attorney general (reported by Committee on State Government):

Recommendation: Do pass with the following amendments:

On page 1, line 17, after "(2)" strike all of the material down to and including "of this section" on line 18 and insert "No later than fourteen days prior to any hearing scheduled for consideration or adoption of the proposed rule"

On page 4, line 12, after "(2)" strike all of the material down to and including "of this section" on line 13 and insert "No later than fourteen days prior to any hearing scheduled for consideration or adoption of the proposed rule"

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendments were adopted.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 3234 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Rasmussen, Engrossed Senate Bill No. 3234 will be held on third reading for consideration later today.

MOTION

At 11:43 a.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

PARLIAMENTARY INQUIRY

Senator McDermott: "Mr. President, would it be in order to adjourn until 3:00 p.m. tomorrow?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator McDermott."

MOTION

On motion of Senator Marsh, the Senate resumed consideration of Engrossed Senate Bill No. 2433.

SECOND READING

ENGROSSED SENATE BILL NO. 2433, by Senators Day, Ridder and Shinpoch:

Revising the definition of unemployable persons.

The Senate resumed consideration of Engrossed Senate Bill No. 2433. The committee amendments were not adopted when the bill was under consideration earlier today. Senator Day had moved adoption of an amendment by Senators Shinpoch, Day and Donohue.

The motion by Senator Day carried and the amendment was adopted.

On motion of Senator Day, the following amendments to the title were adopted:

In line 1 of the title, after "persons;" strike "and"

In line 4 of the title, after "74.04.005" and before the period insert "; creating a new section; and declaring an emergency"

On motion of Senator Day, the rules were suspended, Reengrossed Senate Bill No. 2433 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Haley: "Thank you, Mr. President, ladies and gentlemen of the Senate. I would like to ask a question of Senator Shinpoch for the record. There is a line on page ten, line eighteen. That whole subsection says 'A uniform definition of unemployable persons which definition shall include physical, mental or other personal obstacle or obstacles to any (1) employment or (2) work training program'. I would like to ask if Senator Shinpoch would yield to a question. . . Senator Shinpoch, could you elaborate on that particular line, those words 'other personal obstacle or obstacles', please."

Senator Shinpoch: "Senator Haley, it was our intent to not attempt to define 'obstacles' as much, and it could be a number of things; it could be anything from not having a personal car, or a way to get there, but it was to mean that it was a personal obstacle rather than a geographic, so geographically you are not located where there is a job. It was meant as an exclusionary thing, that it had to be a personal obstacle rather than some other type of thing."

Senator Haley: "Is it possible, Senator Shinpoch, to mention what kind of personal obstacles we are referring to here?"

Senator Shinpoch: "I think, Senator Haley, that I have probably explained it as well as I can. I am not sure that I understand what is bothering you about it. It is

meant that it has to be something personal, it cannot be because you live five miles from the job and there is no bus that runs by there, is the intent of it, past that . . ."

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2433, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 2; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senator Hayner—1.

Absent or not voting: Senators Fleming, Rasmussen—2.

Excused: Senators Bausch, Matson—2.

REENGROSSED SENATE BILL NO. 2433, having received the 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. 3201.

SECOND READING

SENATE BILL NO. 3201, by Senators Moore and Day:

Assisting needy families with day care services.

The bill was read the second time by sections.

Senator Moore moved adoption of the following amendment:

On page 1, line 23, after "afford" insert ": PROVIDED, That no families with an income at or below thirty-eight percent of the state median income shall be required to contribute to day care costs on a sliding fee scale."

POINT OF INQUIRY

Senator Marsh: "Senator Moore, what is the median income of the state at the present time?"

Senator Moore: "I think it is somewhere in the neighborhood of eight to nine thousand."

Senator Marsh: "Is it higher than that?"

Senator Moore: "It is my understanding that this would apply to people that are making fewer than four hundred dollars a month. I do not mean four hundred dollars a month net but that would be if they have an income of ten thousand, thirty-eight percent of that would be thirty-eight hundred or somewhere in the neighborhood of three hundred dollars a month; so that if they are in that general bracket they would not be subject to this cost."

POINT OF INQUIRY

Senator Lewis: "Senator Moore, I am sorry, I simply do not understand what I just heard, I guess, so I have to ask if you would explain a little further. You are

saying if they make between four hundred dollars a month and ten thousand and fit into that bracket . . ."

Senator Moore: "No, if I gave that impression that is not what I meant. It is my impression that if someone is now making ten thousand a year, this would provide that, if, let us say that the median is ten thousand a year then there would be thirty-eight hundred, if they make thirty-eight hundred or less they would not be subject to this requirement."

Senator Lewis: "I think the median, frankly, is closer to fifteen thousand, Senator Moore, but be that as it may, do we mean that anybody who has an income of less than thirty-eight percent of the median would be able, whether they are working or not, to put their children in day care for no fee?"

Senator Moore: "That is my understanding."

Senator Lewis: "I think this may be a little broader than a lot of us here, looking at it first glance. . ."

Debate ensued.

The motion by Senator Moore carried and the amendment was adopted.

On motion of Senator Moore, the following amendments were adopted:

On page 2, line 5, strike "and" and on line 8, after "programs," insert "and low income families with incomes at or below thirty-eight percent of the state median income"

On page 2, line 14, after "program" and before the semicolon insert ": PROVIDED, That enrollment in such programs is likely to lead to employment"

Senator Haley moved adoption of the following amendment:

On page 1, beginning on line 16, strike all of the material down to and including "afford" on line 23 and insert the following:

"It is the intent of the legislature that such financial assistance, as the legislature may determine appropriate, shall be provided to pay a portion of the cost of day care for all families with income up to sixty percent of the state median income for families which request such assistance, and that the families shall pay a share of the cost that they can reasonably afford"

Debate ensued.

MOTIONS

On motion of Senator Marsh, Senate Bill No. 3201, as amended by Senator Moore, was ordered held following Senate Bill No. 3247.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3187.

SECOND READING

SENATE BILL NO. 3187, by Senators Hansen, Benitz, Conner and Lee:
Allowing exchange of public lands to further public land management.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3187 was substituted for Senate Bill No. 3187 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gaspard, the amendments to pages 1 and 2 by Senators Gaspard, Bottiger, Gallaghan, Day and Hansen on the desk of the Secretary of the Senate were withdrawn.

There being no objection, Substitute Senate Bill No. 3187 was ordered held for consideration later today.

MOTION

On motion of Senator Marsh, the Senate resumed consideration of Senate Bill No. 3234.

THIRD READING

ENGROSSED SENATE BILL NO. 3234, by Senators Walgren, Odegaard, Wilson, Fleming, Rasmussen and Matson:

Establishing procedures for review of administrative rules by the attorney general.

POINT OF INQUIRY

Senator Hayner: "Senator Rasmussen, I know you are always concerned about the additional employment of lawyers in state government, and I wondered if you have any fiscal note on what this will actually cost?"

Senator Rasmussen: "It actually should cost no more — each and every one of these departments have their assistant attorneys general assigned to them. The thing is to urge them to take a look and review these rules; and Senator Hayner, I am not objecting to the number of lawyers — it was only when they become judges that I want them to work a little bit harder. The lawyers work real hard all the time and cannot get their cases settled but I do not think this will cost any more. You know that each department and agency has sometimes two or three lawyers assigned to it."

Senator Hayner: "Senator Rasmussen, isn't it true that a lot of these rules and regulations in the first place are drafted by these deputy attorneys general?"

Senator Rasmussen: "In some instances it is, yes. And it is our hope, with other bills that we have, that we are going to reduce the amount of rules and regulations that are, in effect, laws made by the agencies. We are very hopeful we can draft our laws clearer and forego the need for all of these other rules and regs that are being adopted."

POINT OF INQUIRY

Senator Guess: "Senator Rasmussen, I think you answered the question to Senator Hayner a minute ago that 'Yes, the attorney generals did participate in the drafting of the rules and regulations'. Then, I would ask, what good would it do for them to review their own rules and regulations?"

Senator Rasmussen: "The question of course is, if you have a good, competent assistant attorney general that is doing the preparing, he will take great care to stay within the constitutional bounds and the intent of the laws of the legislature that passed them but in many instances this is not done by the agency. They have some other staff person doing the work and this would require them to then refer that to the AG that is assigned to them or they may even refer it to the attorney general himself and have them review the proposed rules and regs."

Senator Guess: "All right. I think that a department head who would have the rules and regulations drawn up by a person within the staff without submitting it to the attorney general's staff, would be very short-sighted indeed and in all the years of experience that I have had with trying to work with the rules and regulations that the departments have drawn up, I found that always I was referred to the attorney general. Now it appears to me that this is a duplication or actually it is a nullity as far as this body is concerned. We are meddling with something we have got no business doing — it is not going to be any good."

Senator Rasmussen: "I would hope that it would do some good. How much that it would do, Senator Guess, I do not know. Other states have this; it was a recommendation of the White House conference on regulatory reform. President Carter is

attempting to get a hold of the rules and regs on the national scale and several speakers, including the attorney general, the new governor of Arizona and the attorney general of West Virginia stated a need for this type of review and opinion and we have Michigan, Nebraska, Iowa, Indiana, and Colorado, are taking this step or have taken it already in an attempt to get some clarification, give a little protection to the public against the rules and regulations as adopted by some of the agencies."

Senator Guess: "One more question, Senator Rasmussen. Would this mean that each department would have to employ an attorney general and keep him on the shelf just to review rules and regulations?"

Senator Rasmussen: "Not at all. Not at all. They would be just referred right over to Mr. Slade Gorton who is the attorney general and they would not have to keep anybody on the shelf."

REMARKS BY SENATOR HANSEN

Senator Hansen: "Yes, thank you, Mr. President. Senator Rasmussen, I hope this achieves the goal that you are trying to attain but it kind of looks to me as if you are putting the fox in the hen house now."

POINT OF INQUIRY

Senator Gould: "Senator Rasmussen, as you may recall in committee I asked a question and I still do not feel comfortable with it but perhaps we can clarify it on the floor. When I dealt with state agencies in writing rules and regs, why, usually it is an AG, assistant AG, who writes those rules and regs and yet if those same rules and regs are going to go to the attorney general's office to have an opinion written on, will they not be written by the person who originally wrote them because he is the one that understands the issue and is assigned to that department? I do not see, unless we hire a separate attorney who again will review them, that there will be any use in resubmitting those, the same rules and regs, to the person who wrote them."

Senator Rasmussen: "Senator Gould, I would agree that if the attorney general would write the proposed rules and regs, I have explained that that is not the case all the time. It is not the attorney general or assistant attorney general that does it. However, if it was a complicated rule, and if he had doubts, he could do the same as they do over in the supreme court and the same as the present attorney general does — one attorney will write the opinion and if it is an official opinion, they will circulate it to two or three others to see whether or not that they are following the true concepts of the law. In most cases it would not require that determination."

Senator Gould: "May I ask a further question, then? This does not imply then that every set of rules and regs have to have an attorney general's opinion — only those that are not written by a member of the attorney general's staff?"

Senator Rasmussen: "No, it would require that we should have the approval of either the assistant attorney general or the attorney general himself . . ."

Senator Gould: "Would you be willing to consider a friendly amendment that only requires it for those that have not been written by members of the attorney general's staff now?"

Senator Rasmussen: "No, because that would be implying that all the assistant attorneys general that we have working for the various departments are not doing the job that they are supposed to be doing and I would not want to imply that."

Senator Gould: "I am trying to imply it the other way. I think if they write the rules and regs for their department and they are members of the attorney general's staff then they do not need to be reviewed by another member of the attorney general's staff, and that is what I am trying to avoid."

Senator Rasmussen: "Thank you, Senator Gould."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3234, and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Henry, Hurley, Lee, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—36.

Voting nay: Senators Bluechel, Gould, Guess, Haley, Hayner, Jones, Lewis, Scott, Sellar, Wanamaker—11.

Excused: Senators Bausch, Matson—2.

ENGROSSED SENATE BILL NO. 3234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 3187, by Committee on Agriculture (originally sponsored by Senators Hansen, Benitz, Conner and Lee):

Allowing exchange of public lands to further public land management.

The Senate resumed consideration of Substitute Senate Bill No. 3187 from earlier today. On motion of Senator Gaspard, the following amendment by Senators Gaspard, Bottiger, Gallagher and Day was moved for adoption:

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

"Section 1. Section 1, chapter 77, Laws of 1937 as last amended by section 1, chapter 50, Laws of 1973 1st ex. sess. and RCW 76.12.050 are each amended to read as follows:

The board of county commissioners of any county and/or the mayor and city council or city commission of any city or town and/or the board of natural resources shall have authority to exchange, each with the other, or with the federal forest service, the federal government or any proper agency thereof and/or with any private landowner, county land of any character, land owned by municipalities of any character, and land owned by the state under the jurisdiction of the department of natural resources, for real property of equal value for the purpose of consolidating and blocking up the respective land holdings of any county, municipality, the federal government, or the state of Washington or for the purpose of obtaining lands having commercial recreational leasing potential: PROVIDED, That an exchange of land under this section for the site of a correctional facility shall be contingent upon legislative approval.

Sec. 5. Section 1, chapter 290, Laws of 1957 as last amended by section 2, chapter 50, Laws of 1973 1st ex. sess. and RCW 79.08.180 are each amended to read as follows:

For the purpose of facilitating the marketing of forest products of state lands, or consolidating and blocking up of state lands, or the acquisition of lands having commercial recreational leasing potential, the commissioner of public lands may, with the advice and approval of such state board, commission, committee, or agency exercising control over the disposal of the land involved, exchange any state lands with any timber thereon for any other land of equal value, including other state lands, lands of the United States, county or municipal lands of any character, and privately owned lands: PROVIDED, That an exchange of land under this section for the site of a correctional facility shall be contingent upon legislative approval."

POINT OF ORDER

Senator Clarke: "I raise the Point of Order that the proposed amendment is beyond the scope and object of the original bill, strikes the bill and injects a completely new concept which was never the intent of the original bill."

MOTION

On motion of Senator Marsh, Substitute Senate Bill No. 3187 was held pending a Ruling by the President on the Point of Order as raised by Senator Clarke on the amendment by Senators Gaspard, Bottiger, Gallagher and Day.

SECOND READING

SENATE BILL NO. 3240, by Senators Walgren, Odegaard, Wilson, von Reichbauer, Marsh, Woody, Wojahn, Peterson, Vognild, Fleming, Day, Ridder, Rasmussen, Hurley, Moore, Talmadge and Talley:

Enacting the Coordinated Review and Accountability Act of 1980.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 3240 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3240, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—46.

Voting nay: Senator Williams—1.

Excused: Senators Bausch, Matson—2.

SENATE BILL NO. 3240, having received the 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. 3442, by Senators Peterson, Gallagher and Gaspard:

Prohibiting ownership of commercial salmon fishing licenses by alien corporations.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3442 was substituted for Senate Bill No. 3442 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3442 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Goltz: "Senator Peterson, you say there are currently foreign-held commercial salmon licenses. Are these grandfathered in so that they are still able to operate after the effective date of this act?"

Senator Peterson: "Until 1981 at which time they shall have disposed of their interest in the commercial vessels."

Senator Goltz: "To your knowledge are any of these Canadian companies?"

Senator Peterson: "There is only one that this would affect in any way, and that is the New England Fish Company; and I understand that there are some, but primarily they are fishing in their own waters, not in ours."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3442, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Matson—2.

SUBSTITUTE SENATE BILL NO. 3442, having received the 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. 3331, by Senators Henry, Guess and Talley:

Establishing penalties for the illegal transportation of dangerous commodities.

REPORT OF STANDING COMMITTEE

January 22, 1980.

SENATE BILL NO. 3331, establishing penalties for illegal transportation of dangerous commodities (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 17, after "dollars." insert the following:

"Whenever an act or omission is declared to be unlawful in chapter 46.48 RCW, if the operator of the vehicle is not the owner or lessee of such vehicle, but is so operating or moving the same with the express or implied permission of the owner or lessee, then the operator and/or owner or lessee shall both be subject to the provisions of this chapter with the primary responsibility to be that of the owner or lessee."

Signed by: Senators Henry, Chairman; Conner, Gallagher, Hansen, Lee, Peterson, Quigg, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Guess, the committee amendment was not adopted.

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

On line 17, after "dollars." add the following: "Compliance with the provisions of this chapter is the primary responsibility of the owner or lessee of the vehicle or any vehicle used in combination that is cited in the violation."

On motion of Senator Guess, the rules were suspended, Engrossed Senate Bill No. 3331 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Quigg: "Senator Guess, are the penalties prescribed here per violation or per citation?"

Senator Guess: "Violation."

Senator Guess: "So would the increasing, the one hundred dollar, two fifty, and five hundred dollar provision prescribed in the bill apply to a number of violations on a particular citation?"

Senator Guess: "No, it is not that but for the first violation would be everything on the first, it would be all the citations on the first arrest and all of the violations of the second arrest. So it would be for each incident."

Senator Quigg: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3331, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Matson—2.

ENGROSSED SENATE BILL NO. 3331, having received the 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. 2443, by Senators Wilson, Sellar and Talley:

Relating to local government.

On motion of Senator Wilson, Substitute Senate Bill No. 2443 was substituted for Senate Bill No. 2443 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Williams, the following amendments by Senators Williams and Wilson were adopted:

On page 1, on line 16, after "executives" insert "or their designees"

On page 1, on line 16, after "mayors" insert "or their designees"

On page 1, on line 18, after "public" strike "local government," and insert "(local government;)")

On motion of Senator Wilson, the rules were suspended, Engrossed Substitute Senate Bill No. 2443 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. 2443, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senator Vognild—1.

Absent or not voting: Senator Fleming—1.

Excused: Senators Bausch, Matson—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2443, having received the 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. 3169, by Senator Conner:

Modifying workers' compensation period for temporary total disability.

MOTIONS

On motion of Senator Lysen, Substitute Senate Bill No. 3169 was substituted for Senate Bill No. 3169 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Lysen, the rules were suspended, Substitute Senate Bill No. 3169 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. 3169, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Fleming—1.

Excused: Senators Bausch, Matson—2.

SUBSTITUTE SENATE BILL NO. 3169, having received the 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. 3235.

SECOND READING

SENATE BILL NO. 3235, by Senators Lewis, Wilson and Sellar:

Modifying restrictions on compensation of fire commissioners.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 3235 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, Senate Bill No. 3235 was ordered held on the third reading calendar following consideration of Senate Bill No. 3629.

SECOND READING

SENATE BILL NO. 3262, by Senators Bausch, Talley and Lee:
Making miscellaneous changes in law relating to credit unions.

MOTIONS

On motion of Senator Talley, Substitute Senate Bill No. 3262 was substituted for Senate Bill No. 3262 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Talley, the rules were suspended, Substitute Senate Bill No. 3262 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. 3262, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Conner, Fleming—2.

Excused: Senators Bausch, Matson—2.

SUBSTITUTE SENATE BILL NO. 3262, having received the 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. 3297, by Senators Wilson, Rasmussen and Lewis:
Modifying the law on warrants.

MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 3297 was substituted for Senate Bill No. 3297 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, the rules were suspended, Substitute Senate Bill No. 3297 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Wilson, on page two of the bill it says 'as provided in RCW 39.56.030, the warrants shall bear interest at the rate as provided.' What is that rate?"

Senator Wilson: "What was your reference, Senator Rasmussen?"

Senator Rasmussen: "Well, on page 2 of the bill, line eighteen, it states that 'the warrants shall bear interest at the rate provided in RCW 39.56.030'. I am just wondering what the rate is provided in that RCW."

MOTION

On motion of Senator Wilson, Substitute Senate Bill No. 3297 was ordered held on the third reading calendar following consideration of Senate Bill No. 3317.

SECOND READING

SENATE BILL NO. 3330, by Senators Day, Moore and Talmadge:

Permitting university hospitals to make purchases directly from cooperative hospital service organizations.

MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 3330 was substituted for Senate Bill No. 3330 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Day, the rules were suspended, Substitute Senate Bill No. 3330 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. 3330, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Matson—2.

SUBSTITUTE SENATE BILL NO. 3330, having received the 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. 3415, by Senators Day, Fleming, Moore, Talmadge, Vognild, Wanamaker and Henry:

Including hearing aid dogs under the white cane law.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 3415 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3415, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Gallagher—1.

Excused: Senators Bausch, Matson—2.

SENATE BILL NO. 3415, having received the 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. 3474, by Senators Peterson and Talley:

Protecting landowners from tort liability for unintentional injuries to persons cutting firewood on the property.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3474 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3474 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Matson—2.

SENATE BILL NO. 3474, having received the 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. 3581, by Senators McDermott, Gould, Talmadge, Hayner, Gaspard, Ridder and Morrison:

Supplementing law relating to lease or rental of school property of whatsoever kind.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3581 was substituted for Senate Bill No. 3581 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Talmadge, an amendment to page 3 adding a new section on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3581 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, suppose I am a school district, a large school district, and I have twenty surplus buildings and I rent those twenty surplus buildings to different corporations and firms; and let us say that I received a hundred thousand dollars a year from each one of the buildings being used for office space. Is this amount of money going to be counted against the basic education amount the state appropriates?"

Senator McDermott: "No, Senator Rasmussen, it is not. This money, if you look in section four, it says 'Each school district's board of directors shall deposit the money from the various sources into the school district's building fund' and it will have to be used in the future for any kind of building that is going to go on in the district—it will not be a deduct from their normal operating funds from the state, nor will it be additional money available for negotiations for whatever other purposes might be decided in the district. It must go into the building fund for future development that is necessary."

Senator Rasmussen: "This would only then go to the capital, not for maintenance and repair?"

Senator McDermott: "Yes, there is one slight exception from that, and that is, they can use some of the money as maintenance money for the building that is being leased out—that is the only building it can be used for, it cannot be used throughout the rest of the district—merely for the single building, or the buildings that are surplus and being leased for whatever purposes."

Senator Rasmussen: "These buildings, then, that would be leased out, are they subject to the leasehold tax?"

Senator McDermott: "It is my understanding that they are, yes."

Senator Rasmussen: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3581, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Matson—2.

SUBSTITUTE SENATE BILL NO. 3581, having received the 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. 3593, by Senators Henry, Guess, Van Hollebeke, Gallagher, Quigg, Lee, Matson, von Reichbauer, Goltz, Donohue, Lewis, Talley, Peterson, Moore, Rasmussen, Day, Benitz, Odegaard, Walgren, Wanamaker, Talmadge and Hansen:

Vesting rights of the state in unappropriated public lands.

REPORT OF STANDING COMMITTEE

January 29, 1980.

SENATE BILL NO. 3593, vesting rights of the state in unappropriated public lands (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 4, line 1, strike "1981" and insert "1982".

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Odegaard, Quigg, Rasmussen, Talley, Vognild.

The bill was read the second time by sections.

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

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

On page 4, beginning on line 16, strike section 11.

On motion of Senator Henry, the rules were suspended, Engrossed Senate Bill No. 3593 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator McDermott: "Senator Peterson, did Commissioner of Lands, Mr. Cole, come before the committee and testify about this bill and indicate whether he was for it or against it?"

Senator Peterson: "I do not recall the Commissioner being there, I do not think he was requested to be there. The bill was directed to that agency because that is the most appropriate agency to make such a survey that would be necessary in the event this legislation passes."

Senator McDermott: "Thank you."

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Senator Henry, starting on line fifteen on page two of the bill, one of the exceptions to the bill is expressed as follows: 'lands which are subject to treaties between the United States and Indian tribes'. Now some of the Indian reservations in Washington state were created by treaties and are subject to treaties—others were created by Presidential proclamation and there never has been a treaty affecting that category of Indian reservations. My question is, then, is this bill going to pertain only to a portion of the Indian reservations in the state, or to all of them or none of them?"

Senator Henry: "The bill specifically calls for unappropriated land, Senator; does not include Indian reservations, national parks, national forests, national monuments, military installations, and so unappropriated lands, the Indian reservations are exempt."

Senator Wilson: "Those being the exceptions, then, what general categories of land would it apply to?"

Senator Henry: "In the state of Washington, three hundred to five hundred thousand acres of land under the bureau of land management and some forest land is not designated as a national forest such as Gifford Pinchot, Wenatchee National Forest, etc."

POINT OF INQUIRY

Senator Bluechel: "Senator Henry, what happens to the wilderness areas already designated under this bill?"

Senator Henry: "That is appropriated."

Senator Bluechel: "That is appropriated to the state?"

Senator Henry: "Yes, does not come under this."

POINT OF INQUIRY

Senator Lysen: "I would like to ask Senator Henry a question. Gifford Pinchot forest came up in the committee hearing, as you recall. I am not clear — is the Gifford Pinchot different status than the other forests? Is it unappropriated land or what is it — there seems to be some confusion there, at least in my mind."

Senator Henry: "Well, Senator, the only reason I mentioned Gifford Pinchot is because it is the one in my own back yard. All national forests — Wenatchee, the one on the peninsula, Olympic is it? National Forest, some of the names I was not familiar with, are definitely outlined as national forests and they are appropriated lands. That was the only one I happened to think of."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3593, and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn—41.

Voting nay: Senators Bluechel, Gould, Lysen, McDermott, Williams, Woody—6.

Excused: Senators Bausch, Matson—2.

ENGROSSED SENATE BILL NO. 3593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 132, by Senators Henry, Guess, Van Hollebeke, Gallagher, Lee, Quigg, Talley, Goltz, Donohue, Lewis, Hansen, Moore, Rasmussen, Day, Benitz, Odegaard, Walgren, Wanamaker, Talmadge and von Reichbauer:

Modifying the state's disclaimer of rights to unappropriated public lands.

The resolution was read the second time in full.

On motion of Senator Donohue, the rules were suspended, Senate Joint Resolution No. 132 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 132, and the resolution passed the Senate by the following vote: Yeas, 38; nays, 6; absent or not voting, 3; excused, 2.

Voting yea: Senators Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wilson, Wojahn—38.

Voting nay: Senators Bluechel, Gould, Lysen, McDermott, Williams, Woody—6.

Absent or not voting: Senators Sellar, Walgren, Wanamaker—3.

Excused: Senators Bausch, Matson—2.

SENATE JOINT RESOLUTION NO. 132, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

SENATE BILL NO. 3211, by Senators Moore, Vognild, Hansen and Sellar:
Increasing special purpose district commissioners' compensation.

The bill was read the second time by sections.

Senator Lee moved adoption of the following amendment:

On page 1, line 16, after "commissioners" strike all the material through "((district))" on line 23 and insert:

~~"(at a rate not exceeding twenty-five dollars for each day or major part thereof devoted to the business of the district: PROVIDED, That the per diem for~~

~~each commissioner shall not exceed one thousand two hundred dollars per year. In addition, the secretary may be paid a reasonable sum for his services as secretary and for bookkeeping work and keeping the records of the district))~~ for the actual hours spent engaged in the business of the district"

MOTION

On motion of Senator Marsh, Senate Bill No. 3211, together with the pending amendment by Senator Lee, was ordered held following consideration of Senate Joint Memorial No. 112.

SECOND READING

SENATE JOINT MEMORIAL NO. 113, by Senators Peterson, Rasmussen and Talley:

Memorializing Congress to enact legislation to assist the state's fishing industry.

The memorial was read the second time in full.

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

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 113, and the memorial passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—43.

Absent or not voting: Senators Bottiger, Day, Sellar, Wanamaker—4.

Excused: Senators Bausch, Matson—2.

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

SECOND READING

SENATE BILL NO. 3602, by Senator Walgren:

Exempting the legislative information system from the jurisdiction of the data processing authority.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 3602 was substituted for Senate Bill No. 3602 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 3602 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. 3602, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Scott—1.

Excused: Senators Bausch, Matson—2.

SUBSTITUTE SENATE BILL NO. 3602, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2299, by Committee on Transportation (originally sponsored by Senators Gaspard, Bottiger and Moore):

Requiring railroads to provide first aid training for certain employees.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Substitute Senate Bill No. 2299 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. 2299, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Haley, Hayner, Wanamaker—3.

Excused: Senators Bausch, Matson—2.

SUBSTITUTE SENATE BILL NO. 2299, having received the 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. 2566, by Senators Scott and Shinpoch:

Disestablishing an inactive program of state aid to county probation services.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Senate Bill No. 2566 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2566, and the bill passed the Senate by the following vote: Yeas, 47, excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Matson—2.

SENATE BILL NO. 2566, having received the 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. 2581, by Senators Wojahn and Pullen (by State Employees Insurance Board request):

Permitting the state employees' insurance board to self fund any insurance program under its jurisdiction.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2581 was substituted for Senate Bill No. 2581 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 2581 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. 2581, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Clarke, Hayner, Wanamaker—3.

Excused: Senators Bausch, Matson—2.

SUBSTITUTE SENATE BILL NO. 2581, having received the 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. 2616, by Senators Bausch, von Reichbauer, Morrison, Ridder and Vognild:

Authorizing persons under twenty-one years of age to be on the premises of liquor licensees for certain professional purposes.

MOTIONS

On motion of Senator Van Hollebeke, Substitute Senate Bill No. 2616 was substituted for Senate Bill No. 2616 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Van Hollebeke, the rules were suspended, Substitute Senate Bill No. 2616 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. 2616, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Bluechel, Guess—2.

Excused: Senators Bausch, Matson—2.

SUBSTITUTE SENATE BILL NO. 2616, having received the 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. 2748, by Senators Day and Benitz:

Increasing the compensation of members of the board of directors for irrigation districts.

MOTIONS

On motion of Senator Hansen, Second Substitute Senate Bill No. 2748 was substituted for Senate Bill No. 2748 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hansen, the rules were suspended, Second Substitute Senate Bill No. 2748 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Benitz, how often do these people meet?"

Senator Benitz: "There are no regular scheduled meetings as is necessary, when we have an emergency some of the irrigation districts have to meet pretty regularly and when things are going along smoothly, they only meet a few times a year."

Senator Rasmussen: "Well the reason I asked, we have sewer districts, drainage districts, irrigation districts, and all our PUD commissioners, and all of those that receive a little bit to help with expenses of serving and, except for school districts; and I was wondering when we are going to have those out of Senator McDermott's committee."

REMARKS BY SENATOR DAY

Senator Day: "Mr. President, just so there will be no question about it, when the commissioners, the drainage commissioners meet, for example, there is a proviso

on page two that such services and compensation are allowed and approved at a regular meeting of the board; so they have to watch their own money and they have to approve these vouchers,—they are not just holding meetings every day to collect whatever it is, twenty-five dollars, I can assure you."

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 2748, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Matson—2.

SECOND SUBSTITUTE SENATE BILL NO. 2748, having received the 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 SENATE BILL NO. 2865, by Committee on Constitution and Elections (originally sponsored by Senators Odegaard, Ridder, Talmadge, Fleming, Peterson, Wilson, Goltz and Walgren):
Regulating political advertising.

MOTIONS

On motion of Senator Woody, Second Substitute Senate Bill No. 2865 was substituted for Senate Bill No. 2865 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Woody, the rules were suspended, Second Substitute Senate Bill No. 2865 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. 2865, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Matson—2.

SECOND SUBSTITUTE SENATE BILL NO. 2865, having received the 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. 3108, by Senators McDermott, Gould and Gaspard:

Exempting school buses from the motor vehicle excise tax.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3108 was substituted for Senate Bill No. 3108 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3108 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Senator McDermott, the last line on page two, says 'Buses operated by common carriers in urban transportation of school children shall not be included'. Are we in an exact science as to what an 'urban area' would be versus one that might be semi-urban? I guess what I am saying is you have a large city here and quite naturally they use the public buses to transport their kids. Would there be cases where you are in somewhat of a non-urban area that there might be a common bus, common carrier bus that would carry kids, or does that happen in any area?"

Senator McDermott: "Senator Fleming, the language that you are referring to is language to exempt public transit systems from the requirements of school buses. There are specific requirements outlined above as to what a school bus must have and must be; and in those areas where they are using public transit for school buses, we do not want to put them suddenly under the same restrictions."

Senator Fleming: "I guess my question is, is it conceivable that in a non-urban area or semi-urban area that public transportation of common carriers might be used to transport kids; and since you are talking only about urban areas in here, would that possibility exist, and if it would, would we be getting those people under here?"

Senator McDermott: "I am not certain of exactly. . . ."

Senator Fleming: ". . . you have a common carrier, public transportation in a large urban city to transport kids—they contract with the school district to transport those kids back and forth to school."

Senator McDermott: "Are you talking about public schools now?"

Senator Fleming: "Yes."

Senator McDermott: "Okay."

Senator Fleming: "Is it conceivable in a place like Dayton, that a public transportation vehicle might transport these kids to school or to any of these functions; and since 'urban' is only mentioned, would that type of system be excluded? It might not be, it might not even be feasible — they might not do that, but I am just . . ."

Senator McDermott: "Senator Gould tells me that it is being done, already, in rural, in suburban areas, so it is feasible that even in Senator Donohue's district. . . ."

Senator Fleming: "Okay, would that be a catch-all? Are we covering those people under this? Are we letting them, if they chose to, get that exemption?"

MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 3108 will be held on the second reading calendar following consideration of Senate Bill No. 3130.

SECOND READING

SENATE BILL NO. 3133, by Senators Scott, Gould and Gaspard:
Exempting all school buses from payment of vehicle license fees.

MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 3133 was substituted for Senate Bill No. 3133 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Scott, the rules were suspended, Substitute Senate Bill No. 3133 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. 3133, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senator Haley—1.

Absent or not voting: Senator Conner—1.

Excused: Senators Bausch, Matson—2.

SUBSTITUTE SENATE BILL NO. 3133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3108, by Committee on Education (originally sponsored by Senators McDermott, Gould and Gaspard):
Exempting school buses from the motor vehicle excise tax.

The Senate resumed consideration of Substitute Senate Bill No. 3108 from earlier today.

MOTIONS

On motion of Senator McDermott, the rules were suspended and Substitute Senate Bill No. 3108 was returned to second reading.

On motion of Senator McDermott, the following amendment was adopted;

On page 2, line 8, strike "urban" and insert "((urban))"

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3108 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. 3108, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen,

Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Matson—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3108, having received the 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. 3190, by Senators Odegaard and Talley:

Authorizing transportation of members of the public to school sports activities by school transportation when such transportation has been authorized for students and school employees supervising same.

REPORT OF STANDING COMMITTEE

January 31, 1980.

SENATE BILL NO. 3190, authorizing transportation of members of the public to school sports activities by school transportation when such transportation has been authorized for students and school employees supervising same (reported by Committee on Education):

Recommendation: Do pass with the following amendment:

On page 1, line 15, after "be" strike "a sports" and insert "an interscholastic"

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

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, Engrossed Senate Bill No. 3190 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Senator McDermott, the bill digest leads me to believe that the current school districts, under this law, could transport people to the stadium on football weekends as long as they were going to get a ticket override, and then they could go in competition to the transportation district that normally furnishes those charter buses. Is that possible the way the bill is written?"

Senator McDermott: "Senator Guess, with all due respect to those people who write our bill digests, I think if you look at the bill itself, this applies to school activities. If you look on line fourteen it says 'if such a school activity be an interscholastic activity, it is authorized'; so we are talking about that sort of thing, there is no attempt, in fact there is specific provision here to keep them out of competition with commercial carriers; so there is no intention of stepping in between what may now be going on. This is in districts like Rochester where they have no other way, and they have the school buses sitting there—they asked for permission to use them and it seemed reasonable to the committee."

Senator Guess: "Thank you, Senator McDermott; I wanted it to be on the record that it was not to be misused."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3190, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Matson—2.

ENGROSSED SENATE BILL NO. 3190, having received the 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 Scott, Senate Bill No. 3192 was ordered held at the end of the consent calendar for today.

SECOND READING

SENATE BILL NO. 3219, by Senators Talley, Marsh, Henry, Odegaard and von Reichbauer:

Commemorating the 175th anniversary of the Lewis and Clark expedition.

The bill was read the second time by section.

On motion of Senator Talley, the rules were suspended, Senate Bill No. 3219 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3219 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Matson—2.

SENATE BILL NO. 3219, having received the 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. 3228, by Senator Williams:
Modifying the motor vehicle emission control law.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3228 was substituted for Senate Bill No. 3228 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 3228 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Senator Williams, after the bill is amended in subsection seven, on page four, line twenty-eight, which states that 'no part of the fee shall be paid to or retained by the state for program administration'. The question that occurs to me, and I think that the body ought to know, is how is the department of ecology going to administer the program since they are going to have to get it from a source other than the fee paid by the motorist?"

Senator Williams: "The administration, the cost of administration, the cost borne by the department of ecology, comes out of ecology's budget."

Senator Guess: "Senator Williams, I understand that the department budget is so short now that they haven't hired anybody yet to implement or to do any of the work—they have used the present staff. Is this going to mean that the bill is on the books, and yet we are not going to be able to administer it properly?"

Senator Williams: "Senator Guess, I do not know if what you said is correct. They did not come to the committee and explain that to us. I am not aware of that being a problem."

Senator Guess: "Thank you, Senator Williams."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Williams, on page three, starting on line twenty-six, 'when a non-attainment areas is established in Washington which includes contiguous areas in Oregon and Idaho where vehicles registered within Washington contribute significantly to the violation of the motor vehicle standards in the non-attainment area of the adjacent states, the department has the authority to continue the program, even when Washington portion of the non-attainment area is in compliance'. As I read that it says to me that even though the area around Pullman is clear as a bell, but because it is, you have some pollution over there in Moscow, Idaho or some other area in Oregon, that they would continue the program in Washington. Is that correct?"

Senator Williams: "Essentially, I think that is correct. What this is, let me describe what it really applies to. This specifically applies to the Portland-Vancouver area where the greater area of pollution, the entire area which crosses across state borders is the contributing area to pollution. The actual tested area where the non-compliance occurs may some day very easily only be in Portland. However, the federal requirements still insist that the surrounding area, those areas that still contribute to that non-compliance area, must fall, must have a program for attainment. And that is what we are, this allows them, the state of Washington, to continue to have a test program in the Vancouver area. If they were not allowed to, presumably sanctions could be applied by the federal government in the Vancouver area, depriving Vancouver and that particular area of federal funds."

Senator Rasmussen: "Well, that is what I thought. I do not see why we should worry about what happens over in Oregon because we are only concerned with the clean air in Washington. Let them take care of the clean air in their part of the country."

REMARKS BY SENATOR SCOTT

Senator Scott: "I will attempt to answer your question, Senator Rasmussen. It is the usual case that the most polluted areas is not over the area that creates it; there is a wind drift one way or another, so in Seattle, for instance, you have the heaviest contamination over Lake Sammamish."

REMARKS BY SENATOR WILLIAMS

Senator Williams: "Yes, Mr. President. Just briefly. I appreciate very much some of the questions and arguments now about the program that we have instituted in this state; and in fact in the future I may be one of the people who will join with Senator Guess in rescinding this—I am not sure. However, at this particular moment what we have before us is a bill which simply implements or allows the department to proceed in a methodical way to go ahead with the program. The program could still continue even without the passage of this bill. However, it does make it a little bit more equitable and a little bit more suitable; so I urge your support."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3228, and the bill passed the Senate by the following vote: Yeas, 25; nays, 21; absent or not voting, 2; excused, 1.

Voting yea: Senators Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Goltz, Gould, Jones, Lee, Lysen, McDermott, Moore, Morrison, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody—25.

Voting nay: Senators Benitz, Donohue, Gallagher, Gaspard, Guess, Haley, Hansen, Hayner, Hurley, Lewis, Marsh, Matson, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Sellar, Van Hollebeke, Wanamaker, Wilson—21.

Absent or not voting: Senators Henry, Walgren—2.

Excused: Senator Bausch—1.

SUBSTITUTE SENATE BILL NO. 3228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3297, by Committee on Local Government (originally sponsored by Senators Wilson, Rasmussen and Lewis):

Modifying the law on warrants.

The Senate resumed consideration of Substitute Senate Bill No. 3297 from earlier today.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3297, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Bausch—1.

SUBSTITUTE SENATE BILL NO. 3297, having received the 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 sixth order of business.

SECOND READING

SENATE BILL NO. 3499, by Senators Day, Jones, Bradburn and Morrison:
Providing a program to aid fragile children.

REPORT OF STANDING COMMITTEE

January 28, 1980.

SENATE BILL NO. 3499, providing a program to aid fragile children
(reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 4, line 26, after "Sec. 7." strike the remainder of the paragraph and insert "The division of medical assistance of the department of social and health services shall transfer one million five hundred thousand dollars, or so much thereof as may be necessary, to the division of developmental disabilities to carry out the purposes of this act during the biennium ending June 30, 1981."

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

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 Senate Bill No. 3499 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3499, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Bausch—1.

ENGROSSED SENATE BILL NO. 3499, having received the 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. 3241, by Senators Talmadge, Scott, Conner and Day:

Allowing military recruiters equal access to common schools and institutions of higher education.

REPORT OF STANDING COMMITTEE

January 31, 1980.

SENATE BILL NO. 3241, allowing military recruiters equal access to common schools and institutions of higher education (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following Committee on Education amendments:

On line 10, after "access" insert "to the campus and the student information directory"

On line 19, after "access" insert "to the campus and the student information directory"

Signed by: Senators Goltz, Chairman; Benitz, Odegaard, Scott, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Talmadge, the committee amendments were adopted.

MOTIONS

On motion of Senator Jones, Senator Matson was excused.

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3241 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lysen: "Senator Talmadge, aren't local school districts now allowed to make this decision, the local boards to make this decision on their own?"

Senator Talmadge: "Yes."

Senator Lysen: "Why do we want to have the state government forcing, on the state level, this kind of decision? Should not this be a decision of the local boards to deal with themselves?"

Senator Talmadge: "Senator Lysen, I think my earlier remarks with respect to the bill answer your question. The difficulty is that if we are to have a volunteer military force, one which is based on volunteer people recruited by military recruiters, that we have to allow access to students. It is the belief of the military recruiters that only about thirty percent of the school districts, school districts in the state, permit access to recruiters to get to these young people to offer them the opportunity to consider the military as an option. I believe it is only fair that we allow young people the option of considering the military as a career. We are not doing that at present and this bill simply indicates that that option should be permitted."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3241, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Lysen—1

Excused: Senators Bausch, Matson—2.

ENGROSSED SENATE BILL NO. 3241, having received the 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. 3251, by Senators Goltz and Benitz:

Authorizing students attending college in another state to receive financial aid when reciprocity agreement exists with institution students attend.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, Senate Bill No. 3251 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, students coming from Oregon will qualify for need grants from Washington state?"

Senator Goltz: "No, Senator Rasmussen. It is the other way around. Students who are attending schools in Oregon who are Washington students, that is, a student from Vancouver, Washington who is attending a school in Portland, as a result of the reciprocity agreement and probably lives at home, will be eligible for a Washington state need grant if he qualifies as a needy student as a Washington student. The present law concerning Washington state need grants say they are available only to Washington students and that is, a student coming from outside the state cannot apply, so these are student need grants for Washington students. And this bill simply clarifies that a student who is attending a school in Oregon under the reciprocity agreement will be treated as a Washington student, which he really is."

Senator Rasmussen: "Thank you, Senator Goltz".

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3251 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Matson—2.

SENATE BILL NO. 3251, having received the 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. 3257, by Senators Day, Donohue and Haley:
Establishing a program of poison control and drug information service.

MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 3257 was substituted for Senate Bill No. 3257 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Day, the rules were suspended, Substitute Senate Bill No. 3257 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Senator Day, I think we are on the threshold of another big appropriations binge from the state treasury. And if I read the tea leaves of the past, it appears to me that, if we would follow the projections of prior years when we have

made a very miniscule appropriation, and this one is certainly modest, it is two hundred and twenty five thousand. Does that mean we are going to put decimal places on here, maybe ten times that much the next appropriation?"

Senator Day: "Not if I sponsor the appropriation, Senator. I think that the total amount that they were requesting was something like four hundred and sixty seven thousand dollars . . ."

Senator Guess: ". . . for this year?"

Senator Day: ". . . for this year but we did cut that back and told them that we felt that if they got assistance that they could still keep the program floating, and that they were not to look, as far as I was concerned, to the state for the total support of this program. Now there is some user participation in the program which will help to pay for it. But obviously, with a program as complex as this is and as necessary as it is for emergency purposes, the state should pick up a small portion or a portion of that obligation; and I think the time has arrived when we have to pick up that small portion. Deaconess Hospital in Spokane will get a portion of this."

Senator Guess: "Senator Day, could you tell the body what the six-year projection was on the fiscal note on this bill?"

Senator Day: "Well, the six-year projection was, of course, three times the six hundred and seventy, or whatever it was, thousand—the four hundred and sixty seven or six hundred, is it? . . . a million five? Two million five; well at any rate, why if we went up to what they asked for, then of course, it is an easy multiplication to figure out what it would have been; but where we have reduced it down like this and of course I think what we will do next time is take a look at it and if they come here asking for additional portion of the amount of money, I will join with you in telling them they cannot have it."

Senator Guess: "Senator Day, it is always so easy to promise on the floor that you will take a good look at the thing next time; but I am reminded of HB 50, HB 90, any number of other programs that we have opened the door to and so I am going to reluctantly vote against the bill, purely and simply because I just think this is opening up an entirely new area that has been taken care of by private enterprise in the past and it is putting the government into another area that we should not be into."

POINT OF INQUIRY

Senator Rasmussen: "Senator Haley, I noticed your name is on this bill. How will this reduce the morbidity and the mortality associated with overdoses? Seems to me that we have a poison control center now, established at Mary Bridge, and we have that for all poisons of any sort. Does this duplicate this program?"

Senator Haley: "No. Children's Orthopedic Hospital in Seattle has a kind of a master program that covers many, many kinds of poisons and Tacoma's Mary Bridge Hospital has a small program that covers the common types of poisons, and in Tacoma they are using part-time help. They use nurses and personnel that are regularly employed elsewhere in the hospital, but part of the time they man this program. At Children's Orthopedic Hospital in Seattle where they are known to take calls from all over the state, at least on the west side of the mountains, they will man a huge program to really cover it. And there are so many thousands of calls coming in every month to these two hospitals that they are both going in the hole very badly on it; and I think that it is quite reasonable to establish the same kind of a set-up on the other side of the mountains in the other telephone zone area. Actually Mary Bridge is slated to get probably no more than twenty thousand dollars in this biennium of those monies but they are desperately in the hole and not as desperate as the Seattle area but they certainly are. Does that answer the question?"

Senator Rasmussen: "Then it is not the intent to set up any new centers, only to help finance . . ."

Senator Haley: ". . . that is correct."

Senator Rasmussen: ". . . the presently operating ones?"

Senator Haley: "That is correct."

Senator Rasmussen: "Thank you, Doctor."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3257, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senator Guess—1.

Absent or not voting: Senator Hayner—1.

Excused: Senators Bausch, Matson—2.

SUBSTITUTE SENATE BILL NO. 3257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

January 31, 1980.

SENATE BILL NO. 2914, relating to developmental disabilities (reported by Committee on Social and Health Services):

Recommendation: That Substitute Senate Bill No. 2914 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Hurley, Pullen, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3213, regulating moped traffic (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Conner, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3229, increasing fees for motor vehicle licensing agents (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Conner, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3255, relating to standards established by the state for real property (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3255 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Wanamaker.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3369, including certain court personnel under the public employee's collective bargaining laws (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore.

Passed to Committee on Rules for second reading.

February 1, 1980.

SENATE BILL NO. 3485, requiring administrative agencies to periodically review and readopt their rules (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3485 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

January 31, 1980.

SENATE BILL NO. 3587, modifying licensing provisions for nursing homes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 4, 1980.

SENATE BILL NO. 3627, providing an exhibit to educate the public on problems of the handicapped (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Hurley, Talmadge, Vognild.

Passed to Committee on Ways and Means for second reading.

February 1, 1980.

SENATE BILL NO. 3661, relating to enforcement provisions for motor freight carriers (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3661 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Henry, Chairman; Conner, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 1, 1980.

Mr. President: The House has adopted:

ENGROSSED HOUSE JOINT MEMORIAL NO. 21,

HOUSE JOINT MEMORIAL NO. 24, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 1, 1980.

Mr. President: The House has passed:
SECOND SUBSTITUTE HOUSE BILL NO. 39,
HOUSE BILL NO. 182,
SECOND SUBSTITUTE HOUSE BILL NO. 541,
SUBSTITUTE HOUSE BILL NO. 561,
ENGROSSED HOUSE BILL NO. 819,
SUBSTITUTE HOUSE BILL NO. 1090,
SUBSTITUTE HOUSE BILL NO. 1143,
SUBSTITUTE HOUSE BILL NO. 1205,
HOUSE BILL NO. 1254,
HOUSE BILL NO. 1262,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408,
HOUSE BILL NO. 1414,
SUBSTITUTE HOUSE BILL NO. 1429,
HOUSE BILL NO. 1432,
ENGROSSED HOUSE BILL NO. 1434,
HOUSE BILL NO. 1438,
ENGROSSED HOUSE BILL NO. 1453,
SUBSTITUTE HOUSE BILL NO. 1455,
HOUSE BILL NO. 1458,
ENGROSSED HOUSE BILL NO. 1460.
HOUSE BILL NO. 1475,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1480,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,
SUBSTITUTE HOUSE BILL NO. 1511, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 1, 1980.

Mr. President: The House has passed:
ENGROSSED HOUSE BILL NO. 1519,
HOUSE BILL NO. 1524,
ENGROSSED HOUSE BILL NO. 1568,
HOUSE BILL NO. 1593,
SUBSTITUTE HOUSE BILL NO. 1610,
HOUSE BILL NO. 1614,
HOUSE BILL NO. 1620,
SUBSTITUTE HOUSE BILL NO. 1630,
ENGROSSED HOUSE BILL NO. 1667,
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1676,
HOUSE BILL NO. 1681,
HOUSE BILL NO. 1685,
HOUSE BILL NO. 1686,
HOUSE BILL NO. 1692,
HOUSE BILL NO. 1843 and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SECOND SUBSTITUTE HOUSE BILL NO. 39, by Committee on State Government (originally sponsored by Representatives Ehlers, Taller, Sommers, Struthers, Walk, Nelson (G. A.) and Clayton):

Making uniform the compensation of various boards and commissions.
Referred to Committee on State Government.

HOUSE BILL NO. 182, by Representatives Nelson (Gary), Warnke and Greengo (by Legislative Committee on Commerce request):

Establishing the innovation service institute.
Referred to Committee on Commerce.

SECOND SUBSTITUTE HOUSE BILL NO. 541, by Committee on State Government (originally sponsored by Representatives Ehlers, Lux and Gallagher):

Updating the state building code.
Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 561, by Committee on Judiciary (originally sponsored by Representatives Sanders, Nelson (G.), Bond, McDonald and McGinnis):

Regulating rental of space for aircraft.
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 819, by Representatives Bond, Nelson (D.), Sanders, Addison, Flanagan, Brown, Hastings, Granlund, Greengo, Craswell and McGinnis:

Allowing sales tax refunds for the return of partial amounts of a bulk commodity.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1090, by Committee on Local Government (originally sponsored by Representatives Zimmerman and Charnley):

Modifying the law on warrants.
Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 1143, by Committee on Local Government (originally sponsored by Representatives Sherman, Zimmerman and Charnley):

Revising laws relating to extraterritorial activities of certain special purpose districts.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 1205, by Committee on Natural Resources (originally sponsored by Representatives Amen, Patterson and Charnley):

Adding part of the Snake River to the scenic river system.
Referred to Committee on Ecology.

HOUSE BILL NO. 1254, by Representatives Sprague, Garrett, Bender and Wilson:

Establishing procedures for adding areas to cities in public transportation benefit areas.

Referred to Committee on Transportation.

HOUSE BILL NO. 1262, by Representatives Addison, Sommers, Craswell, Sanders, Galloway, Hastings, Greengo, Brown, Erickson, Granlund and Flanagan:

Removing postage costs from sales tax.
Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408, by Committee on Local Government (originally sponsored by Representative Thompson):
Authorizing the creation of solid waste disposal districts.
Referred to Committee on Local Government.

HOUSE BILL NO. 1414, by Representatives Heck, Barnes, Grimm, Bauer, Zimmerman, Galloway and Vrooman:
Authorizing students attending college in another state to receive financial aid when reciprocity agreement exists with institution students attending.
Referred to Committee on Higher Education.

SUBSTITUTE HOUSE BILL NO. 1429, by Committee on Natural Resources (originally sponsored by Representatives Owen, Nisbet, Smith (R.), Vrooman, Craswell and Schmitten):
Regulating the taking of shellfish on private tidelands.
Referred to Committee on Natural Resources.

HOUSE BILL NO. 1432, by Representatives Granlund, Taller, Galloway, Winsley, Heck, Chandler, Eberle, Scott, Jovanovich, Salatino, Walk and Dawson:
Removing school district director terms from assumption of office date common to counties, cities and towns and certain other special purpose districts.
Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 1434, by Representatives Erickson, Tilly, Gruger, Oliver and Smith (R.):
Permitting replies to recall charges and directing the attorney general to determine the sufficiency of the charge against a prosecuting attorney.
Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 1438, by Representatives Sanders, Warnke, Greengo, Owen, Addison, Schmitten, Martinis and Flint:
Permitting the port commission to waive the rent security requirement.
Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 1453, by Representatives Schmitten, Vrooman, Addison, Brekke, Fuller, Keller, Mitchell, Monohon, Nisbet, Oliver, Pruitt, Salatino, Sanders and Walk:
Creating a program to study the use of wood for energy and heat.
Referred to Committee on Energy and Utilities.

SUBSTITUTE HOUSE BILL NO. 1455, by Committee on Local Government (originally sponsored by Representatives Zimmerman, Charnley, Van Dyken, North and Sherman):
Providing for parks and recreation service areas.
Referred to Committee on Parks and Recreation.

HOUSE BILL NO. 1458, by Representatives Sanders, Gruger, Teutsch, Adams, Tupper, Lux, McDonald, Whiteside, Addison, Brekke, Charnley, Houchen, Maxie, Mitchell, Pruitt, Taller, Van Dyken and Winsley:
Allowing public assistance recipients in nursing homes to retain wages from training or rehabilitative programs.
Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 1460, by Representatives Bauer, Heck, Zimmerman, Galloway and Thompson:
Mandating salaries of certificated employees in state schools for the blind to be comparable to others in school district where located.
Referred to Committee on Ways and Means.

HOUSE BILL NO. 1475, by Representatives Erickson and Oliver:

Modifying terminology relating to regular and special sessions of the legislature.

Referred to Committee on Constitution and Elections.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1480, by Committee on Higher Education (originally sponsored by Representatives Burns, Grimm, Erickson, Patterson, Teutsch, Gruger, Oliver, Brekke, Pruitt, Nelson (D.), Lux and Rinehart):

Giving college and university students responsibility in spending of funds for programs paid with services and activities fees.

Referred to Committee on Higher Education.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496, by Committee on Insurance (originally sponsored by Representatives Galloway, Maxie, Keller, Smith (R.), Rinehart, Brekke, Winsley, Teutsch, McGinnis, Vrooman, Zimmerman, Garrett, Erak, Taylor, Ellis, Gallagher, Rohrbach, Granlund and Gruger):

Requiring health insurance conversion rights for employees and their spouses.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 1511, by Committee on Social and Health Services (originally sponsored by Representatives Pruitt, Mitchell, Teutsch, Whiteside, Stratton, Schmitten, Flint, Lux, Houchen, Vrooman and Gallagher):

Revising laws requiring identification of legend drugs.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 1519, by Representatives Adams, Whiteside, Brekke, Gallagher and Erak (by Department of Social and Health Services request):

Granting DSHS investigative personnel access to the central registry of child protective services.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 1524, by Representatives Ehlers and Taller:

Modifying the law on public employment salary surveys.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 1568, by Representatives McCormick, Bond, Scott, Grimm, Oliver, Monohon, Kreidler, Sanders, Maxie, McGinnis, Burns, Taylor, Gallagher, Smith (C.), Mitchell, Granlund, Pruitt, Rinehart, Lux, Stratton, Valle, Bauer and Erak:

Requiring the use of gasohol in state vehicles.

Referred to Committee on Energy and Utilities.

HOUSE BILL NO. 1593, by Representatives Garrett, Patterson, Stratton, Struthers and Ellis:

Updating the Model Traffic Ordinance.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 1610, by Committee on State Government (originally sponsored by Representatives McDonald, Sommers, Taller, Nelson (G.), Thompson, Becker, Nisbet, McGinnis, Garrett, Schmitten, Taylor, Williams, Struthers, Addison, Granlund, Hughes, Dunlap, Greengo, Sanders, Nelson (D.) and Hastings):

Creating the state investment board.

Referred to Committee on State Government.

HOUSE BILL NO. 1614, by Representatives Grimm and Barnes (by Office of Financial Management request):

Increasing the authorized amount of bonds for higher education capital improvements.

Referred to Committee on Higher Education.

HOUSE BILL NO. 1620, by Representatives Wilson, Martinis, Eberle, Owen, Houchen, Nisbet and Smith (R.) (by Office of Financial Management request):

Making an appropriation to the department of transportation.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 1630, by Committee on Agriculture (originally sponsored by Representatives Fancher, Kreidler, Zimmerman, Hastings, Addison, Amen, Schmitt, Taylor, Tilly, Barr, Whiteside, Struthers, Patterson, Mitchell, Flanagan, Nisbet, Tupper, Bond, Van Dyken, Rosbach, Smith (C. P.), Houchen, Rohrbach, Scott, Granlund, McGinnis, Oliver, Burns, Teutsch, Williams, Erak, Pruitt, Rinehart and Bauer):

Authorizing distillation of alcohol for use as a motor vehicle fuel.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 1667, by Representatives King, Newhouse, McCormick, Pruitt, North, Owen, Granlund, Becker, Bauer, Grimm and Adams:

Permitting employer group plans for industrial insurance.

Referred to Committee on Labor.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1676, by Committee on Education (originally sponsored by Representatives Bauer, Sanders, Salatino, Tupper, Eng, Winsley, Grimm, Bond, Ehlers, Erickson, McGinnis, Burns, Gallagher, Sherman, Valle, King, Hughes, Brown, Owen and Bender):

Implementing law relating to student discipline in common schools.

Referred to Committee on Education.

HOUSE BILL NO. 1681, by Representatives Brekke, Taller, Galloway, Brown, Erak, Tupper, Pruitt, Nelson (D.), Sanders, Burns, Jovanovich and Granlund:

Prioritizing requests for services to the state patrol crime lab.

Referred to Committee on State Government.

HOUSE BILL NO. 1685, by Representatives Charnley, Brown, Chandler and Lux:

Permitting cities to regulate parking facilities not owned by the city.

Referred to Committee on Local Government.

HOUSE BILL NO. 1686, by Representatives Chandler and Heck (by Superintendent of Public Instruction request):

Utilizing accrual basis instead of cash basis in recognition of certain expenditures relating to school districts.

Referred to Committee on Education.

HOUSE BILL NO. 1692, by Representatives King, Newhouse and Lux:

Requiring notice about health and safety regulations.

Referred to Committee on Labor.

HOUSE BILL NO. 1843, by Representatives Heck, Chandler and Maxie (by Superintendent of Public Instruction request):

Providing for an inventory and energy efficiency and safety audit of existing school facilities.

Referred to Committee on Education.

ENGROSSED HOUSE JOINT MEMORIAL NO. 21, by Representatives Grimm, Van Dyken, Walk, Heck, Bauer, Zimmerman, Ehlers, Erickson, Vrooman, Galloway, Kreidler, Scott, Fancher, Warnke, Salatino, Becker, Adams, Gallagher, Brown, Granlund, North, Mitchell, Nisbet, Williams, Teutsch, Taylor and Rosbach:
Requesting federal support to permit Washington youth to pick berries.
Referred to Committee on Agriculture.

HOUSE JOINT MEMORIAL NO. 24, by Representatives Scott, Wilson, Monohon, Tupper, Grimm, Sprague, Charnley, McCormick, Sherman, King, Nelson (D.), Brekke, Williams, Sanders, Granlund, Vrooman, Pruitt, Warnke, Rinehart, Bauer, Fuller, Erak, North, Stratton and Brown:
Requesting federal help in promoting use of wood to relieve energy shortage.
Referred to Committee on Energy and Utilities.

MOTIONS

On motion of Senator Marsh, all bills on Introduction and First Reading referrals were referred as indicated.

At 5:10 p.m., on motion of Senator Marsh, the Senate adjourned until 9:00 a.m., Tuesday, February 5, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 5, 1980.

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 Bottiger, Fleming, Haley, Matson and Rasmussen. On motion of Senator Wilson, Senators Bottiger, Fleming and Rasmussen were excused. On motion of Senator Jones, Senators Haley and Matson were excused.

The Color Guard, consisting of Pages Becki Ruud and Carlos Anderson, presented the Colors. Reverend Richard Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD OF CREATION, AS WE BEGIN THE WORK OF ANOTHER DAY HERE IN THE SENATE, WE NEED TO PAUSE IN THIS MOMENT SIMPLY TO SAY 'THANK YOU' FOR THE GIFT OF LIFE THAT IS OURS FOR TODAY. SOMETIMES, LORD, IT IS EASY FOR US TO ACKNOWLEDGE YOU AS THE GOD OF THE UNIVERSE AND CREATION WHO IS WAY OUT SOMEWHERE, BUT WE ALSO NEED TO CONFESS IT IS MORE DIFFICULT TO RECOGNIZE YOU AS ONE WHO IS KEENLY INTERESTED IN THE HAPPENINGS OF THE SENATE DAY AFTER DAY. AND YET, THE GOOD NEWS ANNOUNCEMENT IS THAT YOU ARE INTERESTED IN US, NOT ONLY AS A GROUP BUT ALSO AS INDIVIDUALS. OPEN OUR EYES THAT WE MAY SEE. OPEN OUR EARS THAT WE MAY HEAR, IN ORDER THAT WE NOT MISS YOUR GENTLE TOUCH OR PRODIGING SPIRIT AS YOU MOVE AMONG US IN HEARINGS, COMMITTEE MEETS, CAUCUS, OR GENERAL SESSIONS HERE ON THE FLOOR OF THE SENATE. GRANT TO US STRENGTH SUFFICIENT TO MEET THE TASK OF THE DAY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 5, 1980.

SENATE BILL NO. 3189, providing attendance incentive programs for employees of school districts and educational service districts (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3189 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Gaspard, Goltz, Matson, Morrison, Odegaard, Ridder, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1980.

SENATE BILL NO. 3191, modifying the state employee attendance incentive program (reported by Committee on Ways and Means):

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Gaspard, Goltz, Matson, Morrison, Odegaard, Ridder, Shinpoch, Wojahn.
Passed to Committee on Rules for second reading.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3235.

THIRD READING

SENATE BILL NO. 3235, by Senators Lewis, Wilson and Sellar:
Modifying restrictions on compensation of fire commissioners.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3235 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Bottiger, Fleming, Haley, Matson, Rasmussen—5.

SENATE BILL NO. 3235, having received the 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 sixth order of business.

SECOND READING

SENATE BILL NO. 3258, by Senators Talmadge, Woody and Walgren:
Modifying provisions relating to enhanced penalties for crimes committed with firearms.

REPORT OF STANDING COMMITTEE

January 30, 1980.

SENATE BILL NO. 3258, modifying provisions relating to enhanced penalties for crimes with firearms (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 34, after "degree," strike "intimidating a witness, intimidating a juror,".

On page 2, line 36, after "disperse," strike "and" and after "conduct" and before the period insert "malicious mischief in the third degree, and communication with a minor for immoral purposes".

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Hurley, Jones, Woody.

The bill was read the second time by sections.

On motion of Senator Talmadge, the committee amendments were considered and adopted simultaneously.

Senator Pullen moved adoption of the following amendment:

On page 2, line 32, after "assault," and before "coercion," strike "reckless endangerment,".

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Talmadge, the question arises in my mind if the reckless endangerment charge could be brought, if somebody shot the windows out of the school building and there wasn't anybody in the building, would that be 'reckless endangerment'?"

Senator Talmadge: "I think it might be, Senator."

Senator Guess: "Well, I do not think that the draft of the language has specifically delineated the charges yet; and I believe that even the simple assault, would the simple assault get a person a mandatory sentence for five years?"

Senator Talmadge: "If the person used a firearm in the course of that simple assault, yes it would Senator."

Senator Guess: "All right. You use a firearm for simple assault and I suppose that is beating someone over the head with it, is that what it is?"

Senator Talmadge: "I think it could be that or the threatened use of a firearm — that also would be included."

Senator Guess: "Well, how about when a person goes down the highway and shoots a sign. Is this reckless endangerment?"

Senator Talmadge: "That I do not know, Senator, I am not sure."

Senator Guess: "I think the thing that bothers me here is that the language is still not clear and I think that I would have to support Senator Pullen because the crime would not, at least the punishment certainly would not fit the crime when somebody either shot a sign or shot the windows out of an empty house or something like that. And I think it would be overly severe."

Further debate ensued.

MOTION

On motion of Senator Marsh, Senate Bill No. 3258, as amended, together with the pending amendment by Senator Pullen, was ordered held following consideration of Senate Bill No. 3362.

SECOND READING

SENATE BILL NO. 3302, by Senators Vognild, Day, Hansen, Lewis, Clarke, Bluechel, Peterson, Odegaard, Moore, Gaspard, Talmadge, Walgren, Bausch, Wojahn, Fleming and Woody (by Senate Committee on Arson request):

Modifying penalties for attempted arson.

REPORT OF STANDING COMMITTEE

February 1, 1980.

SENATE BILL NO. 3302, modifying penalties for attempted arson (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 10, after ".020." insert "For purposes of this section the trier of fact shall make a finding of fact of whether or not the accused acted out of motive for profit."

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Pullen.

The bill was read the second time by sections.

On motion of Senator Vognild, the committee amendment was not adopted.

On motion of Senator Vognild, the following amendments were adopted:

On page 1, line 5, after "1." strike all the material down to and including the period on line 10 and insert:

"Section 9A.48.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48-.020 are each amended to read as follows:

(1) A person is guilty of arson in the first degree if he knowingly and maliciously:

(a) causes a fire or explosion which is manifestly dangerous to any human life, including firemen; or

(b) causes a fire or explosion which damages a dwelling; or

(c) causes a fire or explosion in any building in which there shall be at the time a human being who is not a participant in the crime;

(d) causes a fire or explosion in any building out of motive for profit.

(2) Arson in the first degree is a Class A felony."

On page 1, line 23, after "degree" and before the semicolon insert "or arson in the first degree under RCW 9A.48.020 (1) (d)"

On page 2, beginning on line 2, strike all the material down to and including the period on line 3.

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

On line 2 of the title, after "020;" strike all the material down to and including "RCW" on line 3 and insert "and amending section 9A.48.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.020".

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 3302 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. 3302 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Matson—1.

ENGROSSED SENATE BILL NO. 3302, having received the 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. 3319, by Senators McDermott and Hayner (by Superintendent of Public Instruction request):

Utilizing accrual basis instead of cash basis in recognition of certain expenditures relating to school districts.

The bill was read the second time by sections.

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3319 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3319 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

SENATE BILL NO. 3319, having received the 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. 3321, by Senators McDermott and Hayner (by Superintendent of Public Instruction request):

Providing for receipt of certain ballots if not postmarked when received.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3321 was substituted for Senate Bill No. 3321 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3321 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. 3321 and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—47.

Voting nay: Senators Day, Wilson—2.

SUBSTITUTE SENATE BILL NO. 3321, having received the 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. 3322, by Senators Vognild, Day, Clarke, Bluechel, Peterson, Fleming, Odegaard, Gaspard, Lewis, Hansen, Moore, Walgren, Bausch, Wojahn, Talmadge and Woody (by Senate Committee on Arson request):

Providing for reporting of fire data.

REPORT OF STANDING COMMITTEE

February 1, 1980.

SENATE BILL NO. 3322, providing for reporting of fire data (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9, after "county" insert "or municipal".

On page 1, line 16, following "official." insert "A sheriff or chief of police may investigate the cause, origin, and extent of loss of all fires within the jurisdiction."

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Pullen.

The bill was read the second time by sections.

On motion of Senator Vognild, the committee amendments were adopted.

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 3322 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lee: "Senator Vognild, I think that the bill you put together is a very good one and it is a necessary piece of legislation. Let me mention the thing that is of concern to me. In the new section two, we require, we say 'shall report physical information and data to the state fire marshal'. Now this is a new requirement on state government and as such probably falls within the functions of initiative sixty-two. The line that I was quoting is on line twenty-eight of page one. Do you therefore, and I also recognize that at this point you have no idea nor do the local fire departments, how much of an additional financial burden this is going to be upon them whether they have to take additional time or hire additional personnel or print new forms, something of this sort. And so therefore you probably could not have a fiscal note. Would you plan to, or support if such fiscal burden does become evident after this has been in effect, because it goes into effect in 1980, so we will have had six, eight months' experience with it before the next session. Would you support and plan to have some kind of appropriation so that we could stay within the spirit of sixty-two, so to speak, in supporting this act?"

Senator Vognild: "Yes, Senator Lee. Right now in the state of Washington there are forty jurisdictions that are operating under this type of reporting plan on a grant from the federal government. We also have a grant pending from the federal government to implement this bill. The anticipated cost to local government should not exceed the cost of printed forms. Everything else is already in place at the local government area. The state fire marshal's office is now preparing forms and we should have the forms available by the time this bill becomes law."

Senator Lee: "Thank you, Senator Vognild."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3322 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Absent or not voting: Senator Matson—1.

ENGROSSED SENATE BILL NO. 3322, having received the 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. 3130, by Senators McDermott, Hayner, Gaspard and Morrison:

Implementing law relating to sale or lease of school district or educational service district surplus property.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3130 was substituted for Senate Bill No. 3130 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, the following amendments were adopted:

On page 1, line 17, after "schools" insert "where applicable herein".

On page 1, line 26, after "property" insert "and in accordance with RCW 28A.58.045".

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3130 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. 3130 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—48.

Absent or not voting: Senator Wanamaker—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3130, having received the 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 Fleming, Senate Bill No. 3334 will be considered following Senate Bill No. 3368.

SECOND READING

SENATE BILL NO. 3362, by Senator Woody:

Correcting laws relating to election precincts.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Senate Bill No. 3362 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3362 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—48.

Absent or not voting: Senator Wanamaker—1.

SENATE BILL NO. 3362, having received the 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. 3258, by Senators Talmadge, Woody and Walgren:

Modifying provisions relating to enhanced penalties for crimes committed with firearms.

The Senate resumed consideration of Senate Bill No. 3258 which had been amended earlier today and an amendment by Senator Pullen was pending.

There being no objection, on motion of Senator Pullen, the amendment was withdrawn.

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

On page 2, line 36, after "purposes" in the language added in the committee amendment, insert "PROVIDED, That reckless endangerment and disorderly conduct shall only be categorized as "inherently dangerous" wherein the use of a firearm created a substantial risk of death or serious physical injury to another person".

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3258 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: "Senator Talmadge, I was off the floor for a moment and did not find out what happened on the amendment dealing with possession — are we changing anything in here regarding possession of a firearm during the commission of a crime?"

Senator Talmadge: "No, Senator, we have adopted an amendment by Senator Pullen in which we indicate quite clearly that with respect to the crimes of reckless endangerment and disorderly conduct, that we will only consider those misdemeanors or gross misdemeanors inherently dangerous wherein the use of the firearm created a substantial risk of death or serious physical injury to another person. I think that substantially takes care of the problem of possession that we were talking about before."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3258 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore,

Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—47.

Voting nay: Senator Wilson—1.

Absent or not voting: Senator Hayner—1.

ENGROSSED SENATE BILL NO. 3258, having received the 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. 3368, by Senators Moore, Woody, Talmadge, Shinpoch, Morrison, Bottiger, Quigg and Gaspard:

Modifying the mobile home landlord-tenant act.

REPORT OF STANDING COMMITTEE

January 30, 1980.

SENATE BILL NO. 3368, modifying the mobile home landlord-tenant act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 12, after "agreement" strike "~~((for a term of one year or more))~~" and insert "for a term of one year or more".

On page 5, beginning on line 14, strike all of section 5.

Beginning on line 9 of the title strike "amending section 8, chapter 279, Laws of 1977 ex. sess. as amended by section 6, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.080;".

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Hurley, Jones, Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendments were adopted.

On motion of Senator Marsh, the committee amendment to the title was adopted.

On motion of Senator Wilson, Senator Bausch was excused.

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 3368 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. 3368 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 2; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Lee, Pullen—2.

Absent or not voting: Senators Hayner, Matson—2.

Excused: Senator Bausch—1.

ENGROSSED SENATE BILL NO. 3368, having received the constitutional majority, was declared passed. There being no objections, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3378, by Senators Moore, Vognild and Van Hollebeke:
 Authorizing county civil service transfers to the sheriff's office without meeting competitive examination requirements.

REPORT OF STANDING COMMITTEE

January 28, 1980.

SENATE BILL NO. 3378, authorizing county civil service transfers to the sheriff's office without meeting competitive examination requirements (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On line -13, after "within" and before "sheriff's" strike "the" and insert "such county's".

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Lee, Moore.

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, Engrossed Senate Bill No. 3378 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. 3378 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Hayner, Matson—2.

Excused: Senator Bausch—1.

ENGROSSED SENATE BILL NO. 3378, having received the 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. 3404, by Senators Scott, Odegaard and Lee:

Disestablishing various state funds and accounts.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Senate Bill No. 3404 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3404 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore,

Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Hayner—1.

Excused: Senator Bausch—1.

SENATE BILL NO. 3404, having received the 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. 3405, by Senators Day, Gallagher and Rasmussen (by Department of Licensing request):

Regulating administrative practice and procedure applicable to licenses and licensing.

MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 3405 was substituted for Senate Bill No. 3405 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Day, the rules were suspended, Substitute Senate Bill No. 3405 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. 3405 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Matson—1.

Excused: Senator Bausch—1.

SUBSTITUTE SENATE BILL NO. 3405, having received the 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. 3406, by Senators Scott, Odegaard and Lee:

Abolishing current state school fund and transferring moneys therein to common school construction fund.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Senate Bill No. 3406 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3406 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Matson—1.

Excused: Senator Bausch—1.

SENATE BILL NO. 3406, having received the 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. 3412, by Senators Quigg, Bottiger, Henry and Lee:

Exempting vans used for ride-sharing from sales, use, and motor vehicle excise taxation.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, Senate Bill No. 3412 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3412 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Bausch—1.

SENATE BILL NO. 3412, having received the 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. 3452, by Senators Peterson and Woody:

Establishing recount procedures for state and local measures.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3452 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3452 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—46.

Voting nay: Senator Wilson—1.

Absent or not voting: Senator Matson—1.

Excused: Senator Bausch—1.

SENATE BILL NO. 3452, having received the 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. 3478, by Senators Wojahn, Clarke, Ridder, Quigg, Gaspard, von Reichbauer, Van Hollebeke, Rasmussen, Lee, Gould, Haley, Moore, Talmadge, Morrison and Odegaard:

Making it a class C felony to buy or sell a child.

REPORT OF STANDING COMMITTEE

February 1, 1980.

SENATE BILL NO. 3478, making it a Class C felony to buy or sell a child (reported by Judiciary Committee):

MAJORITY Recommendation: Do pass with the following amendment:

On page 1, line 6, after "(1)" strike everything down to and including "child." on line 11 and insert:

"It shall be unlawful for any person to sell or purchase a minor child.

(2) A transaction shall not be a purchase or sale under subsection (1) if any of the following exists:

(a) the transaction is between the parents of a minor child, or

(b) the transaction is between a person receiving or to receive a child and a benevolent or charitable society recognized under RCW 26.37.010, as now or hereafter amended, or

(c) the transaction is between the person receiving or to receive a child and a state agency or other government agency, or

(d) the transaction is pursuant to chapter 26.34 RCW, as now or hereafter amended, or

(e) the transaction is pursuant to a court order, or

(f) the only consideration paid by the person receiving or to receive a child is intended to pay for the prenatal, hospital or medical expenses involved in the birth of the child, or attorneys' fees and court costs involved in effectuating transfer of child custody."

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hurley, Pullen, Woody.

The bill was read the second time by sections.

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

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 3478 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 final passage of Engrossed Senate Bill No. 3478 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Matson—1.

Excused: Senator Bausch—1.

ENGROSSED SENATE BILL NO. 3478, having received the 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. 3334, by Senators Talmadge, Jones, Sellar and Conner: Extending the lien and enforcement of judgments to ten years.

The bill was read the second time by sections.

Senator Fleming moved the following amendments by Senators Fleming and Rasmussen be considered and adopted simultaneously:

On page 1, line 21, after "exceed" strike "~~((six)) ten~~" and insert "six".

On page 2, line 10, after "within" and before "years" strike "~~((six)) ten~~" and insert "six".

On page 2, line 22., after "within" and before "years" strike "~~((six)) ten~~" and insert "six".

On page 3, line 4, after "within" and before "years" strike "~~((six)) ten~~" and insert "six".

MOTIONS

On motion of Senator Talley, the amendments by Senators Fleming and Rasmussen were laid upon the table on a rising vote.

On motion of Senator Fleming, the amendment by Senators Fleming and Rasmussen striking all of new section 5 and inserting a new section 5, on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3334 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 Senate Bill No. 3334 and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Guess, Hansen, Hayner, Hurley, Jones, Lee, Lewis, Marsh, Matson, Morrison, Peterson, Pullen, Quigg, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Woody—29.

Voting nay: Senators Bluechel, Bottiger, Fleming, Goltz, Gould, Haley, Henry, Lysen, McDermott, Moore, Odegaard, Rasmussen, Ridder, Scott, Shinpoch, Williams, Wilson, Wojahn—18.

Absent or not voting: Senator Walgren—1.

Excused: Senator Bausch—1.

SENATE BILL NO. 3334, having received the 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 measures passed by the Senate today were ordered immediately transmitted to the House.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3558.

SECOND READING

SENATE BILL NO. 3558, by Senators Conner, Vognild, Rasmussen and Peterson:

Creating a fleet opportunity board and setting forth its powers and duties and providing for the expiration thereof.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3558 was substituted for Senate Bill No. 3558 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3558 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. 3558 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Bausch—1.

SUBSTITUTE SENATE BILL NO. 3558, having received the 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. 3565, by Senator Henry:

Increasing the time for which a temporary permit for driving trucks buses, or cabs may be issued.

REPORT OF STANDING COMMITTEE

January 30, 1980.

SENATE BILL NO. 3565, increasing the time for which a temporary permit for driving trucks, buses, or cabs may be issued (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 24, strike "a temporary" and insert "~~((a-temporary))~~ an instruction".

On page 1, line 26, after "This" strike "temporary" and insert "~~((temporary))~~ instruction".

On page 1, line 29, strike "temporary" and insert "~~((temporary))~~ instruction".

Signed by: Senators Henry, Chairman; Talley Vice Chairman; Conner, Hansen, Lee, Peterson, Quigg, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Henry, the committee amendments were considered and adopted simultaneously.

On motion of Senator Henry, the rules were suspended, Engrossed Senate Bill No. 3565 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. 3565 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Bausch—1.

ENGROSSED SENATE BILL NO. 3565, having received the 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. 3574, by Senators Odegaard, Sellar, Moore, Walgren, Conner, Donohue and Day:

Maintaining the delinquency prevention services program without significant changes.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Senate Bill No. 3574 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 Lee: "Senator Odegaard, I agree with you completely as far as the bill is concerned, and also with Senator Hayner. But I have a concern. Do you have any kind of assurance that the governor will not veto this interference in one of her departments?"

Senator Odegaard: "Senator Lee, no I do not have that guarantee."

Senator Lee: "Okay. Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3574 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 2; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senator Shinpoch—1.

Absent or not voting: Senators Conner, Matson—2.

Excused: Senator Bausch—1.

SENATE BILL NO. 3574, having received the 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 11:15 a.m., on motion of Senator Marsh, the Senate was declared to be at ease.

The President called the Senate to order at 12:08 p.m.

MOTION

At 12:10 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.

MOTION

On motion of Senator Marsh, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

February 1, 1980.

SENATE BILL NO. 2579, protecting children from exploitation through prostitution or pornography (reported by Judiciary Committee):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2579 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Marsh, Chairman; Clarke, Hayner, Hurley, Pullen, Woody.

Passed to Committee on Rules for second reading.

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. 3317.

SECOND READING

SENATE BILL NO. 3317, by Senators Bausch and Clarke (by Insurance Commissioner's request):

Revising laws relating to insurance.

The bill was read the second time by sections.

On motion of Senator Bausch, the rules were suspended, Senate Bill No. 3317 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3317 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Bottiger, Gallagher, Haley, Quigg—4.

SENATE BILL NO. 3317, having received the 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. 3318, by Senators Bausch and Clarke (by Insurance Commissioner's request):

Revising laws relating to insurance.

MOTIONS

On motion of Senator Wilson, Senator Bottiger was excused.

On motion of Senator Jones, Senator Quigg was excused.

The bill was read the second time by sections.

On motion of Senator Bausch, the rules were suspended, Senate Bill No. 3318 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3318 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bottiger, Quigg—2.

SENATE BILL NO. 3318, having received the 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. 3509.

SECOND READING

SENATE BILL NO. 3509, by Senator Bausch:

Granting property relief to senior citizens owning a residence by a lease for life.

MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 3509 was substituted for Senate Bill No. 3509 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. 3509 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. 3509 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Matson—1.

Excused: Senator Bottiger—1.

SUBSTITUTE SENATE BILL NO. 3509, having received the 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. 3192, by Senators Odegaard, Walgren, Shinpoch, Wojahn, Gaspard, Woody, Talmadge, von Reichbauer, Goltz, Talley, Williams, Conner, Donohue, Bausch, Rasmussen, Guess and Peterson:

Adjusting the senior citizens' property tax relief income limits by the consumer price index.

MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 3192 was substituted for Senate Bill No. 3192 and the substitute bill was placed on second reading and read the second time in full.

Senator Hurley moved adoption of the following amendment:

On page 4, after line 25, insert the following:

"NEW SECTION. Sec. 3: There is added to chapter 84.36 RCW a new section to read as follows:

The county assessor shall transmit one copy of each claim for exemption to the department of revenue. After October 15th, the county assessor shall compute the dollar tax rate for the county as if any exemptions under RCW 84.36.381 did not exist. On or before December 15th, the county assessor shall compute and notify the department of revenue and the county treasurer of the amount of real property taxes foregone for that year. Upon receipt of the notification from the county assessor of the amount of real property taxes foregone the department shall certify to the state treasurer the amount due the respective municipal corporations prior to the following February 15th and the state treasurer shall pay to the treasurers of such municipal corporations said amounts, equivalent to the real property taxes foregone, to be distributed to the taxing districts which levied the taxes so foregone."

Debate ensued.

POINT OF INQUIRY

Senator Moore: "Senator Hurley, recognizing that you have given a great deal of thought to this, which admittedly I do not have all of the figures on, and I am sure you do, how much difference does this make to an average taxpayer in the state or somebody that has a fifty thousand dollar home — how much difference does it make? Is it a huge amount, a small amount or what?"

Senator Hurley: "Yes, to answer your question, I have given it some thought but mostly I have given it a lot of worries because it does raise taxes. And I guess it is the principle of the thing that I am talking about. I think what it would amount to is about three or four dollars."

Senator Moore: "Thank you."

The motion by Senator Hurley failed and the amendment was not adopted on a rising vote.

On motion of Senator Donohue, the rules were suspended, Substitute Senate Bill No. 3192 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. 3192 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

SUBSTITUTE SENATE BILL NO. 3192, having received the 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. 3372, by Senators Rasmussen, Scott and Odegaard:
Modifying the law on public employment salary surveys.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 3372 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Donohue: "Senator Rasmussen, is it true that the intent of this bill is to protect the identity of individual employers but not to deny access to the raw data without the employer's identity by interested parties?"

Senator Rasmussen: "That is correct, Senator Donohue."

Senator Donohue: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3372 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

SENATE BILL NO. 3372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

February 1, 1980.

SENATE BILL NO. 3323, extending the statute of limitations on arson (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Talmadge, Vice Chairman; Clarke, Hurley, Jones, Pullen, Woody.

Passed to Committee on Rules for second reading.

MOTIONS

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

On motion of Senator Wilson, the Committee on State Government was relieved from further consideration of Second Substitute House Bill No. 541.

On motion of Senator Wilson, Second Substitute House Bill No. 541 was rereferred to the Committee on Local Government.

At 2:15 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 Walgren, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3618, by Senator Donohue:

Providing for the capital acquisition, development, and improvement of municipal park facilities.

MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 3618 was substituted for Senate Bill No. 3618 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. 3618 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. 3618 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senators Matson, Scott—2.

Absent or not voting: Senator Haley—1.

SUBSTITUTE SENATE BILL NO. 3618, having received the 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. 3575, by Senators Scott, Ridder and Gould:

Mandating study of effects of drugs on human system in health classes as part of basic education.

REPORT OF STANDING COMMITTEE

January 31, 1980.

SENATE BILL NO. 3575, mandating study of effects of drugs on human system in health classes as part of basic education (reported by Committee on Education):

Recommendation: Do pass with the following amendment:

On page 2, line 34, strike "class" and insert "course".

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

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, Engrossed Senate Bill No. 3575 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. 3575 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Absent or not voting: Senator Matson—1.

ENGROSSED SENATE BILL NO. 3575, having received the 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 Hayner: "Mr. President, a point of personal privilege."

President Cherberg: "Senator Hayner will speak upon a point of personal privilege. Senator Hayner."

Senator Hayner: "I just want to make a comment on what just recently occurred in the rules committee meeting. I think it was a very vindictive, arrogant display of the majority walking over a minority with no consideration for the democratic process. It is inconsistent with the past rules by which this body has operated. No member was given an opportunity to have any preference and if that would have been requested it would have been subdued. I think that we do represent forty percent of the people of this state and we have certain rights to try to represent them as best we can. This is a democracy and I think the steamrolling procedures that we have seen in this body are very regrettable."

REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President and members of the Senate, I am not going to waste much time on this debate. As we all know as we get down to the final crunch, we are looking at about an hour before adjournment, many people have bills that they want to have passed, many people have bills that they do not want to have passed. There are far too many bills for us even to consider. Senator Odegaard I know talked with Senator Hayner this noon with regard to a series of bills that most people would consider to be important measures to be before us. About half of those I would guess Senator Hayner discussed them with me in rules committee were bills that the Republicans would not like to have passed. About half of them were bills that the Republicans would like to have passed. I think that that probably is a pretty good effort on the part of us to get measures out here that we can all generally agree on. We do think that there are some bills that should be considered on this floor that perhaps you may want to vote against and of course I hope that it would get down here in this last hour you will have that opportunity - we may not. But we are going to proceed just as best we can here and try to accomplish our work within this cutoff period of one more hour."

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3559.

SECOND READING

SENATE BILL NO. 3559, by Senator Bausch:
Providing for approval of title insurance forms and rates.

REPORT OF STANDING COMMITTEE

January 31, 1980.

SENATE BILL NO. 3559, providing for the approval of title insurance forms and rates (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass with the following amendment:

On page 1, beginning on line 10, strike all of subsection (2) and insert a new subsection as follows:

"(2) Each title insurer shall ~~((forthwith))~~ file with the commissioner, at least thirty days in advance of any issuance delivery, or use, a schedule or any addition to or modification of a schedule, showing the premium rates to be charged by it. ~~((Every addition to or modification of such schedule or if any rate therein contained~~

shall likewise be filed with the commissioner, and no such addition or modification shall be effective until expiration of fifteen days after date of such filing)) The schedule and every addition to or modification of shall be deemed approved at the expiration of thirty days after filing unless, prior to the expiration of the thirty days, the schedule or any addition to or modification of is approved or disapproved by order of the commissioner".

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

The bill was read the second time by sections.

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

On motion of Senator Bausch, the rules were suspended, Engrossed Senate Bill No. 3559 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bottiger, Engrossed Senate Bill No. 3559 will be considered following the consideration of the next three bills on today's calendar.

SECOND READING

SENATE BILL NO. 3561, by Senator Bausch:
Modifying the law on the examination of insurers.

MOTIONS

On motion of Senator Bausch, Substitute Senate Bill No. 3561 was substituted for Senate Bill No. 3561 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bausch, the rules were suspended, Substitute Senate Bill No. 3561 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. 3561 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vogndild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—46.

Voting nay: Senators Guess, Wilson—2.

Absent or not voting: Senator Matson—1.

SUBSTITUTE SENATE BILL NO. 3561, having received the 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. 3611, by Senators Lewis and Day:

Authorizing the investment of municipal pension funds in state authorized investments.

MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 3611 was substituted for Senate Bill No. 3611 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Day, the rules were suspended, Substitute Senate Bill No. 3611 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. 3611 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

SUBSTITUTE SENATE BILL NO. 3611, having received the 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. 3211, by Senators Moore, Vognild, Hansen and Sellar: Increasing special purpose district commissioners' compensation.

The Senate resumed consideration of Senate Bill No. 3211 and the pending amendment moved for adoption on February 4, 1980 by Senator Lee.

Debate ensued.

The motion by Senator Lee failed and the amendment was not adopted.

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

On page 1, beginning on line 19, after "exceed" strike "~~((one))~~ three thousand ~~((two hundred))~~ and insert "one thousand ~~((two))~~ nine hundred twenty".

On page 2, line 18, strike "~~((twelve hundred))~~ three thousand" and insert "~~((twelve))~~ one thousand nine hundred twenty".

Debate ensued.

The motion by Senator Bradburn failed and the amendments were not adopted.

On motion of Senator Marsh, the rules were suspended, Senate Bill No. 3211 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3211 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Absent or not voting: Senator Lewis—1.

SENATE BILL NO. 3211, having received the 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. 3422.

SECOND READING

SENATE BILL NO. 3422, by Senator Henry, Benitz, Hansen and Talley: Increasing port districts' authority to operate facilities for the movement of freight and passengers.

The bill was read the second time by sections.

Senator Lysen moved adoption of the following amendment:

On page 1, beginning with "(1)" on line 7, strike all the material down through "(2)" on line 11.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Henry, I tried to get up before you sat down but I did not make it."

Senator Henry: "It does not matter. I should have anticipated."

Senator Rasmussen: "My question, Senator, has to do with, I heard something I though said that allowed the ports to take over and operate the railroads on the port property?"

Senator Henry: "Yes, that is correct. . . . railroad tracks if they need . . ."

Senator Rasmussen: "Our city belt line, at the present, operates on port property and does majority of the switching. I do not think our city would be happy with that portion of it."

Senator Henry: "Well, they do not have to do it, it is just where the facilities are not now available. . . ."

Senator Rasmussen: "Our port does have a couple of locomotives of their own switching in and out of warehouses but they also use the city belt line which turned out to be quite profitable."

Senator Henry: "I think that that is covered and covered by the Benitz amendment and I also, over in Senator Hansen's district where they have a short stretch of the Milwaukee road that is outside the port district, will allow that port district to contract with somebody for the use of that particular road, so . . ."

Senator Rasmussen: "You say the Benitz amendment will clear this up?"

Senator Henry: "I think so, yes."

Senator Rasmussen: "Where is it?"

Senator Henry: "They should have read the Benitz amendment first, probably, this would not have happened."

MOTION

On motion of Senator Walgren, Senate Bill No. 3422, together with the pending amendment by Senator Lysen, will be considered following Senate Bill No. 3476.

SECOND READING

SENATE BILL NO. 3482, by Senators Vognild and Walgren:

Removing marine employees from restrictions which might otherwise be imposed by state employees insurance board.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3482 was substituted for Senate Bill No. 3482 and the substitute bill was placed on second reading and read the second time in full.

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

On page 2, line 28, after "in" insert "the foregoing provisions of".

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3482 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. 3482 and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody—46.

Voting nay: Senators Bottiger, Hansen, Wojahn—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3482, having received the 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. 3487, by Senator Lysen:

Allowing transfer of certain retirement plan credits for person having transferred employment between certain state universities.

The bill was read the second time by sections.

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3487 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lewis: "Senator Lysen, do other university employees have the right of transfer from one to another when they . . . does that now exist?"

Senator Lysen: "No, it does not, as I understand. I will defer to Senator Shinpoch."

REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "Senator Lewis, in this case in the job, the manner in which she was classified in WSU as a TIAA/CREF. She came to the same type of job at the University of Washington which was classified in PERS. In neither case did she have any choice in which pension system she was going to be in and this merely gives her the ability to use her credits from the same type of job in two universities as one pension."

Senator Lewis: "If someone else were to transfer, this would take care of all other people who might be in similar. . . ."

Senator Shinpoch: "As far as we know there is no one else in the state that is in this unique position."

Senator Lewis: ". . . or could be. If it could happen to somebody else, would they then be covered?"

Senator Shinpoch: "Yes."

REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President, ladies and gentlemen, we should add to that answer, Senator Lewis, that anyone in similar circumstances today, both are part of the PERS system and they could automatically transfer. This just catches a person who is a member of one system could not transfer to the other. Now WSU employees are members of PERS as well as University of Washington."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3487 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

SENATE BILL NO. 3487, having received the 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. 3476.

SECOND READING

SENATE BILL NO. 3476, by Senator Moore, Talmadge, Lewis and Quigg:

Making arbitration panel created for uniformed personnel impasse procedures a state agency for certain purposes.

The bill was read the second time by sections.

On motion of Senator Moore, the rules were suspended, Senate Bill No. 3476 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3476 and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Clarke, Guess, Hayner, Shinpoch—4.

SENATE BILL NO. 3476, having received the 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. 3201.

SECOND READING

SENATE BILL NO. 3201, by Senators Moore and Day:

Assisting needy families with day care services.

The Senate resumed consideration of Senate Bill No. 3201. On February 4, 1980, three amendments by Senator Moore were adopted. Senator Haley had moved adoption of an amendment to page 1, beginning on line 16 on that day.

There being no objection, on motion of Senator Haley, the proposed amendment was withdrawn.

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

On page 1, line 17, after "XX" insert "or IVA".

MOTION

On motion of Senator Walgren, Senate Bill No. 3201, as amended, was ordered held following consideration of Senate Bill No. 3271.

SECOND READING

SENATE BILL NO. 3271, by Senators McDermott, Shinpoch and Jones:

Providing for membership transfers by former PERS members now in the judicial retirement system.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3271 was substituted for Senate Bill No. 3271 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3271 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, you are now allowing somebody from the PERS system to transfer into the judicial retirement system?"

Senator McDermott: "The case in point, Senator Rasmussen, is somebody who served for six years in the PERS system, withdrew his money, and then became a judge after the period of the allowable time to put his money back in the PERS system. He has now served seven years in the judicial system. He needs ten years to vest so he served a full thirteen years and has absolutely no pension system."

Senator Rasmussen: "Well, Mr. President and members of the Senate, I heard something about this bill and . . . I know the individual involved. I have a very high regard for him and it is my understanding that he is sick but I would also like to point out to the body that the individual, former legislator, drew his money out of the PERS system. He know what he was doing at this time, he is a judge; went into the judicial system, the judicial system is a very good system . . . you can retire after ten years on disability. Your wife can draw half of your retirement pay. It is

funded out of the general fund. He is covered by social security the same as all the other individuals in the state employ. We have, in the past, through special claims, taken special care of certain judges' wives. I do not approve of this single shottng, moving in and allowing one individual, no matter how much extenuating circumstances there are, Senator McDermott, I am not mentioning the name of the superior court judge. There is no reason at all for the taxpayers picking up this load when they have made their own decision. It was a little bit different in the case Senator Lysen had where they did not have the opportunity to continue into the same pension system and they moved over and it was unilaterally excluded. This is a case where the individual withdrew his money, never put it back, now you are allowing him to transfer his PERS credits over into the judges' retirement system. It is the wrong way to do it and I think if you review the two systems that you will agree just because it happens to be one individual and he has a little political clout but I would like to say this on the floor of the Senate, that this gentleman would not ask for that."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator McDermott, is there a fiscal note on this bill?"

Senator McDermott: "The fiscal note which was presented to the ways and means committee said that it is about six thousand dollars a year."

Senator Guess: "Six thousand dollars a year that we are going to have to be contributing?"

Senator McDermott: "Yes. That is what the cost is from the system to this family."

POINT OF INQUIRY

Senator Guess: "Senator Donohue, do you think that the budget can stand this kind of a raid?"

Senator Donohue: "Senator Guess, we have raided it much higher before."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3271 and the bill passed the Senate by the following vote: Yeas, 31; nays, 18.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Henry, Hurley, Jones, Lysen, McDermott, Moore, Odegaard, Peterson, Ridder, Shinpoch, Talley, Talmadge, Vognilid, Walgren, Williams, Wojahn, Woody—31.

Voting nay: Senators Bluechel, Guess, Hayner, Lee, Lewis, Marsh, Matson, Morrison, Pullen, Quigg, Rasmussen, Scott, Sellar, Van Hollebeke, von Reichbauer, Wanamaker, Wilson—18.

SUBSTITUTE SENATE BILL NO. 3271, having received the 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. 3201, by Senators Moore and Day:

Assisting needy families with day care services.

The Senate resumed consideration of Senate Bill No. 3201 from earlier today. The bill had been amended on February 4, 1980 by Senator Moore, and by Senator Day earlier today.

Senator Pullen moved adoption of the following amendment:

On page 2, line 33, add new sections as follows:

NEW SECTION. Sec. 4. "Family day care home" means an agency which regularly provides care during any part of the twenty-four hour day for children in the family abode of the person or persons who provide the direct care and supervision of the children. Unless the context clearly requires otherwise, this definition applies throughout sections 2, 3, and 4 of this act.

NEW SECTION. Sec. 5. It is the legislature's intent the state of Washington have the sole authority to set family day care policy. The setting of this policy is the inherent right of the state pursuant to the Tenth Amendment and Article I, section 8 of the Constitution of the United States. It is not the responsibility of congress or the federal government to set day care policy for the state of Washington.

NEW SECTION. Sec. 6. All family day care homes in the state which care for ten or fewer children shall be exempt from federal interagency day care requirements. This does not exempt family day care homes from state licensing rules and regulations.

NEW SECTION. Sec. 7. The attorney general shall represent the state against any attempt to withhold federal social service funds from the state if such attempt to withhold funds is based in part or in whole on any provisions of sections 1, 2, or 3 of this act."

Renumber remaining section accordingly.

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 3201 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. 3201 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Absent or not voting: Senator Bausch—1.

ENGROSSED SENATE BILL NO. 3201, having received the 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. 3363.

SECOND READING

SENATE BILL NO. 3363, by Senators Odegaard, Conner, Goltz, Talmadge and McDermott:

Allowing certain public employees credit for military service without need to restore withdrawn contributions not affecting creditable service.

MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 3363 was substituted for Senate Bill No. 3363 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Substitute Senate Bill No. 3363 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. 3363 and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Lysen, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Jones, Marsh, Matson, Wanamaker—4.

SUBSTITUTE SENATE BILL NO. 3363, having received the 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. 3603.

SECOND READING

SENATE BILL NO. 3603, by Senators Donohue, Williams, Bluechel, Odegaard, Gould, Gallagher, Wojahn, Talley and McDermott (by Executive Request):

Authorizing a bond issue for pollution control facilities.

MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 3603 was substituted for Senate Bill No. 3603 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. 3603 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lee: "Senator Donohue, the question I have to ask you is why it determined not to be used as part of the state debt limit, in other words which would not make it necessary for a referendum."

Senator Donohue: "Our debt limit according to the conversation we had in ways and means, means that we have approximately, I think it was, near seven hundred and fifty million dollars available, so we are okay that way. This . . ."

Senator Lee: "But a referendum clause allows it to go beyond that limit, is that not correct?"

Senator Donohue: "No, that is, well yes, it naturally would if it went over that, but it does not."

Senator Lee: "In other words it would be technically possible to just pass this without the referendum as far as our available. . ."

Senator Donohue: "We could, we could, yes, but this goes to the people."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3603 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

SUBSTITUTE SENATE BILL NO. 3603, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3210.

On motion of Senator Walgren, Senate Bill No. 3210 will be considered following Senate Bill No. 3191.

SECOND READING

SENATE BILL NO. 3191, by Senators Odegaard, Vognild, Bausch, Rasmussen and Scott:

Modifying the state employee attendance incentive program.

MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 3191 was substituted for Senate Bill No. 3191 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Substitute Senate Bill No. 3191 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Senator Odegaard, can you tell us what the fiscal note on this bill is?"

Senator Odegaard: "Mr. President, Senator Guess, the state board for community college education director informed us that he estimated, he said it was very hard to estimate because we do not know the cost saving involved; but the cost, he thought, would probably be about a hundred and sixty-seven thousand dollars."

Senator Guess: "Per year."

Senator Odegaard: "Per year."

Senator Guess: "Well, I was laboring under the impression it was going to be something in the order of about seven million a year."

Senator Odegaard: "I think you are speaking, Senator Guess, to the other bill, the K-12 bill where the SPI had a fiscal note of six or seven million; however, I understand there is disagreement on that. But you are speaking to the other bill."

Senator Guess: "Thank you very much."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3191 and the bill passed the Senate by the following vote: Yeas, 43; nays, 6.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Lee, Lewis, McDermott, Moore, Morrison, Odegard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Guess, Jones, Lysen, Marsh, Matson, Scott—6.

SUBSTITUTE SENATE BILL NO. 3191, having received the 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 HAYNER

Senator Hayner: "May I draw your attention to the time. I understand that we may consider and finish a bill that has been begun before the bewitching hour but we have now passed it and I assume we have passed the deadline for the consideration of any further bills."

REPLY BY THE PRESIDENT

President Cherberg: "I believe the Senate acted upon 3210. 3210 was before the Senate and then Senator Walgren moved to defer action and the Senate did not object."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Well, Mr. President, in the past when a bill has been set down for any reason or other that cuts off the discussion if we get to the hour of cut-off."

REMARKS BY SENATOR VAN HOLLEBEKE

Senator Van Hollebeke: "Mr. President, and Senator Hayner, my recollection is that that has not been the case in the eight years I have been here. Every time a bill was set down, it was heard after the time. This bill is being advocated, the passage of it has been advocated by the Washington State Nurses' Association, Senator Hayner, thought you might be interested in that bit of information, too."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, if you follow Senator Van Hollebeke's reasoning then we could put one bill after another and we could go until midnight on the bills before us."

REPLY BY PRESIDENT

President Cherberg: "Except Senator, the President has always permitted one bill."

SECOND READING

SENATE BILL NO. 3210, by Senators Day, Jones, Talmadge and Van Hollebeke:

Extending privileged communications to nurse-patient dialogue.

The bill was read the second time by sections.

Senator Walgren moved adoption of the following amendment:

On page 1, line 6 strike section 1 in its entirety and insert the following new section:

"NEW SECTION. Section 1. There is added to chapter 18.88 RCW a new section to read as follows:

A registered nurse shall not, without the consent of his/her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him/her to prescribe or act for the patient, but this exception shall not apply in any judicial proceeding regarding a child's injuries, neglect or sexual abuse, or the cause thereof, nor in any other criminal proceeding."

POINT OF INQUIRY

Senator Bottiger: "Senator Walgren, in the rural areas we have nurse practitioners and not doctors. And if a patient were to go to a nurse practitioner and advise her that say, he had received a stab wound, could then in a criminal action against him, could that nurse be forced to testify that she had treated him and that he had told her that the wound was from a knife wound?"

Senator Walgren: "I would expect that the question would be raised on the attempt to introduce the evidence as to whether or not the privilege came within the provisions of the doctor-patient relationship or whether it would be truly the privilege that we are talking about here. I do not know how a court would come out on that particular situation. It seems to me that there would be some good reason to argue that we had a doctor-patient privilege at that particular point, although I recognize that the nurse is not a duly licensed physician and that would certainly weigh heavily with the court."

Senator Bottiger moved adoption of the following amendment to the amendment by Senator Walgren:

In the Walgren amendment on the last line after "thereof," strike ", nor in any other criminal proceeding".

Debate ensued.

The motion by Senator Bottiger failed and the amendment to the amendment was not adopted.

Further debate ensued.

The motion by Senator Walgren failed and the amendment was not adopted on a rising vote.

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

On page 2, after line 13, insert:

"Sec. 2. Section 51.04.050, chapter 23, Laws of 1961 and RCW 51.04.050 are each amended to read as follows:

In all hearings, actions or proceedings before the department or the board of industrial insurance appeals, or before any court on appeal from the board, any physician or nurse having theretofore examined or treated the claimant may be required to testify fully regarding such examination or treatment, and shall not be exempt from so testifying by reason of the relation of physician or nurse to patient."

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

On page 1, line 4 of the title, after "5.60.060" insert "; amending section 51.04.050, chapter 23, Laws of 1961 and RCW 51.04.050".

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 3210 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. 3210 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Hansen—1.

Absent or not voting: Senator Pullen—1.

ENGROSSED SENATE BILL NO. 3210, having received the 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. 3422, by Senators Henry, Benitz, Hansen and Talley:

Increasing port districts' authority to operate facilities for the movement of freight and passengers.

The Senate resumed consideration of Senate Bill No. 3422 and the following amendment by Senator Lysen that had been moved for adoption earlier today:

On page 1, beginning with "(1)" on line 7, strike all the material down through "(2)" on line 11.

Senator Lysen moved the following amendment be considered with the amendment moved for adoption earlier today:

On page 1, beginning on line 14, strike all the material down through "facilities" on line 23.

Remember the remaining section accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Quigg: "Senator Bottiger, as it dawned on me all the parts of the state that are served by the Milwaukee road and all the port districts that are affected by it, do you see a potential for another joint operating agency coming up out of the Phoenix or the Milwaukee road tracks across the state?"

Senator Bottiger: "No, the port districts are a little bit different from the PUD districts that the joint operating agency only applies to PUD districts but there is nothing wrong with two port districts contracting. Yakima and Kittitas county could contract with Pierce county to each run some rail line to ship that wheat."

Senator Quigg: "So they could cooperate at least in the organization . . ."

Senator Bottiger: "Yes, I do not see any reason why they could not."

Further debate ensued.

The motion by Senator Lysen failed and the amendments were not adopted.

Senator Benitz moved adoption of the following amendment:

On page 1, line 23, after "facilities" insert ": PROVIDED, That no port district shall engage in the manufacture of rail cars nor purchase of any railroad tracks located on property not owned by the port district".

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

After "cars" add "for use off port property".

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

After "district" on the last line of the amendment, add ": PROVIDED FURTHER, That the aforesaid prohibition related to purchasing railroad tracks shall not pertain to the Port of Pend Oreille".

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, maybe I have the wrong impression but I thought the Burlington Northern Railroad ran right through Whatcom county heading up for Canada."

Senator Goltz: "Senator Rasmussen, you are correct that Burlington Northern Railroad runs through Whatcom county on the western edge but the Milwaukee road serves the agricultural areas and connects to the Burlington railroad line at Bellingham and at Blaine. So the Burlington Northern Railroad serves western Whatcom county, the Milwaukee road serves the interior, did serve the interior parts of Whatcom county."

Senator Rasmussen: "Thank you. I will support this Benitz amendment because I think it gives protection, Senator Henry, to our port, our city public utility belt line that are operating there now and do not want to be taken over by the port. I think the Benitz amendment is a good one."

Further debate ensued.

Senator Morrison moved adoption of the following amendment to the amendment by Senator Benitz:

Strike everything after "property" in the language added in the Talley amendment.

POINT OF INQUIRY

Senator Wilson: "Senator Morrison, long, bloody subject here which I do not want to lose at the last minute. If your amendment is adopted the port of Pend Oreille, among other port districts, would have the authority to purchase railroad tracks. Is that correct?"

Senator Morrison: "Yes, that is correct."

The motion by Senator Morrison carried and the amendment to the amendment was adopted.

The motion by Senator Benitz carried and the amendment, as amended, was adopted on a rising vote.

Senator Lysen moved adoption of the following amendment:

On page 2, line 3, insert the following:

"NEW SECTION. Sec. 4. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with the provisions of Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

The motion by Senator Lysen failed and the amendment was not adopted.

On motion of Senator Henry, the rules were suspended, Engrossed Senate Bill No. 3422 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. 3422 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent or not voting, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry,

Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—43.

Voting nay: Senators Lysen, Scott, Williams—3.

Absent or not voting: Senators Donohue, Matson, Pullen—3.

ENGROSSED SENATE BILL NO. 3422, having received the 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 fourth order of business.

MESSAGE FROM THE HOUSE

February 4, 1980.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3359 with the following amendments:

In line 1 of the title, after "elections;" insert "amending section 29.07.160, chapter 9, Laws of 1965 as last amended by section 4, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.160;"

On page 5, line 1, after "least" strike "forty-two" and insert "thirty-five".

On page 5, line 2, after "date." strike "Notwithstanding the provisions of RCW 29.07.160, the" and insert "The".

On page 5, after line 8, insert the following additional section:

"Sec. 4. Section 29.07.160, chapter 9, Laws of 1965 as last amended by section 4, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.160 are each amended to read as follows:

The registration files of all precincts shall be closed against original registration or transfers for thirty days immediately preceding every election and primary to be held in such precincts, respectively.

The county auditor shall give notice of the closing of said files for original registration and transfer by one publication in a newspaper of general circulation in the county at least five days before such closing, except as provided for special elections in accordance with section 3 of this 1980 act."

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

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Woody, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3359.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3359, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar,

Shinpoeh, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Absent or not voting: Senator Matson—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3359, 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. 3359.

MOTION

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

MESSAGES FROM THE HOUSE

February 4, 1980.

Mr. President: The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 200,
 ENGROSSED HOUSE BILL NO. 614,
 SUBSTITUTE HOUSE BILL NO. 1093,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1183,
 SUBSTITUTE HOUSE BILL NO. 1398,
 SUBSTITUTE HOUSE BILL NO. 1416,
 SUBSTITUTE HOUSE BILL NO. 1422,
 ENGROSSED HOUSE BILL NO. 1443,
 ENGROSSED HOUSE BILL NO. 1447,
 SUBSTITUTE HOUSE BILL NO. 1466,
 ENGROSSED HOUSE BILL NO. 1486,
 SUBSTITUTE HOUSE BILL NO. 1575,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1605,
 SUBSTITUTE HOUSE BILL NO. 1609,
 HOUSE BILL NO. 1624,
 HOUSE BILL NO. 1718,
 HOUSE BILL NO. 1723,
 SUBSTITUTE HOUSE BILL NO. 1743,
 HOUSE BILL NO. 1757,
 ENGROSSED HOUSE BILL NO. 1762,
 SUBSTITUTE HOUSE BILL NO. 1778,
 HOUSE BILL NO. 1784,
 SUBSTITUTE HOUSE BILL NO. 1807,
 HOUSE BILL NO. 1820,
 HOUSE BILL NO. 1826,
 ENGROSSED HOUSE BILL NO. 1829,
 HOUSE BILL NO. 1841,
 ENGROSSED HOUSE BILL NO. 1870,
 SUBSTITUTE HOUSE BILL NO. 1901,
 HOUSE BILL NO. 1943,
 HOUSE BILL NO. 1950,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952,
 HOUSE BILL NO. 1976,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1983,

ENGROSSED HOUSE BILL NO. 1987, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 4, 1980.

Mr. President: The House has passed: HOUSE BILL NO. 1407, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 4, 1980.

Mr. President: The House has adopted: HOUSE JOINT MEMORIAL NO. 35, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 5, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE SENATE BILL NO. 3359, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SECOND SUBSTITUTE HOUSE BILL NO. 200, by Committee on Revenue (originally sponsored by Representatives Erickson, Winsley, Erak, Ehlers, Scott, Warnke, Gruger, Grimm, Walk, Kreidler, Owen, Granlund, North, Becker and Bender):

Expanding real estate excise tax.
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 614, by Representatives Lux, Douthwaite, Burns, Valle, Ehlers, Zimmerman and King:

Including notice to terminate tenancy within the definition of retaliatory action.
Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 1093, by Committee on Local Government (originally sponsored by Representatives Charnley and Zimmerman):

Authorizing special purpose districts to spend funds to recruit and reimburse job candidates.

Referred to Committee on Local Government.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1183, by Committee on Judiciary (originally sponsored by Representatives Smith (R.) and Knowles):

Revising the criminal code.
Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 1398, by Committee on Constitution, Elections and Governmental Ethics (originally sponsored by Representatives Sanders and Bond):

Modifying the laws governing initiatives and referendums in counties and cities.
Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 1407, by Representatives Rosbach, Chandler, Eng, Taylor and Williams:

Modifying joint tenancy provisions relating to savings and loan associations.
Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 1416, by Committee on Financial Institutions (originally sponsored by Representatives Eng and Winsley):

Making miscellaneous changes in law relating to credit unions.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 1422, by Committee on Judiciary (originally sponsored by Representatives Newhouse and Ellis):

Modifying laws on courts of limited jurisdiction.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1443, by Representatives Ellis, Knowles and Taller:

Revising grounds for permitting interception of private communication.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1447, by Representatives Schmitten and Vrooman (by Washington Department of Game request):

Revising the game code.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 1466, by Committee on Education (originally sponsored by Representatives Taylor, McCormick, Amen, Sommers, Chandler, Bauer, Heck, Houchen, Galloway, Nisbet and Smith (C.)):

Reestablishing levels school districts shall put public bids out for on improvements and purchases.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 1486, by Representatives Monohon, Schmitten, Erak, Vrooman, Smith (R.), Mitchell, Rosbach and Nisbet:

Restricting issuance of free razor-clamming licenses.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 1575, by Committee on Local Government (originally sponsored by Representatives Charnley, Whiteside, Thompson and Van Dyken):

Permitting classification of county roads as primitive roads.

Referred to Committee on Local Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1605, by Committee on Labor (originally sponsored by Representatives Newhouse, King, Scott, Monohon, Clayton, McGinnis, Smith (C.), May, Lux, Brekke, Erickson, Sanders, Mitchell, Addison, McCormick, Sherman, Valle, Garrett, Erak, Brown, Owen, Granlund, Bauer, Bender, Adams, Gallagher, Rosbach and Burns):

Revising worker's compensation laws.

Referred to Committee on Labor.

SUBSTITUTE HOUSE BILL NO. 1609, by Committee on Transportation (originally sponsored by Representatives Sanders, Eberle, Bond, Sprague, Martinis, Brown, Charnley, Bender, Clayton, Isaacson, Addison and Garrett):

Increasing the maximum allowed state aid to local airport projects.

Referred to Committee on Transportation.

HOUSE BILL NO. 1624, by Representatives Vrooman, Schmitten, Martinis, Wilson, Monohon, Dunlap, Erak, Smith (R.), Sanders, Mitchell and Addison (by Department of Fisheries request):

Increasing the bond limit for salmon enhancement.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 1718, by Representatives Struthers, Becker, Nelson (D.), Taylor, Galloway and Salatino (by Department of Social and Health Services request):

Providing for work training programs in state institutions.
Referred to Committee on Social and Health Services.

HOUSE BILL NO. 1723, by Representatives Sommers and Craswell:
Modifying the inheritance tax law.
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1743, by Committee on Local Government (originally sponsored by Representatives Brown, Zimmerman and Charnley):
Authorizing certain cities to appoint a park commission.
Referred to Committee on Local Government.

HOUSE BILL NO. 1757, by Representative Addison:
Recalculating the 106% limit after the expiration of an emergency medical services levy.
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1762, by Representatives Rosbach, North, Fuller, Whiteside, Rohrbach, Keller, Zimmerman, Charnley, Brown, Williams and Garrett:

Permitting courts to require contributions to a county or interlocal drug fund as a condition of probation.
Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 1778, by Committee on Transportation (originally sponsored by Representatives Patterson, Chandler, Wilson, Teutsch, Craswell, Barnes, Rohrbach, North, Sherman, Eberle, Warnke and Amen):
Establishing and funding seven additional drivers' licensing stations.
Referred to Committee on Transportation.

HOUSE BILL NO. 1784, by Representatives Amen, Kreidler, Fancher, Van Dyken, Erak, Scott, Clayton, Flanagan and Smith (C.):
Implementing law relating to payment of bonds or U. S. contract payments of certain irrigation districts.
Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 1807, by Committee on Transportation (originally sponsored by Representatives Walk, Martinis, Wilson, Monohon and Owen):

Directing stricter regulation and inspection of hazardous cargos.
Referred to Committee on Transportation.

HOUSE BILL NO. 1820, by Representatives Brown, Winsley, Rohrbach and Keller:

Extending the time period for filing accident reports.
Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 1826, by Representatives Amen, Adams, Whiteside, Patterson, Brekke, Mitchell, Schmitten, Teutsch and Williams:
Regulating blood banks.
Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 1829, by Representatives Erickson, Oliver, Keller, Valle, Monohon and Erak:
Permitting voter registration at high schools and fire stations.
Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 1841, by Representatives Van Dyken, Whiteside, Adams, Sommers, Eberle, Addison, Flint, Rohrbach, Williams, Nisbet, Zimmerman, Smith (C.), Erickson, Maxie and Charnley:

Exempting state furnished meals to the aged from sales and use taxes.
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1870, by Representatives Sherman, Martinis, Bender, Becker, Walk, Keller and Charnley:

Requiring a bill of lading for hazardous material to be red.
Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 1901, by Committee on Revenue (originally sponsored by Representatives Kreidler, Craswell and Sommers):

Redefining life estate for purposes of the residential property tax exemption.
Referred to Committee on Ways and Means.

HOUSE BILL NO. 1943, by Representatives Patterson, Zimmerman, Amen, North, Whiteside and Flanagan:

Authorizing excess levies for road districts.
Referred to Committee on Local Government.

HOUSE BILL NO. 1950, by Representatives Newhouse and Deccio:

Revising laws relating to banking.
Referred to Committee on Financial Institutions and Insurance.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952, by Committee on Labor (originally sponsored by Representatives Lux, Clayton, King and Heck) (by Department of Employment Security request):

Making miscellaneous changes in law relating to employment compensation.
Referred to Committee on Labor.

HOUSE BILL NO. 1976, by Representatives Bauer, Galloway, Heck and Zimmerman:

Providing for pollution control facilities.
Referred to Committee on Ecology.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1983, by Committee on Insurance (originally sponsored by Representatives Rohrbach, Houchen, McGinnis, Ellis and Zimmerman):

Revising laws relating to motor vehicle insurance.
Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 1987, by Representatives Greengo, Nisbet, Gallagher, May, Salatino, Bauer, Mitchell, McGinnis, Oliver, Kreidler, Erickson, Charnley, Ehlers, McCormick, Sherman, Bender, Scott, North, Maxie, Heck, Gruger, Knowles, O'Brien and Winsley (by Select Committee on Mobile Homes request):

Providing for fair market value assessments of mobile homes for property taxation.

Referred to Committee on Ways and Means.

HOUSE JOINT MEMORIAL NO. 35, by Representatives Schmitt, Vrooman, Martinis, Dawson, Monohon and Erak:

Memorializing Congress to enact legislation to assist the state's fishing industry.

Referred to Committee on Natural Resources.

MOTIONS

On motion of Senator Marsh, all bills listed on the Introduction Calendar were referred as indicated.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Clarke, the President finds that Substitute Senate Bill 3187 is a measure which enables the department of natural resources, and cities and towns, to exchange lands more freely.

"The amendment proposed by Senator Gaspard does not deal in any way with the free exchange of lands. On the contrary, it specifically conditions the exchange of land for the site of a correctional facility upon legislative approval.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and the Point of Order is well taken."

MOTION

At 4:52 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Wednesday, February 6, 1980.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 6, 1980.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Gallagher, Haley, McDermott, Shinpoch, Wanamaker, Wojahn and Woody. On motion of Senator Wilson, Senators Fleming, McDermott, Shinpoch, Wojahn and Woody were excused. On motion of Senator Jones, Senators Gallagher, Haley and Wanamaker were excused.

The Color Guard, consisting of Pages Michele Irwin and Gayle Johnson, presented the Colors. Reverend Richard Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"HEAVENLY FATHER, IT IS FITTING AND PROPER THAT THESE SHOULD BE QUIET MOMENTS OF GRATITUDE TO YOU FOR THE PRECIOUS GIFT OF ANOTHER DAY, BUT THEY ALSO NEED TO BECOME MOMENTS WHEN WE CAN OPEN OURSELF TO YOUR DIVINE PRESENCE. TOO MANY TIMES WE COME TO THIS GREAT CHAMBER ARMED WITH OUR OWN CRAFTINESS AND WISDOM WHEN THOSE WHO SURROUND US SIMPLY NEED A SMILE, A PAT ON THE BACK, A FIRM HANDSHAKE, OR SOME OTHER DEMONSTRATION THAT WE REALLY CARE ABOUT THEM AS PERSONS. TOO MANY TIMES YOU HAVE WALKED AMONG US UNNOTICED BECAUSE WE WERE PREOCCUPIED WITH OTHER MATTERS. OUR PRAYER IS THAT SOMEHOW TODAY MIGHT BE DIFFERENT, THAT WE MIGHT RECOGNIZE YOUR GENTLE TOUCH AND WELCOME YOU AS OUR GUEST. AMEN."

MOTION

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

MOTION

On motion of Senator Marsh, the Senate commenced consideration of gubernatorial appointment 237.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Goltz, the appointment of Margaret Hays as a member of the Board of Trustees, Everett-Edmonds Community College, District 5 was confirmed.

APPOINTMENT OF MARGARET HAYS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones,

Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson—41.

Excused: Senators Fleming, Gallagher, Haley, McDermott, Shinpoch, Wanamaker, Wojahn, Woody—8.

MOTIONS

On motion of Senator Jones, Senator Matson was excused.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3576.

SECOND READING

SENATE BILL NO. 3576, by Senators Hansen, Benitz, Gaspard, Wanamaker, Wilson, Day and Morrison (by Senate Agriculture Committee request):

Exempting alcohol fuels from the liquor control laws.

The bill was read the second time by sections.

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 3576 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3576, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson—43.

Excused: Senators Fleming, Haley, Matson, Shinpoch, Wojahn, Woody—6.

SENATE BILL NO. 3576, having received the 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. 3551, by Senators Hansen, Day, Benitz, Wanamaker and Morrison (by Senate Agriculture Committee request):

Establishing temporary tax incentives for alcohol fuels.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3551 was substituted for Senate Bill No. 3551 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hansen, the following amendments were considered and adopted simultaneously:

On page 2, line 29, strike "assessor" and insert "department of revenue"

On page 2, line 30, strike "assessor" and insert "department of revenue"

Senator Gaspard moved adoption of the following amendment:

On page 2, after line 35, insert the following:

"NEW SECTION. Sec. 3. Alcohol fuel manufacturing facilities and associated personal property and lands that are exempt from taxation under sections 1 and 2 of this 1980 act are required to contract for services provided by local governments,

including but not limited to fire and police protection and road construction and maintenance, in order to receive such services for the duration of the exemption."

Debate ensued.

POINT OF INQUIRY

Senator Lysen: "Senator Hansen, on page 2 of the bill, section 2, they deal with the leasehold tax question. I will try to read it, 'if these facilities are built on port property,' as I assume some of them will be, 'they will be tax-exempt from the leasehold tax as well', if they are on port . . ."

Senator Hansen: ". . . for a period of six years."

Senator Lysen: "Six years, just the same as if it were private property?"

Senator Hansen: "Yes. As I understand it yes. We have Georgia-Pacific that is now in operation that this will not affect Georgia-Pacific's operation at all."

Senator Lysen: "They will not benefit from the tax . . ."

Senator Hansen: "Yes."

Senator Lysen: "The port district would be required to supply, in the case of say, Seattle, the fire services and so forth, then?"

Senator Hansen: "It would be on sale for their purposes. In this bill there is no mandatory that states or local government use this type of fuel; but we make it available, when we make it available I will guarantee it will be used."

Further debate ensued.

The motion by Senator Gaspard failed and the amendment was not adopted on a rising vote.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, if you would take a look at page 1, line 15, speaks of 'land upon which the manufacturing facility is located,' and then on line 16 'and land that is reasonably necessary in the manufacture of alcohol fuel is exempt from property taxation'. In your opinion, could this extend to the farm that is producing materials that are necessary for the alcohol manufacturing?"

Senator Hansen: "Absolutely not. This pertains only to the property that the still and the operation takes. It does not include the land that it takes to grow the crops."

Senator Rasmussen: "Well, that is my question. Why is it repeated there. It is reiterated that is not just the land for manufacturing but it says 'in land that is reasonably necessary'. I do not know why . . ."

Senator Hansen: "The land that it takes to set the still on. It is not only the property of the still itself. It would be the building and the land that that one little portion sets on. It has nothing to do with the growing portion of the crops."

Senator Rasmussen: "Thank you."

Debate ensued.

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

On page 2, following line 35 add the following section:

"Sec. 3. Section 13, chapter 196, Laws of 1979 ex. sess. and RCW 82.04.325 are each amended to read as follows:

The tax imposed by RCW 82.04.270(1) does not apply to any person who manufactures alcohol with respect to sales of said alcohol to be used in the production of gasohol for use as motor vehicle fuel, nor with respect to sales of gasohol for use as motor vehicle fuel. As used in this section, "motor vehicle fuel" has the meaning given in RCW 82.36.010(2), and "gasohol" means motor vehicle fuel which contains more than nine and one-half percent alcohol by volume. This section shall expire December 31, 1986."

Further debate ensued.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Washington State Dairy Princess and appointed Senators Hansen, Morrison, Goltz, Benitz, Peterson and Sellar as a committee of honor to escort the honored guest to the Senate rostrum.

With permission of the Senate, business was suspended to permit Princess Sara Shields of Lynden, Washington to address the Senate. The Princess was introduced by Senator Peterson.

The committee of honor escorted the honored guest from the Senate Chamber and the committee was discharged.

The Senate resumed consideration of the following bill from earlier today:

SUBSTITUTE SENATE BILL NO. 3551, by Committee on Agriculture (originally sponsored by Senators Hansen, Day, Benitz, Wanamaker and Morrison) (by Senate Agriculture Committee request):

Establishing temporary tax incentives for alcohol fuels.

On motion of Senator Bottiger, the following amendments were considered and adopted simultaneously:

On page 1, line 17, after "fuel" insert ", but not land necessary for growing of crops,"

On page 2, line 17, after "fuel" insert ", but not land necessary for growing of crops."

Senator Goltz moved adoption of the following amendment:

On page 1, line 18, following "following the" insert "effective date of this act for plants already producing alcohol for fuel and for new plants on the"

Debate ensued.

The motion by Senator Goltz failed and the amendment was not adopted.

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

On page 1, line 2, of the title after "RCW" strike "and", and on line 3, after "RCW" insert "; and amending section 13, chapter 196, Laws of 1979 ex. sess. and RCW 82.04.325"

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute Senate Bill No. 3551 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. 3551, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Matson, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody—44.

Voting nay: Senators Bausch, Lysen—2.

Excused: Senators McDermott, Shinoch, Wojahn—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3551, having received the 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. 3285, by Senators Lysen, Morrison and McDermott:

Insuring that certain health and safety inspections will be performed at energy facilities.

MOTIONS

On motion of Senator Lysen, Substitute Senate Bill No. 3285 was substituted for Senate Bill No. 3285 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Lysen, the rules were suspended, Substitute Senate Bill No. 3285 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. 3285, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody—46.

Excused: Senators McDermott, Shipoch, Wojahn—3.

SUBSTITUTE SENATE BILL NO. 3285, having received the 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. 3621.

SECOND READING

SENATE BILL NO. 3621, by Senators Walgren, Clarke, Donohue, Shipoch, Wojahn, Morrison and Hayner (by Select Committee on Criminal Justice request):
Creating special criminal justice task forces.

MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 3621 was substituted for Senate Bill No. 3621 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Substitute Senate Bill No. 3621 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. 3621, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody—47.

Excused: Senators McDermott, Wojahn—2.

SUBSTITUTE SENATE BILL NO. 3621, having received the 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. 3629, by Senators Hansen, Benitz, Day, Wanamaker, Gaspard and Morrison (by Agriculture Committee request):

Providing tax incentives for alcohol fuels.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3629 was substituted for Senate Bill No. 3629 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hansen, the following amendments were considered and adopted simultaneously:

On page 1, after line 11, insert the following:

"**NEW SECTION.** Sec. 2. There is added to chapter 82.12 RCW a new section to read as follows:

The tax imposed by RCW 82.12.020 shall not apply to alcohol that is sold in this state for use solely as fuel in motor vehicles, farm implements and machines, or implements of husbandry."

Renumber the remaining sections accordingly.

On page 1, line 23, strike "3" and insert "5".

Senator Morrison moved adoption of the following amendment by Senators Morrison, Hansen and Benitz:

On page 1, after line 22, insert:

"**NEW SECTION.** Sec. 5. For purposes of this chapter, any combination of ethanol and gasoline which contains 9½% or more by volume of ethanol shall be included within the definition of "special fuel" and the gasoline component of any such combination of ethanol and gasoline shall be subject to the special fuel tax."

Renumber subsequent section accordingly.

POINT OF INQUIRY

Senator Rasmussen: "Senator Morrison, are you sure that all of these farmers who have a still in the barn are going to be filing their forms for every gallon that they put in their tractors of this alcohol that they are producing?"

Senator Morrison: "Senator Rasmussen, the bill would allow that the alcohol portion is already tax free as far as burning it as a fuel is concerned. Senator Hansen's amendments and the major thrust of the bill guarantee that, so there are no forms involved there. If they want to burn gasohol on that same farm, and have it not be taxed they have to go through the same procedure as they would for diesel under this particular amendment. The procedures are all set up. The department of licensing has a procedure now that has been working during this last year. So we do not have to worry about the alcohol portion. This amendment would just allow that gasohol, the combination of gasoline and alcohol, would be in the same tax-exempt category if you want to go through the record-keeping processes of guaranteeing that it is being burned off the road."

Senator Rasmussen: "Thank you."

The motion by Senator Morrison carried and the amendment was adopted.

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

On page 1, after line 22, insert:

"NEW SECTION. Sec. 4. There is added to chapter 82.02 RCW a new section to read as follows:

Motor vehicle fuel using alcohol as a major ingredient shall be exempt from one-half of the taxes imposed by chapters 82.08, 82.36, 82.38 RCW."

Renumber the remaining section consecutively.

On page 1, line 23, strike "3" and insert "4"

Debate ensued.

The motion by Senator Lysen failed and the amendments were not adopted.

On motion of Senator Hansen, the following amendment by Senators Morrison, Hansen and Benitz to the title was adopted:

On page 1, line 3 of the title, strike "a new section" and insert: "new sections".

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute Senate Bill No. 3629 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: "Senator Guess, as the chief engineering officer on the floor, how far down can we go in the production of alcohol? I am curious. We are talking now presumably of large plants being moved in, such as Georgia-Pacific has. We have recently, in the city of Tacoma, about three years ago, built a new garbage disposal facility with federal money which has been sitting there, rusting, ever since and it was supposed to solve the solution of garbage disposal. Nobody found out how to use it yet and so the plant will probably be dismantled and . . . Could that be used for alcohol . . .?"

Senator Guess: "Senator Rasmussen, I would be foolish indeed if I gave you a horseback opinion without having first the opportunity to view the animal I was going to tell you about. Well, it would be normal that you might use the land and the building rough enclosure, take the existing equipment out because the two are not particularly compatible; incineration is one thing and distillation is another. I would say you would have some salvage in that building; but I would like to point out . . ."

Senator Rasmussen: ". . . I was particularly referring to normal city garbage disposal. Would it produce alcohol?"

Senator Guess: "There was a process called pyrolyses that should have produced an oil out of garbage. Several years ago we tried to get that plant into Spokane; it was to be a twelve million dollar plant. It went down to San Diego and I believe the memorandum that Senator Bottiger's staff put out, the project went down to San Diego county at El Cajon. They spent something in the neighborhood of twenty-eight million dollars and they still have not produced any oil or any product out of it, and it is very much in the same vein as the Tacoma plant. So as far as making alcohol, I would say that the technology is available but the transfer of technology to the process is the gap that is there."

Senator Rasmussen: "Then of course you are aware that when prohibition came in and they created a tremendous shortage in goods that people wanted, all the small business people and entrepreneurs went into the business. Can we do the same thing with alcohol in our back yards?"

Senator Guess: "There is a gentleman lives just out of Tenino that came out of the deep south and he called yesterday and volunteered to come up and teach any senator that so desired, how to make one of those back yard devices."

Senator Rasmussen: ". . . and we have arranged a meeting date for him I presume, I hope."

Senator Guess: "Well, I did not, frankly I did not get a chance to talk to him, my intern talked to him and he was going to talk to him again this morning; and I

told him I would like very much to see him. I will ask you to be at the meeting and we will do a little sketching on the blackboard."

Senator Rasmussen: "Thank you, Senator Guess."

Senators Talley, Peterson and Donohue 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. 3629.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3629, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody—47.

Excused: Senators McDermott, Wojahn—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3629, having received the 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. 2922, Senators Rasmussen, Scott and Shinpoch (by Department of Retirement Systems request):

Providing for a building for the public employees retirement system.

MOTIONS

On motion of Senator Rasmussen, Second Substitute Senate Bill No. 2922 was substituted for Senate Bill No. 2922 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Second Substitute Senate Bill No. 2922 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Hayner: "I raise the question of whether or not this bill, 2922, is that the one we are on?:"

President Cherberg: "Right. Yes, Senator."

Senator Hayner: ". . . whether that survives the cutoff. I do not see any direct appropriation on that, nor is it energy-related."

Senator Rasmussen: "Mr. President, if Senator Hayner would look an appropriation of twenty thousand dollars made to the department of retirement systems for the feasibility study. The bill did go through ways and means."

Senator Hayner: "Was that originally on the bill?"

Senator Rasmussen: "Yes."

POINT OF INQUIRY

Senator Lewis: "Senator Rasmussen, in the original bill there was provision for eminent domain; I think that has been removed from the substitute bill. Am I correct?"

Senator Rasmussen: "No, they may either purchase by condemnation or otherwise, is my understanding."

Senator Lewis: "The director still has the power of eminent domain in the substitute bill?"

Senator Rasmussen: "Well, let me check the bill, Senator."

Senator Lewis: "I am given two different answers. Senator Jones tells me it is not in the substitute bill, Senator Rasmussen. I would like to be assured of that."

Senator Rasmussen: "Well, Senator Jones is sure; I am not sure."

Senator Lewis: "May I ask one other question, Senator. Would the director of the department have the authority under this bill to construct or purchase a building and then go into competition with private enterprise for rental space of non-state-related activities?"

Senator Rasmussen: "Yes."

Senator Lewis: "So we could see a shopping center or shops or anything else that is in the commercial world could be in this building?"

Senator Rasmussen: "No, ordinarily you would not build it that big but when you do construct a building you make the feasibility study they have to report back to us. You ordinarily build the building large enough for your future needs. Now I do not think we would want to build a small building that would handle our needs at the present time and not handle it ten years from now. But you also would not want that space to stand vacant if there was a chance to get a return on the money invested. This will be retirement funds that would be invested in the building."

POINT OF INQUIRY

Senator Guess: "Senator Rasmussen, in the language of the bill it said that they may build sufficient buildings on the outside as support to this building. The question I have is, would they build a building and put a commercial restaurant in there, and call that 'support of the building'? Would they be unable to do that?"

Senator Rasmussen: "I would doubt that that would be investment of retirement funds that would be approved by the board. The retirement board would have to approve the construction plans."

Senator Guess: "Senator, I would like to have dialogue on the floor to make it, as the gentleman who used to occupy that chair over there, crystal clear, to the board that they are not to go build a restaurant building as a support facility for the building. Now in talking to Dr. Hollister he said that he thought that would be limited to a parking lot. But I just do not like the idea of them going in and building that type of building that I have described."

Senator Rasmussen: "I would agree with you and I think that would not be a prudent-man investment. We have lots of restaurants in the Olympia area at the present time."

Senator Guess: "Thank you, Senator."

POINT OF INQUIRY

Senator Shinpoch: "Senator Guess, I just wanted to, I wanted to clarify the difference between a restaurant for public use and a cafeteria for the use of the employees in a building, or lunchroom. I wanted to be sure that you did not mean that we could not, we could not build a building that provided a lunchroom for the employees."

Senator Guess: "No, Senator, that would be an internal operation and using the enclosed space of the building; but the way the language was it indicated that they could build a separate building to support the building and this is what I did not want to happen."

Senator Shinpoch: "Thank you."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 2922, and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Goltz, Gould, Haley, Henry, Jones, Lee, Lysen, Marsh, Matson, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Walgren, Williams, Woody—35.

Voting nay: Senators Gaspard, Guess, Hayner, Hurley, Lewis, Sellar, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Wilson—11.

Absent or not voting: Senator Hansen—1.

Excused: Senators McDermott, Wojahn—2.

SECOND SUBSTITUTE SENATE BILL NO. 2922, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Walgren, all measures on the second reading calendar were returned to the Committee on Rules except those passed by the Senate. The following bills will remain on the calendar: Senate Bills 3549, 3193, 3200, 3473, 3373, 3494.

On motion of Senator Walgren, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 5, 1980.

SUBSTITUTE HOUSE BILL NO. 43, authorizing certain persons to obtain contractors' bonds at reduced rates (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Hurley, Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 5, 1980.

HOUSE BILL NO. 277, repealing regulation of comic books (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Hurley, Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 5, 1980.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 382,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 894,
 SUBSTITUTE HOUSE BILL NO. 898,
 SUBSTITUTE HOUSE BILL NO. 981,
 SUBSTITUTE HOUSE BILL NO. 1177,
 SUBSTITUTE HOUSE BILL NO. 1461,
 ENGROSSED HOUSE BILL NO. 1464,
 SUBSTITUTE HOUSE BILL NO. 1492,
 SUBSTITUTE HOUSE BILL NO. 1512,
 ENGROSSED HOUSE BILL NO. 1550,
 HOUSE BILL NO. 1553,
 HOUSE BILL NO. 1555,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1558,
 HOUSE BILL NO. 1604,
 ENGROSSED HOUSE BILL NO. 1628,
 ENGROSSED HOUSE BILL NO. 1663,
 ENGROSSED HOUSE BILL NO. 1703,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1729,
 SUBSTITUTE HOUSE BILL NO. 1798,
 HOUSE BILL NO. 1813,
 SUBSTITUTE HOUSE BILL NO. 1873,
 HOUSE BILL NO. 1960,
 SUBSTITUTE HOUSE BILL NO. 1988, and the same are herewith

transmitted.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

February 5, 1980.

Mr. President: The House has passed:
 ENGROSSED HOUSE BILL NO. 646,
 ENGROSSED HOUSE BILL NO. 1371,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1570,
 ENGROSSED HOUSE BILL NO. 1598,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817, and the same are

herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

February 5, 1980.

Mr. President: The House has adopted:
 ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 27,
 SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 28, and the
 same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 382, by Committee on
 Commerce (originally sponsored by Representatives Gallagher, Wilson, Brown,
 Martinis and Van Dyken):

Requiring smoke detectors in certain dwelling units.

Referred to Committee on Commerce.

ENGROSSED HOUSE BILL NO. 646, by Representatives Valle, Barr,
 Gruger, Scott, Granlund, Jovanovich and Lux:

Revising the law on waste management.

Referred to Committee on Ecology.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 894, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Zimmerman, Valle, Nelson (D.), Burns and Lux) (by Department of Social and Health Services request):

Regulating sources and uses of radiation.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 898, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Whiteside, Becker and Adams):

Revising laws relating to health officers.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 981, by Committee on Commerce (originally sponsored by Representatives O'Brien, Zimmerman, Polk, Salatino and Ehlers):

Regulating sale on consignment of works of fine art.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 1177, by Committee on State Government (originally sponsored by Representative Kreidler):

Providing for state employees who suffer serious illnesses and injuries.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 1371, by Representatives Charnley and Zimmerman:

Relating to county road projects.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 1461, by Committee on Transportation (originally sponsored by Representatives Martinis and Wilson):

Providing for household goods storage warehouses.

Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 1464, by Representatives Martinis, Wilson, Scott, Mitchell, Sprague, King, Addison, Gallagher, Garrett, Grimm, Houchen, Keller, Smith (R.) and Walk:

Directing the construction and maintenance of recreational vehicle sanitary disposal systems in certain highway rest areas.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 1492, by Committee on State Government (originally sponsored by Representatives Rohrbach, Keller, Taller, Hughes, Ehlers, McGinnis, Salatino, Ellis and Maxie):

Providing for the approval of property, casualty, and accident insurance for public employees.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 1512, by Committee on Ecology (originally sponsored by Representatives Sanders, Barr, Nisbet, North, Teutsch, Owen, Isaacson, Craswell, Smith (R.), McDonald and Polk):

Increasing the value for private docks exempted under the shoreline management act.

Referred to Committee on Ecology.

ENGROSSED HOUSE BILL NO. 1550, by Representatives Erickson and Oliver:

Permitting a choice of alternative local initiative and referendum powers for certain cities and towns.

Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 1553, by Representatives Williams, Taller, Nelson (G.), Mitchell and Nisbet:

Modifying state allotment procedures.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1555, by Representatives Schmitt, Becker, Flint, Jovanovich, Rosbach, Vrooman, Wilson, Martinis, Addison, Mitchell, Ellis and Charnley:

Protecting unique wildlife.

Referred to Committee on Natural Resources.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1558, by Committee on Local Government (originally sponsored by Representatives Zimmerman, Heck, Bauer, Monohon, Galloway and Williams):

Exempting certain dwellings from the access roadway requirements of the fire code.

Referred to Committee on Local Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1570, by Committee on Financial Institutions (originally sponsored by Representatives Winsley, Eng and Sanders):

Modifying restrictions on commercial lending.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 1598, by Representatives Schmitt and Monohon (by Department of Fisheries request):

Adding two members to the salmon advisory council.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 1604, by Representatives Nelson (G.) and Thompson (by Office of Financial Management request):

Modifying the allocation of funds appropriated to state retirement systems.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1628, by Representatives Fancher, Kreidler, Barr, Scott, Clayton, Erak and Smith (C.):

Deleting limits on civil liability for certain actions involving dogs.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1663, by Representatives Warnke, Greengo, Tilly, Erickson and Smith (R.):

Requiring inclusion of contractors' registration number in advertising materials.

Referred to Committee on Commerce.

ENGROSSED HOUSE BILL NO. 1703, by Representatives Martinis, Tilly, Wilson and Gallagher:

Increasing the time for which a temporary permit for driving trucks, buses or cabs may be issued.

Referred to Committee on Transportation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1729, by Committee on Judiciary (originally sponsored by Smith (R.) and Erickson):

Requiring the consent of both living parents for the adoption of a minor.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 1798, by Committee on Institutions (originally sponsored by Representative Grimm):

Requiring an investigation before employing a correctional officer.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 1813, by Representatives Van Dyken, Heck, Nelson (G.), Barnes, Ellis, Galloway, Whiteside, Eberle, Taller, Addison, Nisbet, Flint, Rohrbach, Williams, Zimmerman, Mitchell, Chandler, Sprague, Struthers, Dawson, Smith (C.), Becker, Pruitt, Rinehart and Taylor:

Establishing attendance incentive programs for school districts and educational service district employees.

Referred to Committee on Education.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817, by Committee on Institutions (originally sponsored by Representatives Becker and Struthers):

Providing for adult correctional facilities.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 1873, by Committee on Judiciary (originally sponsored by Representative Becker):

Revising the uniform parentage act.

Referred to Judiciary Committee.

HOUSE BILL NO. 1960, by Representative Charnley:

Requiring notice of certain city programs be provided to counties.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 1988, by Committee on Judiciary (originally sponsored by Representatives King, Warnke, Nisbet, Greengo, May, Salatino, Bauer, Mitchell, McGinnis, Oliver, Erickson, Kreidler, Ehlers, McCormick, Sherman, Scott, Bender, North, Maxie, Heck, Gruger, Knowles, O'Brien and Winsley) (by Select Committee on Mobile Homes request):

Regulating movement of mobile homes and renewal of rental agreements.

Referred to Judiciary Committee.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 27, by Representatives Thompson, Chandler and Heck:

Requesting cooperation of school districts of state with superintendent of public instruction in achieving a state-wide system of cooperative school bus maintenance facilities.

Referred to Committee on Education.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 28, by Committee on Education (originally sponsored by Representatives Chandler, Heck and Taylor):

Recognizing the value of our student leaders.

Referred to Committee on Education.

MOTIONS

On motion of Senator Walgren, there being no objection, all bills listed on the Introduction and First Reading calendar today were referred as indicated.

At 12:08 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, February 7, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 7, 1980.

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.

The Color Guard, consisting of Pages Stephanie Sasaki and Eric Engebretson, presented the Colors. Reverend Richard Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"LORD, YOUR WORDS, TO WHOM MUCH IS GIVEN, MUCH IS ALSO REQUIRED, NEED TO BE PONDERED AGAIN THIS MORNING HERE IN THE SENATE. OUR PRAYER IS THAT THE BUSINESS OF THIS DAY MAY BE CONDUCTED IN SUCH A MANNER THAT IF YOU SUDDENLY AND UNEXPECTEDLY APPEARED, THE FIRST MOTION MADE WOULD NOT BE ONE OF APOLOGY. AMEN."

MOTION

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

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Honorable Victor Aloysius Meyers, former Lieutenant Governor and Secretary of State of the State of Washington and appointed Senators Clarke, Morrison, Goltz and Odegaard as a special committee to escort the honored guest to the Senate rostrum.

There being no objection, business was suspended to permit the honored guest to address the Senate.

The President also introduced former Senator Reuben Knoblauch and there being no objections, business was suspended to permit the former Senator to address the Senate.

The honored guests were escorted from the Senate rostrum and the committee was discharged.

MOTIONS

On motion of Senator Walgren, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT**

Office of the Governor, December 21, 1979.
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:

Nat W. Washington, appointed August 14, 1979, for a term ending June 30, 1982, succeeding Dave J. Mooney as a member of the Pollution Control Hearings Board.

Sincerely,
DIXY LEE RAY
Governor.

MOTIONS

On motion of Senator Wilson, Senator Vognild was excused.

On motion of Senator Walgren, the rules were suspended and the Senate commenced consideration of gubernatorial appointment 220.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT MOTION

On motion of Senator Wilson, the appointment of Nat W. Washington as a member of the Pollution Control Hearings Board was confirmed.

APPOINTMENT OF NAT W. WASHINGTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Vognild—1.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

Office of the Governor, December 21, 1979.
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:

The Honorable Albert D. Rosellini, appointed July 5, 1979, for a term ending June 30, 1985, succeeding Virginia Gunby as a member of the State Transportation Commission.

Sincerely,
DIXY LEE RAY
Governor.

MOTION

On motion of Senator Walgren, the rules were suspended and the Senate commenced consideration of gubernatorial appointment 233.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT MOTION

On motion of Senator Walgren, the appointment of The Honorable Albert D. Rosellini as a member of the State Transportation Commission was confirmed.

APPOINTMENT OF THE HONORABLE ALBERT D. ROSELLINI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Vognil—1.

MESSAGES FROM THE GOVERNOR

Office of the Governor, February 6, 1980.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on February 6, 1980 Governor Ray approved the following Senate Bill entitled:

SUBSTITUTE SENATE BILL NO. 3359: Relating to Elections.

Sincerely,
H. B. HANNA
Legal Counsel.

GUBERNATORIAL APPOINTMENTS

Office of the Governor, February 6, 1980.

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:

James E. Brooks, appointed January 15, 1980, for a term ending September 30, 1980, succeeding Ruth F. Mottley as a member of the Board of Trustees, Community College District No. 16.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, February 6, 1980.

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:

Dan W. Stephens, appointed January 8, 1980, for a term ending September 30, 1982, succeeding Paul Edmondson as a member of the Board of Trustees, Community College District No. 16.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, February 6, 1980.

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:

Virginia Hislop, appointed January 15, 1980, for a term ending September 30, 1983, succeeding Martha Indermuhle as a member of the Board of Trustees, Community College District No. 16.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, February 6, 1980.

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:

Joan Harris, appointed January 15, 1980, for a term ending September 30, 1984, succeeding Edward G. Ellis as a member of the Board of Trustees, Community College District No. 16.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, February 6, 1980.

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

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

William H. Lawrence, reappointed January 22, 1980, for a term ending September 30, 1984, as a member of the Board of Trustees, Community College District No. 12.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

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

REPORTS OF STANDING COMMITTEES

February 6, 1980.

ENGROSSED HOUSE BILL NO. 322, exempting from the fire code hand held candles in religious ceremonies (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Fleming, Lee.

Passed to Committee on Rules for second reading.

February 6, 1980.

ENGROSSED HOUSE BILL NO. 357, placing student associations at institutions of higher education under open public meetings act (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, von Reichbauer.

Passed to Committee on Rules for second reading.

February 7, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 714, regulating the taking of crabs (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Odegaard, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 6, 1980.

ENGROSSED HOUSE BILL NO. 829, increasing the funding of family court (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Jones, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senators Hayner, Hurley, Pullen.

Passed to Committee on Rules for second reading.

February 6, 1980.

HOUSE BILL NO. 1430, authorizing compensation for county planning commission and board of adjustment members (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bradburn, Lee, Moore, Sellar.

Passed to Committee on Rules for second reading.

February 6, 1980.

HOUSE BILL NO. 1435, removing limitations on use of fire protection district equipment (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Fleming, Lee, Moore, Sellar.

Passed to Committee on Rules for second reading.

February 6, 1980.

SUBSTITUTE HOUSE BILL NO. 1454, authorizing investments of county funds (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Fleming, Lee, Moore.

Passed to Committee on Rules for second reading.

February 6, 1980.

SUBSTITUTE HOUSE BILL NO. 1457, modifying the laws providing for joint county and city health departments (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Fleming, Lee, Moore.

Passed to Committee on Rules for second reading.

February 7, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496, requiring health insurance conversion rights for employees and their spouses (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Day, Donohue, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 7, 1980.

HOUSE BILL NO. 1950, revising laws relating to banking (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 6, 1980.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 37, establishing a judicial performance and disciplinary commission (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Jones, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senator Pullen.

Passed to Committee on Rules for second reading.

February 6, 1980.

DAVE MCNALLY, to the position of Member of the State Board for Community College Education, appointed by the Governor on September 7, 1979 for the term ending April 3, 1983, succeeding Robert Hegamin (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, von Reichbauer.

Passed to Committee on Rules.

February 6, 1980.

DOROTHY W. McCLELLAN, to the position of Member of the Council for Postsecondary Education, appointed by the Governor on December 17, 1979 for the term ending June 30, 1981, succeeding Betty Fletcher (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Guess, Scott, von Reichbauer.

Passed to Committee on Rules.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3193.

SECOND READING

SENATE BILL NO. 3193, by Senators Odegaard, Goltz, Conner, Peterson and Wilson:

Increasing local government participation in energy site certification procedures.

MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 3193 was substituted for Senate Bill No. 3193 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Morrison, the following amendments by Senators Morrison, Bottiger, Benitz, Odegaard and Quigg were considered and adopted simultaneously:

On page 1, after line 3, insert:

"Section 1. Section 1, chapter 45, Laws of 1970 ex. sess. as last 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 practice energy conservation and to encourage the beneficial utilization of recoverable energy sources.

On page 1, after line 3, insert:

"Sec. 2. Section 4, chapter 45, Laws of 1970 ex. sess. as last amended by section 1, chapter 254, Laws of 1979 1st 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 environmental ~~((and))~~, ecological and energy conservation guidelines in relation to the type, design, 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 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 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 guidelines, (b) criteria specific to the site and transmission line routing, (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 and/or permits issued by the council pursuant to chapter 90.48 RCW or RCW 80.50.040(14): *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;
- (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;
- (14) To issue permits in compliance with applicable provisions of the federally approved state implementation plan adopted in accordance with the Federal Clean Air Act, as now existing or hereafter amended, for the new construction, reconstruction, or enlargement or operation of energy facilities: *Provided*, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to this chapter: *And provided further*, That all such permits be conditioned upon compliance with all provisions of the federally approved state implementation plan which apply to energy facilities covered within the provisions of this chapter.

Renumber subsequent sections accordingly.

On motion of Senator Morrison, the following amendment by Senators Morrison and Benitz was adopted:

On page 1, after line 17, insert:

"In all instances, prior to recommending a nuclear-fueled thermal power plant site, the energy facilities site evaluation council shall provide the appropriate authorities of affected local jurisdictions with the opportunity to be heard with the objective of minimizing adverse local impacts to the extent reasonably possible. Such hearings shall be held in compliance with chapter 34.04 RCW."

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

On page 1, section 1, line 10, strike "unless" and insert: "if".

On page 1, section 1, line 13, strike "majority" and insert: "by at least a sixty percent negative".

On page 1, section 1, line 13, strike "approved" and insert: "rejected".

POINT OF INQUIRY

Senator Odegaard: "Senator Guess, then are you suggesting that when one of us runs for office and if we do not acquire sixty percent of the vote, the people really do not know what they are doing and we ought not be here?"

Senator Guess: "You put me on the spot. Senator Odegaard, I think that the people know very well what they are doing and I think that the electorate is very perceptive but to get a majority vote in certain instances on this type of a thing it becomes very emotional. I think that we would be putting the location of facilities at a great disadvantage and it was from that standpoint that I suggested the amendment."

Debate ensued.

The motion by Senator Guess failed and the amendments were not adopted.

Senator McDermott moved adoption of the following amendment:

On page 1, after line 5, strike everything down to and including "act." on line 19 and insert "The energy facility site evaluation council shall not recommend and the governor shall not approve a site certification agreement for a nuclear-fueled thermal power plant which is located outside the boundaries of the United States department of energy's Hanford reservation unless, pursuant to chapter 29.13 RCW, the voters residing in the county or counties in which the site is located or has its greatest impact, have within two years of the filing of the original application, by majority vote, approved the siting of the facility in the county by amending the applicable county zoning ordinances, resolutions, or land use plans. The voters' approval of the siting as shown by the voters' approval of the amendment to the applicable county zoning ordinances, resolutions, or land use plans shall not be construed as a waiver of any applicable statutes or regulations governing the siting, construction, financing, or operation of the facility.

This section applies only to nuclear facilities not certified as of the effective date of this act.

Sec. 2. 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) Except for nuclear-fueled thermal power plants located within the boundaries of the United States department of energy's Hanford reservation, the state does not preempt county land use plans or zoning ordinances. 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."

Renumber the remaining sections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Quigg: "Senator McDermott, on line 18 on the first page of your amendment, you talk about, or 17 and 18, 'the voters residing in the county or counties in which the site is located or has its greatest impact'. And I am kind of wondering just how we go about determining or who would determine which county. Is it a matter of who is downwind of the site, or where the people live from the site, or where exactly the site itself, how would, and who would make that determination? Could Thurston county decide that after Grays Harbor county had sited a plant like this that they did not like it and wanted to have a plebiscite to have that not sited in Grays Harbor?"

Senator McDermott: "One of the problems with these energy sites is that they do not just affect where the concrete is sitting, and I think that this would give the local voters the opportunity, the local commissioners, to put before their people a

vote on that issue if they are impacted by it and it is a real question. You see, we are acting as though you put a nuclear power plant or a coal burning plant or a plant to a siting facility to bring in oil as though that was the kind of thing that affected only the square acre it is sitting on and in fact, that is not true and this is designed to give a broader application to the principle of letting people vote about whether they want to have something within their confines affecting them."

Senator Quigg: "Well then, Senator, would this be up to EFSEC or the governor to decide that enough counties had considered the siting of a facility before they decided whether or not to go ahead and site it or how would that determination be made?"

Senator McDermott: "I think, Senator Quigg, what you are really bringing up is the fundamental question here and that is, how should sites be set? Should we have a group of bureaucrats get together somewhere and agree to buy whatever is proposed to them? I think that this body, the legislative body, ought to be the body that decides where they are going to be sited; and if there comes a big conflict, it is obviously going to come to the legislature and have to be decided here rather than allowing appointed bureaucrats to sit somewhere in meetings and decide this and then we have to go home and live with it. I think those of you who represent districts who have had the issue before you might want to have a public discussion and a public vote by elected people to make the decision rather than eight or nine bureaucrats, most of which none of us could name, and certainly nobody in your district knows who it was that put Satsop down there. All they know is that you are up here representing them and you apparently went along with that deal. And I think that none of us would want to be in the position that some of you are already in and would want to have it debated out here on the floor. That is what that is about."

Senator Quigg: "So you are saying then that this language would put this decision really to the legislature and not so much to the people in that county that had the plant sited or people in other counties that feel that the siting of that plant was going to effect them, i.e., a county that had a heavy urban population that felt that the water, let us say, and the other resources out in the rural county might be despoiled by such a plant and felt that since those were state waters of state-wide significance and game reserves and so forth, that they enjoyed using, that they did not want to have that plant sited one hundred and twenty miles from their urban county."

"That is the kind of thing that concerns me. I see all of a sudden an opportunity for a plebiscite popping up all across the state for people that would be concerned about an energy facility that may effect them only in a very most remote way."

Senator McDermott: "All of what you suggest is possible but what we have today is a group of bureaucrats deciding for us enormously costly and potentially hazardous situations without us being involved in it. We will always be the final arbiter. No matter what we put in law today, if tomorrow there is a situation that develops and they want to put a nuclear power plant in eastern King county, for instance, there would quickly be a reaction and we would be involved in it. We are always going to be drawn into these situations if it is not resolved at the local level."

Debate ensued.

POINT OF INQUIRY

Senator Lysen: "Senator Bottiger, when I was chairman of the energy committee in the House it seems to me that we passed a bill, you sent over Senate Bill 2910, and it had no provisions for local control, and we put them in which these amendments are taken from and then we passed it through the House and the Senate, so this measure, in substance, has been passed with this kind of control at the local level through both the House and the Senate. Is that correct?"

Senator Bottiger: "Senator Lysen, after long negotiations and an attempt to do some worthwhile things in cleaning up the siting act and cutting down the length of time, there was a group that insisted on some language being put in, and after making sure it would get vetoed out, we agreed to it."

Senator Lysen: "I do not know how, it did not occur to me at the time that those types of things would go on. I was taking your counsel in good faith; but the House nevertheless and the Senate concurred with this very language because of our concerns that the actual local control should prevail. So this reminds me this very language comes out of Senate Bill 2910 which passed both bodies and unfortunately the Governor vetoed it, took out the local control at that time. But I think there still is sentiment in the legislature for the local concern. I think Senator Odegaard's bill addresses that and Senator McDermott just wants to kind of nail it down a little tighter."

MOTIONS

On motion of Senator Talley, the amendment by Senator McDermott was laid upon the table.

On motion of Senator Marsh, Senator Shinpoch was excused.

On motion of Senator Bottiger, the following amendment by Senators Morrison, Bottiger and Odegaard to the title was adopted:

On page 1, line 1 of the title after "facilities;" insert:

"amending section 1, chapter 45, Laws of 1970 ex. sess. as last amended by section 29, chapter 108, Laws of 1975-76 2nd ex. sess. and RCW 80.50.010; amending section 4, chapter 45, Laws of 1970 ex. sess. as last amended by section 1, chapter 254, Laws of 1979 1st ex. sess. and RCW 80.50.040;"

MOTION

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Bill No. 3193 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 Morrison: "Senator Bottiger, does this bill have any effect at all on the location of transmission facilities or corridors?"

Senator Bottiger: "None whatsoever."

POINT OF INQUIRY

Senator Bottiger: "Senator Odegaard, this bill grants the voters a say on whether a nuclear plant will be located in their county. Is it also the intent to allow voters to rescind that approval after the plant is well along the construction or permitting process?"

Senator Odegaard: "No, Senator Bottiger, this bill authorizes voters to approve the location of a nuclear power plant at a site where it would otherwise be prohibited. The bill recognizes the need to include both the wishes of the local citizens and the requirement of an applicant for a stable planning situation. The intent of the bill is to grant voters this right of approval until an application is accepted by the energy facility site evaluation council. At that time the existing one-stop siting procedures prevail and the way for citizens to affect decisions reverts to the existing method of intervening in the case before EFSEC."

POINT OF INQUIRY

Senator Bluechel: "Senator Odegaard, if all of these facilities are built in Hanford and the major lines run to the major metropolitan areas, has any study been done that would calculate the increased cost in power from the line loss from this particular situation?"

Senator Odegaard: "Senator Bluechel, I know there have been some studies — I do not have the exact figures here. There is some loss, it is less than ten percent, as I understand; but I think the important point is that, it is kind of like a prison, we know, in the future, nuclear power plants or for that matter, prisons, are not going to be located in an area where people do not want them. And we are going to have to face the fact because of that there is going to be some additional cost."

Senator Bluechel: "Senator Odegaard, what you are saying is that it is going to cost all of the electrical rate payers in the state an extra ten percent of their bill because we locate the facility at Hanford?"

Senator Odegaard: "Whatever the figure is, Senator Bluechel. Senator Bottiger might know better than I do, the exact figure. I understand it is less than ten percent."

Senator Bluechel: "Well Senator Odegaard, I think for that reason I think this bill, among many reasons, is a very bad bill. It is increasing the cost to everybody. It is delaying the availability of more energy and all of us have heard on this floor that by 1983 we will have rolling brown-outs or black-outs, electrical rationing, and here we are delaying the availability of more energy by passing this bill."

Senator Odegaard: "Mr. President, members of the Senate. In response to that, Senator Bluechel, it is interesting to note that we very seldom do ever hear of a possible siting of a nuclear facility around urban areas. Now to follow your logic, that is where they should be sited. There would be very little loss, then, to transmission lines if they are located in Kirkland, it would be very close to Seattle metropolitan areas, if we were to follow your logic. But I understand the federal government does not allow them to be located close to metropolitan areas because the possible danger. It is all right to put them in the rural areas but it is not okay in the urban areas; but a person living in Toledo is just as important as one living in Kirkland."

Senators Matson, Quigg and Talley demanded the previous questions 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. 3193.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3193 and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Henry, Hurley, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Talley, Talmadge, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—32.

Voting nay: Senators Bluechel, Clarke, Gould, Guess, Haley, Jones, Lee, Lewis, Matson, Pullen, Sellar, Van Hollebeke, Wanamaker—14.

Absent or not voting: Senator Conner—1.

Excused: Senators Shinpoch, Vognild—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3193, having received the 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 Ridder: "I received in my office yesterday a reprint from Senator Williams of an article called 'Soft Energy Paths' which was presented as a speech in September. I am not a member of the energy committee but I think that all of us are going to be vitally concerned in these next several weeks and I would urge that each of us read it because I think it is valuable for our consideration."

MOTION

On motion of Senator Marsh, the Senate advanced to the eight order of business.

NOTICE OF PROPOSED RULE CHANGE

Senator Bottiger served notice that he would, on the next working day, propose an amendment to Senate Rule 2.

MOTIONS

On motion of Senator Marsh, the Committee on State Government was relieved from further consideration of House Bill No. 1681.

On motion of Senator Marsh, House Bill No. 1681 was rereferred to the Judiciary Committee.

At 12:50 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Friday, February 8, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 8, 1980.

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, Fleming, Haley, Matson, Morrison, Ridder and Sellar. On motion of Senator Jones, Senators Haley, Matson, Morrison and Sellar were excused. On motion of Senator Wilson, Senators Bausch, Bottiger, Fleming and Ridder were excused.

The Color Guard, consisting of Pages Chrystelle Spring and Paige Price, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"OUR GOD AND FATHER, WE OFFER THIS PRAYER TO YOU AT THIS TIME, NOT AS A MERE GESTURE TO CUSTOM OR CONVENTION, BUT TO RECOGNIZE ONCE AGAIN THAT THIS WORLD IS YOURS AND THAT WE WHO LIVE HERE BELONG TO YOU AND THAT THE WAY IN WHICH WE LIVE AND THE RELATIONSHIPS BETWEEN US ARE OF CONCERN TO YOU AS WELL AS TO US.

"THEREFORE MAY WE NOT BE OVERWHELMED NOR DISCOURAGED BY PROBLEMS THAT PERPLEX US AND RESPONSIBILITIES WHICH THREATEN TO OVERWHELM US. RATHER MAY WE GIVE YOU THANKS FOR THE OPPORTUNITY OF BEING INVOLVED IN THIS PROCESS AND BEING MATCHED WITH THIS HOUR.

"POUR OUT UPON EACH OF THESE SENATORS A MEASURE OF YOUR WISDOM. INCREASE WITHIN THEM A CONCERN FOR THE NEEDS OF THE CITIZENS OF THIS STATE. AND ENDOW EACH ONE WITH THE PRESENCE OF YOUR SPIRIT THAT YOUR WILL MIGHT BE DONE HERE TODAY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 6, 1980.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2494, granting the power of eminent domain to certain energy facilities (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2494 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hayner, Lewis, Wilson, Woody.

Passed to Committee on Rules for second reading.

February 6, 1980.

SENATE BILL NO. 3552, creating a utility stamp program for the elderly (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3552 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge.

Passed to Committee on Rules for second reading.

February 7, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 38, establishing a program of training and career development for state civil service employees (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 6, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 395, revising laws relating to chiropractors (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 7, 1980.

SUBSTITUTE HOUSE BILL NO. 799, exempting certain positions in the department of social and health services from the state civil service law (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 7, 1980.

ENGROSSED HOUSE BILL NO. 903, revising requirements for recording and filing documents for private organizations (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 7, 1980.

HOUSE BILL NO. 1254, establishing procedures for adding areas to cities in public transportation benefit areas (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Conner, Guess, Lee, Peterson, Quigg, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 6, 1980.

HOUSE BILL NO. 1521, regulating transfers of property by persons seeking eligibility for public assistance (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 7, 1980.

HOUSE BILL NO. 1593, updating the Model Traffic Ordinance (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Conner, Guess, Lee, Peterson, Quigg, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 7, 1980.

HOUSE BILL NO. 1620, making an appropriation to the department of transportation (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Conner, Peterson, Quigg, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

MOTION

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

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Goltz, the appointment of Henry R. Seidel as a member of the Board of Trustees, Bellevue Community College, District 8, was confirmed.

APPOINTMENT OF HENRY R. SEIDEL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Excused: Senators Bausch, Bottiger, Fleming, Haley, Matson, Morrison, Sellar—7.

MOTION

On motion of Senator Goltz, the appointment of Michael E. McGowan as a member of the Board of Trustees, Fort Steilacoom Community College, District 11 was confirmed.

APPOINTMENT OF MICHAEL E. MCGOWAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Bausch, Bottiger, Fleming, Matson—4.

MOTION

On motion of Senator Goltz, the appointment of Elizabeth Doumit as a member of the Board of Trustees, Lower Columbia Community College, District 13, was confirmed.

APPOINTMENT OF ELIZABETH DOUMIT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Bausch, Bottiger, Fleming, Matson—4.

MOTION

On motion of Senator Goltz, the appointment of Richard L. Schwary as a member of the Board of Trustees, Clark Community College, District 14, was confirmed.

APPOINTMENT OF RICHARD L. SCHWARY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Bausch, Bottiger, Fleming, Matson—4.

MOTION

On motion of Senator Goltz, the appointment of Raymond R. Anderson as a member of the Board of Trustees, Big Bend Community College, District 244 was confirmed.

APPOINTMENT OF RAYMOND R. ANDERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Benitz, Bluechel, Bradburn, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Bausch, Bottiger, Fleming, Matson—4.

MOTION

On motion of Senator Goltz, the appointment of Janet N. Finn as a member of the Board of Trustees, Skagit Community College, District 4, was confirmed.

APPOINTMENT OF JANET N. FINN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Bausch, Bottiger, Fleming, Matson—4.

MOTION

On motion of Senator Goltz, the appointment of Geneva U. Davidson as a member of the Board of Trustees, Columbia Basin Community College, District 19, was confirmed.

APPOINTMENT OF GENEVA U. DAVIDSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Bausch, Bottiger, Fleming, Matson—4.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Queen Robbin Asjornsen of the Daffodil Festival. Queen Robbin is from Puyallup. The President appointed Senators Gaspard, Rasmussen, Haley, Gallagher and Wojahn to escort the honored guest to the Senate rostrum.

With permission of the Senate, business was suspended to permit Queen Robbin to address the Senate.

The committee of honor escorted the honored guest from the Senate Chamber and the committee was discharged.

MOTION

At 10:45 a.m., on motion of Senator Marsh, the Senate recessed until 11:56 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:56 a.m.

MOTION

At 11:57 a.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Monday, February 11, 1980.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 11, 1980.

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, Fleming, Williams and Woody. On motion of Senator Wilson, Senators Fleming, Williams and Woody were excused. On motion of Senator Jones, Senator Bluechel was excused.

The Color Guard, consisting of Pages Betsy Dunn and Keith Seinfeld, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"UNTO YOU, OUR GOD, WE COME IN PRAYER JUST NOW AT THE BEGINNING OF A NEW WEEK TO SEEK WISDOM BEYOND OUR OWN. FOR WE KNOW THAT YOU ARE OUR CREATOR AND THAT YOU HAVE PLANTED WITHIN US AN URGE TO SEEK FOR TRUTH AND JUSTICE.

"SO WE SEEK FOR UNDERSTANDING AND KNOWLEDGE BEYOND OUR OWN SO THAT WE MIGHT RECOGNIZE THE TRUTH WHEN IT STANDS BEFORE OUR EYES. AND WE ASK FOR YOUR GUIDANCE IN DEALING WITH THE PROBLEMS FACING THE CITIZENS OF THIS STATE SO THAT JUSTICE MIGHT BE DONE.

"MAY IT BE YOUR WILL WHICH FINDS ITS FULFILLMENT BOTH NOW AND IN THE YEARS AHEAD OF US, THROUGH THE LEGISLATION PASSED BY THESE SENATORS. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 7, 1980.

SENATE BILL NO. 3080, directing the UTC to develop policies which will minimize the cost of utility service to consumers (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3080 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hayner, Hurley, Lysen, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

February 8, 1980.

SUBSTITUTE HOUSE BILL NO. 19, restoring the civil rights of persons convicted of infamous crimes upon their final discharge by the parole board (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 8, 1980.

HOUSE BILL NO. 209, authorizing discretionary review of administrative agency decisions by the court of appeals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Jones.

Passed to Committee on Rules for second reading.

February 7, 1980.

SUBSTITUTE HOUSE BILL NO. 440, authorizing parents to ride school bus or other student transportation vehicle upon request by school officials or employees (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 7, 1980.

REENGROSSED HOUSE BILL NO. 542, abolishing existing educational television commission and creating another; setting out its powers and duties, and making appropriations thereto (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 8, 1980.

SUBSTITUTE HOUSE BILL NO. 551, prohibiting pornography involving children (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Jones.

Passed to Committee on Rules for second reading.

February 7, 1980.

HOUSE BILL NO. 1106, providing for prisoner leaves of absence for volunteer community service projects (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 7, 1980.

SUBSTITUTE HOUSE BILL NO. 1107, revising rule-making authority of the state personnel board (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 7, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1210, authorizing certain exceptions relating to second class school districts respecting beneficial interests in contracts (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 7, 1980.

ENGROSSED HOUSE BILL NO. 1449, providing for receipt of certain ballots if not postmarked when received (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 8, 1980.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1676, implementing law relating to student discipline in common schools (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 7, 1980.

HOUSE BILL NO. 1686, utilizing accrual basis instead of cash basis in recognition of certain expenditures relating to school districts (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 7, 1980.

HOUSE BILL NO. 1843, providing for an inventory and energy efficiency and safety audit of existing school facilities (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 8, 1980.

Mr. President: The House has passed: ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1420, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1420, by Committee on Revenue (originally sponsored by Representatives Nelson (D.), Nisbet, McCormick, Williams, Rinehart, Martinis, Scott, Grimm, Sherman and Monohon):

Exempting energy conservation materials from the sales and use tax.

Referred to Committee on Ways and Means.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS MOTION

On motion of Senator Donohue, the appointment of Lyle Jacobsen as Director of the Office of Financial Management, was confirmed.

APPOINTMENT OF LYLE JACOBSEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn—46.

Excused: Senators Bluechel, Fleming, Woody—3.

MOTION

On motion of Senator Rasmussen, the appointment of Nancy Chinn-Jang as a member of the Commission on Asian-American Affairs, was confirmed.

APPOINTMENT OF NANCY CHINN-JANG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn—46.

Excused: Senators Bluechel, Fleming, Woody—3.

MOTION

On motion of Senator Rasmussen, the appointment of Wendy Hamai as a member of the Commission on Asian-American Affairs, was confirmed.

APPOINTMENT OF WENDY HAMAI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn—45.

Absent or not voting: Senator Lysen—1.

Excused: Senators Bluechel, Fleming, Woody—3.

MOTION

On motion of Senator Rasmussen, the appointment of Paul Shigemi Isaki as a member of the Commission on Asian-American Affairs, was confirmed.

APPOINTMENT OF PAUL SHIGEMI ISAKI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn—46.

Excused: Senators Bluechel, Fleming, Woody—3.

MOTION

On motion of Senator Rasmussen, the appointment of Phoune Keomahauong as a member of the Commission on Asian-American Affairs, was confirmed.

APPOINTMENT OF PHOUNE KEOMAHAUONG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Guess—1.

Excused: Senators Bluechel, Fleming—2.

MOTION

On motion of Senator Rasmussen, the appointment of Raymond T. Lew as a member of the Commission on Asian-American Affairs, was confirmed.

APPOINTMENT OF RAYMOND T. LEW

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Guess—1.

Excused: Senators Bluechel, Fleming—2.

MOTION

On motion of Senator Rasmussen, the appointment of Jo-Elaine Akemi Matsumoto as a member of the Commission on Asian-American Affairs, was confirmed.

APPOINTMENT OF JO-ELAINE AKEMI MATSUMOTO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson,

Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.
 Absent or not voting: Senators Conner, Guess, Jones, von Reichbauer—4.
 Excused: Senators Bluechel, Fleming—2.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of an amendment to Senate Resolution 1980-158 specifically to Senate Rule 2, notice of which had been given by Senator Bottiger on February 7, 1980.

Senator Walgren moved adoption of the following amendment by the Committee on Energy and Utilities to Senate Resolution 1980-158:

Amend Rule 2 as follows:

"COMMITTEES—APPOINTMENT AND CONFIRMATION

RULE 2. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate: PROVIDED, HOWEVER, That the appointment of the said conference, special, and joint committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any such conference, special or joint committee or committees, such committee or committees shall be forthwith elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

1. Agriculture	6
2. Commerce	6
3. Constitution and Elections	9
4. Ecology	7
5. Education	7
6. Energy and Utilities	10
7. Financial Institutions and Insurance	8
8. Higher Education	7
9. Judiciary	10
10. Labor	7
11. Local Government	9
12. Natural Resources	11
13. Parks and Recreation	7
14. Rules	14
15. Social and Health Services	8
16. State Government	7
17. Transportation	12
18. Ways and Means	20

Any of the above referenced committees, or any special committees created herein, shall have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW, as authorized by the committee on rules, for specific purposes and for specific subjects in accordance with the authorization of the committee on rules."

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

In Committee Listing, after "3." strike "Constitution" and insert "Constitutions"

Senator Hayner moved adoption of the following amendment by Senators Hayner and Scott to the amendment:

On line 6 of the amendatory language, after "authorized by" insert "a two-thirds (2/3) vote of the members of"

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the amendment by Senators Hayner and Scott to the amendment by the Committee on Energy and Utilities to Senate Resolution 1980-158.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 18; nays, 29; excused 2.

Voting yea: Senators Benitz, Clarke, Gallagher, Gould, Guess, Haley, Hayner, Jones, Lee, Lewis, Matson, Morrison, Pullen, Quigg, Scott, Sellar, Wanamaker—18.

Voting nay: Senators Bausch, Bottiger, Conner, Day, Donohue, Gaspard, Goltz, Hansen, Henry, Hurley, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—29.

Excused: Senators Bluechel, Fleming—2.

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendment by the Committee on Energy and Utilities as amended by Senator Pullen to Senate Resolution 1980-158.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was adopted by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Matson, von Reichbauer—2.

Excused: Senators Bluechel, Fleming—2.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, I have to ask this of the President at this time because we have nothing before the body but I notice in the law it says 'the witness will be paid two dollars per day and five cents per mile in attending under these subpoena powers'. Would it be your opinion that that would be enough to compensate anybody coming from Okanogan or some place like that?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that would not be enough, Senator, be inadequate."

MOTION

At 12:12 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, February 12, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY SNYDER, Secretary of the Senate.

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 12, 1980.

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 Quigg and von Reichbauer. On motion of Senator Jones, Senator Quigg was excused. On motion of Senator Wilson, Senator von Reichbauer was excused.

The Color Guard, consisting of Pages Lavee, Barlow and Cheryle Hansen, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"DEAR GOD AND FATHER OF US ALL, IN THIS MOMENT OF PRAYER AND QUIETNESS, WE BECOME AWARE OF THE NOISE AND CONFUSION IN OUR LIVES, AND REALIZE ANEW THAT WE ARE TORN AND DIVIDED WITHIN OURSELVES BY A VARIED MIXTURE OF FEELINGS, CONVICTIONS AND MOTIVATIONS. WE FIND IT TO BE DIFFICULT TO MAINTAIN OUR STEADFAST PURSUIT OF WORTHY GOALS AND TO MAINTAIN OUR INTEGRITY IN THOUGHT AND DEED.

"WE ASK THEREFORE THAT YOU WOULD HELP US TO FOCUS AND DIRECT OUR LIVES TOWARD THE TASKS THAT ARE SET BEFORE US. MAY WE NOT BE TURNED ASIDE BY DIFFICULTIES NOR ANNOYANCES. AND MAY WE RESIST THE ALL-TOO-EASY TEMPTATION TO BLAME SOMEONE ELSE FOR THE PROBLEMS, AND THEREBY ATTEMPT TO EXCUSE OURSELVES FROM THE RESPONSIBILITY OF TRYING TO SOLVE THEM. HELP EACH SENATOR THIS DAY TO MAKE THOSE DIFFICULT DECISIONS WHICH LEAD TO CREATIVE SOLUTIONS. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 11, 1980.

SENATE BILL NO. 3420, appropriating funds for a feasibility study of constructing waste energy resource recovery facilities in various locations in the state (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3420 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Bottiger, Chairman; Gould, Hurley, Wilson, Woody.

Passed to Committee on Rules for second reading.

February 11, 1980.

SECOND SUBSTITUTE HOUSE BILL NO. 240, making real estate excise tax a state tax (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Bausch, Fleming, Goltz, Jones, Marsh, Matson, Morrison, Rasmussen, Ridder, Shipoch, Wojahn.
Passed to Committee on Rules for second reading.

February 11, 1980.

SUBSTITUTE HOUSE BILL NO. 315, establishing criteria for the regulation of professions and occupations (reported by Committee on Commerce):

Recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 11, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 382, requiring smoke detectors in certain dwelling units (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg.

Passed to Committee on Rules for second reading.

February 11, 1980.

HOUSE BILL NO. 520, revising laws regulating the practice of medicine (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Vognild.

Passed to Committee on Rules for second reading.

February 11, 1980.

SUBSTITUTE HOUSE BILL NO. 898, revising laws relating to health officers (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 11, 1980.

SUBSTITUTE HOUSE BILL NO. 1359, relating to insurance of juvenile community service workers (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 11, 1980.

ENGROSSED HOUSE BILL NO. 1453, creating a program to study the use of wood for energy and heat (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Gould, Hurley, Wilson, Woody.

Passed to Committee on Rules for second reading.

February 11, 1980.

HOUSE BILL NO. 1458, allowing public assistance recipients in nursing homes to retain wages from training or rehabilitative programs (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 11, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1480, giving college and university students limited responsibility for recommending programs paid with services and activities fees (reported by Committee on Higher Education):

Recommendation: Do pass as amended.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

February 11, 1980.

SUBSTITUTE HOUSE BILL NO. 1510, extending grounds for termination of a franchise (reported by Committee on Commerce):

Recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 11, 1980.

HOUSE BILL NO. 1524, modifying the law on public employment salary surveys (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 11, 1980.

ENGROSSED HOUSE BILL NO. 1663, requiring inclusion of contractors' registration number in advertising materials (reported by Committee on Commerce):

Recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 12, 1980.

HOUSE BILL NO. 1976, providing for pollution control facilities (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Williams, Chairman; Bradburn, Goltz, Guess, Hansen.

Passed to Committee on Rules for second reading.

February 11, 1980.

HOUSE JOINT MEMORIAL NO. 24, requesting federal help in promoting use of wood to relieve energy shortage (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hurley, Lewis, Lysen, Wilson, Woody.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 11, 1980.

JAMES E. BROOKS, Ph.D., to the position of Member of the Board of Trustees, Community College District No. 16, appointed by the Governor on January 15, 1980 for the term ending September 30, 1980, succeeding Ruth F. Mottley (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 11, 1980.

DAN W. STEPHENS, to the position of Member of the Board of Trustees, Community College District No. 16, appointed by the Governor on January 8, 1980 for the term ending September 30, 1982, succeeding Paul Edmondson (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

February 11, 1980.

VIRGINIA HISLOP, to the position of Member of the Board of Trustees, Community College District No. 16, appointed by the Governor on January 15, 1980 for the term ending September 30, 1983, succeeding Martha Indermuhle (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 11, 1980.

JOAN HARRIS, to the position of Member of the Board of Trustees, Community College District No. 16, appointed by the Governor on January 15, 1980 for the term ending September 30, 1984, succeeding Edward G. Ellis (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

Office of the Governor, February 8, 1980.

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:

Anthony Washines, appointed January 15, 1980, for a term ending September 30, 1981, succeeding Melvin R. Sampson as a member of the Board of Trustees, Community College District No. 16.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

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

GUBERNATORIAL APPOINTMENT

February 12, 1980.

ANTHONY WASHINES, to the position of Member of the Board of Trustees, Community College District No. 16, appointed by the Governor on January 15,

1980 for the term ending September 30, 1981, succeeding Melvin R. Sampson (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, von Reichbauer.

MOTIONS

On motion of Senator Guess, the Committee on Higher Education was relieved from further consideration of gubernatorial appointment 268, Anthony Washines.

On motion of Senator Guess, gubernatorial appointment 268, Anthony Washines was rereferred to the Committee on Rules.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, February 8, 1980.

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:

Marven K. Eggert, appointed February 7, 1980, for a term ending September 30, 1982, succeeding John Whittaker as a member of the Board of Trustees, Western Washington University.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

Office of the Governor, February 11, 1980.

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:

James B. Hovis, appointed February 7, 1980, for a term ending January 14, 1985, succeeding Gary L. Jackson as a member of the Washington Horse Racing Commission.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on State Government.

MESSAGES FROM THE HOUSE

February 11, 1980.

Mr. President: The House has passed: ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1546, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 11, 1980.

Mr. President: The House has adopted: SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 29, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1546, by Committee on Revenue (originally sponsored by Representatives Nisbet, Sherman, Pruitt, Tupper, Williams, McCormick, Scott, Nelson (D.), Wilson, Charnley, Addison, Bauer, Bender, Brekke, Burns, Erak, Greengo, Van Dyken, Walk, Rinehart, Sanders, Brown, Lux, Monohon, Gallagher, Grimm and McGinnis):

Changing the valuation of unconventional heating and cooling systems for property taxation.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 29, by Committee on Higher Education (originally sponsored by Representatives Heck, Galloway, Bauer, Zimmerman, Barnes and Grimm):

Providing for a joint legislative committee to consult with like members from other states on higher education reciprocity programs.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Marsh, there being no objections, gubernatorial appointments 191, 192, 193, 194, 195, 215, 216, 217 and 218 will be acted upon as one with one roll call.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS
MOTION

On motion of Senator Rasmussen, the appointment of Sam S. Nakagawa as a member of the Commission on Asian-American Affairs was confirmed.

APPOINTMENT OF SAM S. NAKAGAWA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Quigg—1.

MOTION

On motion of Senator Rasmussen, the appointment of Paull H. Shin as a member of the Commission on Asian-American Affairs was confirmed.

APPOINTMENT OF PAULL H. SHIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Quigg—1.

MOTION

On motion of Senator Rasmussen, the appointment of John L. F. Slee as a member of the Commission on Asian-American Affairs was confirmed.

APPOINTMENT OF JOHN L. F. SLEE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Quigg—1.

MOTION

On motion of Senator Rasmussen, the appointment of Joe Yoshio Tokunaga as a member of the Commission on Asian-American Affairs was confirmed.

APPOINTMENT OF JOE YOSHIO TOKUNAGA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Quigg—1.

MOTION

On motion of Senator Rasmussen, the appointment of Janice Lee Yoshiwara as a member of the Commission on Asian-American Affairs was confirmed.

APPOINTMENT OF JANICE LEE YOSHIWARA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Quigg—1.

MOTION

On motion of Senator Rasmussen, the appointment of Albert Alvarez as a member of the Commission on Mexican-American Affairs was confirmed.

APPOINTMENT OF ALBERT ALVAREZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Quigg—1.

MOTION

On motion of Senator Rasmussen, the appointment of Olivia T. Cuellar as a member of the Commission on Mexican-American Affairs was confirmed.

APPOINTMENT OF OLIVIA T. CUELLAR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Quigg—1.

MOTION

On motion of Senator Rasmussen, the appointment of Armando A. Garcia as a member of the Commission on Mexican-American Affairs was confirmed.

APPOINTMENT OF ARMANDO A. GARCIA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Quigg—1.

MOTION

On motion of Senator Rasmussen, the appointment of Linda Rae Wynne as a member of the Commission on Mexican-American Affairs was confirmed.

APPOINTMENT OF LINDA RAE WYNNE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen,

Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Quigg—1.

MOTION

On motion of Senator Donohue, the appointment of Wilder Foote as a member of the Public Employees Retirement Board was confirmed.

APPOINTMENT OF WILDER FOOTE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

MOTION

On motion of Senator Goltz, the appointment of David C. Van Hoose as a member of the Board of Trustees, Highline Community College, District 9, was confirmed.

APPOINTMENT OF DAVID C. VAN HOOSE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

MOTION

On motion of Senator Goltz, the appointment of Philip L. Burton as a member of the Board of Trustees, Seattle Community College, District 6, was confirmed.

APPOINTMENT OF PHILIP L. BURTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

MOTION

At 11:36 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.

MOTION

At 12:35 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Wednesday, February 13, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 13, 1980.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Donohue, Gallagher, Goltz, Haley, Lysen, Matson, Pullen and Shinpoch. On motion of Senator Jones, Senators Benitz, Gallagher, Haley, Matson and Pullen were excused. On motion of Senator Wilson, Senators Donohue, Goltz, Lysen and Shinpoch were excused.

The Color Guard, consisting of Pages Mary Anne Rogers and Debbie Ehrich, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD, THE ONE WHO HAS CREATED US AND FORMED US INTO ONE NATION UNDER GOD, WE SET ASIDE THIS MOMENT TO STAND IN YOUR PRESENCE IN PRAYER. AND IN DOING SO, WE SEEK YOUR BLESSING AND GUIDANCE UPON EACH OF THESE SENATORS AS THEY FACE THEIR TASKS THIS DAY. WHEN THEY ARE GENUINELY PERPLEXED, GIVE THEM THE WISDOM TO DISCERN THE REAL ISSUES FROM THE FALSE ONES AND THE READINESS TO CHOOSE BETWEEN THEM. WHEN THEY ARE PRESSURED FROM EVERY SIDE, GIVE THEM THE COURAGE TO MOVE AHEAD IN A MANNER WHICH REMAINS TRUE TO THEIR INNER CONVICTIONS. WHEN THEY ARE CONFRONTED WITH DIFFICULT DECISIONS, GIVE THEM THE READINESS TO ACT WITHOUT WAVERING OR DELAY. AND GIVE EACH OF THEM A GREATER AWARENESS OF YOUR PRESENCE ALONGSIDE THEM DURING THESE DECISION FILLED DAYS. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 12, 1980.

ENGROSSED HOUSE BILL NO. 1434, permitting replies to recall charges and directing the attorney general to determine the sufficiency of the charge against a prosecuting attorney (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Marsh, Pullen, Ridder.

Passed to Committee on Rules for second reading.

February 12, 1980.

HOUSE BILL NO. 1475, modifying terminology relating to regular and special sessions of the legislature (reported by Committee on Constitution and Elections):

Recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Marsh, Peterson, Pullen, Ridder.

Passed to Committee on Rules for second reading.

February 11, 1980.

ENGROSSED HOUSE BILL NO. 1762, permitting courts to require contributions to a county or interlocal drug-fund as a condition of probation (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bradburn, Lee, Moore, Sellar.

Passed to Committee on Rules for second reading.

February 12, 1980.

SUBSTITUTE HOUSE BILL NO. 1807, directing stricter regulation and inspection of hazardous cargoes (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Gallagher, Guess, Hansen, Lee, Peterson, Quigg, Wanamaker.

Passed to Committee on Rules for second reading.

February 12, 1980.

ENGROSSED HOUSE BILL NO. 1829, permitting voter registration at high schools and fire stations (reported by committee on Constitutions and Elections):

Recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Marsh, Peterson, Pullen, Ridder.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 12, 1980.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 1476,

HOUSE BILL NO. 1526,

HOUSE BILL NO. 1542,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1583,

HOUSE BILL NO. 1643, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 12, 1980.

Mr. President: The House has adopted: REENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 12, 1980.

Mr. President: The House has passed:

SUBSTITUTE SENATE BILL NO. 3195,

SENATE BILL NO. 3219,

SENATE BILL NO. 3406 and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 1476, by Committee on Appropriations (originally sponsored by Representatives Thompson, Chandler, Keller, Zimmerman, Brown, Gallagher, Kreidler and Salatino (by State Patrol request):

Appropriating funds for overtime earned by commissioned traffic officers of the Washington state patrol.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1526, by Representative Thompson:

Making an appropriation to the state treasurer.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1542, by Representative Thompson:

Making an appropriation to the state patrol.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1583, by Committee on Appropriations (originally sponsored by Representative Nelson (G.)):

Making appropriations for institutions of higher education.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1643, by Representatives Thompson, Chandler, Heck and Taylor:

Authorizing bonds for common school construction.

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 gubernatorial appointment 256.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENT
MOTION

On motion of Senator Odegaard, the appointment of K. O. Rosenberg as a member of the Board of Trustees, Spokane Community College, District 17 was confirmed.

APPOINTMENT OF K. O. ROSENBERG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—40.

Excused: Senators Benitz, Donohue, Gallagher, Goltz, Haley, Lysen, Matson, Pullen, Shinpoch—9.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of gubernatorial appointment 256.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT
MOTION

On motion of Senator Day, the appointment of Eugene M. Corr as a member of the Board of Prison Terms and Paroles, was confirmed.

APPOINTMENT OF EUGENE M. CORR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent or not voting, 1; excused, 9.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—39.

Absent or not voting: Senator Quigg—1.

Excused: Senators Benitz, Donohue, Gallagher, Goltz, Haley, Lysen, Matson, Pullen, Shinpoch—9.

SECOND READING

SENATE BILL NO. 3200, by Senators Talmadge, Quigg, Moore, Wojahn, Shinpoch and von Reichbauer:

Establishing the office of mental health ombudsman.

REPORT OF STANDING COMMITTEE

January 21, 1980.

SENATE BILL NO. 3200, establishing the office of mental health ombudsman (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 29 of the original bill, being page 2, line 1 of the printed bill, after "responsibilities" insert "only"

On page 2, line 6 of the original bill, being page 2, line 8 of the printed bill, after "members;" strike "and"

On page 2, line 8 of the original bill, being page 2, line 10 of the printed bill, after "personnel" strike the period and insert a semicolon, and on line 9 of the original bill, being line 11 of the printed bill, insert:

"(4) To work closely with the department of social and health services in meeting mental health concerns."

On page 2, line 23 of the original bill, being page 2, line 25 of the printed bill, after "sum of" strike "two" and insert "one"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Hurley, Talmadge.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments were adopted.

Senator Haley moved adoption of the following amendment:

On page 1, line 20 strike "office of" and after "ombudsman" insert: "program"

Debate ensued.

MOTION

On motion of Senator Marsh, Senate Bill No. 3200, as amended, was ordered held for further consideration following Senate Bill No. 3473.

SECOND READING

SENATE BILL NO. 3473, by Senators Gaspard, Matson, McDermott and Morrison (by Superintendent of Public Instruction request):

Providing for inventory and energy efficiency and safety audit of existing school facilities.

The bill was read the second time by sections.

On motion of Senator Guess and with the consent of Senator Gaspard the Senate commenced consideration of the following amendment by Senator Guess:

On page 1, line 20, add the following proviso:

": PROVIDED, That for purposes of the energy efficiency and safety audits, the board shall utilize existing local organizations which are qualified to perform such audits to the extent qualified local organizations are available"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, on your amendment you indicate it first has to be computerized and state-wide which would kind of limit the firms that were considered for this job. What I am wondering, is it not possible for a local firm, not necessarily putting it down on software, I am thinking of, I know city light engineers do do this, go out and survey buildings and make recommendations as to efficiency for electric installations on heat. Wouldn't it be possible for local firms to put this down and then have it transferred to tape, computer tape, and then could be stored down here or with the school system, I think it could use the Everett school system computer. Then it is not necessary to go state-wide on it if you can get the information locally; and then transfer it to tape and you would then have your computerized information. That is my question."

Senator Gaspard: "Senator Rasmussen, the information is going to be locally, that is where we will collect the information; but there is a difference in the collection of the information and how the information is going to be used when available on a state-wide basis. I might also point out that we are going to have to go back, most likely, and validate some of that information. Past experience in other states has indicated that thirty percent of the information collected was wrong and needed to be revised. We need to have some type of a state-wide system that will allow us to compare apples and apples, not apples and oranges. The information, one thing I noticed about the superintendent of public instruction's office, it has three hundred and some-odd local school districts. And many times the request from the SPI office or the state board should give us averages or particular figures about all the school districts out there. In many cases each school district has their own information. There hasn't been a collection that has looked at that information and put it on a state-wide basis. I think that any information that we are requiring from the SPI office now involving energy and energy savings, we have to have something available to us on a state-wide basis that we know that when we compare a school in Vancouver to a school in Tacoma, we are talking about the same type of energy savings."

POINT OF INQUIRY

Senator Rasmussen: "Senator Donohue, has this bill been in the ways and means committee?"

Senator Donohue: "No, Senator, it has not."

Senator Rasmussen: "We have spoken of eight hundred thousand dollars and probably from what I just heard from Senator Gaspard, it probably will run over a million dollars. Why hasn't this been referred to your committee?"

Senator Donohue: "I would assume that the question should probably go to the chairman of the committee that it came out of, Senator, and let him respond."

POINT OF ORDER

Senator Gaspard: "Mr. President, a Point of Order. We are on an amendment that is pending on the bill and I think the discussion that just took place between Senator Rasmussen and Senator Donohue is not to the order of business at hand."

MOTION

Senator Rasmussen moved that Senate Bill No. 3473 be rereferred to the Committee on Ways and Means.

Debate ensued.

MOTION

Senator Marsh moved that further consideration of Senate Bill No. 3473 and the pending amendment by Senator Guess be deferred.

There being no objection, on motion of Senator Rasmussen, the motion to refer Senate Bill No. 3473 to the committee on ways and means was withdrawn.

The motion by Senator Marsh carried. Further consideration of Senate Bill No. 3473 and the pending amendment by Senator Guess was deferred.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3195,
SENATE BILL NO. 3219,
SENATE BILL NO. 3406.

SECOND READING

SENATE BILL NO. 3200, by Senators Talmadge, Quigg, Moore, Wojahn, Shinpoch and von Reichbauer:

Establishing the office of mental health ombudsman.

The Senate resumed consideration of Senate Bill No. 3200, as amended by the committee amendments earlier today and the following amendment by Senator Haley which had been moved for adoption:

On page 1, line 20 strike "office of" and after "ombudsman" insert: "program"

The motion by Senator Haley carried and the amendment was adopted.

On motion of Senator Haley, the following amendments were considered and adopted simultaneously:

On page 1, line 27 strike "office of" and on line 28 after "ombudsman" insert: "program"

On page 2, line 13 strike "office of" and on line 14 after "ombudsman" insert: "program"

On page 2, line 15 strike "office of" and after "ombudsman" insert: "program"

On page 2, line 19 after "developed" insert: "as part of the program" and strike the remainder of the section down to the period on line 21.

Senator Haley moved adoption of the following amendment:

On page 1, line 21 after "(2)" strike the remainder of the section through line 26 and insert:

"The Office of Financial Management shall implement this program through a "request-for-proposal" method and a subsequent contract for services with a private agency demonstrating an ability to meet the program's goals. The proposal must

demonstrate the private agency's ability to provide all services set forth in section 3 of this act."

Debate ensued.

The motion by Senator Haley failed and the amendment was not adopted.

Senator Talmadge moved adoption of the following amendment:

On page 1, line 21, after "(2)" strike the remainder of the section through line 26 and insert:

"A joint committee of the legislature consisting of four members of the senate appointed by the president of the senate and four members of the house of representatives appointed by the speakers of the house of representatives shall select a mental health ombudsman and shall monitor the implementation of this act."

Senator Day moved adoption of the following amendment to the amendment by Senator Talmadge:

On the last line of the Talmadge amendment, after "act" insert ": PROVIDED, That no more than two members of each house are of the same party."

Debate ensued.

POINT OF INQUIRY

Senator Day: "Senator Talmadge, I note that it does not delineate on here that this is to be in any way a bipartisan committee. Was it your intent that this have language in here that would assure that?"

Senator Talmadge: "I think, Senator Day, from the numbers involved and the character of the committee it is clearly a bipartisan committee. I think the President of the Senate and the Speakers of the House would constitute the committee in such a fashion as to give it a bipartisan character."

Senator Day: "Senator Talmadge, would you object to an amendment following 'act' which in effect said that 'no more than two members of each house shall be from one party' which would accomplish the objective? And then I think it will go right on in."

Senator Talmadge: "Senator Day, what was that. . ."

Senator Day: ". . . just to add the proviso at the end saying 'provided that no more than two of the members appointed from the house or senate shall be from one party' and that will accomplish the objective, so, or two members, however you want to write it so that, I think when it gets to the House it will go a lot better and I think it will go easier here, too."

Senator Talmadge: "Senator, I would have no concern with that proviso."

POINT OF INQUIRY

Senator Hayner: "Senator Talmadge, is it your intention then, that this committee should decide on the salaries of those individuals?"

Senator Talmadge: "Yes."

POINT OF INQUIRY

Senator Guess: "Mr. President, I think that I would like to suggest to Senator Talmadge, if this amendment is adopted, then we are going to have to go down and do further amendments in the bill or to, in some way, provide that the provisions of 41.06 are carried out. This does not read complete to me—is it your intention to offer further amendments on that?"

Senator Talmadge: "Senator Guess, it was not my intention to offer further amendments at this time."

Further debate ensued.

The motion by Senator Day carried and the amendment to the amendment was adopted on a rising vote.

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

MOTIONS

On motion of Senator Wilson, Senator Donohue was excused.

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3200 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3200, and the bill passed the Senate by the following vote: Yeas, 34; nays, 10; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Conner, Day, Fleming, Gallagher, Gaspard, Gould, Haley, Hansen, Hurley, Lee, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—34.

Voting nay: Senators Benitz, Clarke, Guess, Hayner, Jones, Lewis, Rasmussen, Scott, Sellar, Wanamaker—10.

Absent or not voting: Senator Henry—1.

Excused: Senators Donohue, Goltz, Matson, Pullen—4.

ENGROSSED SENATE BILL NO. 3200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

February 13, 1980.

Mr. President: The Speakers have signed:
SUBSTITUTE SENATE BILL NO. 3195,
SENATE BILL NO. 3219,

SENATE BILL NO. 3406, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

REPORTS OF STANDING COMMITTEES

February 13, 1980.

HOUSE BILL NO. 115, authorizing private construction and improvement of county roads (reported by by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Fleming, Lee, Moore.

Passed to Committee on Rules for second reading.

February 12, 1980.

SUBSTITUTE HOUSE BILL NO. 131, providing for board members after the merger of special purpose districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bradburn, Fleming, Lee, Moore, Talley.

Passed to Committee on Rules for second reading.

February 13, 1980.

REENGROSSED HOUSE BILL NO. 168, excluding babysitting referral services from the definition of employment agency (reported by Committee on Commerce):

Recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 284, establishing labeling requirements for frozen fish (reported by Committee on Commerce):

Recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 12, 1980.

HOUSE BILL NO. 878, clarifying the powers of sewer districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bradburn, Fleming, Lee, Moore, Talley.

Passed to Committee on Rules for second reading.

February 12, 1980.

SUBSTITUTE HOUSE BILL NO. 1008, requiring the department of fisheries to collect data on transfers of commercial fishing vessels and licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Lee, Odegaard, Quigg, Talley.

Passed to Committee on Rules for second reading.

February 12, 1980.

SUBSTITUTE HOUSE BILL NO. 1016, dividing sales and use exemption subsections into separate sections (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Gaspard, Goltz, Jones, Morrison, Odegaard, Rasmussen, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

February 13, 1980.

SUBSTITUTE HOUSE BILL NO. 1093, authorizing special purpose districts to spend funds to recruit and reimburse job candidates (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Fleming, Lee, Moore, Talley.

Passed to Committee on Rules for second reading.

February 12, 1980.

ENGROSSED HOUSE BILL NO. 1371, relating to county road projects (reported by Committee on Local Government):

Recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Fleming, Henry, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 13, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408, authorizing the creation of solid waste disposal districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bluechel, Bradburn, Fleming, Lee, Moore.

Passed to Committee on Rules for second reading.

February 12, 1980.

SUBSTITUTE HOUSE BILL NO. 1429, regulating the taking of shellfish on private tidelands (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 1431, removing duty of educational service district superintendent to examine certain records and check certain accounts (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 1432, removing school district director terms from assumption of office date common to counties, cities and towns and certain other special purpose districts (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 13, 1980.

ENGROSSED HOUSE BILL NO. 1463, authorizing waiver of mandatory attendance law for certain students excused for purposes agreed to by school authorities (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 13, 1980.

SUBSTITUTE HOUSE BILL NO. 1466, reestablishing levels school districts shall put public bids out for on improvements and purchases (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder.

Passed to Committee on Rules for second reading.

February 12, 1980.

ENGROSSED HOUSE BILL NO. 1486, restricting issuance of free razor clamming licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 13, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1558, exempting certain dwellings from the access roadway requirements of the fire code (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bradburn, Fleming, Lee, Moore.

Passed to Committee on Rules for second reading.

February 12, 1980.

SUBSTITUTE HOUSE BILL NO. 1575, permitting classification of county roads as primitive roads (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Fleming, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 12, 1980.

ENGROSSED HOUSE BILL NO. 1598, adding two members to the salmon advisory council (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Odegaard, Quigg, Vognild.

Passed to Committee on Rules for second reading.

February 12, 1980.

HOUSE BILL NO. 1685, permitting cities to regulate parking facilities not owned by the city (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Fleming, Henry, Moore, Talley.

Passed to Committee on Rules for second reading.

February 12, 1980.

SUBSTITUTE HOUSE BILL NO. 1743, authorizing certain cities to appoint a park commission (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended and be referred to Committee on Parks and Recreation.

Signed by: Senators Wilson, Chairman; Bradburn, Fleming, Lee, Moore, Talley.

Rereferred to Committee on Parks and Recreation.

February 13, 1980.

HOUSE BILL NO. 1813, establishing attendance incentive programs for school districts and educational service district employees (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 12, 1980.

ENGROSSED HOUSE BILL NO. 1870, requiring a bill of lading for hazardous material to be red (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Gallagher, Lee, Peterson, Quigg, Wanamaker.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 1943, authorizing excess levies for road districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Fleming, Lee, Moore, Talley.

Passed to Committee on Rules for second reading.

February 12, 1980.

HOUSE BILL NO. 1960, requiring notice of certain city programs be provided to counties (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bradburn, Fleming, Lee, Moore, Talley.

Passed to Committee on Rules for second reading.

February 12, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1983, revising laws relating to motor vehicle insurance (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

SECOND READING

SENATE BILL NO. 3473, by Senators Gaspard, Matson, McDermott and Morrison (by Superintendent of Public Instruction request):

Providing for inventory and energy efficiency and safety audit of existing school facilities.

The Senate resumed consideration of Senate Bill No. 3473 and the following amendment by Senator Guess that had been moved for adoption earlier today:

On page 1, line 20, add the following proviso:

"PROVIDED, That for purposes of the energy efficiency and safety audits, the board shall utilize existing local organizations which are qualified to perform such audits to the extent qualified local organizations are available"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendment by Senator Guess.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 15; nays, 26; absent or not voting, 2; excused, 6.

Voting yea: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Haley, Hayner, Jones, Lee, Lewis, Morrison, Quigg, Scott, Sellar—15.

Voting nay: Senators Bausch, Bottiger, Conner, Day, Fleming, Gaspard, Hansen, Hurley, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—26.

Absent or not voting: Senators Henry, Walgren—2.

Excused: Senators Donohue, Goltz, Matson, Pullen, Wanamaker—6.

Senator Gaspard moved adoption of the following amendment:

On page 1, line 20, after "needs" insert ": PROVIDED That for purposes of the energy efficiency and safety audits, the state board of education shall utilize existing local organizations which are qualified to provide a comprehensive and consistent, statewide, computerized inventory and energy audit system suitable for state acquisition and management to the extent that local organizations are available"

Debate ensued.

The motion by Senator Gaspard carried and the amendment was adopted.

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 3473 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3473, and the bill passed the Senate by the following vote: Yeas, 27; nays, 16; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Fleming, Gaspard, Hansen, Jones, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wilson, Wojahn, Woody—27.

Voting nay: Senators Benitz, Bluechel, Donohue, Gallagher, Gould, Guess, Haley, Hayner, Hurley, Lee, Lewis, Lysen, Rasmussen, Sellar, Van Hollebeke, Williams—16.

Absent or not voting: Senator Henry—1.

Excused: Senators Goltz, Matson, Pullen, Wanamaker—5.

ENGROSSED SENATE BILL NO. 3473, having received the 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 eighth order of business.

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

SENATE RESOLUTION 1980-174

By Senators Conner and Talley:

WHEREAS, There is considerable interest among the public concerning the size and vitality of the Pacific salmon stocks in Washington; and

WHEREAS, Of particular importance are the numbers of spawning salmon returning to state hatcheries or to natural streams and rivers;

NOW, THEREFORE, BE IT RESOLVED, That the Senate requests that the department of fisheries publish an annual report outlining the requirements for and the success or failure of each salmon hatchery and natural salmon escapement. The reports should also outline any necessary corrective measures such as replanting, desiltation, stream clearing, etc. The Senate requests that the department solicit bids and award contracts to qualified bidders to carry out the corrective measures.

MOTIONS

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

SENATE RESOLUTION 1980-175

By Senator Vognild:

WHEREAS, The courage, fortitude and determination of one man can bring about a much needed change in our system; and

WHEREAS, Howard Dalton, a forty-two year old Everett, Washington businessman died from lung cancer February 7, 1980; and

WHEREAS, Howard Dalton, after learning that he had terminal lung cancer in November, 1978, and had six to eight months to live, applied for social security disability benefits and became outraged by an injustice in our social security system when he found that he would be eligible for benefits only after a five-month period; and

WHEREAS, Howard Dalton spent the remainder of his life engaged in two gallant battles; one battle against the cancer which finally struck him down, and the other battle for a much needed reform in the social security laws; and

WHEREAS, This brave man devoted his life to right a wrong and improve the lives of terminally ill people in this nation by seeking a change in the social security laws where the normal waiting period for social security disability benefits would be waived if the recipient were terminally ill; and

WHEREAS, People who are terminally ill should be able to benefit from the money that they have paid into the social security system before the desperately needed help is too late; and

WHEREAS, The United States Senate passed this amendment to the Social Security Omnibus Reform bill during Howard Dalton's lifetime, and the United States House of Representatives by passing this much needed amendment to make our social security laws more just would be paying a tribute to the memory of Howard Dalton and proving to the sometimes disenchanted citizens of this nation that one concerned citizen can make a difference in this complex age;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the United States House of Representatives be urged to pass the "Dalton amendment" to the Social Security Omnibus Reform Bill; and

BE IT FURTHER RESOLVED, That the deepest sympathy of each member of the Senate of the State of Washington be conveyed to Howard Dalton's widow, Joy Dalton, and his family; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the President of the United States Senate, the Speaker of the House of Representatives, each member of Congress from the State of Washington, and to Howard Dalton's widow, Joy Dalton, and his family.

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Mr. President, Howard Dalton learned he had lung cancer in November, 1978, and was told he had six to eight months to live. He devoted that time to attempting to correct a wrong in the Social Security system. The courage and fortitude and determination of one man can sometimes bring about change in our system. This man nearly succeeded. The United States Senate has passed an amendment to the Social Security bill which would have corrected the injustice. He did not see the end of this—he passed away on February 7, 1980. The United States House of Representatives is now considering this amendment. I feel this resolution recognized this man's efforts. I feel it was a worthy cause and I urge your support of this resolution. Thank you".

MOTION

At 12:55 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Thursday, February 14, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 14, 1980.

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.

The Color Guard, consisting of Pages Kim Ansten and Pete Robertson, presented the Colors. Reverend Arthur C. Rasch, pastor of Amazing Grace Lutheran Church and School of Seattle, offered the following prayer:

"FOR THE GIFT OF LIFE, O LORD, FOR THE GIFT OF THIS NEW DAY AND ALL ITS PROMISE; FOR THE GIFT OF SO MUCH OPPORTUNITY SUCH CHERISHED FREEDOMS IN SUCH A BOUNDLESS LAND; FOR THE GIFT OF LAW AND HONESTY, FRIENDSHIP AND FAMILY, OPPORTUNITY AND LEARNING; AND FOR THE GIFT OF YOUR SON JESUS CHRIST FROM WHOSE CROSS WE FIND PARDON, IN WHOSE SERVICE WE FIND MEANING, AND IN WHOSE WORD WE FIND ETERNAL LIFE; WE GIVE YOU OUR THANKS AND OURSELVES. IT IS IN HIS NAME THAT 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.

REMARKS BY THE PRESIDENT

President Cherberg: "The first order of business is for the President to extend hearty greetings to the members and our guests on St. Valentine's day; and to point out one fact and that is the St. Valentine was an Italian priest whose greatest distinction, the President believes, was that he was an ancestor to our own Liberate of the keyboards, the Honorable Orlando Francisco Scarpelli."

REPORTS OF STANDING COMMITTEES

February 12, 1980.

SENATE BILL NO. 3366, establishing a two-year demonstration project on adoptive services for special need children (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3366 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bluechel, Gaspard, Goltz, Jones, Odegaard, Rasmussen, Ridder, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

February 14, 1980.

SENATE BILL NO. 3425, modifying provisions relating to fish protective devices on hydroelectric and water supply projects (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Quigg, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 12, 1980.

SENATE BILL NO. 3447, appropriating money to replace state forest lands at Seaquest (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3447 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bluechel, Clarke, Gaspard, Jones, Odegaard, Rasmussen, Ridder, Scott, Wojahn.

Passed to Committee on Rules for second reading.

February 13, 1980.

SENATE BILL NO. 3622, establishing a model assistance and reemployment project for injured workers (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 3622 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; Morrison, Sellar.

Passed to Committee on Ways and Means for second reading.

February 13, 1980.

ENGROSSED HOUSE BILL NO. 427, limiting the use of search warrants (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Pullen, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 613, 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 (reported by Committee on Labor):

Recommendation: Do pass as amended.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; Matson, McDermott, Moore, Morrison, Sellar.

Passed to Committee on Rules for second reading.

February 13, 1980.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1141, establishing a reservation system for state park campsites (reported by Committees on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 1406, correcting double amendments in laws relating to motor vehicle offenses (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Pullen, Woody.

Passed to Committee on Rules for second reading.

February 14, 1980.

HOUSE BILL NO. 1407, modifying joint tenancy provisions relating to savings and loan associations (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 1414, authorizing students attending college in another state to receive financial aid when reciprocity agreement exists with institution students attending (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Scott, von Reichbauer.

Passed to Committee on Rules for second reading.

February 14, 1980.

SUBSTITUTE HOUSE BILL NO. 1416, making miscellaneous changes in law relating to credit unions (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 13, 1980.

SUBSTITUTE HOUSE BILL NO. 1422, modifying laws on courts of limited jurisdiction (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Hurley, Jones.

Passed to Committee on Rules for second reading.

February 14, 1980.

ENGROSSED HOUSE BILL NO. 1447, revising the game code (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Lysen, Quigg, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 13, 1980.

SUBSTITUTE HOUSE BILL NO. 1455, providing for parks and recreation service areas (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 14, 1980.

SUBSTITUTE HOUSE BILL NO. 1471, modifying capital surplus requirements for insurance companies (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 12, 1980.

HOUSE BILL NO. 1497, revising laws relating to life-sustaining procedures (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 12, 1980.

SUBSTITUTE HOUSE BILL NO. 1511, revising laws requiring identification of legend drugs (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 13, 1980.

SUBSTITUTE HOUSE BILL NO. 1515, revising requirements for health care planning (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge.

Passed to Committee on Rules for second reading.

February 12, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516, establishing requirements for in-home services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 12, 1980.

ENGROSSED HOUSE BILL NO. 1519, granting DSHS investigative personnel access to the central registry of child protective services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 12, 1980.

SUBSTITUTE HOUSE BILL NO. 1520, granting DSHS personnel access to criminal records when investigating applicants for child care agency licenses (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge.

Passed to Committee on Rules for second reading.

February 14, 1980.

HOUSE BILL NO. 1555, protecting unique wildlife (reported by Committee on Natural Resources):

Recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Lysen, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 14, 1980.

ENGROSSED HOUSE BILL NO. 1568, requiring the use of gasohol in state vehicles (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hayner, Hurley, Williams, Wilson.

Passed to Committee on Rules for second reading.

February 14, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1570, modifying restrictions on commercial lending (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 1585, correcting double amendments to RCW 18.26.040 and 18.26.070 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Pullen, Woody.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 1586, correcting double amendments to RCW 28A.57.312, 28A.57.357 and 28A.57.358 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Pullen, Woody.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 1587, correcting double amendments in Title 51 RCW (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Pullen, Woody.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 1588, correcting double amendments to RCW 67.16.100 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Pullen, Woody.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 1589, correcting double amendments to RCW 72.64.110 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Pullen, Woody.

Passed to Committee on Rules for second reading.

February 11, 1980.

SUBSTITUTE HOUSE BILL NO. 1610, creating the state investment board (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 1614, increasing the authorized amount of bonds for higher education capital improvements (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means.

Signed by: Senators Benitz, Guess, Scott, von Reichbauer.

Passed to Committee on Ways and Means for second reading.

February 14, 1980.

HOUSE BILL NO. 1624, increasing the bond limit for salmon enhancement (reported by Committee on Natural Resources):

Recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Lysen, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 13, 1980.

SUBSTITUTE HOUSE BILL NO. 1630, authorizing distillation of alcohol for use as a motor vehicle fuel (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Benitz, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 1784, implementing law relating to payment of bonds or U. S. contract payments of certain irrigation districts (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

February 13, 1980.

ENGROSSED HOUSE JOINT MEMORIAL NO. 21, requesting federal support to permit Washington youth to pick berries (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

February 13, 1980.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 29, providing for a joint legislative committee on consult with like members from other states on higher education reciprocity programs (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Scott, von Reichbauer.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 13, 1980.

ELLEN PINTO, to the position of Member of the Board of Trustees of the Community College District No. 22, reappointed by the Governor on December 21, 1979 for the term ending September 30, 1984, succeeding herself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Scott, von Reichbauer.

Passed to Committee on Rules.

REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President, ladies and gentlemen of the Senate. I guess I do not have to call your attention the gifts that were on our desks this morning as we came in, in celebration of this Valentine's day, with love from a very special group, special to many of us who represent the various agricultural areas of this state. Perhaps it can be best expressed in the poem that is inside of the red heart on the cover of these boxes — let me just read it to you. It says

Wheat, corn, peas and beans
Apples, pears and evergreens;
Hops, mint, milk and bees
Either for home or overseas.
Washington farmers grow the best —
It's up to you to do the rest.

"So from the Washington Women for the Survival of Agriculture this special gift to those of us here in the legislature, saying that, together with the farm community and the partnership with government at state level, we can continue to provide not only food for the tables of the world but I think a profitable business which is the very key to the success of our economy here in the state of Washington. Governor, in your own appropriate way I would ask that you ask the members of the Washington Women for the Survival of Agriculture in the north gallery to receive our thanks."

POINT OF INQUIRY

Senator Talley: "Senator Morrison, it is all right if we don't serve lunch today — we'll save money — just eat the box."

Senator Morrison: "Well, the farm community is interested in economy, Senator Talley, and whatever we can do for the facilities committee, I am sure we will glad. . . ."

Senator Talley: "No lunch served today."

REMARKS BY THE PRESIDENT

President Cherberg: "Thank you very much, Senator Morrison, for the privilege and the great pleasure of presenting to the members of the Senate, a very charming and dedicated group of people. Will the members of the Washington Women for the Survival of Agriculture please stand, along with Senator Morrison, in order that the members of the Senate may properly recognize and give you the welcome you so richly deserve?"

POINT OF INQUIRY

President Cherberg: "Senator Morrison, would it be permissible for the President to offer an amendment to the Washington Women for the Survival of Agriculture, and add the two words 'and Senators'?"

Senator Morrison: "Governor, if it is within the scope and object, it certainly is okay with me."

President Cherberg: "If there are no objections, it is so ordered."

MESSAGE FROM THE HOUSE

February 13, 1980.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 26, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 26, by Committee on Local Government (originally sponsored by Representatives Zimmerman, Greengo, Charnley, Van Dyken and Nelson (D.)):

Establishing a select committee to study and assist on problems relating to urban sprawl.

Referred to Committee on Local Government.

SECOND READING

SENATE BILL NO. 3549, by Senators Benitz, Hansen, Morrison, Henry, Conner, Gould, Bottiger, Gallagher, Wojahn, Hayner, Moore, Woody, Walgren, Matson, Talley, McDermott, Gaspard, Lewis, Quigg, Bluechel, Day, Wanamaker, Clarke, Sellar, von Reichbauer, Wilson, Scott, Jones, Haley, Talmadge, Hurley and Goltz:

Providing for wine and grape research.

MOTION

On motion of Senator Marsh, Senate Bill No. 3549 was rereferred to the Committee on Ways and Means.

SECOND READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1676, by Committee on Education (originally sponsored by Representatives Bauer, Sanders, Salatino, Tupper, Eng, Winsley, Grimm, Bond, Ehlers, Erickson, McGinnis, Burns, Gallagher, Sherman, Valle, King, Hughes, Brown, Owen and Bender):

Implementing law relating to student discipline in common schools.

REPORT OF STANDING COMMITTEE

February 8, 1980.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1676, implementing law relating to student discipline in common schools (reported by Committee on Education):

Recommendation: Do pass with the following amendments:

On page 2, following section 2 add a new section to read as follows:

"NEW SECTION. Sec. 3. There is hereby appropriated from the general fund to the superintendent of public instruction the sum of sixty-eight thousand one hundred seventy-five dollars, or so much thereof as may be necessary for the purpose of developing an in-service training program plan for the education of school personnel and the parents of students. The objective of the program shall be to effectuate parental involvement and the general purpose of sections 1 and 2 of this amendatory act by fostering cooperation and understanding on the part of parents and school personnel respecting academic achievement and the causes and remedies for student discipline problems."

On line 5 of the title after "RCW 28A.58.201" and before the period insert "; and making an appropriation".

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

The bill was read the second time by sections.

Senator McDermott moved adoption of the committee amendment adding a new section.

Debate ensued.

The motion by Senator McDermott carried and the committee amendment was adopted on a rising vote.

There being no objection, an amendment by Senator Gould to page 1, line 24 on the desk of the Secretary of the Senate was withdrawn.

Senator Pullen moved adoption of the following amendment:

On page 2, line 26, after "PERIOD" and before the period insert: "PROVIDED FURTHER, That upon excluding a student from the classroom, the teacher shall immediately notify the principal and the principal shall, on that same day, mail written notification of such exclusion to the student's parents or guardian".

Debate ensued.

Senator Gould moved adoption of the following amendment to the amendment by Senator Pullen:

On line 3 of the Pullen amendment, after "day," insert "contact by phone or".

Debate ensued.

The motion by Senator Gould carried and the amendment to the amendment by Senator Pullen was adopted.

Senator Pullen moved adoption of the following amendment to the amendment by Senator Pullen as amended by Senator Gould:

On line 2 of the amendment, after "principal" insert "or the principal's designee".

Debate ensued.

MOTION

On motion of Senator McDermott, Reengrossed Substitute House Bill No. 1676, as amended, will be considered following Substitute House Bill No. 551.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3494.

SECOND READING

SENATE BILL NO. 3494, by Senators Walgren and Bausch:
Revising laws relating to deferred compensation plans.

MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 3494 was substituted for Senate Bill No. 3494 and the substitute bill was placed on second reading and read the second time in full.

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

On page 36, line 29, after "appeals and the" insert "district and".

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute Senate Bill No. 3494 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. 3494 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3494, having received the 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. 1481, by Committee on Higher Education (originally sponsored by Representatives Burns, Teutsch, Erickson, Salatino and Gruger):

Implementing law relating to higher education tuition and fee waivers.

REPORT OF STANDING COMMITTEE

February 1, 1980.

SUBSTITUTE HOUSE BILL NO. 1481, implementing law relating to higher education tuition and fee waivers (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 20, after "by" strike "the state's community colleges".

On page 1, line 27, after "The" strike "limitation" and insert "((limitation)) limitations" and after "waivers" insert "provided in subsections (1) and (2) of this section".

On page 2, beginning on line 10, strike "and ((†)) (c)" and insert "((and †)) (c) The tuition waiver program authorized by sections 2 and 3, chapter ..., Laws of 1980 (SSB No. 3278; and

(d)"

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Shinpoch, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Goltz, the committee amendments to page 1, lines 20 and 27 were adopted.

On motion of Senator Goltz, the committee amendment to page 2 was not adopted.

Senator Goltz moved adoption of the following amendments by Senators Goltz and Conner:

On page 2, beginning on line 10, strike "and

((~~(d)~~)) (c)" and insert "(~~(and)~~)"

(c) The tuition waiver program authorized by sections 3 and 4 of this amendatory act; and

(d)"

On page 2 following section 1 add new sections to read as follows:

"NEW SECTION. Sec. 2. Each year, high schools throughout this state graduate a significant number of students who have distinguished themselves through numerous academic accomplishments; unlike many other states, the state of Washington has no consistent or uniform program to recognize and honor the very significant academic achievements of these young students. It is the purpose of section 3 of this amendatory act to create such a state-wide uniform program, allowing educational and legislative leaders, as well as the governor, to reaffirm the importance of educational excellence to the future of this state.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Each year the Washington Association of Secondary School Principals shall submit to the council for postsecondary education the names of the three high school seniors residing in each legislative district who attain the three highest scores for that district on the Washington precollege (WPC) test. In the event of tie scores, the association shall determine the three recipients.

Upon receipt of these names, the council shall notify the governor and the legislators of the respective districts and the students so designated that they have been selected as Washington State Scholars for that year.

The council, in conjunction with the governor's office, shall prepare the necessary certificates and inform the association, the recipients, and the legislators of each district of the time and place for the award thereof, so that the governor or the governor's designee as well as the respective legislators and a representative of the association may participate in the awards ceremony.

Each Washington State Scholar is entitled to a full waiver of all tuition, operating, and services and activities fees, without regard to financial need, for a single academic year at any one of the public institutions of higher education in the state, subject only to the institution's admission requirements.

The recipient must make use of the waiver within the two-year period following the recipient's high school graduation, not counting any period spent in active military service. The council may, by rule, establish provisions for exceptions to the time limitation for reasons of health or family hardship.

The council shall adopt any rules and maintain all records necessary to administer and monitor this program and shall coordinate its implementation with the institutions involved.

The tuition and fees waived by the public institutions of higher education as mandated by this section shall be included under the percentage limitations set forth in RCW 28B.15.740 as now or hereafter amended.

NEW SECTION. Sec. 4. Washington State Scholars shall be designated under section 3 of this act for the years 1980 through 1984, inclusive. Prior to January 1, 1982, the council for postsecondary education shall report to the governor and the senate and house higher education committees its evaluation of the effectiveness of the program, with recommendations as to its continuation, discontinuation, or modification beyond fiscal year 1985-86.

NEW SECTION. Sec. 5. If any provision of this 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."

POINT OF ORDER

Senator Benitz: "Mr. President, members of the Senate. I believe that maybe it is a little too much experimentation. I think it expands the bill. I would be forced to raise the question of scope and object."

MOTION

On motion of Senator Marsh, Substitute House Bill No. 1481, as amended, together with the pending amendment by Senators Goltz and Conner and the Point of Order as raised by Senator Benitz, was ordered held following consideration of Engrossed House Bill No. 322.

SECOND READING

HOUSE BILL NO. 762, by Representatives Winsley and Eng:

Authorizing savings and loan associations to permit use of negotiable transfer from accounts.

REPORT OF STANDING COMMITTEE

January 24, 1980.

HOUSE BILL NO. 762, authorizing savings and loan associations to permit use of negotiable transfer from accounts (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass with the following amendment:

On page 1, after line 25, insert a new section to read as follows:

"**NEW SECTION.** Sec. 3. The provisions of this 1980 amendatory act shall take effect on the effective date of a law enacted by the United States Congress enabling depository institutions in the state of Washington to allow the owner of a deposit or account on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties."

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

The bill was read the second time by sections.

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

On motion of Senator Bausch, the rules were suspended, House Bill No. 762, 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. 762, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

HOUSE BILL NO. 762, 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

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1676, by Committee on Education (originally sponsored by Representatives Bauer, Sanders, Salatino, Tupper, Eng, Winsley, Grimm, Bond, Ehlers, Erickson, McGinnis, Burns, Gallagher, Sherman, Valle, King, Hughes, Brown, Owen and Bender):

Implementing law relating to student discipline in common schools.

The Senate resumed consideration of Reengrossed Substitute House Bill No. 1676 from earlier today. The committee amendment was adopted at that time and an amendment by Senator Pullen as amended by Senator Gould and an amendment by Senator Pullen to the amendment by Senator Pullen is pending.

There being no objection, on motion of Senator Pullen, the amendment, as amended was withdrawn.

Senator Pullen moved adoption of the following amendment:

On page 1, line 26, after "period" insert "PROVIDED FURTHER, That upon excluding a student from the classroom, the teacher shall immediately notify the principal or the principal's designee, who shall, on that same day, contact by phone or mail written notification of such exclusion to the student's parents or guardian".

POINT OF INQUIRY

Senator Gaspard: "Senator Pullen, I believe that on about the second line, starting 'The teacher shall immediately notify the principal'. I am a bit concerned of that language and maybe for some intent questions, I would ask you if that would mean that the teacher would then have to leave the classroom to notify the principal; or would it be appropriate for the teacher to send a written notice along with the student and"

Senator Pullen: "Yes, yes it certainly would be appropriate to send a written notice along with the student."

Senator Gaspard: "Thank you."

POINT OF INQUIRY

Senator Morrison: "Senator Pullen, one of the things the education committee has learned about school discipline is that many schools are instituting what is called 'in-school suspension', that is, where a teacher actually might exclude a pupil from the classroom but they continue their educational experience in sort of solitary confinement, if you will. Is it your intent in this amendment, that notification would be sent to the parents under those circumstances?"

Senator Pullen: "If in-school suspension was part of the exclusion that was considered in this bill originally by the sponsors, then yes, that would be my intention."

POINT OF INQUIRY

Senator Odegaard: "Senator Pullen, if the principal is out of the building, how would the teacher know who the designee is?"

Senator Pullen: "The people in the principal's office would know that and there would not be any difficulty, I am sure, in deciding who the designee was; and in fact, if you cannot notify the parent by telephone, you have the whole day in which to drop a post card in the mail so there won't really be any constraints on the notification process."

Debate ensued.

The motion by Senator Pullen carried and the amendment was adopted.

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

On motion of Senator McDermott, the rules were suspended, Reengrossed Second Substitute House Bill No. 1676, 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 Second Substitute House Bill No. 1676, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Matson—1.

Absent or not voting: Senator Quigg—1.

REENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1676, 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. 322, by Representatives Isaacson, Pruitt, Oliver, Brekke, Hastings, Hurley, Sanders, North, Addison, Greengo and Struthers: Exempting from the fire code hand-held candles in religious ceremonies.

REPORT OF STANDING COMMITTEE

February 6, 1980.

ENGROSSED HOUSE BILL NO. 322, exempting from the fire code hand-held candles in religious ceremonies (reported by Committee on Local Government): MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 24, after "candles" and before ";" insert "unless a local fire official determines such action to be contrary to public safety".

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Fleming, Lee.

The bill was read the second time by sections.

Senator Wilson moved the committee amendment not be adopted.

Debate ensued.

POINT OF INQUIRY

Senator von Reichbauer: "Senator Vognild, in speaking to your amendment am I to understand then that when I, in the rural part of King county, want to burn rubbish all I have to do is get a permit once a year; but you are now going to ask every church to get a permit or make contact every time there is going to be a procession with candles?"

Senator Vognild: "That was one of the questions that arose and I will be proposing an oral amendment to make this permit on an annual basis."

Senator von Reichbauer: "Are you suggesting that you are going to add an oral amendment to make it on an annual basis?"

Senator Vognild: "That is correct."

Further debate ensued.

The motion by Senator Wilson carried and the committee amendment was not adopted.

Senator Vognild moved adoption of the following amendment:

On page 1, line 23, after "shall" strike all the material down through "candles on line 24 and insert "be permitted to carry hand-held candles if approved by the appropriate fire authority".

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

Following the last word of the amendment, add "annually".

POINT OF INQUIRY

Senator Hayner: "Senator Vognild, I am assuming that because you are only having this authority granted from the fire department or whoever, once a year, that that group, the church is going to have to tell you at that time what all the events are going to be during the whole year. Is that correct?"

Senator Vognild: "I do not know if that is totally correct. I think what they need to do is to describe the types of ceremonies they are going to have so that the fire marshal may instruct them, give them information as necessary, in how to protect particularly the young participants of those ceremonies."

Senator Hayner: "Mr. President, may I continue? Well, I think this is perfectly ridiculous. In the first place you do not know very often what the programs are that you are going to have or what the kind of costumes are and we are acting here as though nobody has any good sense — that they are not willing to take any risk themselves and take the responsibility. They are their children — they are going to take care of them. I think this is ridiculous and I would vote 'no'."

Debate ensued.

POINT OF INQUIRY

Senator Clarke: "Senator Vognild, I am assuming that the intent of your amendment, since a permit is required annually from the fire authority, that the power to grant or deny also would include the power to impose reasonable conditions; and that the idea is that the fire authority would, if effect, make reasonable requirement that certain type of inflammable material not be used in connection with the type of ceremony; and that condition, then, would be applicable on an annual basis, so that it would not be necessary to in any way specify the number of occasions or the type, but it would simply be, in effect, an understanding with the fire officials that where these candles are used, reasonable safety precautions would be in effect and that the condition would be granted annually simply on that kind of an understanding."

Senator Vognild: "Yes, Senator, I believe you are correct. Quite frankly, if I had my way, I would have made this every ceremony. I realize that that would have been very difficult for this body. But perhaps some of you need to understand the fire service also conducts tests. I personally have conducted tests of graduate gowns. I spoke to this last year. Ten seconds from ground to face. Think about it for a minute — ten seconds from ground to face on a graduation gown. That equals death. If the fire service is not notified and does not know what is happening in that church, there is no way they can step in on a preventative way to prevent a tragedy. In the event you think this is a smoke screen from the fire service, I can tell you that we have had deaths in church. A Lutheran church in the mid-west lost two young girls in a ceremony some four years ago. I want to do what I can to prevent that tragedy in the state of Washington and I want to do what I can to do it in such a way that I interfere as little as possible with religious freedom. That is what I am trying to do."

Further debate ensued.

The motion by Senator Vognild failed and the amendment as amended was not adopted on a rising vote.

There being no objection, on motion of Senator Vognild, the amendment by Senators Vognild and Hurley on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Wilson, the rules were suspended, Engrossed House Bill No. 322 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. 322 and the bill passed the Senate by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Williams, Woody—42.

Voting nay: Senators Conner, Moore, Rasmussen, Talley, Vognild, Wilson, Wojahn—7.

ENGROSSED HOUSE BILL NO. 322, having received the 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. 1950, by Representatives Newhouse and Deccio:

Revising laws relating to banking.

The bill was read the second time by sections.

On motion of Senator Bausch, the rules were suspended, House Bill No. 1950 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. 1950 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Absent or not voting: Senator Lysen—1.

HOUSE BILL NO. 1950, having received the 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 Benitz: "Mr. President, members of the Senate. This morning it slid by me quite rapidly, the wine and grape research bill went back to rules — I am not arguing about that . . . went back to ways and means; it had not been there and there was no financial impact in this biennium; but I wanted to take just a minute to

tell this body that we in the state of Washington, have a wonderful opportunity to develop a very exotic and very good wine grape industry. We have been hit very, very hard with the freeze of a year ago and we do need some help. No state that has a successful wine industry has accomplished this without some help from the legislature.

"Now I have two examples that I want to use, which incidentally, I talked to Senator Donohue and he assured me he is not against the wine, wine grape industry but he wants a little time, and he indicates he will give us some help. There is a grape known as Muscat Blanc that is grown throughout the world and makes just an average wine, but when it was grown here in the northwest, it is a superior wine, that is known as a Muscat Canelli, a superior wine; we had over four hundred acres of them in the state, and we lost every single plant a year ago in the freeze. We have to have winter hardiness; we have to develop that, and we have to have a bit of help. We also have a new product known as Ice Wine. It comes in small bottles because it is not cheap. It is a very delicate kind of wine and cannot be grown in California, only northern France, Germany and those places. It is available for about twenty-two dollars a bottle - a tenth only. Those are the kind of problems we have. I appreciate your attention, look forward to working with you developing that wine industry for the state of Washington."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 714, by Committee on Natural Resources (originally sponsored by Representatives Vrooman, Schmitten, Martinis and Wilson):

Regulating the taking of crabs.

REPORT OF STANDING COMMITTEE

February 7, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 714, regulating the taking of crabs (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 19, strike "1978" and insert "1979".

On page 2, line 28, strike "1979" and insert "1980".

On page 3, after line 5, insert the following paragraph:

"(4) License endorsements issued under this section are not transferable from one owner to another owner before July 1, 1982."

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Odegaard, Talley, Vognild.

The bill was read the second time by sections.

On motion of Senator Peterson, the committee amendments to page 2, lines 19 and 28 were considered and adopted simultaneously.

Senator Peterson moved adoption of the committee amendment to page 3, after line 5 inserting a paragraph.

On motion of Senator Vognild, the following amendment to the committee amendment to page 3 was adopted:

On the second line of the amendment, after "another owner" insert ", except from parent to child or upon the death of the owner,".

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

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute House Bill No. 714, 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. 714, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Matson, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shipoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Fleming, Lysen, McDermott, Moore, Rasmussen, Talmadge, Walgren—7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 714, 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 Peterson, Engrossed Substitute House Bill No. 714, as amended by the Senate, was ordered immediately transmitted to the House.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 395, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Whiteside, Thompson, Haley, Pruitt, Gruger, Wilson, Salatino, McCormick, Mitchell, Schmitt, Taller, Bauer, King, Lux, Kreidler, Erak, Newhouse, Deccio, Martinis and Brown):

Revising laws regulating chiropractors.

REPORT OF STANDING COMMITTEE

February 6, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 395, revising laws relating to chiropractors (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Section 1, chapter 53, Laws of 1959 as amended by section 1, chapter 50, Laws of 1965 ex. sess. and RCW 18.25.015 are each amended to read as follows:

There is hereby created a state board of chiropractic examiners consisting of three practicing chiropractors to conduct examinations and perform duties as provided in this chapter.

Members of the board shall be appointed by the governor (~~((from a list of five or more names submitted by the Washington Chiropractors Association, Inc. and/or the Chiropractic Society of Washington))~~), who may consider such persons who are recommended for appointment by chiropractic associations of this state. ~~((★))~~ For at least five years preceding the time of their appointment, and during their tenure of office, the members of the board must be actual residents of Washington, licensed to practice chiropractic in this state, and must be citizens of the United States.

In order that the terms of ~~((one))~~ members shall expire ~~((each year))~~ in succession, first members appointed shall serve ~~((one))~~ as follows: One for a term of three years, one for a term of two years, and one for a term of one year; thereafter appointments shall be for a term of three years. Vacancies of members shall be filled by the governor as in the case of original appointment, such appointee to hold office for the remainder of the unexpired term.

Sec. 2. Section 10, chapter 5, Laws of 1919 as last amended by section 22, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.25.070 are each amended to read as follows:

(1) Every person practicing chiropractic shall, as a prerequisite to annual renewal of license, submit to the director at the time of application therefor, satisfactory proof showing attendance of at least twenty-five hours during the preceding (year) three-year period, at one or more chiropractic symposiums which are recognized and approved by the board of chiropractic examiners: PROVIDED, That the board may, for good cause shown, waive said attendance. The following guidelines for such symposiums shall apply:

~~((+))~~ (a) Symposiums which shall be approved(;) by the board(;) for licensees practicing or residing within the state of Washington are those sponsored or conducted by ((the Washington Chiropractor's Association, the Chiropractic Society of Washington, the American Chiropractic Association, or The International Chiropractic Association,)) any chiropractic association in the state or an approved chiropractic college ((and) or other institutions or organizations which devote themselves to lectures or demonstrations concerning matters which are recognized in the state of Washington chiropractic licensing laws(;));

~~((2) Symposiums approved;)~~ (b) Rules shall be adopted by the board(;) for licensees practicing and residing outside the state ((are those sponsored or conducted by an approved chiropractic college or a recognized chiropractic organization which is representative of the chiropractors of a state, a territory, a province, or a country.

~~(3) To be eligible for approval, a symposium shall:~~

~~(a) Be sponsored by an approved chiropractic college or a recognized chiropractic organization which is representative of the chiropractors of a state, a territory, a province, or a country, and~~

~~(b) Extend over a period of at least two days, and offer an education program consisting of at least eight hours; and~~

~~(c) Include instruction by at least two outstanding chiropractic educators)) who shall meet all requirements established by the board by rules and regulations.~~

(2) Every person practicing chiropractic within this state shall pay on or before the first day of September of each year, after a license is issued to him as herein provided, to said director a renewal license fee to be determined by the director as provided in RCW 43.24.085 as now or hereafter amended. The director shall, thirty days or more before September first(;) of each year, mail to all chiropractors in the state a notice of the fact that the renewal fee will be due on or before the first of September. Nothing in this chapter shall be construed so as to require that the receipts shall be recorded as original licenses are required to be recorded.

The failure of any licensed chiropractor to pay his annual license renewal fee by the first day of October following the date on which the fee was due shall work a forfeiture of his license. It shall not be reinstated except upon ((written application)) evidence that continuing educational requirements have been fulfilled and the payment of a penalty to be determined by the director as provided in RCW 43.24.085 as now or hereafter amended, together with all annual license renewal fees delinquent at the time of the forfeiture, and those for each year thereafter up to the time of reinstatement. Should the licentiate allow his license to elapse for more than three years, he must be reexamined as ((for a new license)) provided for in RCW 18.25.040.

NEW SECTION. Sec. 3. There is added to chapter 18.25 RCW a new section to read as follows:

The board shall have authority to grant accreditation to chiropractic schools and colleges.

The board shall have authority to adopt educational standards which may include standards of any accreditation agency recognized by the office of education

of the department of health and human services or its successor agency, or any portion of such standards, as the board's standards: PROVIDED, That such standards, so adopted, shall contain, as a minimum of on-campus instruction in chiropractic, the following: Principles of chiropractic, two hundred hours; adjustive technique, four hundred hours; spinal roentgenology, one hundred seventy-five hours; symptomatology and diagnosis, four hundred twenty-five hours; clinic, six hundred twenty-five hours: PROVIDED FURTHER, That such standards shall not mandate, as a requirement for either graduation or accreditation, or include in the computation of hours of chiropractic instruction required by this section, instruction in the following: Mechanotherapy, physiotherapy, acupuncture, acupressure, or any other therapy.

The board shall approve and accredit chiropractic colleges and schools which apply for board accreditation and approval and which meet to the board's satisfaction the educational standards adopted by the board. It shall be the responsibility of the college to apply for accreditation and approval, and of a student to ascertain whether a college or school has been accredited or approved by the board.

The board shall have authority to engage assistants in the giving of examinations called for under this chapter.

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.

NEW SECTION. Sec. 5. Section 9, chapter 5, Laws of 1919 and RCW 18.25-.060 are each repealed.

NEW SECTION. Sec. 6. If any provision of this 1980 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, page 1, line 1, strike everything after "chiropractic;" and insert "amending section 1, chapter 53, Laws of 1959 as amended by section 1, chapter 50, Laws of 1965 ex. sess. and RCW 18.25.015; amending section 10, chapter 5, Laws of 1919 as last amended by section 22, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.25.070; adding a new section to chapter 18.25 RCW; repealing section 9, chapter 5, Laws of 1919 and RCW 18.25.060; and declaring an emergency."

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge, Vognild.

The bill was read the second time by sections.

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

On motion of Senator Day, the committee amendment to the title was adopted.

On motion of Senator Day, the rules were suspended, Engrossed Substitute House Bill No. 395, 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. 395, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Absent or not voting: Senator Lysen—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 395, 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 Substitute House Bill No. 1481.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1481, by Committee on Higher Education (originally sponsored by Representatives Burns, Teutsch, Erickson, Salatino and Gruger):

Implementing law relating to higher education tuition and fee waivers.

The Senate resumed consideration of Substitute House Bill No. 1481 from earlier today. Two committee amendments were adopted and an amendment by Senators Goltz and Conner is pending a Ruling by the President on a Point of Order presented by Senator Benitz.

RULING BY THE PRESIDENT

The President: "In ruling upon the Point of Order raised by Senator Benitz, the President finds that Substitute House Bill No. 1481 is a measure which increases the ability of community colleges to offer tuition and fee waivers to adult students who have failed to graduate from high school in order that they may have the opportunity to achieve a high school diploma.

"The amendment proposed by Senators Goltz and Conner also authorizes tuition waivers but for the totally different purpose of funding one year of college at any of Washington's four-year public colleges or universities for top high school graduates.

"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 Senators Goltz and Conner was ruled out of order.

MOTIONS

On motion of Senator Wilson, Senator Fleming was excused.

On motion of Senator Goltz, the rules were suspended, Substitute House Bill No. 1481, 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. 1481, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Hurley—1.

Excused: Senator Fleming—1.

SUBSTITUTE HOUSE BILL NO. 1481, 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. 3373, by Senators McDermott, Ridder, Talmadge, Gaspard, Lee, Morrison and von Reichbauer:

Implementing law relating to student discipline in common schools.

MOTION

On motion of Senator Marsh, Senate Bill No. 3373 was rereferred to the Committee on Rules.

MOTION

At 12:20 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Friday, February 15, 1980.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 15, 1980.

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 Jones, Lee, Lysen, Matson, Morrison, Pullen and Rasmussen. On motion of Senator Clarke, Senators Jones, Lee, Matson, Morrison and Pullen were excused. On motion of Senator Wilson, Senators Lysen and Rasmussen were excused.

The Color Guard, consisting of Pages Wendy Keefe and Blain Stanley, presented the Colors. Reverend Richard Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"LORD, YOUR WORDS: 'TO WHOM MUCH IS GIVEN, MUCH IS REQUIRED' NEED TO BE OUR COMPANION FOR THESE MOMENTS. WE PRAY THAT WITH YOUR DIVINE HELP THE WORK OF THE SENATE TODAY MAY EQUAL THE DEDICATION AND EFFORT THEY PROMISED WHEN SEEKING THE GIFT OF ENTRUSTED LEADERSHIP. AMEN."

MOTION

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

The President announced that today is the birthday of Senator Robert Lewis. Business was suspended to permit Senator Lewis to make a few remarks and introduce guests from Spokane.

REPORTS OF STANDING COMMITTEES

February 14, 1980.

SENATE BILL NO. 3513, relating to crippled children's services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

Rereferred to Committee on Ways and Means.

February 13, 1980.

HOUSE BILL NO. 71, redefining toilet units for purposes of mandating free use thereof (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Hurley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 13, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 312, revising the laws regulating engineers and land surveyors (reported by Committee on Commerce):

Recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 15, 1980.

SUBSTITUTE HOUSE BILL NO. 498, modifying terms of imprisonment for certain crimes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Hurley, Woody.

Passed to Committee on Rules for second reading.

February 14, 1980.

ENGROSSED HOUSE BILL NO. 646, revising the law on waste management (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Williams, Chairman; Bradburn, Donohue, Goltz, Guess, Hansen.

Passed to Committee on Rules for second reading.

February 14, 1980.

SUBSTITUTE HOUSE BILL NO. 810, modifying the law on forest lands and open space, agricultural, and timber lands (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Jones, Marsh, Matson, Morrison, Odegaard, Scott, Sellar, Wojahn.

MINORITY recommendation: Do not pass as amended.

Signed by: Senators McDermott, Vice Chairman; Fleming, Gaspard, Goltz, Rasmussen, Ridder, Shinpoch, Walgren.

Passed to Committee on Rules for second reading.

February 13, 1980.

SUBSTITUTE HOUSE BILL NO. 943, limiting the growth of certain county tax levies (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bluechel, Clarke, Jones, Matson, Morrison, Rasmussen, Ridder, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

February 14, 1980.

SUBSTITUTE HOUSE BILL NO. 1065, controlling conflicts of interest (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bottiger, Henry, Lewis, Marsh, Peterson, Ridder.

Passed to Committee on Rules for second reading.

February 13, 1980.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1183, revising the criminal code (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Woody.

Passed to Committee on Rules for second reading.

February 13, 1980.

ENGROSSED HOUSE BILL NO. 1410, modifying taxation of gambling devices (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Clarke, Goltz, Jones, Matson, Morrison, Odegaard, Rasmussen, Shinpoch.

Passed to Committee on Rules for second reading.

February 15, 1980.

HOUSE BILL NO. 1417, providing for sentencing after appeals from police court (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Hurley, Woody.

Passed to Committee on Rules for second reading.

February 13, 1980.

ENGROSSED HOUSE BILL NO. 1418, modifying the laws governing traffic infractions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Pullen, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 15, 1980.

HOUSE BILL NO. 1421, providing for subsistence, lodging, and travel expense of pro tem judges (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Hurley, Woody.

Passed to Committee on Rules for second reading.

February 14, 1980.

ENGROSSED HOUSE BILL NO. 1425, requiring financial disclosure of the members and director of the commission for the blind (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Marsh, Peterson, Ridder.

Passed to Committee on Rules for second reading.

February 15, 1980.

ENGROSSED HOUSE BILL NO. 1443, revising grounds for permitting interception of private communications (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Hurley, Woody.

Passed to Committee on Rules for second reading.

February 14, 1980.

ENGROSSED HOUSE BILL NO. 1460, mandating salaries of certificated employees in state schools for the blind to be comparable to others in school district where located (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bluechel, Clarke, Fleming, Gaspard, Goltz, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Scott, Sellar, Shinpoch.

Passed to Committee on Rules for second reading.

February 14, 1980.

SUBSTITUTE HOUSE BILL NO. 1461, providing for household goods storage warehouses (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Gallagher, Guess, Hansen, Peterson, Quigg.

Passed to Committee on Rules for second reading.

February 14, 1980.

ENGROSSED HOUSE BILL NO. 1464, directing the construction and maintenance of recreational vehicle sanitary disposal systems in certain highway rest areas (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Gallagher, Guess, Peterson, Quigg, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 13, 1980.

SUBSTITUTE HOUSE BILL NO. 1485, revising laws on controlled substances (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge.

Passed to Committee on Rules for second reading.

February 12, 1980.

SUBSTITUTE HOUSE BILL NO. 1492, providing for approval of property, casualty and accident insurance for public employees (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Day, Donohue, von Reichbauer, Walgren.

MINORITY recommendation: Do not pass as amended.

Signed by: Senators Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

February 14, 1980.

HOUSE BILL NO. 1550, permitting a choice of alternative local initiative and referendum powers for certain cities and towns (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Marsh, Peterson.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 1604, modifying the allocation of funds appropriated to state retirement systems (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bluechel, Clarke, Jones, Matson, Morrison, Rasmussen, Ridder, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

February 14, 1980.

SUBSTITUTE HOUSE BILL NO. 1609, increasing the maximum allowed state aid to local airport projects (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Gallagher, Guess, Hansen, Peterson, Quigg, von Reichbauer, Wanamaker.
Passed to Committee on Rules for second reading.

February 15, 1980.

HOUSE BILL NO. 1681, prioritizing request for services to the state patrol crime lab (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Hurley, Woody.

Passed to Committee on Rules for second reading.

February 14, 1980.

ENGROSSED HOUSE BILL NO. 1703, increasing the time for which a temporary permit for driving trucks, buses or cabs may be issued (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Gallagher, Guess, Hansen, Peterson, Quigg.

Passed to Committee on Rules for second reading.

February 13, 1980.

HOUSE BILL NO. 1718, providing for work training programs in state institutions (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 15, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1729, requiring the consent of both living parents for the adoption of a minor (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Hurley, Woody.

Passed to Committee on Rules for second reading.

February 14, 1980.

SUBSTITUTE HOUSE BILL NO. 1778, establishing and funding seven additional drivers' licensing stations (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Gallagher, Guess, Hansen, Peterson, Quigg, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 14, 1980.

SUBSTITUTE HOUSE BILL NO. 1798, requiring an investigation before employing a correctional officer (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Haley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 14, 1980.

HOUSE BILL NO. 1841, exempting state furnished meals to the aged from sales and use taxes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bluechel, Clarke, Fleming, Gaspard, Goltz, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1980.

SUBSTITUTE HOUSE BILL NO. 1873, revising the uniform parentage act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Hurley, Woody.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 14, 1980.

HAROLD F. OSBORNE, to the position of Member of the Board of Pharmacy, appointed by the Governor on January 23, 1980 for the term ending January 16, 1984, succeeding Barbara Nelson (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Haley, Talmadge, Vognild.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 14, 1980.

Mr. President: The House has passed:

HOUSE BILL NO. 1444,

SUBSTITUTE HOUSE BILL NO. 1525,

SUBSTITUTE HOUSE BILL NO. 1528,

SUBSTITUTE HOUSE BILL NO. 1530,

HOUSE BILL NO. 1539, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 14, 1980.

Mr. President: The House has adopted: HOUSE JOINT MEMORIAL NO. 25, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 15, 1980.

Mr. President: The Speakers have signed:

HOUSE BILL NO. 322,

HOUSE BILL NO. 1950, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1444, by Representatives Amen, Charnley, Patterson, Vrooman and Winsley:

Requiring ordinances for reduced utility fees for low income persons.

Referred to Committee on Energy and Utilities.

SUBSTITUTE HOUSE BILL NO. 1525, by Committee on Appropriations (originally sponsored by Representative Thompson):

Making an appropriation to the administrator for the courts.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1528, by Committee on Appropriations (originally sponsored by Representative Thompson):

Making an appropriation to the insurance commissioner.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1530, by Committee on Appropriations (originally sponsored by Representative Thompson):

Making an appropriation to the military department.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1539, by Representative Thompson:

Making an appropriation to the department of ecology.

Referred to Committee on Ways and Means.

HOUSE JOINT MEMORIAL NO. 25, by Representatives Zimmerman, Heck, Williams, Galloway, Nisbet, Monohon, Keller, Mitchell and Bauer:

Requesting federal help in promoting development of geothermal resources.

Referred to Committee on Energy and Utilities.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 322,

HOUSE BILL NO. 1950.

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. 1454.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1454, by Committee on Local Government (originally sponsored by Representatives Keller, Zimmerman, Rosbach, Brown, Vrooman and Charnley):

Authorizing investments of county funds.

REPORT OF STANDING COMMITTEE

February 6, 1980.

SUBSTITUTE HOUSE BILL NO. 1454, authorizing investments of county funds (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 10, after ", " and before "five" strike "That a maximum of"

On page 2, line 16, before "when" strike "quarterly or"

Signed by: Senator Wilson, Chairman; Bluechel, Bradburn, Fleming, Lee, Moore.

The bill was read the second time by sections.

On motion of Senator Sellar, the committee amendments were adopted.

On motion of Senator Sellar, the rules were suspended, Substitute House Bill No. 1454, 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. 1454, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lewis, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Ridder, Scott, Sellar, Shimpoch, Talley, Talmadge, Van Hollebeke, Vogndil, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Excused: Senators Jones, Lee, Lysen, Matson, Morrison, Pullen, Rasmussen—7.

SUBSTITUTE HOUSE BILL NO. 1454, 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. 440, by Committee on Education (originally sponsored by Representatives Sherman, Chandler and Sanders) (by Superintendent of Public Instruction request):

Authorizing parents to ride school bus or other student transportation vehicle upon request by school officials or employees.

REPORT OF STANDING COMMITTEE

February 7, 1980.

SUBSTITUTE HOUSE BILL NO. 440, authorizing parents to ride school bus or other student transportation vehicle upon request by school officials or employees (reported by Committee on Education):

Recommendation: Do pass with the following amendments:

On page 3 following section 2 add a new section to read as follows:

"**NEW SECTION.** Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW a new section to read as follows:

In addition to the authority otherwise provided in this chapter to school districts for the transportation of persons, whether school children, school personnel, or otherwise, any school district authorized to use school buses and drivers hired by the district for the transportation of school children to and from a school activity, along with such school employees as necessary for their supervision, shall, if such school activity be an interscholastic activity, be authorized to transport members of the general public to such event and utilize the school district's buses, transportation equipment and facilities, and employees therefor: PROVIDED, That provision shall be made for the reimbursement and payment to the school district by such members of the general public of not less than the district's actual costs and the reasonable value of the use of the district's buses and facilities provided in connection with such transportation."

On line 4 of the title after "and adding" strike "a new section" and insert "new sections"

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

The bill was read the second time by sections.

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

Senator Hurley moved adoption of the following amendment:

On page 1, on line 27, after "schoolhouse" insert "except pupils who are living in a group home which has five or more pupils and which is near a bus route, existing on the effective date of this act, from the school bus garage to the schoolhouse"

POINT OF INQUIRY

Senator Bottiger: "Senator McDermott, I understand that the current law prohibits any child from riding the school bus if he lives within two miles of the school; and if we open it up, how many more school buses, and what is the fiscal impact going to be?"

Senator McDermott: "You are correct, Senator Bottiger. The state rules and regs provide that we should provide buses for two miles and beyond; now many districts do less than that but it is an issue of local control. The reason this is a bad amendment is that you are now putting into state law a particular problem in a particular district. If you want to have three hundred and six amendments from various districts with various problems, you want to run the whole bus system, start adopting these kinds of amendments. What you are saying to local school districts is 'we do not like what you are doing down there — your local control is rotten — we will solve the problem'. And this, our committee has never seen this, there has been no testimony from the Spokane school district or whatever school district we happen to be talking about. I think it is bad precedent for us to begin trying to run every school transportation system at the state level, and I would urge that you defeat this."

REMARKS BY SENATOR GOULD

Senator Gould: "Mr. President, I wanted to clarify an issue that was brought up, I think by Senator Bottiger. School districts are not prohibited from transporting students less than two miles from school, but they are mandated to transport students over two miles from school. And currently, as Senator McDermott has indicated, local school boards have the flexibility and the option to provide the kinds of service for those students within the two-mile limit that is necessary depending upon health and safety factors and the other problems that occur at the local area. I believe, Senator Hurley, that this particular problem could be resolved within the Spokane school district under the current law; and I guess I would concur that that is the way it should be done."

The motion by Senator Hurley failed and the amendment was not adopted on a rising vote.

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. 440, 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. 440, 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, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Lewis, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vogtild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Voting nay: Senator Guess—1.

Excused: Senators Jones, Lee, Lysen, Matson, Morrison, Pullen, Rasmussen—
7.

SUBSTITUTE HOUSE BILL NO. 440, 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. 357.

SECOND READING

ENGROSSED HOUSE BILL NO. 357, by Representatives Thompson, Zimmerman and Gruger:

Placing student associations at institutions of higher education under open public meetings act.

REPORT OF STANDING COMMITTEE

February 6, 1980.

ENGROSSED HOUSE BILL NO. 357, placing student associations at institutions of higher education under open public meetings act (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 16, after "students" strike "in institutional policy"

On page 1, line 27, after "body" insert "except tenure review committees pursuant to RCW 28B.50.850 through RCW 28B.50.870"

On page 2, line 1, after "students" strike "in recommending institutional policy"

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Goltz, the committee amendments were adopted.

On motion of Senator Goltz, the rules were suspended, Engrossed House Bill No. 357, 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. 357, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lewis, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren; Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Excused: Senators Jones, Lee, Lysen, Matson, Morrison, Pullen, Rasmussen—
7.

ENGROSSED HOUSE BILL NO. 357, 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 10:40 a.m., on motion of Senator Marsh, the Senate recessed until 12:10 p.m.

SECOND MORNING SESSION

The President called the Senate to order at 12:10 p.m.

MOTIONS

On motion of Senator Hayner, Senator Haley was excused.

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 1521.

SECOND READING

HOUSE BILL NO. 1521, by Representatives Whiteside, Adams, Mitchell and Van Dyken (by Department of Social and Health Services request):

Regulating transfers of property by persons seeking eligibility for public assistance.

REPORT OF STANDING COMMITTEE

February 6, 1980.

HOUSE BILL NO. 1521, regulating transfers of property by persons seeking eligibility for public assistance (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Section 74.04.005, chapter 26, Laws of 1959 as last amended by section 294, chapter 141, Laws of 1979 and RCW 74.04.005 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"——Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"——The department of social and health services.

(3) "County or local office"——The administrative office for one or more counties or designated service areas.

(4) "Secretary"——The secretary of social and health services.

(5) "Federal-aid assistance"——The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons(~~(; including old age assistance, medical assistance, aid to families with dependent children, aid to the permanently and totally disabled persons, aid to the blind, child welfare services, and any other programs of public assistance))~~) for which provision for federal funds or aid may from time to time be made.

(6) "General assistance"——Shall include aid to unemployable persons and unemployed employable persons who are not eligible to receive or are not receiving federal-aid assistance.

(a) "Unemployable persons" are those persons who by reason of bodily or mental infirmity or other cause are substantially incapacitated from gainful employment.

(b) "Unemployed employable persons" are those persons who although capable of gainful employment are unemployed.

(7) "Medical indigents"—Are persons without income or resources sufficient to secure necessary medical services.

(8) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(9) "Recipient"—Any person receiving assistance (~~(or currently approved to receive assistance at any future date)~~) and in addition those dependents whose needs are included in the recipient's (~~(grant)~~) assistance.

(10) "Requirement"—Items of goods and services included in the state department of social and health services standards of assistance and required by an applicant or recipient to maintain a defined standard of living.

(11) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as income which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as income which can be made available to meet need.

(b) Household furnishings and personal (~~(clothing used and useful to the person)~~) effects and other personal property having great sentimental value to the applicant or recipient.

(c) (~~(Automobile(s))~~) Term and burial insurance for use of the applicant or recipient.

(d) ~~Vehicle(s) used and useful((-d) Cash of not to exceed two hundred dollars for a single person or four hundred dollars for a family unit of two, or marketable securities of such value. This maximum shall be increased by twenty-five dollars for each additional member of the family unit)~~ having an equity value not to exceed one thousand five hundred dollars.

(e) Life insurance having a cash surrender value not to exceed seven hundred fifty dollars until July 1, 1981, and thereafter one thousand five hundred dollars.

(f) (~~(Other personal property and belongings which are used and useful or which have great sentimental value to the applicant or recipient)~~) Cash, marketable securities, and any excess of values exempted under (d) and (e) of this section, not to exceed seven hundred fifty dollars for a single person or one thousand two hundred fifty dollars for a family unit of two or more until July 1, 1981, and thereafter one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more.

(~~(Whenever such person ceases to make use of any of the property specified in items (b), (c) and (f) of this section, the same shall be considered as income available to meet need: PROVIDED, That the department may by rule and regulation exempt such personal property and belongings which can be used by the applicant or~~

recipient to decrease his need for public assistance or aid in rehabilitating him or his dependents.))

(g) ((The department shall by rule and regulation fix the ceiling value for the individual or family unit for all property and belongings as defined in items (c), (d) and (e) of this section. In establishing such ceiling, the department shall establish a sliding scale based upon the family size.)) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient: PROVIDED, That in the determination of need of applicants for or recipients of general assistance for unemployed employables no resources or income shall be considered as exempt per se, but the department may by rule and regulation adopt standards which will permit the exemption of the home and personal property and belongings from consideration as an available resource or income when such resources or income are determined to be necessary to the applicant's or recipient's restoration to independence. The department may by rule and regulation exempt personal property and belongings and income-producing property which can be used by the applicant or recipient to decrease his or her need for public assistance or aid in rehabilitating the applicant or recipient or his or her dependents.

(12) "Income"—All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient after applying for or receiving public assistance: PROVIDED, That all necessary expenses that may reasonably be attributed to the earning of income shall be considered in determining net income: PROVIDED FURTHER, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance: ((PROVIDED FURTHER, That in determining the amount of assistance to which a recipient of aid to the blind is entitled or to which any dependent of such recipient may be entitled under any category of public assistance, the department is hereby authorized to disregard as a resource or income the first eighty-five dollars per month of any earned income plus one-half of earned income in excess of eighty-five dollars per month and for a period of not in excess of thirty-six months such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the department, as may be necessary for the fulfillment of such plan of such blind recipient who is otherwise eligible for an aid to the blind grant.)) PROVIDED FURTHER, That in determining the amount of assistance to which a recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income (((a) with respect to a child who is not a full-time employee and who is a full-time or part-time student attending a school, college, or university, or a course of vocational or technical training designed to fit him for gainful employment, all of the earned income of such child; and (b) with respect to any other dependent child, adult, or other person in the home whose needs are taken into account in making such determination, the first thirty dollars of the total of their earned income for such month and one-third of the remainder)) the earned income exemptions consistent with federal requirements: PROVIDED FURTHER, The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements((~~PROVIDED FURTHER~~, That in determining the amount of assistance to which a recipient of old age assistance is entitled, the department is hereby authorized to disregard as a resource or

~~income the first twenty dollars per month of any earned income plus one-half of additional earnings up to eighty dollars of such recipient who is otherwise eligible for an old age assistance grant; but the total amount of earnings or other income if accumulated shall not, when added to the amount of cash or marketable securities exempted under (d) of subsection (11) of this section, exceed the total amounts exempted under that subsection for a family unit: PROVIDED FURTHER, That a recipient of aid to the blind may accumulate without penalty from such exempt income, an amount not to exceed the maximum value of personal property as established by the department pursuant to this section less other cash, marketable securities, cash surrender value of insurance and/or car held by such recipient)). In formulating rules and regulations pursuant to this chapter the department shall define "earned income" ((in such a manner as to meet with the approval of the department of health, education and welfare: and PROVIDED FURTHER, That)) consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.~~

(13) "Need"—The difference between the applicant's or recipient's cost of requirements for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt net income received by or available to the applicant or recipient and the dependent members of his family.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 2. Section 74.04.300, chapter 26, Laws of 1959 as last amended by section 306, chapter 141, Laws of 1979 and RCW 74.04.300 are each amended to read as follows:

If a recipient receives public assistance for which he is not eligible, or receives public assistance in an amount greater than that for which he is eligible, the portion of the payment to which he is not entitled shall be a debt due the state: PROVIDED, That if any part of any assistance payment is obtained by a person as a result of a wilfully false statement, or representation, or impersonation, or other fraudulent device, or wilful failure to reveal resources or income, one hundred twenty-five percent of the amount of assistance to which he was not entitled shall be a debt due the state and shall become a lien against the real and personal property of such person from the time of filing by the department with the county auditor of the county in which the person resides or owns property, and such lien claim shall have preference to the claims of all unsecured creditors: It shall be the duty of recipients of public assistance to notify the department within twenty days of the receipt or possession of all income or resources not previously declared to the department, and any failure to so report shall be prima facie evidence of fraud: PROVIDED FURTHER, That there shall be no liability placed upon recipients for receipt of overpayments of public assistance which result from error on the part of the department and no fault on the part of the recipient in obtaining or retaining the assistance if the recovery thereof would be inequitable as determined by the secretary or his designee or when the department determines that the cost of collection exceeds the amount recoverable from a nonfraudulent overpayment.

Debts due the state pursuant to the provisions of this section, may be recovered by the state by deduction from the subsequent assistance payments to such persons or may be recovered by a civil action instituted by the attorney general.

NEW SECTION. Sec. 3. There is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1981, the

sum of five hundred thousand dollars, or as much thereof as may be necessary, to carry out the purposes of this act."

In the title, page 1, line 1, strike everything after "assistance;" and insert "amending section 74.04.005, chapter 26, Laws of 1959 as last amended by section 294, chapter 141, Laws of 1979 and RCW 74.04.005; amending section 74.04.300, chapter 26, Laws of 1959 as last amended by section 306, chapter 141, Laws of 1979 and RCW 74.04.300; and making an appropriation."

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Haley, Talmadge, Vognild.

The bill was read the second time by sections.

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

On motion of Senator Day, the committee amendment to the title was adopted.

On motion of Senator Day, the rules were suspended, House Bill No. 1521, 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. 1521, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Lewis, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Excused: Senators Haley, Jones, Lee, Lysen, Matson, Morrison, Pullen—7.

HOUSE BILL NO. 1521, 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 Substitute House Bill No. 1570.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1570, by Committee on Financial Institutions (originally sponsored by Representatives Winsley, Eng and Sanders):

Modifying restrictions on commercial lending.

REPORT OF STANDING COMMITTEE

February 14, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1570, modifying restrictions on commercial lending (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass with the following amendment:

On page 1, beginning on line 7, strike all of Section 1.

Renumber the remaining sections consecutively.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

The bill was read the second time by sections.

Senator Bausch moved adoption of the committee amendment.

Senator Hayner moved the committee amendment not be adopted.

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

The President declared the question before the Senate to be the positive motion by Senator Bausch that the committee amendment be adopted.

ROLL CALL

The Secretary called the roll and the committee amendment was adopted by the following vote: Yeas, 31; nays, 11; excused, 7.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Hurley, Lewis, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Shipoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—31.

Voting nay: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hayner, Scott, Sellar, Talley, Wanamaker—11.

Excused: Senators Haley, Jones, Lee, Lysen, Matson, Morrison, Pullen—7.

MOTION

At 12:20 p.m., on motion of Senator Marsh, the Senate recessed until 3:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 3:00 p.m.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Substitute House Bill No. 1496.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496, by Committee on Insurance (originally sponsored by Representatives Galloway, Maxie, Keller, Smith (R.), Rinehart, Brekke, Winsley, Teutsch, McGinnis, Vrooman, Zimmerman, Garrett, Erak, Taylor, Ellis, Gallagher, Rohrbach, Granlund and Gruger):

Requiring health insurance conversion rights for employees and their spouses.

The bill was read the second time by sections.

On motion of Senator Bausch, the rules were suspended, Engrossed Substitute House Bill No. 1496 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1496, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; excused, 9.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Lewis, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—39.

Voting nay: Senator Clarke—1.

Excused: Senators Haley, Jones, Lee, Lysen, Matson, Morrison, Pullen, Sellar, Wanamaker—9.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 551.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 551, by Committee on Judiciary (originally sponsored by Representatives Brown, Winsley, Gallagher, Pruitt, Vrooman, Jovanovich, Scott, Owen, Granlund, Smith (R.), Erickson, Grimm, Walk, Brekke, McGinnis, Burns, Nelson (D), Clayton, Hughes, North, Tilly, Hurley, Bender and Smith (C.P.)):

Prohibiting pornography involving children.

The bill was read the second time by sections.

On motion of Senator Talmadge, the following amendments were considered and adopted simultaneously:

On page 1, beginning on line 30, insert:

"(6) Visual or printed matter means any film, photograph, negative, slide, motion picture, video tape, book, magazine, or other mechanically reproduced visual or printed material."

On page 2, line 9, after "of a" strike all the material down to and including "fine" on line 12 and insert "Class B felony"

On page 2, line 20, after "3.", strike all the material down to and including "fine" on line 29 and insert: "A person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state possesses, prepares, publishes, or prints with intent to distribute, sell, or exhibit to others for commercial consideration, any visual or printed matter which is obscene, knowing that the production of such matter involves the use of a minor engaged in sexually explicit conduct and that the matter depicts such conduct, is guilty of a Class C felony"

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 551, 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 Scott: "Senator Talmadge, is the title of this bill broad enough to encompass the subject of child prostitution?"

Senator Talmadge: "Senator, I believe it is an act relating to pornography involving children. It would be my belief that it probably would cover that situation."

Senator Scott: "Child prostitution. Why wasn't that subject covered since it is the worst evil of all?"

Senator Talmadge: "The bill came over from the House, Senator Scott, in this fashion. We attempted to deal with it in the judiciary committee as it came to us. The bill deals essentially with the problems of pornography and that is the problem we have before us and that is the problem that we dealt with. You will notice that the definitional sections contained in the bill, may in fact, not give us an opportunity to deal with child prostitution, and it might make the bill somewhat more expansive than what the House intended to consider in sending the bill over to us. That is the reason the bill deals only with pornography, to my understanding."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 551, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Lewis, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—40.

Excused: Senators Haley, Jones, Lee, Lysen, Matson, Morrison, Pullen, Sellar, Wanamaker—9.

SUBSTITUTE HOUSE BILL NO. 551, 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 Joint Resolution No. 37.

SECOND READING

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 37, by Committee on Judiciary (originally sponsored by Representatives Newhouse, Knowles, Smith (R.) and Ellis):

Establishing a judicial performance and disciplinary commission.

The resolution was read the second time in full.

On motion of Senator Marsh, the rules were suspended, Substitute House Joint Resolution No. 37, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Marsh, this constitutional amendment provides for the retirement of a judge or justice for a permanent disability which seriously interferes with the performance of judicial duties. I see the desirability of forcing a permanently disabled judge from the bench when his or her disability seriously interferes with the performance of judicial duties. But is there any intent in the term 'retire' to imply that the payment of some type of benefit be made that is not implied by the statute?"

Senator Marsh: "No. The word 'retire' is used in the same sense as 'removal'. If a judge were retired for disability he would receive no retirement benefit unless he was otherwise qualified by the applicable statutory scheme for judicial retirement for disability."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Joint Resolution No. 37, and the resolution passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Lewis, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—40.

Excused: Senators Haley, Jones, Lee, Lysen, Matson, Morrison, Pullen, Sellar, Wanamaker—9.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 37, having received the constitutional two-thirds majority, was declared passed.

MOTION

On motion of Senator Marsh, all measures passed by the Senate today were ordered immediately transmitted to the House.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 1432.

SECOND READING

HOUSE BILL NO. 1432, by Representatives Granlund, Taller, Galloway, Winsley, Heck, Chandler, Eberle, Scott, Jovanovich, Salatino, Walk and Dawson:

Removing school district director terms from assumption of office date common to counties, cities and towns and certain other special purpose districts.

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

On page 7, after line 15, add the following new sections:

"Sec. 8. Section 29.27.080 as amended by chapter 9, Laws of 1965 and RCW 29.27.080 are each amended to read as follows:

(a) Notice for any state, county, district, or municipal election, whether special or general, shall be given by at least one publication not more than ten nor less than three days prior to the election by the county auditor or the officer conducting the election as the case may be, in one or more newspapers of general circulation within the county. Said legal notice shall contain the title of each office under the proper party designation, the names and addresses of all officers who have been nominated for an office to be voted upon at that election, together with the ballot titles of all measures, the hours during which the polls will be open, and that the election will be held in the regular polling places in each precinct, giving the address of each polling place: PROVIDED, That the names of all candidates for nonpartisan offices shall be published separately with designation of the offices for which they are candidates but without party designation. This shall be the only notice required for a state, county, district or municipal general or special election and shall supersede the provisions of any and all other statutes, whether general or special in nature, having different requirements for the giving of notice of any general or special elections.

(b) All school district elections held on February 5, 1980, at which the number and proportion of persons required by law voted to authorize bonds or tax levies, are hereby validated regardless of any failure to publish notice of such election. No action challenging the validity of any such election may be brought later than April 15, 1980, or thirty days from the effective date of this act, whichever is later. Notice of provisions of this subsection shall be published within five days after the effective date of this section of this 1980 act in a newspaper of general circulation within each county where a school district election was held on February 5, 1980, and where notice of such election was not published as provided in subsection (a).

NEW SECTION. Sec. 9. Section 8 of this 1980 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its public institutions, and shall take effect immediately."

Re-number remaining section consecutively.

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

On page 1, line 14 of the title, after "29.04.170;" insert "declaring an emergency"

On motion of Senator McDermott, the rules were suspended, House Bill No. 1432, 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. 1432, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; excused, 9.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Hurley, Lewis, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—39.

Voting nay: Senator Gould—1.

Excused: Senators Haley, Jones, Lee, Lysen, Matson, Morrison, Pullen, Sellar, Wanamaker—9.

HOUSE BILL NO. 1432, 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 e act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 1457.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1457, by Committee on Local Government (originally sponsored by Representatives Charnley, Rohrbach and Garrett):

Modifying the laws providing for joint county and city health departments.

REPORT OF STANDING COMMITTEE

February 6, 1980.

SUBSTITUTE HOUSE BILL NO. 1457, modifying the laws providing for joint county and city health departments (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

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

"Section 1. Section 4, chapter 46, Laws of 1949 and RCW 70.08.040 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the director of public health under this chapter shall be appointed by the mayor of the city of one hundred thousand population or more, such appointment to be effective only upon a majority vote confirmation of each (~~(governing body)~~) legislative authority of said city and said county. He shall be paid such salary and allowed such expenses as shall be determined annually by the (~~(governing bodies)~~) legislative authorities of said city and said county. He shall hold office for an indefinite term and may be removed at any time by the mayor of said city only for cause shown and after public hearing on charges reduced to writing, a copy of such charges having first been filed ten days prior to such public hearing with the (~~(governing bodies)~~) legislative authorities of said city and of said county.

(2) Where a combined department is established under this chapter involving a city with a population of four hundred thousand or more and a class AA county in which such city is located, the director of public health under this chapter shall be appointed by the county executive of the county and the mayor of the city for a term of four years and until a successor is appointed and confirmed. The director of public health may be reappointed by the county executive of the county and the mayor of the city for additional four year terms. The appointment shall be effective only upon a majority vote confirmation of the legislative authority of the county and the legislative authority of the city. The director may be removed by the county executive of the county, after consultation with the mayor of the city, upon filing a statement of reasons therefor with the legislative authorities of the county and the city.

Sec. 2. Section 5, chapter 46, Laws of 1949 and RCW 70.08.070 are each amended to read as follows:

~~((Att))~~ Notwithstanding any provisions to the contrary contained in any city or county charter, and to the extent provided by the city and the county pursuant to appropriate legislative enactment, employees of the combined city and county health department ((except those already covered by civil service and retirement plans,)) may ((upon passage of an ordinance by the city,)) be included in the civil service and retirement plans of ((such)) the city or the county: PROVIDED, That residential requirements for such positions shall be coextensive with the county boundaries: PROVIDED FURTHER, That the city or county is authorized to pay such parts of the expense of operating and maintaining such civil service and retirement system and to contribute to the retirement fund in behalf of employees such sums as may be agreed upon between the ((governing bodies)) legislative authorities of such city and county.

Sec. 3. Section 6, chapter 46, Laws of 1949 and RCW 70.08.080 are each amended to read as follows:

The city by ordinance, and the county by ~~((resolution))~~ appropriate legislative enactment, under this chapter may pool all or any part of their respective funds available for public health purposes, in the office of the city treasurer or the office of the county treasurer in a special pooling fund to be established in accordance with agreements between the ~~((governing bodies))~~ legislative authorities of said city and county and which shall be expended for the combined health department.

NEW SECTION. Sec. 4. 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. 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."

On page 1, on line 1 of the title, after "departments;" strike the remainder of the title and insert "amending section 4, chapter 46, Laws of 1949 and RCW 70.08.040; amending section 5, chapter 46, Laws of 1949 and RCW 70.08.070; amending section 6, chapter 46, Laws of 1949 and RCW 70.08.080; and declaring an emergency."

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Fleming, Lee, Moore.

The bill was read the second time by sections.

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

On motion of Senator Bluechel, the committee amendment to the title was adopted.

On motion of Senator Bluechel, the rules were suspended, Substitute House Bill No. 1457, 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. 1457, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Lewis, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—40.

Excused: Senators Haley, Jones, Lee, Lysen, Matson, Morrison, Pullen, Sellar, Wanamaker—9.

SUBSTITUTE HOUSE BILL NO. 1457, 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 Substitute House Bill No. 382.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 382, by Committee on Commerce (originally sponsored by Representatives Gallagher, Wilson, Brown, Martinis and Van Dyken):

Requiring smoke detectors in certain dwelling units.

Senator Van Hollebeke moved adoption of the following amendment:

On page 1, line 13, after "RCW" insert "after December 31, 1980"

POINT OF INQUIRY

Senator Guess: "Senator Van Hollebeke, as I read the amendment you say that, on line thirteen, after 'RCW', insert 'December 31, 1980'. Is that going to change, the one up above, it says 'built or manufactured in this state after December 31, 1980' and then you said 'occupied by the owner or grantor before the dwelling is conveyed to a grantee under Chapter 64.04'. In the first place, I would like a description of what 64.04 is."

Senator Van Hollebeke: "Maybe I could ask that the bill be held down one. I asked to have this amendment drafted just so, for the first time right now. I think it does the job but let me get a chance to see if it is worded correctly. So with the body's permission, Mr. President, hold this bill down two bills, Senator Marsh? One bill? All right."

MOTIONS

On motion of Senator Van Hollebeke, Engrossed Substitute House Bill No. 382, together with the pending amendment by Senator Van Hollebeke, will be considered following the next measure.

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 1495.

SECOND READING

ENGROSSED HOUSE BILL NO. 1495, by Representatives Barnes, Grimm, Ellis, Gruger, Teutsch, Salatino, Patterson, Burns, Oliver, Erickson and McGinnis: Adding exemption to educational services registration act.

REPORT OF STANDING COMMITTEE

February 1, 1980,

ENGROSSED HOUSE BILL NO. 1495, adding exemption to educational services registration act (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 5, following "religious", strike ", theological, or sectarian" and insert "or theological."

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

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 House Bill No. 1495, 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. 1495, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; excused, 9.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Lewis, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—39.

Voting nay: Senator Scott—1.

Excused: Senators Haley, Jones, Lee, Lysen, Matson, Morrison, Pullen, Sellar, Wanamaker—9.

ENGROSSED HOUSE BILL NO. 1495, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Marsh moved the Senate now consider Reengrossed House Bill No. 542.

POINT OF INQUIRY

Senator Guess: "Senator Marsh, we discussed this bill in the caucus and there is a situation going on in Spokane that we would like to investigate further on, and unfortunately the gentleman who is in charge of the public radio and TV station over there is not in this afternoon and we could not get him. I wonder if we could put this bill over until Monday?"

Senator Marsh: "Yes, Senator Guess, that is fine with me. I notice Representative Bauer is in the wings, and I would appreciate it if you would talk also with him concerning your concerns."

Senator Guess: "Thank you very much."

MOTIONS

On motion of Senator Marsh, Reengrossed House Bill No. 542 will be held for consideration on Monday, February 18, 1980.

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 1524.

SECOND READING

HOUSE BILL NO. 1524, by Representatives Ehlers and Taller:

Modifying the law on public employment salary surveys.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1524 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. 1524, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Lewis, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—40.

Excused: Senators Haley, Jones, Lee, Lysen, Matson, Morrison, Pullen, Sellar, Wanamaker—9.

HOUSE BILL NO. 1524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, Substitute House Bill No. 1422 will be held for consideration on Monday, February 18, 1980.

MOTION

At 3:55 p.m., on motion of Senator Marsh, the Senate adjourned until 9:30 a.m., Monday, February 18, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SIXTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Monday, February 18, 1980.

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Fleming, Jones, and Rasmussen. On motion of Senator Wilson, Senator Fleming and Rasmussen were excused. On motion of Senator Lewis, Senators Bluechel and Jones were excused.

The Color Guard, consisting of Pages Bernadette Langen and Brett Austin, presented the Colors. Reverend Lester G. Olson, senior pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"O LORD, WE PAUSE TODAY TO HONOR THE MEMORY OF THIS NATION'S FIRST PRESIDENT, FROM WHOM OUR STATE HAS ITS NAME. AS HE PASSED SAFELY THROUGH THE WATERS OF THE POTOMAC, SO LET US PLY OUR WAY THROUGH DEEP LEGISLATIVE WATERS WHICH WE MUST CROSS TODAY. AS HE WAS GUIDED BY A CONCERN FOR ALL PEOPLE, SO PERMIT OUR DECISIONS TODAY TO REFLECT OPTIONS FOR THE GOOD OF ALL CITIZENS. KEEP ALIVE THE MEMORY OF WASHINGTON BY THE CONTINUED USE OF THE HIGH PRINCIPLES HE ESPOUSED BY THE STATE WHICH BEARS HIS NAME. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 15, 1980.

HOUSE BILL NO. 783, revising laws relating to retirement of state patrol officers (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Fleming, Gaspard, Goltz, Marsh, Ridder, Shinpoch, Walgren, Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1980.

HOUSE BILL NO. 1438, permitting the port commission to waive the rent security requirement (reported by Committee on Local Government):

MAJORITY recommendation: Without recommendation.

Signed by: Senators Bluechel, Bradburn, Fleming, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 15, 1980.

SUBSTITUTE HOUSE BILL NO. 1512, increasing the value for private docks exempted under the shoreline management act (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Williams, Chairman; Bradburn, Goltz, Guess, Hansen.

Passed to Committee on Rules for second reading.

February 15, 1980.

SUBSTITUTE HOUSE BILL NO. 1901, redefining life estate for purposes of the residential property tax exemption (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Fleming, Gaspard, Goltz, Marsh, Ridder, Shinpoch, Walgren, Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952, making miscellaneous changes in law relating to unemployment compensation (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison, Sellar.

Passed to Committee on Rules for second reading.

February 15, 1980.

REENGROSSED HOUSE JOINT RESOLUTION NO. 22, providing the means to pay the indebtedness on public development projects (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Vice Chairman; Bausch, Bluechel, Fleming, Gaspard, Goltz, Marsh, Morrison, Ridder, Sellar, Walgren, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR

Office of the Governor, February 14, 1980.

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

I have the honor to advise that on February 14, 1980, Governor Ray approved the following Senate Bills entitled:

SUBSTITUTE SENATE BILL 3195, relating to Heart Lake purchase.

SENATE BILL 3406, certain state funds—school funds abolished.

SENATE BILL 3219, Lewis and Clark commemorated.

Sincerely,
H.B. HANNA
Legal Counsel.

CONDITIONAL PARDON OF LEVY ARNETT

Office of the Governor, February 11, 1980.

TO THE HONORABLE, THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

In compliance with the provisions of Section 11 of Article III of the Constitution of the state of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation, or pardon which has been granted since the adjournment of the First Extraordinary Session of the Forty-Sixth Regular Session of the Legislature.

Levy Arnett was convicted of Murder in the First Degree by the Superior Court for the state of Washington, in and for the County of King, under Cause No. 42518 on August 10, 1965, and was sentenced on that date to a mandatory life term, requiring that he serve twenty consecutive years less good time before he may be considered for parole by the Board of Prison Terms and Paroles.

Levy Arnett has been in continuous custody since his conviction for Murder in the First Degree except for the period from October 30, 1974 to March 25, 1977, which time he was released on his personal recognizance by King County Court order during his appeal process.

Letters of support and recommendation have been presented on behalf of Levy Arnett, advising that during the period he was released on personal recognizance he was continuously employed, lived with his wife and a nephew in the Seattle area, and in all matters conducted himself properly.

Correctional officers have provided letters advising that Levy Arnett has been a stabilizing influence on programs within the prisons and that other residents respect Levy Arnett because of his integrity and willingness to work and his leadership during the critical period of the development of the Resident Government Council at the Washington State Penitentiary; further Levy Arnett has been said to continue to enhance his reputation through ethical and law-abiding behavior, not only with his peers but with all persons who come into contact with him.

The Board of Prison Terms and Paroles collectively reviewed the file of Levy Arnett and agreed to recommend a conditional gubernatorial pardon to give credit for that portion of time that Levy Arnett was released from continuous custody under personal recognizance, thereby giving the Board of Prison Terms and Paroles the jurisdiction to consider him for parole.

For these reasons, on June 14, 1979, Levy Arnett was granted a conditional pardon and authorized the Board of Prison Terms and Paroles to parole Levy Arnett, subject to the complete control, supervision and authority of said Board, which authority shall include any and all action deemed appropriate by the Board, including the authority to revoke the parole and return Levy Arnett to imprisonment.

Respectfully submitted,
DIXY LEE RAY
Governor.

MESSAGES FROM THE HOUSE

February 15, 1980.

Mr. President: The House has passed:
ENGROSSED HOUSE BILL NO. 1433,
SUBSTITUTE HOUSE BILL NO. 1534,
SUBSTITUTE HOUSE BILL NO. 1536,
SUBSTITUTE HOUSE BILL NO. 1537,
SUBSTITUTE HOUSE BILL NO. 1543,
HOUSE BILL NO. 1545,
HOUSE BILL NO. 1597,
HOUSE BILL NO. 1658,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 15, 1980.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 3011,

ENGROSSED SUBSTITUTE SENATE BILL NO. 3237, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1433, by Representatives Thompson, Nelson (G.), King, Newhouse, Knowles, Whiteside, Winsley, Barr, Struthers, Brown, Gallagher, May, Salatino, Owen, Adams, Monohon, Deccio, Granlund, Walk, Dawson, Kreidler, Brekke, Eng, Pruitt and Smith (R.):

Appropriating funds for the state crime lab.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1534, by Committee on Appropriations (originally sponsored by Representatives Thompson and Nelson (G. A.)):

Making an appropriation to the department of social and health services.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1536, by Committee on Appropriations (originally sponsored by Representatives Thompson and Nelson (G. A.)):

Making an appropriation to the department of labor and industries.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1537, by Committee on Appropriations (originally sponsored by Representative Thompson):

Making an appropriation to the criminal justice training commission.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1543, by Committee on Appropriations (originally sponsored by Representative Thompson):

Making an appropriation to the department of licensing.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1545, by Representatives Thompson, Nelson (G.), Galloway, Ellis, McDonald, Granlund, Scott, Rinehart, Erickson, Taller, May, O'Brien, North, Barnes, Charnley, Maxie and Gallagher:

Making an appropriation to the state library.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1597, by Representatives Williams, Nisbet, Dunlap, McCormick, Bond, Scott, Mitchell, Smith (C.) and Oliver:

Authorizing issuance of certain school district bonds for energy efficiency purposes.

Referred to Committee on Energy and Utilities.

HOUSE BILL NO. 1658, by Representatives Thompson, Nelson (G.) and King (by Employment Security Department request):

Modifying provisions of the administrative contingency fund.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724, by Committee on Appropriations (originally sponsored by Representatives Nelson (G.), Patterson, Burns, Flanagan, Deccio, Bond, Nelson (D.), McGinnis, Rinehart and Smith (C.)): Providing for a salary increase for higher education faculty and administration. Referred to Committee on Ways and Means.

SECOND READING

HOUSE BILL NO. 277, by Representatives Warnke, Walk, Addison and Williams:

Repealing regulation of comic books.

The bill was read the second time by sections.

On motion of Senator Wojahn, the rules were suspended, House Bill No. 277 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. 277, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Hurley, Van Hollebeke—2.

Absent or not voting: Senator Matson—1.

Excused: Senators Bluechel, Fleming, Jones, Rasmussen—4.

HOUSE BILL NO. 277, having received the 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. 19, by Committee on Judiciary (originally sponsored by Representatives Nelson (Dick), Knowles, Pruitt and Brekke)(by House Committee on Judiciary of the 46th Legislature request):

Restoring the civil rights of persons convicted of infamous crimes upon their final discharge by the parole board.

REPORT OF STANDING COMMITTEE

February 8, 1980.

SUBSTITUTE HOUSE BILL NO. 19, restoring the civil rights of persons convicted of infamous crimes upon their final discharge by the parole board (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On line 10, after "board" strike "~~((may)) shall~~" and insert "may".

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Jones, Van Hollebeke.

The bill was read the second time by sections.

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

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

On page 1, line 12, after "prisoner" insert ". The board retains the jurisdiction to issue a certificate of discharge after the expiration of the prisoner's or parolee's maximum statutory sentence".

On page 1, beginning on line 17, strike all of the underlined material through "request." on line 21.

Debate ensued.

The motion by Senator Clarke carried and the amendments were adopted.

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 19, 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 Sellar, Senator Matson was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 19, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Jones, Matson, Rasmussen—4.

SUBSTITUTE HOUSE BILL NO. 19, 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. 427, by Representatives Smith (R.), Newhouse, Thompson, Winsley, Knowles, Chandler, Sherman, Haley and Erak:
Limiting the use of search warrants.

REPORT OF STANDING COMMITTEE

February 13, 1980.

ENGROSSED HOUSE BILL NO. 427, limiting the use of search warrants (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 29, after "followed." strike "Evidence obtained pursuant to a warrant issued in violation of this subsection is inadmissible in all subsequent judicial proceedings."

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Pullen, Van Hollebeke, Woody.

The bill was read the second time by sections.

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

On motion of Senator Marsh, the rules were suspended, Engrossed House Bill No. 427, 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 Guess: "Senator Marsh, will you explain for those of us that are lay, the words on twenty-four, line twenty-four, following the word 'subpoena'."

Senator Marsh: "Duces tecum. A subpoena duces tecum is one that requires you to produce documents. A subpoena by distinction applies to producing the person; and subpoena decus tecum is to produce documents that are in your possession; or evidence that is in your possession."

Senator Guess: "Well then, instead of the person seeking the information going down to the court and asking for a search warrant and the search warrant be handed to him, it means that you are going to make the newspaper bring the information down to the court house?"

Senator Marsh: "That is correct."

Senator Guess: "Thank you very much."

POINT OF INQUIRY

Senator Talmadge: "Senator Clarke, the committee amendment that was adopted was your amendment in the judiciary committee; and is it your understanding that the exclusionary rule would apply in all circumstances at the present time unless the exclusionary rule were changed by the state, or United States Supreme Court?"

Senator Clarke: "Yes, Senator, that is correct. This exclusionary rule is a rule which primarily has been adopted by the courts and there is some indication that there may be some relaxing of that rule. Unfortunately the so-called 'tainted evidence rule' has resulted in many people who would otherwise convicted, going free. The evidence is there and they know it would convict them but because of some mistake in connection with the obtaining of the evidence, it could not be used and the person goes free. Now there is an indication that the courts may be relaxing this rule and the purpose of this amendment is simply to remove the statutory statement that the evidence could not be used under such circumstances, and leave it entirely up to the courts who presumably would follow the rules that presently exist unless and until they decide to change it."

MOTION

On motion of Senator Sellar, Senator Wanamaker was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 427, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senator Pullen—1.

Excused: Senators Fleming, Jones, Wanamaker—3.

ENGROSSED HOUSE BILL NO. 427, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Walgren, Engrossed Substitute House Bill No. 382 will be considered following Engrossed Substitute House Bill No. 1210.

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 1016.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1016, by Committee on Revenue (originally sponsored by Representatives Newhouse and Sommers):

Dividing sales and use exemption subsections into separate sections.

The bill was read the second time by sections.

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1016 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Clarke, Senator Matson was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1016 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Jones, Matson, Wanamaker—4.

SUBSTITUTE HOUSE BILL NO. 1016, having received the 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. 1210, by Committee on Education (originally sponsored by Representatives Galloway, Whiteside, Vrooman, Erickson, Van Dyken and Zimmerman):

Authorizing certain exceptions relating to second class school districts respecting beneficial interests in contracts.

The bill was read the second time by sections.

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 1210 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. 1210 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch,

Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Jones, Matson, Wanamaker—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1210, having received the 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. 382, by Committee on Commerce (originally sponsored by Representatives Gallagher, Wilson, Brown, Martinis and Van Dyken):

Requiring smoke detectors in certain dwelling units.

The Senate resumed consideration of Engrossed Substitute House Bill No. 382 and the following pending amendment by Senator Van Hollebeke that had been moved for adoption of February 15, 1980:

On page 1, line 13, after "RCW" insert "after December 31, 1980".

POINT OF INQUIRY

Senator Guess: "Senator Van Hollebeke, yesterday afternoon I took the occasion to go out to a hardware store and read labels on the boxes of two nationally distributed smoke detectors. I find that they are warranted for one year. This is my first problem. The second, they are, the warranty limits the liability of the company to twenty-five thousand dollars for the malfunction of the smoke detector. Now, if the owner installs a smoke detector that is warranted for only twenty-five thousand dollars of liability, how much liability is the owner going to be subject to in case of malfunction of the instrument?"

Senator Van Hollebeke: "All right. I am hoping that perhaps Senator Marsh and Senator Clarke and the other lawyer legislators are listening to that question. Senator Guess has noted that on a detection device he saw in a store, it said there was a one-year warranty, wasn't it, Senator? And a twenty-five thousand dollar maximum liability. I question whether that would be, whether that liability being printed on there, that limitation is voidable or enforceable. I am sure that there is couple of others, at least a couple of others know more than that than I do here. The other thing is while you are on that portion of the bill, Senator, our staff was asked to check with the insurance commissioner. Now this allows the state fire marshal of the insurance commissioner's office to adopt rules. They have, incidentally and this is just for further information and not in point directly in point to your question, they said the requirement would be that there be one placed on every floor where there is a bedroom. They say that the insurance, and the commissioner's office has assured the staff that insurance companies will not be liable, and this is another area I think you and I might have discussed privately before I did with one of the other Senators, will not be able to deny liability because of failure of smoke detectors and we might want to get into that because I would like some questions answered a little better in my own mind. Anyway, I would like to defer to one of the other Senators, the lawyer Senators, on that warranty. I doubt if it means what it says even if, . . . Senator Marsh?"

POINT OF INQUIRY

Senator Guess: "Senator Clarke, could you shed any light on the statement that was on the box that said that the company would accept twenty-five thousand dollars of liability?"

Senator Clarke: "Senator, I do not think that would have anything to do with the possible liability of the home owner. That relates only to the manufacturer distributor of the smoke detector. Now it is a principle of law that a violation of an ordinance or regulation is negligence per se. So without having researched the matter off the top of my head I would say that in the event the failure of a smoke detector or the failure to install or have a smoke detector as is required in this bill, was shown to be the proximate cause of either extensive damage to property, the dwelling itself or personal injury, certainly it could be anticipated that a suit would be brought against the person who is required to install it under this section, seeking recovery of all of those damages. Now your distributor under the warranty, might also be responsible and probably also would be subject to the suit. But I would certainly expect the owner of the house, or the person who had the obligation of installing it under this section, also to be sued."

Senator Guess: "Further, Senator Clarke, if you would. Then are we, by the passage of this bill, requiring that the owner install a smoke detector, placing a greater liability that does not now exist, upon the owner of a piece of property when he transfers that property?"

Senator Clarke: "That certainly is true because at the present time there is no obligation to install. If this bill were passed, it would create an obligation, and as I say, the violation of a requirement such as this, is held to be negligence per se, and if that is then shown to be the proximate cause of an injury, suit could be expected to recover that."

Senator Guess: "Thank you very much."

Debate ensued.

The motion by Senator Van Hollebeke carried and the amendment was adopted.

Senator Bradburn moved adoption of the following amendment:

On page 1, strike all of lines 12 and 13, including the Van Hollebeke amendment.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bradburn.

The motion by Senator Bradburn carried and the amendment was adopted on a rising vote.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Substitute House Bill No. 382, 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 Quigg: "Senator Van Hollebeke, I know we are talking about rental units and I am pretty sure that we all intend that these be apartments and homes and things like that; but in reading the definition of 'dwelling unit' it does not specifically exclude some of the recreational vehicles and things we see out now that are probably about as thoroughly outfitted with living, sleeping, eating, cooking, and sanitation facilities as any permanent residence, apartment or home. Is it the intention of the bill to include boats and recreational vehicles and those sorts of things?"

Senator Van Hollebeke: "Yes, you mentioned that to me just about five minutes ago and I do not think anybody caught that, and I do not know the answer to your question. It is not my intention. It is my intention that it be just for homes permanently attached, or at least including mobile homes which are attached; but certainly not including recreational vehicles which become homes to some people nor boats. That is my intention."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 382, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Conner, Day—2.

Excused: Senators Matson, Wanamaker—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 382, 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.

IMPOSITION OF THREE MINUTE RULE

On motion of Senator Walgren, the three-minute rule on debate will be imposed on all bills on the second reading consent calendar.

SECOND READING

ENGROSSED HOUSE BILL NO. 1371, by Representatives Charnley and Zimmerman:

Relating to county road projects.

The bill was read the second time by sections.

Senator Moore moved adoption of the following amendment:

On page 1, line 23, after "annually" insert ", including maintenance and rock crushing,".

Debate ensued.

The motion by Senator Moore failed and the amendment was not adopted.

Senator Guess moved adoption of the following amendment:

On page 1, line 30, strike "greater" and insert "lesser".

Debate ensued.

The motion by Senator Guess failed and the amendment was not adopted.

On motion of Senator Wilson, the rules were suspended, Engrossed House Bill No. 1371 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Gould: "Senator Wilson, would these provisions apply to home rule counties?"

Senator Wilson: "They would, the only county to which these provisions would not apply is King county, because the King county charter establishes their own day labor criteria. The bill would apply to other charter counties which do not address the day labor question in their charters."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1371 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Bluechel, Guess, Matson, Pullen—4.

Excused: Senator Wanamaker—1.

ENGROSSED HOUSE BILL NO. 1371, having received the 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 Wilson, Senators Bottiger, Bausch and Williams were excused.

SECOND READING

HOUSE BILL NO. 1414, by Representatives Heck, Barnes, Grimm, Bauer, Zimmerman, Galloway and Vrooman:

Authorizing students attending college in another state to receive financial aid when reciprocity agreement exists with institution students attending.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, House Bill No. 1414 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. 1414 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wilson, Wojahn, Woody—45.

Excused: Senators Bausch, Bottiger, Wanamaker, Williams—4.

HOUSE BILL NO. 1414, having received the 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 Wilson, Senator Shinpoch was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1416, by Committee on Financial Institutions (originally sponsored by Representatives Eng and Winsley):

Making miscellaneous changes in law relating to credit unions.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1416 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. 1416 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wilson, Wojahn, Woody—44.

Excused: Senators Bausch, Bottiger, Shinpoch, Wanamaker, Williams—5

SUBSTITUTE HOUSE BILL NO. 1416, having received the 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. 1429, by Committee on Natural Resources (originally sponsored by Representatives Owen, Nisbet, Smith (R.), Vrooman, Craswell and Schmitten):

Regulating the taking of shellfish on private tidelands.

REPORT OF STANDING COMMITTEE

February 12, 1980.

SUBSTITUTE HOUSE BILL NO. 1429, regulating the taking of shellfish on private tidelands (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 28, after "produced on" strike "such" and insert "their own".

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Odegaard, Quigg, Rasmussen, Talley, Vognild.

The bill was read the second time by sections.

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

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1429, 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. 1429, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard,

Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wilson, Wojahn, Woody—42.

Absent or not voting: Senators Benitz, Matson—2.

Excused: Senators Bausch, Bottiger, Shinpoch, Wanamaker, Williams—5.

SUBSTITUTE HOUSE BILL NO. 1429, 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. 1434, by Representatives Erickson, Tilly, Grueger, Oliver and Smith (R.):

Permitting replies to recall charges and directing the attorney general to determine the sufficiency of the charge against a prosecuting attorney.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Engrossed House Bill No. 1434 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1434 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wilson, Wojahn, Woody—44.

Excused: Senators Bausch, Bottiger, Shinpoch, Wanamaker, Williams—5.

ENGROSSED HOUSE BILL NO. 1434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1435, by Representatives Charnley, Zimmerman, Teutsch, Decchio, May, Bauer, Tilly, Galloway and Nisbet:

Removing limitations on use of fire protection district equipment.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, House Bill No. 1435 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. 1435 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wilson, Wojahn, Woody—46.

Excused: Senators Shinpoch, Wanamaker, Williams—3.

HOUSE BILL NO. 1435, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1463, by Representatives Bauer, Heck, Zimmerman, Galloway, Grimm, Maxie, Walk, Ehlers, Taylor, Tupper, Gallagher, North, Salatino, Taller and Williams:

Authorizing waiver of mandatory attendance law for certain students excused for purposes agreed to by school authorities.

REPORT OF STANDING COMMITTEE

February 13, 1980.

ENGROSSED HOUSE BILL NO. 1463, authorizing waiver of mandatory attendance law for certain students excused for purposes agreed to by school authorities (reported by Committee on Education):

Recommendation: Do pass with the following amendment:

On page 1 line 24 after "progress" strike everything through "year" on line 25.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

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, Engrossed House Bill No. 1463, 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. 1463, as amended by the Senate, and the bill passed the Senate by the following vote: yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wilson, Wojahn, Woody—45.

Voting nay: Senator Scott—1.

Excused: Senators Shinpoch, Wanamaker, Williams—3.

ENGROSSED HOUSE BILL NO. 1463, 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. 1466, by Committee on Education (originally sponsored by Representatives Taylor, McCormick, Amen, Sommers, Chandler, Bauer, Heck, Houchen, Galloway, Nisbet and Smith (C.)):

Reestablishing levels school districts shall put public bids out for on improvements and purchases.

REPORT OF STANDING COMMITTEE

February 13, 1980.

SUBSTITUTE HOUSE BILL NO. 1466, reestablishing levels school districts shall put public bids out for on improvements and purchases (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 29, after "up to" strike "and including".

On page 2, line 35, after "building," strike "improvements, repairs" and insert "improvement, repair".

On page 3, line 21, after "is" strike "in excess of ten thousand dollars," and insert "ten thousand dollars or more".

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder.

The bill was read the second time by sections.

On motion of Senator McDermott, the committee amendments were considered and adopted simultaneously.

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1466, 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. 1466, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Shinpoch, Wanamaker—2.

SUBSTITUTE HOUSE BILL NO. 1466, 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. 1480, by Committee on Higher Education (originally sponsored by Representatives Burns, Grimm, Erickson, Patterson, Teutsch, Gruger, Oliver, Brekke, Pruitt, Nelson (D.), Lux and Rinehart):

Giving college and university students responsibility in spending of funds for programs paid with services and activities fees.

REPORT OF STANDING COMMITTEE

February 11, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1480, giving college and university students limited responsibility for recommending programs paid with services and activities fees (reported by Committee on Higher Education):

Recommendation: Do pass with the following amendment:

On page 1, after line 13, strike section 2 and insert the following:

"NEW SECTION, Sec. 2. The boards of trustees and the boards of regents of the respective institutions of higher education shall adopt guidelines governing the establishment and funding of programs supported by services and activities fees.

Such guidelines shall spell out procedures for budgeting and expending services and activities fee revenue. Any such guidelines shall be consistent with the following provisions:

(1) Initial responsibility for proposing program priorities and budget levels for that portion of program budgets that derive from services and activities fees shall reside with a services and activities fee committee, on which students shall hold at least a majority of the voting memberships, such student members to be recommended by the student government association or its equivalent. The governing board shall insure that the services and activities fee committee provides an opportunity for all viewpoints to be heard during its consideration of the funding of student programs and activities.

(2) The services and activities fee committee shall evaluate existing and proposed programs and submit budget recommendations for the expenditure of those services and activities fees to the college or university administration.

(3) The college or university administration shall review and publish a written response to the services and activities fee committee recommendations. This response shall outline areas of difference between the committee recommendations and the administration's proposed budget recommendations.

(4) The college or university administration, at the time it submits its proposed budget recommendations for the expenditure of services and activities fees to the governing board, shall also transmit a copy of the services and activities fee committee recommendations along with any supporting documentation originally provided by the committee and a copy of the administration's response to the committee recommendations. Before adoption of the final budget the governing board shall address areas of difference between the committee recommendations and the administration's budget recommendations presented for adoption by the board. A student representative of the services and activities fee committee shall be given the opportunity to reasonably address the governing board concerning any such differences.

(5) Services and activities fees and revenues generated by programs and activities funded by such fees shall be deposited and expended through the office of the chief fiscal officer of the institution.

(6) Services and activities fees and revenues generated by programs and activities funded by such fees shall be subject to the applicable policies, regulations, and procedures of the institution and the budget and accounting act, chapter 43.88 RCW.

(7) All information pertaining to services and activities fees budgets shall be made available to interested parties."

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

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. 1480, 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. 1480, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley,

Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senator Pullen—1.

Absent or not voting: Senator Matson—1.

Excused: Senators Shinpoch, Wanamaker—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1480, 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. 1976, by Representatives Bauer, Galloway, Heck and Zimmerman:

Providing for pollution control facilities.

The bill was read the second time by sections.

On motion of Senator Williams, the rules were suspended, House Bill No. 1976 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. 1976 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Shinpoch, Wanamaker—2.

HOUSE BILL NO. 1976, having received the 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. 1471, by Committee on Insurance (originally sponsored by Representatives Keller, Dawson and Deccio) (by Insurance Commissioners request):

Modifying capital surplus requirements for insurance companies.

REPORT OF STANDING COMMITTEE

February 14, 1980.

SUBSTITUTE HOUSE BILL NO. 1471, modifying capital surplus requirements for insurance companies (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass with the following amendments:

On page 1, line 17, after "mutual," strike all of the material down to and including "reciprocal" on line 18 and insert "~~((or a reciprocal))~~".

On page 1, line 21, after "mutual insurer" strike "or ~~((foreign))~~ reciprocal insurer" and insert "~~((or foreign reciprocal insurer))~~".

On page 3, beginning on line 35, delete Section 3 in its entirety.

Renumber the remaining section accordingly.

In line 5 of the title after "RCW 48.09.090;" strike the material down to and including "RCW 48.10.070;".

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

The bill was read the second time by sections.

On motion of Senator Bausch, the committee amendments were considered and adopted simultaneously.

On motion of Senator Bausch, the committee amendment to the title was adopted.

On motion of Senator Bausch, the rules were suspended, Substitute House Bill No. 1471, 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. 1471, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Shinpoch—1.

SUBSTITUTE HOUSE BILL NO. 1471, 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. 1486, by Representatives Monohon, Schmitt, Erak, Vrooman, Smith (R.), Mitchell, Rosbach and Nisbet:

Restricting issuance of free razor-clamming licenses.

REPORT OF STANDING COMMITTEE

February 12, 1980.

ENGROSSED HOUSE BILL NO. 1486, restricting issuance of free razor-clamming licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 7, after "director" strike all of the material down to the period on line 8.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Odegaard, Quigg, Rasmussen, Talley, Vognild.

The bill was read the second time by sections.

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

MOTIONS

On motion of Senator Lewis, Senator Jones was excused.

On motion of Senator Peterson, the rules were suspended, Engrossed House Bill No. 1486, 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: "Senator Peterson, I am concerned with the new section, section two, where it says 'you may dig for another person with a disability and is in the nearby vicinity with his digger'. Now my neighbor who is in a wheelchair and I take him down to the ocean with me and, how close do I have to have him, that wheelchair goes awful slow in the sand? What would you call 'in the nearby vicinity'?"

Senator Peterson: "Senator Rasmussen, that was the intent of the amendment in striking that 'nearby vicinity'. Certainly the department of fisheries has not nor will not require the wheelchair on the beach, but it should be in the area. Now 'nearby vicinity' could be construed by some judge that it might be in the next town, and he may be staying in a trailer court thirty miles away and still be construed as in the immediate vicinity or nearby vicinity, so this just throws it back into rules and regulations and permits the department to do what they are doing now. It is not going to keep anybody from digging clams for a disabled person."

Senator Rasmussen: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1486, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Jones, Shinpoch—2.

ENGROSSED HOUSE BILL NO. 1486, 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 11:45 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 fourth order of business.

MESSAGE FROM THE HOUSE

February 18, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3271 with the following amendments:

On page 1, line 1 of the title, after "system;" strike "and" and on line 3 of the title, after "2.10.220" insert "; and adding an emergency clause".

On page 2, following section 1, add a new section as follows:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its

existing public institutions and shall take effect immediately.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator McDermott, the Senate concurred in the House amendments to Substitute Senate Bill No. 3271.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3271, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vogniild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Pullen—1.

Absent or not voting: Senators Gallagher, Matson—2.

SUBSTITUTE SENATE BILL NO. 3271, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1510, by Committee on Commerce (originally sponsored by Representatives Warnke and Greengo):

Extending grounds for termination of a franchise.

REPORT OF STANDING COMMITTEE

February 11, 1980.

SUBSTITUTE HOUSE BILL NO. 1510, extending grounds for termination of a franchise (reported by Committee on Commerce):

Recommendation: Do pass with the following amendment:

On page 3, line 28, after "That" strike all the material down to and including "subsection" on page 3, line 33 and insert "after three willful and material breaches of the same term of the franchise agreement occurring within a twelve month period, for which the franchisee has been given notice and an opportunity to cure as provided in this subsection, the franchisor may terminate the agreement upon any subsequent willful and material breach of the same term within the twelve month period without providing notice or opportunity to cure".

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg, Williams.

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, Substitute House Bill No. 1510, 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: "Senator Van Hollebeke, if I was a franchisee and I cut my prices, and I did this after being warned, below what they thought I should charge, would this constitute a violation of my franchise?"

Senator Van Hollebeke: "I believe not, Senator. I think that to hold otherwise would be in violation of state and federal anti-trust laws."

Senator Rasmussen: "Then could you explain what would cause them to cancel my franchise."

Senator Van Hollebeke: "The most common problem, for instance, that I am aware of and that is in the convenience food area, is that the franchisee seek contracts to keep certain inventory, keeping inventory within certain levels. And this is frequently, this part of the contract, is very frequently breached. The franchisee may have contracted to have an inventory of wholesale value of say fifty thousand dollars. He decides that he is going to have to make a payment on that thirty-foot cruiser — he is going to let his inventory run down to, in the twenty-five thousand dollar area, we will say. He has breached his contract and under the existing law he would have thirty days in which to cure. And he could keep doing that with various portions on a daily basis under present law. He could breach a different portion of the contract under the peculiar franchise law we have in this state every single day of the three hundred and sixty-five day year if he were to cure each time within thirty days. They run their inventory down, this is as I say, the most common problem, Senator Rasmussen, they run the inventory down and then when given a notice to cure that breach of the contract, they get it back up within the prescribed period and they go right back down again, if they want to put some money somewhere else. Naturally, not everyone is doing this because if they are going to run that business right, they are going to keep that inventory up there."

Senator Rasmussen: "Mr. President, the reason I raised that question, my concern is that some years ago, of course, we passed a law to protect the franchise holder and automobile dealers and other franchise holders, so that they could not come in and cancel you outwilly-nilly without giving due concern to the fact that you had a big investment in your business. And I am just wondering if this is not opening the door to that. I have a few reservations about it yet, Senator Van Hollebeke, even though you did explain it."

Senator Van Hollebeke: "Senator, please accept my assurance it does not do that. What it would do, is if a person breached a contract four times within a calendar year, they could cure the first three times and the fourth time they breached, the franchisor would be allowed to begin an action to terminate the contract, to terminate the franchise agreement; it has already been breached; that is all it would do. And I have been on both sides of all of these kinds of things and I can guarantee you that is not something I would want to have some businessman out there with a little convenience grocery store operator or an automobile agency that has two or three million dollars invested; that is the last thing I would want and the last thing the state needs."

POINT OF INQUIRY

Senator Guess: "Senator Rasmussen, I think I share the same problems that you have, for instance the mom and pop store that was closed down in a particular neighborhood finally ended up with a 7-11 franchise. Now if things get a little bit slow in that area and he is not able to hold that inventory up to the level that the contract required, even though he would like very much to, is he going to be canceled out of his franchise on that 7-11? And I am sorry to be using a trade name but I, Circle K, or anything else like that. This is the question that comes to my mind."

Senator Rasmussen: "Were you asking me or Senator Van Hollebeke?"

Senator Guess: "I was asking you."

Senator Rasmussen: "Well, that is my concern — it leaves it wide open. I would think Senator Guess, that under the contract law they could proceed on a civil action rather than having this law passed — it gives them an open door."

Senator Guess: "Thank you."

REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President and ladies and gentlemen of the Senate. I would like to partially answer Senator Guess' question. This requires a willful and intentional breach of the contract four times in any given year. In the case of the 7-11 store since you brought up that particular group, Senator Guess, they start the store with the company furnishing, say, a certain amount of inventory and there is an obligation that they maintain that inventory at approximately the same level. If they run the inventory down and pocket the money themselves, that is, if proven in the courts, a willful violation or breach of the contract."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1510, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Rasmussen—1.

Absent or not voting: Senator Matson—1.

SUBSTITUTE HOUSE BILL NO. 1510, 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. 1511, by Committee on Social and Health Services (originally sponsored by Representatives Pruitt, Mitchell, Teutsch, Whiteside, Stratton, Schmitten, Flint, Lux, Houchen, Vrooman and Gallagher):

Revising laws requiring identification of legend drugs.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 1511 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 Matson was excused,

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1511 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Hayner—1.

Excused: Senator Matson—1.

SUBSTITUTE HOUSE BILL NO. 1511, having received the 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. 1558, by Committee on Local Government (originally sponsored by Representatives Zimmerman, Heck, Bauer, Monohon, Galloway and Williams):

Exempting certain dwellings from the access roadway requirements of the fire code.

The bill was read the second time by sections.

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

On page 2, line 6, after "apparatus" strike "shall not apply" and insert "applying" and on line 9, after "code" strike the period and insert "; shall be applied at the discretion of the governing body of each city, town or county".

POINT OF INQUIRY

Senator Henry: "Mr. President and members of the Senate. If this does, and I just got the amendment, what Senator Vognild says, I really do not have too much objection to it except that as everybody knows because we adopted a certain group of regulations by reference, that a lot of the smaller counties and some of the larger, ones, too, especially Clark county, has gotten into a lot of trouble and I see no reason for having an all-weather road built to state highway specifications just in case you might have a fire out there some time. If this only, and I want this for the record Senator, that this only gives them permission to do it, but does not mandate them, then I have no objection."

Senator Vognild: "Senator Henry, it is my intention that this would leave the authority with the local governing body."

The motion by Senator Vognild carried and the amendments were adopted.

On motion of Senator Marsh, the following amendment by Senators Marsh and Talley was adopted:

On page 2, line 10, insert:

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 institutions, and shall take effect immediately."

On motion of Senator Marsh, the following amendments by Senators Marsh and Talley to the title were adopted:

On page 1, line 1 of the title, strike "and".

On page 1, line 4 of the title, after "19.27.060" insert "; and declaring an emergency".

On motion of Senator Henry, the rules were suspended, Engrossed Substitute House Bill No. 1558, 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. 1558, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Matson—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1558, 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. 1575, by Committee on Local Government (originally sponsored by Representatives Charnley, Whiteside, Thompson and Van Dyken):

Permitting classification of county roads as primitive roads.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 1575 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. 1575 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

SUBSTITUTE HOUSE BILL NO. 1575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1624, by Representatives Vrooman, Schmitt, Martinis, Wilson, Monohon, Dunlap, Erak, Smith (R.), Sanders, Mitchell and Addison (by Department of Fisheries request):

Increasing the bond limit for salmon enhancement.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, House Bill No. 1624 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. 1624 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

HOUSE BILL NO. 1624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1807, by Committee on Transportation (originally sponsored by Representatives Walk, Martinis, Wilson, Monohon and Owen):

Directing stricter regulation and inspection of hazardous cargos.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Substitute House Bill No. 1807 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. 1807 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

SUBSTITUTE HOUSE BILL NO. 1807, having received the 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. 1829, by Representatives Erickson, Oliver, Keller, Valle, Monohon and Erak:

Permitting voter registration at common schools and fire stations.

REPORT OF STANDING COMMITTEE

February 12, 1980.

ENGROSSED HOUSE BILL NO. 1829, permitting voter registration at high schools and fire stations (reported by Committee on Constitution and Elections):

Recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 361, Laws of 1977 ex. sess. and RCW 29.01.006 are each amended to read as follows:

As used in this title:

(1) "Ballot" ((~~shall~~)) means 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~~)) means 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 ((price {piece})) piece of material which is removed or partially removed when punching a hole or notch in a prescored ballot card.

NEW SECTION. Sec. 2. There is added to chapter 29.01 RCW a new section to read as follows:

"County auditor" means the county auditor in any noncharter county and, in a county operating under a charter adopted pursuant to Article XI, section 4, of the state Constitution, this term means that county official having the overall responsibility to maintain voter registration information and conduct elections as prescribed by the charter of that county.

Sec. 3. Section 1, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.095 are each amended to read as follows:

For purposes of RCW 29.04.100 through 29.04.120, the following words ((shall)) have the following meanings:

(1) (~~"County auditor" means the county auditor in any noncharter county and in a charter county that county official having the overall responsibility to maintain voter registration information.~~)

((2)) "Person" means an individual, partnership, joint venture, public or private corporation, association, 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.

((3)) (2) "Political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue; "political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

Sec. 4. Section 29.07.010, chapter 9, Laws of 1965 as amended by section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010 are each amended to read as follows:

In all counties, the county auditor shall be the chief registrar of voters for every precinct within the county. ((He)) All city and town clerks shall be deputy registrars of voters for all precincts within the county. The auditor shall appoint ((a deputy registrar for each precinct or for any number of precincts and shall appoint city or town clerks as)) a sufficient number of additional deputy registrars to ((assist in registering)) insure that all residents of the county are afforded a reasonable and convenient opportunity to register to vote. Each deputy registrar is authorized to register qualified voters residing in ((cities, towns, and rural)) any precinct((s)) within the county. In addition, he shall appoint a deputy registrar for each common school who shall be a school official or school employee, and shall appoint a deputy registrar for each fire station which he finds is convenient to the public for registration purposes and is adequately staffed so that registration would not be a great

inconvenience for the fire station personnel. The fire station appointee shall be a person employed at the station. The county auditor, whenever possible, shall utilize registration locations which are open and available to the public beyond normal business hours.

((★) Each deputy registrar shall be a registered voter and, except for city and town clerks, shall hold office at the pleasure of the county auditor. Each deputy registrar other than city and town clerks and employees of the county receiving a salary is entitled to receive a fee to be established by the county legislative authority for each elector properly registered.

The county auditor shall be responsible for the conduct of voter registration within the county and shall be the custodian of the official voter registration records ((of each precinct within)) for that county. ((The expenses of registration shall be apportioned between the county and cities or towns therein in the same manner as provided in RCW 29.07.030.))

Sec. 5. Section 29.07.030, chapter 9, Laws of 1965 and RCW 29.07.030 are each amended to read as follows:

The expense of ((registration in all rural precincts shall be paid by the county; in all precincts lying wholly within a city or town by the city or town. In precincts lying partly within and partly outside of a city or town, the expense of)) voter registration and the maintenance of voter registration records shall be apportioned between the county and ((city or town)) cities and towns within that county according to the number of voters registered in ((the precinct living within the city or town and the number living outside of it)) all rural areas of the county and in each city and town, respectively, at the time of the last state general election.

Sec. 6. Section 29.07.050, chapter 9, Laws of 1965 as amended by section 7, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.050 are each amended to read as follows:

((The)) All registration officers, including deputy registrars of voters and such ((clerks in their)) employees of the office as the county auditor may deputize to take registrations, shall take and subscribe to the following oath or affirmation before taking any registrations: "I, A.B., do swear (or affirm) that I will truly, faithfully, and impartially perform my duties as registration officer, to the best of my judgment and abilities, and that I will register no person except upon his or her personal application before me." This oath shall be administered and certified to by an officer legally authorized to administer oaths, and shall be filed with the county auditor. All registration officers, having taken and subscribed to the oath provided for in this section, shall be qualified to administer and certify to the oath required of each elector at the time he or she registers to vote.

Sec. 7. Section 2, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.065 are each amended to read as follows:

In addition to other information required by this chapter, each applicant for registration shall establish his or her identity((, unless personally known by the registration officer,)) by producing at least one of the following items:

(1) A social security card containing the applicant's signature((~~Whenever the social security record is so used, the registration officer shall enter the applicant's social security number upon the appropriate registration forms~~));

(2) A driver's license which contains the signature and/or a photograph of the applicant;

(3) A valid Washington state ((identocard)) identification card issued pursuant to RCW 46.20.117;

(4) A nationally or regionally known credit card containing the signature and/or photograph of the applicant;

(5) An identification card issued by the United States, any state, or any agency of either, of a kind commonly used to identify the members or employees of such

government agencies (including military I.D. cards), and which contains the signature and/or the photograph of the applicant.

In addition, whenever the registration officer has a doubt as to whether the applicant is of legal voting age, such officer may require the applicant to produce a record which establishes date of birth.

Failure to produce such identification at the time of registration as set forth in this section shall not (~~the act of registration~~) prohibit the applicant from registering to vote: PROVIDED, That the registration official(s) shall indicate on the registration form ((by checking either "identification produced" or " ") that identification was not produced((").

Sec. 8. Section 29.07.070, chapter 9, Laws of 1965 as last amended by section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070 are each amended to read as follows:

The registration officer shall interrogate the applicant for registration, concerning his or her qualifications as a voter of the state, and of the county, city, town, and precinct in which he or she applies for registration, requiring him or her to state:

(1) The (~~previous~~) address of (~~the~~) his or her last (~~former~~) registration (~~of the applicant~~) as a voter in (~~the~~) this state, if applicable;

(2) His or her full name;

(3) His or her date of birth;

(4) His or her place of residence for voting purposes, giving the street and number, ((if any;)) or post office ((or rural mail route address)) box designation and physical description sufficient to determine location;

(5) (~~Whether he is a citizen of the United States~~) His or her telephone number, if any.

The applicant's answers to all such questions shall be ((inserted)) recorded on a ((single)) registration form ((to be)) prescribed by the secretary of state pursuant to RCW 29.07.240 as now or hereafter amended.

Sec. 9. Section 29.07.080, chapter 9, Laws of 1965 as last amended by section 4, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.080 are each amended to read as follows:

The (~~registrar~~) registration officer shall ((note)) record the sex of the applicant on the registration form. He or she shall then require the applicant to sign an oath in the following form: "I, the undersigned, on oath or affirmation, do hereby declare that the facts set forth ((herein)) relating to my qualifications as a voter((; recorded by the registration officer in my presence;)) are true. I further ((certify)) 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 resided in this state, county, and precinct for 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((" and))." The registration officer shall sign and date such oath in verification of the fact that the same was signed and sworn to before him or her in the following form: "Subscribed and sworn to before me this day of, 19 Registration Officer(("

Otherwise the registration officer shall refuse to register the applicant. (~~Upon receipt of the registration record, the county auditor shall note on the record all of the identifying code numbers and precinct in which the applicant resides.))~~

Sec. 10. Section 29.07.090, chapter 9, Laws of 1965 as last amended by section 5, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.090 are each amended to read as follows:

At the time of registering any voter, (~~each~~) the registration officer shall require ((him)) the applicant to sign his or her name upon a separate portion of the voter registration card ((containing)), 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, and the name of the county and city or town, with post office and street address, ~~((and))~~ the name or number of the precinct~~((:))~~ in which the voter is registered, and the date on which the registration was executed.

Sec. 11. Section 2, chapter 153, Laws of 1973 as amended by section 1, chapter 184, Laws of 1975 1st ex. sess. and RCW 29.07.092 are each amended to read as follows:

Upon receipt of each completed voter registration form, if the county auditor determines that the applicant for registration is already registered in that county at a different residence address, the auditor shall transfer that voter's registration to the current address. Otherwise, the auditor shall record on the voter registration form the precinct identification, taxing district identification, and other information required by law. Within thirty days of the receipt of a properly completed voter registration form or transfer, the county auditor shall ~~((acknowledge each new voter registration or transfer by providing or sending))~~ provide or send to the voter 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.

Sec. 12. Section 29.07.095, chapter 9, Laws of 1965 as last amended by section 6, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.095 are each amended to read as follows:

Any person temporarily residing outside of the county of his or her permanent residence, but within the state of Washington, may register with ~~((the))~~ any registration officer of the place where he or she is temporarily residing in the usual manner as required in this chapter. The registration officer administering the oath and receiving the application and registration forms as provided in RCW ~~((29.07.060))~~ 29.07.070 through 29.07.090 shall transmit ~~((the same))~~ such forms to the county auditor of the county where the applicant permanently resides for processing in the same manner as though the applicant had personally applied directly to ~~((the))~~ a registration officer of the county of his or her residence.

Notwithstanding the provisions of RCW 29.07.160 as now or hereafter amended, the registration application shall be received and acted upon immediately by the ~~((registration officer))~~ county auditor of the place of permanent residence of the applicant if the application was received and oath administered by the registration officer at the place of temporary residence not less than thirty days preceding the next election.

Sec. 13. Section 29.07.100, chapter 9, Laws of 1965 as amended by section 13, chapter 202, Law of 1971 ex. sess. and RCW 29.07.100 are each amended to read as follows:

Registration officers in incorporated cities and towns shall keep their respective offices open for registration of voters during the days and hours when the same are open for the transaction of public business: PROVIDED, That in cities of the first class, the county auditor shall establish on a permanent basis at least one registration office in each legislative district that lies wholly or partially within the city limits by appointing persons as deputy registrars who may register any eligible elector of such ~~((city))~~ county.

Each such deputy registrar, except for city and town clerks, shall hold office at the pleasure of the county auditor and shall maintain a fixed place, conveniently located, for the registration of voters ~~((but))~~. Nothing in this section ~~((shall))~~ precludes door-to-door registration ~~((including))~~ or registration from a portable office, as in a trailer.

Sec. 14. Section 29.07.105, chapter 9, Laws of 1965 as amended by section 14, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.105 are each amended to read as follows:

In all cities of the first, second, and third class, the governing body shall by ordinance and with the consent of the county auditor provide for additional temporary registration facilities during the fifteen-day period, excepting Sundays, prior to the last day to register in order to be eligible to vote at a state primary election and during the fifteen-day period, excepting Sundays, prior to the last day to register in order to be eligible to vote at a state general election by stationing deputy registrars at stores, public buildings, or other temporary locations. The county auditor may deputize such additional deputy registrars for the periods of temporary registration if so requested by the governing body of the city. The number of such temporary registration places to be so established and the hours to be maintained shall be, in the judgment of the governing body of the city concerned, adequate to afford ample opportunity for all qualified electors to register for voting, but in no event (~~shall~~) may there be less than two such temporary registration places so established. Nothing in this section (~~shall~~) precludes door-to-door registration (~~including~~) or registration from a portable office, as in a trailer.

Sec. 15. Section 29.07.110, chapter 9, Laws of 1965 as amended by section 15, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.110 are each amended to read as follows:

Every deputy registrar located outside the county courthouse shall (~~keep~~) be available for voter registration (~~supplies~~) at his or her usual place of residence or usual place of business at reasonable hours (~~and at the end of each week mail to the county auditor the cards of those who have registered during the week~~): PROVIDED, That with the written consent of the county auditor, a deputy registrar may designate some centrally located place for registration (~~in lieu of the usual place where registration supplies are kept~~) by giving notice thereof in such manner as (~~he may~~) the auditor deems (~~expedient~~) appropriate stating therein the days and hours when the place will be open for registration (~~PROVIDED FURTHER, That~~). Such consent of the county auditor may include authorization for door-to-door registration (~~including~~) or registration from a portable office, as in a trailer, and the person or persons so deputized may register all eligible electors residing in any precinct within the county concerned.

Sec. 16. Section 23, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.115 are each amended to read as follows:

Once weekly or at such times as the auditor may prescribe, (~~the~~) each deputy registrar(s) shall transmit all properly executed voter registration records (~~properly completed~~) to the county auditor.

Sec. 17. Section 29.07.120, chapter 9, Laws of 1965 as amended by section 16, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.120 are each amended to read as follows:

On (~~each~~) the first Monday (~~next following the registration of any voter~~) of each calendar month, the county auditor shall transmit all initiative signature cards (~~required by RCW 29.07.090~~) which have been executed and received in his or her office during the prior (~~week~~) month to the secretary of state for filing in his or her office. Each lot must be accompanied by (~~the~~) a certificate of the (~~registrar~~) county auditor that the cards so transmitted are the original cards, that they were signed by the voters whose names appear thereon, and that the voters are registered in the precincts and (~~from~~) at the addresses shown thereon.

Sec. 18. Section 29.07.130, chapter 9, Laws of 1965 as amended by section 17, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.130 are each amended to read as follows:

The initiative signature cards (~~required by RCW 29.07.090~~) 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 (~~and mailing pamphlets required for constitutional amendments and by the initiative and~~

~~referendum procedure. They)). These initiative signature cards shall not be open to public inspection or be used for any other purpose.~~

Sec. 19. Section 29.07.140, chapter 9, Laws of 1965 as last amended by section 7, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.140 are each amended to read as follows:

~~((The secretary of state shall prescribe the specifications, including style, form, color, quality and dimensions, for the cards, records, forms, lists, binders, cabinets or other supplies to be used in recording and maintaining voter registration records.))~~

The secretary of state shall design a ~~((unified))~~ uniform voter registration form, compatible with existing records, which will allow the preparation~~((;))~~ by the registration officer ~~((or other public officer from))~~ on a single ~~((card or paper, of all the voter registration forms required by law, as of July 16, 1973, to be completed by the registering voter.))~~ form, an original registration, an initiative signature card as required by RCW 29.07.090, as now or hereafter amended, and a cancellation of any prior voter registration in this state so that the ((registering voter)) applicant need sign only one form and need write out required information, other than his or her signature, no more than one time.

This form shall also contain the information necessary to permit the voter to transfer his or her registration as provided by RCW 29.10.020, as it now exists or is hereafter amended. The form shall also contain instructions on its use, 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. All registration forms necessary to carry out the registration of voters as provided by ~~((RCW 29.07.060 through 29.07.095))~~ this chapter shall be furnished by the secretary of state ((of Washington)) without cost to the respective county auditors.

~~((He shall notify each county auditor what the specifications are, and they must in their procurement and use comply with them.))~~

Sec. 20. Section 29.07.150, chapter 9, Laws of 1965 as amended by section 19, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.150 are each amended to read as follows:

~~((The county auditor shall have custody of the registration records for each precinct within the county. These records shall be maintained as provided in either subsection (1) or (2) below:~~

~~(1) In cabinets or binders, arranged to permit the insertion and securely fastening therein by means of a lock and key, of cards or records for the separate registration of the individual voters of the precinct. In using this system, there shall be prepared for each voter registered two registration records, an original and a duplicate.~~

~~The original cards shall be filed alphabetically by the surnames of the voters by precincts and constitute the official registration files of the voters of the various precincts and must contain spaces for recording the dates upon which the voter votes.~~

~~The duplicate cards shall bear the same information and signature of the voter and))~~ 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 ((at all times.)) 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 as now or hereafter amended.

~~((2) On a list containing such information required by RCW 29.07.080 as may be prescribed by the secretary of state as necessary and pertinent to the conduct of the elections and on which all the voters in the county shall be listed alphabetically by their surnames. PROVIDED, That it shall be possible to prepare individual precinct lists of registered voters for each precinct containing only the names and other~~

information required by RCW 29.07.080 of all the voters registered in that precinct listed alphabetically by their surnames:))

Sec. 21. Section 29.07.160, chapter 9, Laws of 1965 as last amended by section 4, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.160 are each amended to read as follows:

~~((The registration files of all precincts shall be closed against original registration or transfers for thirty days immediately preceding every election and primary to be held in such precincts, respectively.))~~

To be qualified to vote at a particular primary or election, general or special, in any jurisdiction, an elector must have executed a proper voter registration record for that jurisdiction as provided in this chapter or have transferred his or her voter registration to that jurisdiction not later than thirty days prior to that primary or election. The county auditor shall give notice of ((the closing of said files for original)) such deadline for voter registrations and transfers by one publication in a newspaper of general circulation in the county at least ((five)) thirty-five days before ((such closing)) each primary or election, general or special.

Sec. 22. Section 29.07.170, chapter 9, Laws of 1965 as amended by section 21, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.170 are each amended to read as follows:

~~((Immediately upon closing his registration files preceding an)) Prior to each primary or election, general or special, the county auditor shall ((insert therein his)) 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 ((thereof)) of those records. He or she shall ((then)) deliver the ((registration records for each)) precinct ((thus certified)) list of registered voters and the certificate to the inspector or one of the judges ((thereof at the proper polling place before the polls open)) at that precinct as provided by RCW 29.48.030.~~

Sec. 23. Section 29.07.180, chapter 9, Laws of 1965 as amended by section 22, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.180 are each amended to read as follows:

The ((registration records)) precinct list of registered voters of 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 ((the)) that precinct at that primary or election. ((While in possession of)) The lists shall be retained by the county auditor ((they)) for at least one year following the primary or election. These records shall be open to public inspection under such reasonable rules and regulations as the county auditor may ((be prescribed therefor)) prescribe.

Sec. 24. Section 12, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.220 are each amended to read as follows:

Each county auditor shall ((establish, on or before July 1, 1975, and)) 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((: PROVIDED, That an auditor in a county with more than one hundred fifty thousand registered voters may decline to comply with the provisions of all or none of sections 1, 4, 12, 13, and 14 of this act)). Where it is necessary or advisable, the auditor may provide for the ((establishment and)) maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW, as it now exists or is hereafter amended. The computer file shall include, but not be limited to, each voter's name, residence address, sex, date of registration, and applicable taxing district and precinct codes ((and the last date on which the individual voted)). The county auditor shall subsequently record each consecutive date upon

which the individual (~~((has voted))~~) votes and retain at least the last five such (~~((consecutive))~~) dates: 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 computer file of voter registration records shall be arranged so that individual precinct lists of registered voters may be prepared containing only the names, residence addresses, and other information required by this section as may be prescribed by the secretary of state as pertinent to the conduct of elections, listed alphabetically by the surnames of the voters in that precinct.

Sec. 25. Section 13, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.230 are each amended to read as follows:

~~((There is established in the general fund an account, entitled the voter registration assistance account, to be used))~~ To compensate ((county auditors)) counties with fewer than ten thousand registered voters at the time of the most recent state general election for unrecoverable costs incident to the ((establishment and)) maintenance of voter registration records on electronic data processing systems((: For establishment of such systems, county auditors in counties with fewer than thirty thousand registered voters at the time of the most recent state general election shall be paid thirty cents per registered voter from the voter registration assistance account. For maintenance of such voter registration files, county auditors in counties with fewer than ten thousand registered voters at the time of the most recent state general election shall be paid)), the secretary of state shall, in June of each year, pay such counties an amount equal to thirty cents ((per)) for each registered voter ((per year from the voter registration assistance account: PROVIDED, That prior to July 1, 1975, the secretary of state shall pro rate the maintenance subsidy for each county under such rules and regulations as he may prescribe to reflect the portion of the year or years during which the information on the computer file must be updated and maintained)) in that county at the time of the most recent state general election.

Sec. 26. Section 14, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.240 are each amended to read as follows:

The secretary of state, as chief election officer, shall adopt rules and regulations, not inconsistent with the provisions of this chapter to:

(1) ~~((Facilitate the establishment and))~~ 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 ((by county auditors)) on electronic data processing systems and the use of voter registration information in the conduct of elections; and

~~((2) Establish standards and procedures for the establishment and maintenance of voter registration records on electronic data processing systems:))~~

(3) Facilitate the registration of voters in an orderly manner and assist county auditors in the performance of their responsibilities under this chapter by developing means of adequately publicizing the availability of voter registration facilities and identifying voter registration locations.

He or she shall provide planning, coordination, training, and other assistance ~~((in the conversion of voter registration files))~~ to county auditors to facilitate the maintenance ((by)) of voter information on electronic data processing ((and he shall administer the voter registration assistance account)) systems.

Sec. 27. Section 29.10.080, chapter 9, Laws of 1965 as last amended by section 27, chapter 361, Laws of 1977 ex. sess. and RCW 29.10.080 are each amended to read as follows:

~~((+))~~ After each state general election and prior to January 1st of the next calendar year, the county auditor shall cancel the voter registration record of any registered voter who ((fails to meet the requirements of subsection (2) of this section

~~for retaining registered status. He)) has failed to vote at any primary or election, general or special, within the past twenty-five months preceding the last state general election or at the most recent presidential election. The auditor shall notify the voter whose registration has been canceled, by mail, at his or her last registration address, of the fact that his or her registration has been canceled, and that he or she will not be entitled to vote at any election until he or she has registered anew. No voter's registration shall be canceled if his or her original registration was made less than ((twenty-four)) twenty-five months prior to the ((cancellation date)) last state general election. 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 29.10.100, chapter 9, Laws of 1965 as amended by section 31, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.100 are each amended to read as follows:

On the first Monday ~~((next following the transfer or cancellation of the registration of any voter,))~~ of each calendar month, the county auditor ~~((must))~~ shall certify ~~((to))~~ all ~~((transfers or))~~ cancellations of voter registration records made during the prior ~~((week))~~ month to the secretary of state. The certificate shall set forth the name of each voter whose registration has been ~~((transferred or))~~ canceled, the county, city or town, and precinct in which he or she was registered, and ~~((, in case of a transfer, also the name of the county and city or town, the name or number of the precinct and the post office address (including street and number) to which the registration of the voter was transferred))~~ any additional information required by rule of the secretary of state.

Sec. 29. Section 29.10.120, chapter 9, Laws of 1965 as last amended by section 28, chapter 361, Laws of 1977 ex. sess. and RCW 29.10.120 are each amended to read as follows:

On or before March 1st of each year, each county auditor shall execute and file with the secretary of state 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 ~~((twenty-four))~~ twenty-five month period immediately prior to the first day of January of this year, or at the last presidential election, as provided by law.

~~((Further,))~~ The total number of ((said)) cancellations ((totaled)) for failure to vote was A notice has been mailed to each elector concerned ~~((and the office of the secretary has been notified of said cancellations)).~~

.....
(Signature) (Title)
Subscribed and sworn to.

Sec. 30. Section 1, chapter 96, Laws of 1979 and RCW 29.10.170 are each amended to read as follows:

A registered voter may file a transfer of registration on the day of ~~((an election or))~~ a primary or election, general or special, under the procedures set forth in this section.

At each polling place, the precinct election officials shall have at their table a supply of forms for transfer of registration, designed by the secretary of state and supplied by the county auditors. Accompanying such forms there shall be a sign stating "If you do not still reside at the address at which you are presently registered, please complete this form."

A voter completing the transfer form shall vote a challenged ballot pursuant to RCW 29.59.040, as now existing or hereafter amended, in the precinct in which he was previously registered. Upon transmittal of the ballots, ballot cards, or voting machine count to the county auditor the precinct election officers shall also deliver the transfer forms to the auditor, who shall, within ~~((ninety))~~ thirty days mail to each voter requesting a transfer of registration, notice of his current precinct and polling place.

Sec. 1. Section 29.18.030, chapter 9, Laws of 1965 as amended by section 1, chapter 103, Laws of 1965 ex. sess. and RCW 29.18.030 are each amended to read as follows:

The name of no candidate shall be printed upon the official ballot used at a state primary(;) unless, not earlier than the ~~((fast))~~ fourth Monday of July nor later than the next succeeding Friday, a declaration of candidacy is filed in substantially the form hereinafter set forth:

DECLARATION AND AFFIDAVIT OF CANDIDACY

State of Washington }
County of } ss.

((DECLARATION))

I,, ~~((declare upon honor))~~ hereby swear, or affirm, that I am a registered voter residing at ~~((No. street))~~ (street and number, or rural route), (city or town ~~((of))~~) ~~((county of))~~ County, state of Washington; that, ~~((and))~~ at the time of filing this declaration, I am legally qualified to assume office if elected; that I hereby declare myself a candidate for nomination to the office of: ~~((or position No. for the office of~~ ~~(fill in whichever blank is applicable)))~~ for a full term or an unexpired term, to be made at the primary election to be held on the day of September, 19, and hereby request that my name be printed upon the official primary ballots~~((, as provided by law,))~~ as a candidate of the (do not fill this in if office sought is nonpartisan) party, and I accompany herewith the sum of dollars, the fee required by law of me for becoming a candidate.

((AFFIDAVIT

~~FURTHER,))~~ I ~~((do solemnly))~~ further 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, by revolution, force or violence, and that I do not knowingly belong to any organization, foreign or otherwise, which engages in or advocates, 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, by revolution, force or violence)).~~

.....
(Please print name
to assure correct
spelling)

.....
(Signature of
candidate as name
to appear upon
ballot)

Subscribed and sworn to before me this day of, 19...

.....
(signature of official)

.....
(Official title)

Any candidate may in writing withdraw his declaration at any time to and including the first Wednesday after the last day allowed for filing declarations of candidacy. Should the candidate desire to mail his declaration of withdrawal it shall be honored if the instrument is postmarked no later than the last day allowed for withdrawals. There shall be no refund of the filing fee.

NEW SECTION. Sec. 32. The following acts or parts of acts are each repealed:

- (1) Section 29.07.020, chapter 9, Laws of 1965, section 5, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.020;
- (2) Section 29.07.040, chapter 9, Laws of 1965, section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.040; and
- (3) 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.

NEW SECTION. Sec. 33. 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. 34. This 1980 act shall take effect on July 1, 1980."

In line 1 of the title, after "Relating to" strike the remainder of the title, and insert "elections; amending section 1, chapter 361, Laws of 1977 ex. sess. and RCW 29.01.006; amending section 1, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.095; amending section 29.07.010, chapter 9, Laws of 1965 as amended by section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010; amending section 29.07.030, chapter 9, Laws of 1965 and RCW 29.07.030; amending section 29.07.050, chapter 9, Laws of 1965 as amended by section 7, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.050; amending section 2, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.065; amending section 29.07.070, chapter 9, Laws of 1965 as last amended by section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070; amending section 29.07.080, chapter 9, Laws of 1965 as last amended by section 4, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.080; amending section 29.07.090, chapter 9, Laws of 1965 as last amended by section 5, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.090; amending section 2, chapter 153, Laws of 1973 as amended by section 1, chapter 184, Laws of 1975 1st ex. sess. and RCW 29.07.092; amending section 29.07.095, chapter 9, Laws of 1965 as last amended by section 6, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.095; amending section 29.07.100, chapter 9, Laws of 1965 as amended by section 13, chapter 202, Law of 1971 ex. sess. and RCW 29.07.100; amending section 29.07.105, chapter 9, Laws of 1965 as amended by section 14, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.105; amending section 29.07.110, chapter 9, Laws of 1965 as amended by section 15, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.110; amending section 23, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.115; amending section 29.07.120, chapter 9, Laws of 1965 as amended by section 16,

chapter 202, Laws of 1971 ex. sess. and RCW 29.07.120; amending section 29.07-130, chapter 9, Laws of 1965 as amended by section 17, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.130; amending section 29.07.140, chapter 9, Laws of 1965 as last amended by section 7, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.140; amending section 29.07.150, chapter 9, Laws of 1965 as amended by section 19, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.150; amending section 29.07.160, chapter 9, Laws of 1965 as last amended by section 4, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.160; amending section 29.07.170, chapter 9, Laws of 1965 as amended by section 21, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.170; amending section 29.07.180, chapter 9, Laws of 1965 as amended by section 22, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.180; amending section 12, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.220; amending section 13, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.230; amending section 14, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.240; amending section 29.10.080, chapter 9, Laws of 1965 as last amended by section 27, chapter 361, Laws of 1977 ex. sess. and RCW 29.10.080; amending section 29.10.100, chapter 9, Laws of 1965 as amended by section 31, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.100; amending section 29.10.120, chapter 9, Laws of 1965 as last amended by section 28, chapter 361, Laws of 1977 ex. sess. and RCW 29.10.120; amending section 1, chapter 96, Laws of 1979 and RCW 29.10.170; amending section 29.18.030, chapter 9, Laws of 1965 as amended by section 1, chapter 103, Laws of 1965 ex. sess. and RCW 29.18.030; adding a new section to chapter 29.01 RCW; 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 29.07.040, chapter 9, Laws of 1965, section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.040; 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; and providing an effective date."

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Marsh, Peterson, Pullen, Ridder.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendments were not adopted.

On motion of Senator Woody, the rules were suspended, Engrossed House Bill No. 1829 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lewis: "Mr. President, I did receive a call from an auditor in central Washington who said that this is possible now, it is not going to hurt anything, but they already do everything that is in this bill and it is just cluttering up the law books to pass it. Now their may be an answer to that, please."

Senator Woody: "In response to the concern expressed by Senator Lewis, it is true that this is common practice in many counties across the state, but Senator Lewis, not all counties. Some auditors do not do this and this will have the effect of increasing voter registration, especially among the youngsters in school."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. Speaking to Senator Lewis' position, I had a chance to meet with the League of Women Voters, the Common Cause representatives in establishing a uniform state-wide system of voter registration where you can register, when you can register, is one of their goals; and they are capable of identifying for you, Senator Lewis, those counties that simply will not do it."

POINT OF INQUIRY

Senator Clarke: "Senator Woody, in reading the bill I am somewhat uncertain as to the intent as to whether it mandates a registrar in every school, every common school. You go on and read about the fire stations and it says 'where it finds it convenient'. Now is that to go back to schools also or do you have one in every school and then only in the fire stations where it is determined convenient, or does that qualification of convenience relate both to schools and fire stations?"

Senator Woody: "No, no I believe that qualification of convenience relates to fire stations not to schools."

POINT OF INQUIRY

Senator Pullen: "Senator Woody, I assume I am correct in thinking that this would not mandate a registrar in every private school?"

Senator Woody: "That is right; in every common school."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1829 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

ENGROSSED HOUSE BILL NO. 1829, having received the 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. 1762, by Representatives Rosbach, North, Fuller, Whiteside, Rohrbach, Keller, Zimmerman, Charnley, Brown, Williams and Garrett:

Permitting courts to require contributions to a county or interlocal drug fund as a condition of probation.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Engrossed House Bill No. 1762 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. 1762 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

ENGROSSED HOUSE BILL NO. 1762, having received the 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. 1870, by Representatives Sherman, Martinis, Bender, Becker, Walk, Keller and Charnley:

Requiring a bill of lading for hazardous material to be red.

REPORT OF STANDING COMMITTEE

February 12, 1980.

ENGROSSED HOUSE BILL NO. 1870, requiring a bill of lading for hazardous material to be red (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 30, after "color" insert "or shall have a red border. Red bills of lading, receipts or manifests or red bordered bills of lading, receipts or manifests shall only be used for the transportation of hazardous materials as defined in 49 CFR 172".

On page 3, after line 16, insert the following additional sections:

"Sec. 2. Section 81.80.230, chapter 14, Laws of 1961 and RCW 81.80.230 are each amended to read as follows:

Any person, whether carrier subject to the provisions of this chapter, shipper, or consignee, or any officer, employee, agent, or representative thereof, who shall (~~knowingly~~) offer, grant, or give, or solicit, accept, or receive any rebate, concession, or discrimination in violation of any provision of this chapter, or who by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device shall (~~knowingly and wilfully~~) assist, suffer or permit any person or persons, natural or artificial, to obtain transportation of property subject to this chapter for less than the applicable rate, fare, or charge, or who shall (~~knowingly and wilfully by any such means or otherwise~~) fraudulently seek to evade or defeat regulation as in this chapter provided for motor carriers shall be (~~deemed guilty of a gross misdemeanor~~) subject to a civil penalty of not more than one hundred dollars for each violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation every day's continuance shall be a separate and distinct violation. Every act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under this section and subject to the penalty provided for in this section.

The penalty provided for in this section shall become due and payable when the person incurring the penalty receives a notice in writing from the commission describing the violation with reasonable particularity and advising the person that the penalty is due. The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the penalty upon such terms as the commission in its discretion deems proper. The commission has authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper. If the penalty is not paid to the commission within fifteen days after receipt of notice imposing the penalty or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of some other county in which the violator may do business, to recover the penalty. In all such actions, the procedure and rules of evidence shall be the same as in an ordinary civil action except as otherwise provided in this section. All penalties recovered under this section shall be paid into the state treasury and credited to the public service revolving fund.

Sec. 3. Section 81.80.330, chapter 14, Laws of 1961 and RCW 81.80.330 are each amended to read as follows:

The commission is hereby empowered to administer and enforce all provisions of this chapter and to inspect the vehicles, books and documents of all "motor carriers" and the books, documents and records of those using the service of the carriers for the purpose of discovering all discriminations and rebates and other information pertaining to the enforcement of this chapter and shall prosecute violations thereof. The commission shall employ such auditors, inspectors, clerks and assistants as it may deem necessary for the enforcement of this chapter, and it shall be the duty of the Washington state patrol to assist in the enforcement of this chapter, and the duty of the attorney general to assign at least one assistant to the exclusive duty of assisting the commission in the enforcement of this chapter, and the prosecution of persons charged with the violation thereof. It shall be the duty of the Washington state patrol and the sheriffs of the counties to make arrests and the county attorneys to prosecute violations of this chapter."

Renumber the section following consecutively.

In line 2 of the title, after "81.29.020;" insert "amending section 81.80.230, chapter 14, Laws of 1961 and rCW 81.80.230; amending section 81.80.330, chapter 14, Laws of 1961 and RCW 81.80.330;"

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Gallagher, Lee, Peterson, Quigg, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Henry, the committee amendments were adopted.

On motion of Senator Henry, the committee amendment to the title was adopted.

On motion of Senator Henry, the rules were suspended, Engrossed House Bill No. 1870, 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. 1870, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

ENGROSSED HOUSE BILL NO. 1870, 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. 1141, by Committee on Appropriations (originally sponsored by Representatives Hurley, Zimmerman, North, Winsley, Charnley, Fuller, Granlund, Nelson (G.), Clayton, Sprague, Wilson and Tilly):

Establishing a reservation system for state park campsites.

The bill was read the second time by sections.

On motion of Senator Hurley, the rules were suspended, Engrossed Second Substitute House Bill No. 1141 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 Second Substitute House Bill No. 1141 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Voting nay: Senator Moore—1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1141, having received the 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. 1585, by Representatives Smith (R.) and Newhouse (by Code Reviser's request):

Correcting double amendments to RCW 18.26.040 and 18.26.070.

The bill was read the second time by sections.

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1585 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. 1585 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

HOUSE BILL NO. 1585, having received the 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. 1586, by Representatives Smith (R.) and Newhouse:

Correcting double amendments to RCW 28A.57.312, 28A.57.357 and 28A.57.358.

The bill was read the second time by sections.

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1586 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. 1586 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen,

Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

HOUSE BILL NO. 1586, having received the 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. 1587, by Representatives Newhouse and Smith (R.) (by Code Reviser's request):

Correcting double amendments in Title 51 RCW.

The bill was read the second time by sections.

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1587 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. 1587 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

HOUSE BILL NO. 1587, having received the 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. 1588, by Representatives Newhouse and Smith (R.) (by Code Reviser's request):

Correcting double amendments to RCW 67.16.100.

The bill was read the second time by sections.

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1588 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. 1588 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

HOUSE BILL NO. 1588, having received the 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. 1589, by Representatives Newhouse and Smith (R.) (by Code Reviser's request):

Correcting double amendments to RCW 72.64.110.

The bill was read the second time by sections.

On motion of Senator Talmadge, the rules were suspended, House bill No. 1589 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. 1589 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

HOUSE BILL NO. 1589, having received the 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. 1983, by Committee on Insurance (originally sponsored by Representatives Rohrbach, Houchen, McGinnis, Ellis and Zimmerman):

Revising laws relating to motor vehicle insurance.

MOTION

Senator Rasmussen moved that Engrossed Substitute House Bill No. 1983 be held for consideration on February 19, 1980.

Debate ensued.

The motion by Senator Rasmussen failed on a rising vote.

MOTION

On motion of Senator Marsh, Engrossed Substitute House Bill No. 1983 will be held for consideration after one measure.

SECOND READING

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 29, by Committee on Higher Education (originally sponsored by Representatives Heck, Galloway, Bauer, Zimmerman, Barnes and Grimm):

Providing for a joint legislative committee to consult with like members from other states on higher education reciprocity programs.

On motion of Senator Goltz, the rules were suspended, Substitute House Concurrent Resolution No. 29 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Senator Goltz, this measure creates a new joint select committee. My question is, is there any reason why the existing Senate and House higher education committees could not conduct these negotiations or as an alternative, each appoint subcommittees to engage in the discussion?"

Senator Goltz: "Senator Wilson, I would say that that would be entirely possible for it to be given to the higher education committees, however it does not produce the bi-partisan balanced committees which the resolution does because this committee on this side is not an even committee. I would also suggest that the leadership, in appointing these committees, will certainly take cognizance of the persons who might, for one reason or another, not come from the higher education committee who might have a very strong interest in such legislation, people for example, who have districts which are on the borders in these respective areas."

POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, it is my understanding we have a committee, WICHE, Western Institute for Higher Education which Senator Sandison was a long-time member, we now have Representative Phyllis Erickson on that committee. Do they not explore these problems?"

Senator Goltz: "Senator Rasmussen, specifically these problems are not addressed. What we have with WICHE is the Western Interstate Compact for Higher Education which deals with specific programs where persons from one state will contract, where the legislatures of one state will contract with another state to have students from that state come to where the program is. This works very well for veterinary medicine, medical school and several others but it is not the same as is being proposed in this resolution."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Concurrent Resolution No. 29 and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wojahn, Woody—45.

Voting nay: Senators Quigg, Rasmussen, von Reichbauer, Wilson—4.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 29, having received the 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. 3271.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1983, by Committee on Insurance (originally sponsored by Representatives Rohrbach, Houchen, McGinnis, Ellis and Zimmerman):

Revising laws relating to motor vehicle insurance.

REPORT OF STANDING COMMITTEE

February 12, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1983, revising laws relating to motor vehicle insurance (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass with the following amendments:

On page 9, after line 20, add a new section to read as follows:

"NEW SECTION. Sec. 8. This act shall take effect on September 1, 1980."

On page 1, line 12, after "46.29.490;" strike "and" and on line 15, after "46.29.550" insert "; and providing an effective date".

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

The bill was read the second time by sections.

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

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

On page 4, line 14 strike "~~((fifteen))~~ twenty-five" and insert: "fifteen".

On page 4, line 17 strike "~~((thirty))~~ fifty" and insert: "thirty".

On page 4, beginning on line 20 strike "~~((five))~~ ten" and insert: "five".

On page 5, line 11 strike "~~((fifteen))~~ twenty-five" and insert: "fifteen".

On page 5, line 14 strike "~~((thirty))~~ fifty" and insert: "thirty".

On page 5, line 16 strike "~~((five))~~ ten" and insert: "five".

On page 5, line 27 strike "~~((fifteen))~~ twenty-five" and insert: "fifteen".

On page 5, beginning on line 31 strike "~~((fifteen))~~ twenty-five" and insert: "fifteen".

On page 5, line 33 strike "~~((thirty))~~ fifty" and insert: "thirty".

On page 6, line 1 strike "~~((five))~~ ten" and insert: "five".

On page 6, beginning on line 33 strike "~~((Fifteen))~~ Twenty-five" and insert: "Fifteen".

On page 6, line 36 strike "~~((thirty))~~ fifty" and insert: "thirty".

On page 7, line 2 strike "~~((five))~~ ten" and insert: "five".

Debate ensued.

The motion by Senator Haley failed and the amendments were not adopted.

On motion of Senator Haley, the amendment to page 9, beginning on line 7 striking all of section 7 on the desk of the Secretary of the Senate was withdrawn.

Senator Shinpoch moved adoption of the following amendment by Senators Shinpoch, Morrison, Talmadge and Odegaard:

On page 9, after line 21, insert the following:

"NEW SECTION. Sec. 8. There is added to chapter 46.29 RCW a new section to read as follows:

(1) No person required to have a Washington state driver's license under chapter 46.20 RCW may drive a motor vehicle upon a highway in this state unless the person, or the motor vehicle being operated by the person, is insured against liability imposed by law for injury to or destruction of property of others and for bodily injury and death arising out of the ownership, maintenance, or use of the vehicle by an insurance carrier duly authorized to transact business in this state or by self-insurance under RCW 46.29.630 in the limits set forth in RCW 46.29.090. Violation of this subsection is a misdemeanor.

(2) No insurance carrier may issue a policy required by subsection (1) of this section for a term of less than six months.

(3) Any insurance carrier who issues a policy required by subsection (1) of this section shall also issue to the purchaser of the policy a card or cards indicating at least the carrier's name, the policy number, the insured's name, and the effective dates of the policy.

(4) A person operating a motor vehicle shall produce for inspection, upon demand of any police officer who has stopped the vehicle for a valid reason, evidence of insurance under subsection (1) of this section. Failure to produce this evidence is a traffic infraction under chapter 46.63 RCW. Production of a card issued under subsection (3) of this section indicating that the owner or operator of the motor vehicle is insured or production of a certificate of self-insurance issued under RCW 46.29.630 which includes all coverage required under subsection (1) of this section shall be prima facie evidence of insurance under subsection (1) of this section.

NEW SECTION. Sec. 9. There is added to chapter 46.29 RCW a new section to read as follows:

Each accident report as provided in RCW 46.52.030, as now or hereafter amended, shall identify with respect to any driver involved in the accident, the current insurer and policy number of a policy issued, or the bonding company and surety bond number for any self-insurance obtained, under section 8 of this 1980 act.

Sec. 10. Section 2, chapter 11, Laws of 1979 as amended by section 160, chapter 158, Laws of 1979 and RCW 46.52.030 are each amended to read as follows:

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent of three hundred dollars or more, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns, the original of such report shall be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of licensing at Olympia, Washington. The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, the insurance information required by section 9 of this 1980 act, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

NEW SECTION. Sec. 11. Sections 8 through 10 of this act shall take effect on January 1, 1981."

POINT OF ORDER

Senator Clarke: "Thank you, Mr. Chairman. I would like to raise the Point of Order that the proposed amendment expands the scope and object of the bill. The bill as introduced and as discussed at length in committee, related to underinsurance

motorists' coverage and to the financial responsibility law. The proposed amendment, which incidentally was tried in committee and also relates to a subject that has been introduced separately on many, many occasions both in the House and Senate, and is a very important and controversial subject, but I submit that it is completely beyond the scope and object of the original bill."

Debate ensued.

MOTION

On motion of Senator Marsh, Engrossed Substitute House Bill No. 1983, as amended, together with the amendment by Senators Shinpoch, Morrison, Talmadge and Odegaard and the Point of Order raised by Senator Clarke, was ordered held for consideration at a later time.

President Pro Tempore Henry assumed the Chair.

SECOND READING

HOUSE BILL NO. 1686, by Representatives Chandler and Heck (by Superintendent of Public Instruction request):

Utilizing accrual basis instead of cash basis in recognition of certain expenditures relating to school districts.

The bill was read the second time by sections.

On motion of Senator McDermott, the rules were suspended, House Bill No. 1686 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. 1686 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

HOUSE BILL NO. 1686, having received the 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. 1422, by Committee on Judiciary (originally sponsored by Representatives Newhouse and Ellis):

Modifying laws on courts of limited jurisdiction.

REPORT OF STANDING COMMITTEE

February 13, 1980.

SUBSTITUTE HOUSE BILL NO. 1422, modifying laws on courts of limited jurisdiction (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 13, after "court)." insert "In courts of limited jurisdiction, juries shall be selected and impaneled in the same manner as in the superior courts, except that a court of limited jurisdiction shall use the jury list developed by the superior court judge or judges to select a jury panel."

On page 2, beginning on line 14, strike all the material down to and including "clerk." on page 5, line 19 and renumber the remaining sections consecutively.

On page 5, after line 19, insert:

"Sec. 7. Section 31, chapter 299, Laws of 1961 and RCW 3.42.010 are each amended to read as follows:

When so authorized by the justice court districting plan, one or more justice court commissioners may be appointed in any justice court district by the justices of the peace of such district. Each commissioner shall be a registered voter of the county in which the justice court district or a portion thereof is located, and shall hold office during the pleasure of the justices of the peace appointing him: PROVIDED, That any commissioner authorized to hear or dispose of cases shall be a lawyer who is admitted to the practice of law in the state of Washington or who has passed the qualifying examination for lay justices of the peace as provided under RCW 3.34.060." and renumber the remaining sections consecutively.

On page 5, line 26, after "~~1980~~)" strike "eighty-five" and insert "ninety".

On page 6, after line 21, insert:

"Sec. 10. Section 126, chapter 299, Laws of 1961 and RCW 3.70.040 are each amended to read as follows:

The Washington state magistrates' association shall:

(1) Continuously survey and study the operation of the courts served by its membership, the volume and condition of business of such courts, the methods of procedure therein, the work accomplished, and the character of the results;

(2) Promulgate suggested rules for the administration of the justice courts not inconsistent with the law or rules of the supreme court relating to such courts;

(3) Report annually to the supreme court as well as the governor and the legislature on the condition of business in the courts of limited jurisdiction, including the association's recommendations as to needed changes in the organization, operation, judicial procedure, and laws or statutes implemented or enforced in these courts." and renumber the remaining sections consecutively.

On page 7, line 11, strike all the material through "1980" and insert "Sections 8 and 9 of this 1980 act shall take effect on May 1, 1980".

On page 7, after line 11, insert a new section to read as follows:

"NEW SECTION. Sec. 14. Section 72, page 235, Laws of 1854, section 1772, Code of 1881, section 3, page 119, Laws of 1888, section 11, chapter 135, Laws of 1979 1st ex. sess. and RCW 12.12.050 are each repealed."

In line 14 on the title, after ".030;" insert "amending section 31, chapter 299, Laws of 1961 and RCW 3.42.010; amending section 126, chapter 299, Laws of 1961 and RCW 3.70.040;"

In line 14 of the title, after "Title 3 RCW;" insert "repealing section 72, page 235, Laws of 1854, section 1772, Code of 1881, section 3, page 119, Laws of 1888, section 11, chapter 135, Laws of 1979 1st ex. sess. and RCW 12.12.050;"

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Hurley, Jones.

The bill was read the second time by sections.

Senator Talmadge moved all committee amendments with the exception of the amendment to page 5, line 26 be considered and adopted simultaneously.

POINT OF INQUIRY

Senator Henry: "Senator Talmadge, am I to understand that this makes no changes in existing law that, in smaller counties where they do not have enough attorneys that the lay people are acting as district court judges?"

Senator Talmadge: "Mr. President, it does not affect that particular situation. The problem that we are attempting to address was one involving the commissioners of the courts, and not the justices themselves. What this does is allow commissioners

to be attorneys or to be people who are qualified under that test for lay judges; and I think that would satisfy the concern in some of the smaller counties that you have mentioned. I do not think it affects anything substantially."

The motion by Senator Talmadge carried. The committee amendments were adopted with the exception of the amendment to page 5, line 26.

Senator Talmadge moved the committee amendment to page 5, line 26 be adopted.

POINT OF INQUIRY

Senator Wilson: "Senator Talmadge, while I am very sympathetic to the intent of all of this, my question is whether we are facing an additional financial obligation on the counties without sending along the money to pay for it, and if we are whether that might not be in violation of section six of Initiative 62."

Senator Talmadge: "Senator, I have an opinion from Richard F. Wrenn, the presiding judge of the Spokane county district court and it is Judge Wrenn's belief that Initiative 62 is not applicable to this particular situation. I see that Senator Marsh is handing you a copy of that letter. You might take a look at it. I would defer to Senator Marsh to describe some of the particular provisions of the salary increase."

REMARKS BY SENATOR MARSH

Senator Marsh: "Mr. President and Senator Wilson, referring to the third paragraph, or fourth paragraph, of the letter from Judge Wrenn of the Spokane county district court, he points out that section six, subparagraph (1), the operative section of Initiative 62 on this question provides 'The Legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any taxing district unless the districts are reimbursed for the costs thereof by the State.' You will note that the key words are 'new programs or increased levels of service'. We are going to continue the same programs that we have in district court and we are going to continue the levels of service. We are not mandating anything new in that area. We are simply saying that the judges need a cost-of-living increase. We need to have them brought up commensurate with what other people are earning considering the inflation that has occurred since their last increase. You recall that earlier today I distributed to all of the desks, a series of letters supporting this particular salary increase to ninety percent. I distributed a letter signed by Hugh Rosellini, Robert Brachtenbach, and Robert Utter of the Supreme Court supporting this increase. I distributed a letter from the Court of Appeals signed by Dale M. Green, J. Ben McInturff, and Ray E. Munson; also I submitted to you a letter from Jane Shafer, president of the League of Women Voters of the state of Washington. There is wide-spread support for this. I would point out that this is really the first opportunity most of us have had to come in contact with the judicial system. The case loads are tremendous; they have to work very hard and long hours. I certainly think this increase is warranted and I urge you support."

REMARKS BY SENATOR WOODY

Senator Woody: "Mr. President, also in response to Senator Wilson's questions on page six of the bill, you will notice Senator Wilson, that the filing fees have increased from six dollars to twelve dollars and the claim fees have been increased from one dollar to five dollars."

POINT OF INQUIRY

Senator Morrison: "Senator Marsh, I guess, looking at this you say we are not increasing the level of service or adding any new service at all and I guess I need more justification from you as to why the change to ninety percent. The way I figure this out eighty-five percent of the new superior court salary will yield thirty-seven thousand four hundred, almost a five-thousand-dollar increase at the eighty-five percent figure allowed in the bill, and you are proposing that we go to ninety percent. We are not asking for additional services yet that is rather a significant increase at this time that I am not sure is justified."

Senator Marsh: "Senator, eighty-five percent of the present superior court judges' salary is thirty-five thousand four hundred forty-five dollars. Ninety percent of the percent of the present judges' salary, superior court judges' salary, is thirty-seven thousand five hundred thirty dollars. So based on that I think it is a reasonable increase of two thousand dollars; and then there is a salary increase that just became effective and I guess you are correct on that. As of February 1, 1980, eight-five percent of the superior court judges' salary is thirty-seven thousand nine hundred and ninety-five dollars; and ninety percent is forty thousand two hundred and thirty dollars. I would just say this. If you want really experienced members of the bar stepping up to take a district court judge's salary rather than someone right out of law school, someone who has not had the experience of being out in the practice, who does not have 'street smarts', if you will, stepping up to those positions, then you will vote against this amendment. But if you want experienced, mature judges, judges of your vintage and mine, you know, people in their forties and fifties to be sitting on the bench, then you are going to provide a salary level of forty thousand two hundred thirty dollars."

"Some of us earlier on the floor were discussing what superintendents of school districts are paid. Many superintendents of school districts are paid this kind of money. Many college presidents are paid this kind of money. Many athletes are paid this kind of money. Certainly if you want to have mature people who understand people, people who have been around a while, sitting on the bench rather than someone right out of law school taking this as their first job, you are going to support this amendment. I urge your support."

POINT OF INQUIRY

Senator Scott: "Senator Marsh, what is the impact of this bill on the judicial retirement system in dollars?"

Senator Marsh: "I do not have this figure, Senator."

POINT OF INQUIRY

Senator Matson: "Senator Marsh, if we buy the Senate committee amendment we will be paying district court judges what?"

Senator Marsh: "We will pay forty thousand two hundred thirty dollars, starting February 1, 1980."

Senator Matson: "And if we remain, stick with the House position and not adopt the Senate committee amendments. . ."

Senator Marsh: "If we go with House position of eighty-five percent the salary would be thirty-seven thousand nine hundred and ninety-five dollars."

Senator Matson: "Thank you."

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Senator Marsh, I think we are all a little bothered by a lack of fiscal data on this bill. For example, we have a bill that increases salaries to ninety percent, or eighty-five? We have an amendment that increases them to ninety percent. We have some increases in filing fees and other fees; I think we have a legitimate question from the stand point of local government, at least, of asking how the anticipated increases in fees relate to the proposed increases in judges' salaries, and as to whether the increases will be accommodating the cost of the salary increases, or whether counties will be asked to provide substantial additional amounts from their general fund. I have no objection at all. I recognize the validity of the argument that district court judges have to get some kind of pay that is the equivalent of what good attorneys can make; but we are operating totally in the dark, it seems to me, with respect to a lack of fiscal information on this bill, and I would ask, if you do not have it with you, if it would not be fair to hold the bill until tomorrow morning so that that information can be provided?"

Senator Marsh: "Senator Wilson, I am not aware of a fiscal note being available. None was requested by anybody representing local government when it was before the Senate judiciary committee nor when it was before the House judiciary committee. They have had ample opportunity if they are really concerned about the fiscal note, to come forward. I think it is generally recognized as a need for salary increase and what we are really talking about here is, whether it is going to be thirty seven thousand nine hundred ninety-five dollars, or forty thousand two hundred thirty dollars. There is general agreement, I guess, for eighty-five percent and it is a question whether it ought to be ninety percent. I furnished you with three letters, from the Supreme Court, the Court of Appeals and League of Women Voters, indicating it ought to be at the ninety percent. Also there is going to be some savings with this bill and I would point to section one, which calls for elimination of the appeal from district court to the superior court. We are going to eliminate the de novo review in superior court. That is going to cut down, I think, on some appeals. I will bet there is going to be saving there. So you might consider that factor.

"Finally, I would just say in closing that it has been very interesting to me, you have a very excellent attorney son, Senator Rasmussen also has a very excellent attorney son, Senator Hurley has an excellent attorney son. I do not see any of those individuals stepping up and applying for district court jobs. The point is that only the younger attorneys by and large, want to step up to these district court jobs at the present salaries. We are hoping that we can have older attorneys become interested in this position, and those who are on the bench now stay with it rather than drop out and have to go into private practice to support their families. There is a very real problem of getting mature attorneys to stay on the bench if they are there, or to have mature attorneys even be interested in an appointment. It usually is the younger attorneys who apply for these positions."

Further debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Marsh, I thought it was automatic that any bill that had any cost to it, had to have a fiscal impact before it came out of the committee. Is this right?"

Senator Marsh: "No, it is not true, and we have had a number of bills that have come out of committee without a fiscal note and there are several on the calendar today that we do not have fiscal notes for."

Senator Guess: "Is this going to increase the cost to the counties, the local government, is it going to violate 62?"

Senator Marsh: "No Senator, it is not going to violate 62. I have referred earlier to a letter from Richard F. Wrenn, presiding judge of the Spokane county district court, that I could make a part of the record and I will turn in to the secretary of the Senate, and I can bring to you right now; but I will quote you the key paragraph out of that letter which reads 'Section 6 (1), the operative section of Initiative 62 on the questions at hand, provides: "The Legislature shall not improve responsibility for new programs or increased levels of service under existing programs on any taxing district unless the districts are reimbursed for the costs thereof by the State."' Now, as you listen to that, Senator you heard the key words were 'new programs or increased levels of service'. We are continuing the same programs and the same level of service, we are just providing a salary increase. If it were not this way, every time we provided any salary increase for any one that is now on the job, we would be up against 62. That is not a violation of Initiative 62 to provide salary increases."

Senator Guess: "Thank you very much."

Spokane County District Court

Department No. 2

Richard F. Wrenn,
Judge

Spokane, Washington 99201

January 17, 1980

The Honorable Thomas E. Kelly
President, Magistrates Association
Snohomish County District Court
County Courthouse
Everett, WA 98201

RE: Initiative 62 and the Judicial Pay Bill

Dear Tom:

Some members have asked if the passage of Initiative Measure 62 requires the State Legislature to reimburse local governments for any salary modifications passed for District and Municipal Court Judges.

It appears quite clear that the answer is no. Initiative 62 would not so apply to a bill which merely adjusted judicial pay without altering judicial duties and responsibilities.

The analysis leading to this conclusion comes from wording of the measure itself and the application of well-established rules of statutory construction.

Section 6(1), the operative section of Initiative 62 on the questions at hand, provides:

"The Legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any taxing district unless the districts are reimbursed for the costs thereof by the State."
(Emphasis supplied.)

A full copy of Initiative Measure 62 as printed in the voters' pamphlet is attached for convenience.

The fundamental rule of construction is to ascertain and give effect to the intention of the lawmakers as expressed in the statute; the act must be construed as a whole and effect given to all language used and all provisions of the act considered together, Burlington Northern, Inc. v. Johnston, 89 Wn.2d 321.

Words used in a statute must be given their usual and ordinary meaning absent a statutory definition, Pope and Talbot, Inc. v. State Department of Revenue, 90 Wn.2d 549.

Each word of a statute must be accorded meaning, for the legislature is presumed not to have used superfluous words, State v. Fenter, 89 Wn.2d 57.

When words used in a statute are clear and unambiguous, there is no room for construction Hatfield v. Greco, 87 Wn.2d 780.

Statutory rules of construction apply as equally to direct legislation by the People as to legislation enactments, Washington State Department of Revenue v. Hoppe, 82 Wn.2d 549.

The thrust of the entire Initiative appears to be to limit the growth of new or (additional) governmental services which will thereby limit tax increases and prevent dilution of essential services provided by local governments by the prevention of the imposition of additional duties on the existing limited revenues of local governments. Section 6(1) is but a part of the implementation of that goal.

Nowhere in the text of Initiative 62 is there the slightest hint of an intent to freeze the costs of existing services.

Passage of a bill raising judicial salaries would not involve "new" programs, e.g. adding to the types of cases that can be heard, nor would it "increase the level of service" under existing programs, e.g. increasing the dollar amount of civil jurisdictions or increasing the number of judges to handle the existing caseload.

The word "new" and the term "increased levels of service" are not defined in the measure and have a usual and ordinary meaning. These terms cannot be ignored and since they are clear and unambiguous, cannot be construed to mean something out of the ordinary.

In any event, though the question of impact of Initiative Measure 62 on the courts is certainly legitimate, the above analysis is really academic since the legislature has some time ago, provided for the funding of these courts from allocations from fines and forfeitures, R.C.W. 3.62.050.

I hope this will be of assistance.

Very truly yours,

RICHARD F. WRENN, PRESIDING JUDGE
Spokane County District Court.

POINT OF INQUIRY

Senator Vognild: "Thank you Mr. President. I am of the opinion that these particular judges we are talking about were short-changed in the last budget; and they received, I believe, about a two percent wage increase. I am wondering if somebody on the floor could tell me if that is correct or not? Apparently not. Thank you."

The motion by Senator Talmadge carried and the committee amendment to page 5, line 26 was adopted on a rising vote.

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1422, 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. 1422, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Matson, Pullen, Rasmussen, Scott—4.

SUBSTITUTE HOUSE BILL NO. 1422, 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.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1570, by Committee on Financial Institutions (originally sponsored by Representatives Winsley, Eng and Sanders):

Modifying restrictions on commercial lending.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1570. On February 15, 1980, the committee amendment was adopted.

On motion of Senator Bausch, the rules were suspended, Engrossed Substituted House Bill No. 1570, 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: "Senator Bausch, I was looking through here for a real people bill. What does this bill do? Is this one that helps the people? And in what way does it help the people, if you could tell me, I have not been able to find the spot."

Senator Bausch: "The amendment took out the majority of the intent of the bill as it relates to commercial and to business loans which, in some people's testimony, it would help the people. I am not sure that I got up and said it would help the people. I only urge the adoption of the bill. Right at the moment basically what is left in the bill is margin accounts with brokers. But I am not sure it hurts the people, either, Senator."

Senator Rasmussen: "Thank you, Senator Bausch. I thought that was our intent on the floor of the House and the Senate, pass legislation to help the people and you did not indicate that."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1570, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Bluechel, Bottiger, Clarke, Conner, Donohue, Gallagher, Gaspard, Guess, Haley, Hansen, Hayner, Jones, Lee, Marsh, Matson, Morrison, Pullen, Quigg, Talley, Vognild, von Reichbauer, Walgren, Wojahn, Woody—25.

Voting nay: Senators Bausch, Benitz, Day, Fleming, Goltz, Gould, Hurley, Lewis, Lysen, McDermott, Moore, Odegaard, Peterson, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Wanamaker, Williams, Wilson—23.

Absent or not voting: Senator Henry—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1570, 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. 1983, by Committee on Insurance (originally sponsored by Representatives Rohrbach, Houchen, McGinnis, Ellis and Zimmerman):

Revising laws relating to motor vehicle insurance.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1983 from earlier today. At that time, the committee amendments were adopted. Senator Shinpoch had moved adoption of an amendment by Senators Shinpoch, Morrison, Talmadge and Odegaard and Senator Clarke had raised a Point of Order.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Clarke, the President finds that Engrossed Substitute House Bill 1983 is a measure which requires insurance companies to offer policy holders under insured motor vehicle coverage. The bill also raises the minimum limits of coverage which must be provided in a motor vehicle policy.

"The amendment proposed by Senators Shinpoch, Morrison, Talmadge and Odegaard would establish an entirely new system of mandatory auto insurance.

"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 Senators Shinpoch, Morrison, Talmadge and Odegaard was ruled out of order.

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

On motion of Senator Bausch, the rules were suspended, Engrossed Substitute House Bill No. 1983, 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 Odegaard: "Senator Clarke, would you be willing to look seriously at that question of mandatory auto insurance and help us investigate that further in the interim and possibly come up with a proposal we might have before us in 1981?"

Senator Clarke: "Senator, not only would I be willing to do that, but that is something that has been studied not only in this state, but many other states; and various forms of so-called compulsory insurance have been tried out. Unfortunately none of them have worked. In almost every instance the ultimate cost to the consumer was very substantially more. So while I say that I would be glad to endeavor to find a solution, I must also be aware of some of the problems."

REMARKS BY SENATOR BAUSCH

Senator Bausch: "Thank you, Mr. President. In answer, quickly, to some of your questions, Senator Odegaard, I think they are valid; but some of the things that we have found out is that in Nevada and some other states that have had compulsory as well as no-fault insurance, have found out the cost is so high that it does not really get at what you are intended to do. We certainly would be glad to take that on and look at those types of things. But a caution again, because the cost is tremendous."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Clarke, under the uninsured motorist as it is now handled, what do I get as far as protection on my policy?"

Senator Clarke: "Well, you get the opportunity of purchasing under-insured motorist coverage for the same limits that you carry to protect yourself against somebody who might sue you. So that if you or any member of your car are injured by someone who either has no insurance or hit-and-run driver or someone who does not carry enough insurance, your own insurance company picks up that difference

between their deficiency in financing and that of the amount that you should recover for your injuries; and I might say also that the premium is surprisingly small for that type of cover."

Senator Rasmussen: ". . . and that is only for personal injury, it does not include property damage?"

Senator Clarke: "That is true for the reason that if you included property damage, then the premium would become completely exorbitant because every time that anybody had a fender-bender in a parking lot or something like that, they would come in and make a collection. In other words, you would have, in substance, full coverage collision insurance which you can now buy but costs a very substantial amount; and if you had property damage included in your under-insurance situation, you of course, would have to pay for that additional cost which I think you would find exorbitant."

Senator Rasmussen: "Senator Clarke, one further question. At the present time I am carrying one hundred thousand, three hundred thousand; and in order to get that protection what would it cost me on my policy . . . against the uninsured motorist now that we are talking about."

Senator Clarke: "I do not have those figures before me. It was offered in committee and perhaps Senator Bausch has those figures. It depends, of course, as does other insurance, upon the type of person covered and the members of the family, and so forth."

REMARKS BY SENATOR BAUSCH

Senator Bausch: "And it also applies to the difference between the ages of one group and another, but it is figured, or calculated now to be between ten and thirty dollars per six months. That was a calculation."

Senator Rasmussen: "Thank you, Senator Bausch; thank you, Senator Clarke."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1983, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent or not voting, 2. Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hurley, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Haley, Lysen, Rasmussen—3.

Absent or not voting: Senators Donohue, Henry—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1983, 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.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3011,

SUBSTITUTE SENATE BILL NO. 3237.

SECOND READING

ENGROSSED HOUSE BILL NO. 1663, by Representatives Warnke, Greengo, Tilly, Erickson and Smith (R.):

Requiring inclusion of contractor's registration number in advertising materials.

REPORT OF STANDING COMMITTEE

February 11, 1980.

ENGROSSED HOUSE BILL NO. 1663, requiring inclusion of contractors' registration number in advertising materials (reported by Committee on Commerce):

Recommendation: Do pass with the following amendments:

On page 3, line 8, after "hundred" strike "fifty" and insert "((fifty))".

On page 3, line 15, before "dollars" strike "fifty" and insert "((fifty))".

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg, Williams.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the committee amendments were considered and adopted simultaneously.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed House Bill No. 1663, 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. 1663, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—48.

Voting nay: Senator Wilson—1.

ENGROSSED HOUSE BILL NO. 1663, 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. 1555, by Representatives Schmitt, Becker, Flint, Jovanovich, Rosbach, Vrooman, Wilson, Martinis, Addison, Mitchell, Ellis and Charnley:

Protecting unique wildlife.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, House Bill No. 1555 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. 1555 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

HOUSE BILL NO. 1555, having received the 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. 1598, by Representatives Schmitt and Monohon (by Department of Fisheries request):

Adding four members to the salmon advisory council.

REPORT OF STANDING COMMITTEE

February 12, 1980.

ENGROSSED HOUSE BILL NO. 1598, adding two members to the salmon advisory council (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 8, strike "fourteen" and insert "thirteen".

On page 2, line 19, strike "four" and insert "three".

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Odegaard, Quigg, Vognild.

The bill was read the second time by sections.

On motion of Senator Peterson, the committee amendments were considered and adopted simultaneously.

On motion of Senator Peterson, the rules were suspended, Engrossed House Bill No. 1598, 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. 1598, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

ENGROSSED HOUSE BILL NO. 1598, 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. 878, by Representative Knowles:

Clarifying the powers of sewer districts.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, House Bill No. 878 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. 878 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shimpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Van Hollebeke—1.

Absent or not voting: Senator Gallagher—1.

HOUSE BILL NO. 878, having received the 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. 1475, by Representatives Erickson and Oliver:

Modifying terminology relating to regular and special sessions of the legislature.

REPORT OF STANDING COMMITTEE

February 12, 1980.

HOUSE BILL NO. 1475, modifying terminology relating to regular and special sessions of the legislature (reported by Committee on Constitution and Elections):

Recommendation: Do pass with the following amendments:

On page 4, beginning on line 12, strike all of section 3, through and including line 21, renumber the remaining sections consecutively, and correct internal references accordingly.

On page 50, after line 26, insert the following new section:

"NEW SECTION. Sec. 49. Section 6, chapter 181, Laws of 1945 and RCW 2.48.120 are each repealed."

On page 1, line 9 of the title, after "44.04.010;" strike all material through and including "2.48.120;" on line 10

On page 3, line 26 of the title, after "90.03.247;" strike "and".

On page 3, line 27 of the title, after "RCW" and before the period, insert "; and repealing section 6, chapter 181, Laws of 1945 and RCW 2.48.120".

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Marsh, Peterson, Pullen, Ridder.

The bill was read the second time by sections.

Senator Woody moved adoption of the committee amendment to page 4.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Rasmussen and Lewis:

On page 4, line 19, after "Washington" strike "and to membership in the Washington State Bar Association" and insert "for the sole purpose of establishing eligibility to run for the office of Supreme Court,".

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

Senator Pullen moved adoption of the following amendment to the committee amendment:

On line 3 of the committee amendment after "line 21," strike the remainder of the amendment and insert:

"Sec. 3. Section 6, chapter 181, Laws of 1945 and RCW 2.48.120 are each amended to read as follows:

((Any person who has served as presiding officer of either the house of representatives or the senate of the state of Washington as speaker of the house or president of the senate for six consecutive regular sessions of the legislature may be admitted to the practice of law in the state of Washington and to membership in the Washington State Bar Association without examination, upon motion made before the supreme court of the state of Washington.))

The judicial qualifications commission may establish session service requirements under which a presiding officer of either the house of representatives or the senate of the state of Washington may be admitted to the practice of law for the sole purpose of establishing eligibility of such presiding officers to be eligible for the state supreme court."

Debate ensued.

The motion by Senator Pullen failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be the adoption of the committee amendment to page 4.

Debate ensued.

POINT OF ORDER

Senator Pullen: "A Point of Order, Mr. President. I would like to challenge the committee amendment under scope and object; and if I might speak to that.

"Mr. President, as you know, it has long been your ruling in this body that you look at what the scope of the bill is, what its intent is, and this is clearly a house-keeping bill in which all we are doing if you look throughout the bill, we have taken many, many sections of the law where we have enumerated the number of regular sessions that must be served in order for something to happen. That is all this bill is doing, that is all this section is doing; and to move to repeal a section of the law is outside the scope and object of the bill which is simply to double the number of sessions that must be served. Throughout the entire bill the only new language we are adding is doubling the number of regular sessions because we now meet every year in regular session. And the committee amendment would be a policy decision and is clearly outside the scope and object of the bill."

MOTION

On motion of Senator Marsh, House Bill No. 1475, together with the pending committee amendments and the Point of Order raised by Senator Pullen on the committee amendment to page 4, was ordered held for a Ruling by the President on February 19, 1980.

MOTION

On motion of Senator Marsh, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

February 12, 1980.

HOUSE BILL NO. 1820, extending the time period for filing accident reports (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on rules for Second Reading.

MOTION

At 5:17 p.m., on motion of Senator Marsh, the Senate adjourned until 9:00 a.m., Tuesday, February 19, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 19, 1980.

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 and Matson. On motion of Senator Jones, Senators Benitz and Matson were excused. On motion of Senator Wilson, Senator Donohue was excused.

The Color Guard, consisting of Pages Desiree Serr and Dennis Nichols, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"MIGHTY GOD, WHOSE STRENGTH IS REFLECTED IN THE MAJESTY OF THE MOUNTAIN AND IN THE PERSISTENCE OF GOOD MEN TO DO YOUR WILL; WHOSE MIND IS MIRRORED IN THE CLEAR THINKING, BENEVOLENTLY INTENDED MENTAL PROCESSES OF YOUR CREATURE MAN.

"WE DO ADMIT AND CONFESS OUR NUMEROUS FAULTS AND WEAKNESSES; OUR DESIRE TO REMAKE YOU IN OUR IMAGE INSTEAD OF LETTING YOU REMAKE US IN YOUR IMAGE. WE DO ADMIT AND CONFESS OUR SOME TIMES LACK OF SENSITIVITY TO THE REAL NEEDS OF PEOPLE; OUR WEAKNESS TO YIELD TO THE TEMPTATION OF USING PEOPLE INSTEAD OF SERVING THEM; OUR DESIRE FOR SUCCESS AND APPROBATION, OFTEN STRONGER THAN THE DESIRE TO DO YOUR WILL AND BE SERVANTS TO YOUR PEOPLE.

"WE THANK YOU FOR A GOOD NIGHT'S REST AND ANOTHER DAY; FOR MENTAL ALACRITY AND PERCEPTIVE PERSPICUITY; FOR POLITICAL POISE RIGHTLY MOTIVATED AND PROPERLY DIRECTED. AND WE THANK YOU FOR THESE MEN AND WOMEN, WILLING TO SERVE, ABLE TO SERVE; WILLING TO LISTEN; WILLING TO CHANGE AND SEE CHANGE WHEN CHANGE IS NEEDED AND READY TO STAND FIRM WHEN CHANGE WOULD BE HURTFUL.

"TODAY GIVE US, TOGETHER WITH LIFE AND HEALTH AND DAILY FOOD, A PROPER UNDERSTANDING OF ISSUES; CLEAR MINDS TO WEIGH THE CONSEQUENCES OF OUR DECISIONS AND A VISION OF JUSTICE AND EQUITY TO HELP US PLOT OUR COURSE AND SHAPE OUR DESTINY—FOR WE ARE YOUR SERVANTS, LORD AND ARE COMMITTED TO THE WELFARE OF YOUR PEOPLE, THROUGH JESUS CHRIST OUR LORD. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

SUBSTITUTE HOUSE BILL NO. 1743, authorizing certain cities to appoint a park commission (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do not pass.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Woody.

MINORITY recommendation: Do pass as amended by Committee on Local Government and Committee on Parks and Recreation.

Signed by: Senator Wojahn.

Passed to Committee on Rules for second reading.

MESSAGE FROM SENATOR von REICHBAUER REGARDING SHB 1743

Lieutenant Governor John A. Cherberg, Chairman

Senate Committee on Rules

304 Legislative Building

Olympia, Washington 98504

DEAR LIEUTENANT GOVERNOR CHERBERG & MEMBERS OF THE SENATE:

The Senate Committee on Parks and Recreation recommended that Substitute House Bill 1743 DO NOT PASS and be referred to Rules. If, however, Substitute House Bill 1743 is pulled from Rules, the Committee on Parks and Recreation recommends the following amendment to the amendment of the Committee on Local Government:

On the third line of the Local Government Committee amendment, after "order" strike "an election" and insert "a vote"

With best wishes,
PETER VON REICHBAUER, Chairman
Parks and Recreation Committee

MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Joint Memorial No. 24.

SECOND READING

HOUSE JOINT MEMORIAL NO. 24, by Representatives Scott, Wilson, Monohon, Tupper, Grimm, Sprague, Charnley, McCormick, Sherman, King, Nelson D., Brekke, Williams, Sanders, Granlund, Vrooman, Pruitt, Warnke, Rinehart, Bauer, Fuller, Erak, North, Stratton and Brown:

Requesting federal help in promoting use of wood to relieve energy shortage.

The memorial was read the second time in full.

On motion of Senator Bottiger, the rules were suspended, House Joint Memorial No. 24 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Senator Bottiger, I wonder if we ought not to also include in this resolution to the Congress that they open up the federal forest lands that are available that have coal on them in order that we promote the use of energy that is not nuclear."

Senator Bottiger: "Senator Guess, within our committee which will be coming up for hearing, is another memorial sponsored by Representative Zimmerman that asks not only for coal but to look at geothermal in the national forests, and to recognize that possibility for energy. We will be reporting that memorial out, I am sure. This one is just wood."

Senator Guess: "One other question, Senator. Why does the state of Washington not encourage the use of coal by opening up our own state lands to the recovery of coal and the use by its citizens?"

Senator Bottiger: "Well Senator Guess, as I understand it we do, and we have, I believe, in ways and means a bill appropriating some additional money for the geological survey of the state coal resources. Now our problem is, the mineable, the commercially mineable coal lies in two places. One is near the Centralia steam plant; the other is over in Adams and Lincoln county—mineable in the conventional sense. The rest of the coal is in vertical seams that runs up and down and there is a process of in situ burning that would permit conversion to a gas of coal in the ground to be used by a generating plant at a mine site. That process is ongoing and we would like to get the geological survey finished so that we know exactly where those seams are and can encourage utilities to use that source."

Senator Guess: "Thank you, Senator."

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 24, and the memorial passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Benitz, Donohue, Matson—3.

HOUSE JOINT MEMORIAL NO. 24, having received the constitutional majority, was declared passed.

MOTION

At 9:20 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 commenced consideration of House Bill No. 1458.

SECOND READING

HOUSE BILL NO. 1458, by Representatives Sanders, Gruger, Teutsch, Adams, Tupper, Lux, McDonald, Whiteside, Addison, Brekke, Charnley, Houchen, Maxie, Mitchell, Pruitt, Taller, Van Dyken and Winsley:

Allowing public assistance recipients in nursing homes to retain wages from training or rehabilitative programs.

REPORT OF STANDING COMMITTEE

February 11, 1980.

HOUSE BILL NO. 1458, allowing public assistance recipients in nursing homes to retain wages from training or rehabilitative programs (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after line 29, insert the following:

"Sec. 2. Section 74.08.335, chapter 26, Laws of 1959 as amended by section 330, chapter 141, Laws of 1979 and RCW 74.08.335 are each amended to read as follows:

~~((Public))~~ Aid to families with dependent children and general assistance shall not be granted ((under this title)) to any person who has made an assignment or transfer of property for the purpose of rendering himself eligible for the assistance ((under this title)). ((Any person who shall have transferred or shall)) There is a rebuttable presumption that a person who has transferred or transfers any real or personal property or any interest in property within two years of the date of application for ((public)) the assistance without receiving adequate monetary consideration therefor, did so for the purpose of rendering himself eligible for the assistance. Any person who transfers property for the purpose of rendering himself eligible for assistance, or any person who after becoming a recipient transfers any property or any interest in property without the consent of the secretary, shall be ineligible for ((public)) assistance for a period of time during which the reasonable value of the property so transferred would have been adequate to meet ((his)) the person's needs under normal conditions of living: PROVIDED, That the secretary is hereby authorized to allow exceptions in cases where undue hardship would result from a denial of assistance."

On page 1, line 1 of the title, strike "and"

On page 1, line 4 of the title, after "74.08.025" and before the period insert "; and amending section 74.08.335, chapter 26, Laws of 1959 as amended by section 330, chapter 141, Laws of 1979 and RCW 74.08.335"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

The bill was read the second time by sections.

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

On motion of Senator Day, the committee amendment to the title was adopted.

On motion of Senator Day, the rules were suspended, House Bill No. 1458, 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. 1458, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Sellar—1.

Excused: Senator Matson—1.

HOUSE BILL NO. 1458, 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. 1593, by Representatives Garrett, Patterson, Stratton, Struthers and Ellis:

Updating the Model Traffic Ordinance.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, House Bill No. 1593 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. 1593, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

HOUSE BILL NO. 1593, having received the 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. 799, by Committee on State Government (originally sponsored by Representatives Taller and Ehlers) (by Department of Social and Health Services request):

Exempting certain positions in the department of social and health services from the state civil service law.

REPORT OF STANDING COMMITTEE

February 7, 1980.

SUBSTITUTE HOUSE BILL NO. 799, exempting certain positions in the department of social and health services from the state civil service law (reported by Committee on State Government):

Recommendation: Do pass with the following amendments:

On page 1, line 12, strike "twelve" and insert "thirteen"

On page 1, line 14, strike "five" and insert "six"

On page 1, after line 19, insert the following:

"Sec. 2. Section 7, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.077 are each amended 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 veterans affairs to the director, to the deputy director, ((and)) to no more than two assistants, to the superintendent for the state soldiers' home and colony, and to the superintendent for the Washington veterans' home."

On page 1, on line 1 of the title, after "services" strike "; and" and insert "and the department of veterans' affairs;"

On page 1, on line 3 of the title, after "41.06.076" insert "; and amending section 7, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.077"

Signed by: Senators Rasmussen, Chairman; Shipoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments to page 1, lines 12 and 14 were adopted.

On motion of Senator Day, the committee amendment to page 1, following line 19 was not adopted.

On motion of Senator Day, the committee amendments to the title were not adopted.

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 799, 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. 799, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47 absent or not voting, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senators Jones, Quigg—2.

SUBSTITUTE HOUSE BILL NO. 799, 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. 829, by Representatives Haley, Kreidler, Craswell, Thompson and Smith (R.):

Increasing the funding of family court.

The bill was read the second time by sections.

Senator Pullen moved adoption of the following amendment:

On page 1, line 10, after "license" and before the period insert ": PROVIDED, That such fee shall not exceed eight dollars".

Debate ensued.

POINT OF INQUIRY

Senator Lysen: "Senator Marsh, I noticed that the tax or the fee is on the marriage. Did you consider in deliberations in your committee putting this tax or fee on the divorce aspect? It just seems to me people when divorced probably are much greater contributors to the need. Possibly this would be an area that could be looked into. Was this considered at all?"

Senator Marsh: "No."

The motion by Senator Pullen carried and the amendment was adopted on a rising vote.

Senator Pullen moved adoption of the following amendment:

On page 2, line 1, after "deemed appropriate" insert ", but not to exceed one hundred fifty dollars,".

Debate ensued.

The motion by Senator Pullen carried and the amendment was adopted on a rising vote.

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

On page 2, line 4, strike "1979" and insert "1980".

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 829, 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. 829, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Bausch, Bluechel, Bottiger, Conner, Donohue, Fleming, Gallagher, Gaspard, Gould, Haley, Henry, Jones, Lee, Marsh, McDermott, Moore, Morrison, Odegaard, Ridder, Shinpoch, Talley, Talmadge, Walgren, Williams, Wilson, Wojahn, Woody—28.

Voting nay: Senators Benitz, Clarke, Day, Goltz, Guess, Hansen, Hayner, Hurley, Lewis, Lysen, Matson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Van Hollebeke, Vognild, von Reichbauer, Wanamaker—21.

ENGROSSED HOUSE BILL NO. 829, 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. 1813, by Representatives Van Dyken, Heck, Nelson (G.), Barnes, Ellis, Galloway, Whiteside, Eberle, Taller, Addison, Nisbet, Flint, Rohrbach, Williams, Zimmerman, Mitchell, Chandler, Sprague, Struthers, Dawson, Smith (C.), Becker, Pruitt, Rinehart and Taylor:

Establishing attendance incentive programs for school districts and educational service district employees.

REPORT OF STANDING COMMITTEE

February 13, 1980.

HOUSE BILL NO. 1813, establishing attendance incentive programs for school districts and educational service district employees (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 3, chapter 10, Laws of 1972 ex. sess. as amended by section 108, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.100 are each amended to read as follows:

Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge all certificated and noncertificated employees, and fix, alter, allow and order paid their salaries and compensation;

(2) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and, emergencies for both certificated and noncertificated employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(d) Leave provided in this proviso not taken shall accumulate from year to year ~~((up to a maximum of one hundred eighty days,))~~ and such accumulated time may be taken at any time during the school year but for purposes of payments for unused sick leave shall not exceed twelve days per year;

(e) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(f) ~~((Accumulated leave under this proviso not taken at the time such person retires or ceases to be employed in the public schools shall not be compensable except in the following manner:))~~ Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire; if such leave is taken it may not be compensated under the provisions of sections 2 and 3 of this amendatory act;

(g) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction and offices of educational service district superintendents and boards, to and from such districts and such offices;

(h) Leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when he returns to the employment of the district.

When any teacher or other certificated employee leaves one school district within the state and commences employment with another school district within the state, he shall retain the same seniority, leave benefits and other benefits that he had in his previous position. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

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:

Every school district board of directors may establish an attendance incentive program for all certificated and noncertificated employees in the following manner. In January of the year following any year in which a minimum of sixty days of leave for illness or injury is accrued, and each January thereafter, any eligible employee may exercise an option to receive remuneration for unused leave for illness or injury accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued leave for illness or injury in excess of sixty days. Leave for illness or injury for which compensation has been received shall be deducted from accrued leave for illness or injury at the rate of four days for every one day's monetary compensation: **PROVIDED,** That no employee may receive compensation under this section for any portion of leave for illness or injury accumulated at a rate in excess of one day per month.

At the time of separation from school district employment due to retirement or death an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days accrued leave for illness or injury: **PROVIDED,** That an employee of any school district that has established an incentive attendance program under the provisions of this section shall be entitled to all the benefits conferred by this section

as of the effective date of this act, but the district may, in its discretion, delay payments due upon retirement or death, with interest at the rate specified in RCW 4.56.110, to an eligible employee or the employee's estate for up to twelve months but not beyond July 1, 1982.

Moneys received under this section shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

The superintendent of public instruction in its administration hereof, shall promulgate uniform rules and regulations to carry out the purposes of this section.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

Every educational service district board of directors shall establish an attendance incentive program for all certificated and noncertificated employees in the following manner. In January of the year following any year in which a minimum of sixty days of leave for illness or injury is accrued, and each January thereafter, any eligible employee may exercise an option to receive remuneration for unused leave for illness or injury accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued leave for illness or injury in excess of sixty days. Leave for illness or injury for which compensation has been received shall be deducted from accrued leave for illness or injury at the rate of four days for every one day's monetary compensation: PROVIDED, That no employee may receive compensation under this section for any portion of leave for illness or injury accumulated at a rate in excess of one day per month.

At the time of separation from educational service district employment due to retirement or death an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days accrued leave for illness or injury.

Moneys received under this section shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

The superintendent of public instruction in its administration hereof, shall promulgate uniform rules and regulations to carry out the purposes of this section.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

NEW SECTION. Sec. 4. If any provision of this 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 McDermott, Chairman; Gaspard, Vice Chairman; Gould, Morrison, Ridder, Talmadge.

The bill was read the second time by sections.

Senator McDermott moved adoption of the committee amendment.

Senator Gould moved adoption of the following amendment to the committee amendment:

On page 4, line 15 of the committee amendment, strike "Every" and before "school" insert:

"Beginning in September 1981 every"

Debate ensued.

The motion by Senator Gould failed and the amendment to the committee amendment was not adopted on a rising vote.

There being no objection, on motion of Senator Gould, an amendment to page 4, line 20 of the committee amendment on the desk of the Secretary of the Senate was withdrawn.

Senator Gould moved adoption of the following amendment to the committee amendment:

On page 5, line 3 of the committee amendment, after "month" and before "." insert:

": PROVIDED FURTHER, That for purposes of RCW 84.52.0531 any such attendance incentive program shall be considered a fringe benefit"

Debate ensued.

The motion by Senator Gould failed and the amendment to the committee amendment was not adopted on a rising vote.

(The President voted no)

There being no objection on motion of Senator Gould, the amendments to page 4, lines 8, 13 and 16 to the committee amendment on the desk of the Secretary of the Senate were withdrawn.

Senator Jones moved adoption of the following amendment by Senators Jones and Hansen to the committee amendment:

On page 1, line 20, after "compensation" strike ";" and insert:

": PROVIDED, That such wages or other compensation shall not be more than that amount of moneys provided therefor for the particular school district in the biennial state operating budget as set forth in the state general operations appropriation bill printed in the session laws and as allocated by the superintendent of public instruction;"

POINT OF ORDER

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

Debate ensued.

POINT OF ORDER

Senator Marsh: "I have a motion as soon as Senator McDermott has made a few remarks."

Senator Jones: ". . . continue to make my point if I cannot speak to the amendment I do not know why anyone else should be allowed to speak against the amendment. Does that seem appropriate? Certainly recognizing that I have made, at least a part of my point, I would allow you to rule on it."

President Cherberg: "Senator, you may continue to speak upon the amendment."

POINT OF ORDER

Senator Marsh: "Two points of order, Mr. President. I think we have a three-minute rule, and number two, I think when a point of order is raised, does not that prevail over discussion on an amendment?"

POINT OF INFORMATION

Senator Fleming: "Mr. President, point of information for clarification. Three minute rule is not on the yellow calendar is it, it is only on the consent calendar?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes it applies to all bills."

"Senator Jones, once a Point of Order is raised, that should be the point of discussion. The President simply felt that he would give you a minute or so to talk upon the amendment. Inasmuch as the point has been raised, why, we must confine the remarks to the Point of Order raised by Senator McDermott."

POINT OF ORDER

Senator McDermott: "Mr. President, speaking on a Point of Order, the bill we have before us is a bill designed to set up a sick leave incentive program. The amendment Senator Jones has offered has to do with wages and compensation of the biennial state operating budget. In my opinion that broadens the scope of the bill immensely and I think for that reason, is out of order."

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

MESSAGES FROM THE HOUSE

February 18, 1980.

Mr. President: The House has passed:
ENGROSSED HOUSE BILL NO. 1541,
SUBSTITUTE HOUSE BILL NO. 1981, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 18, 1980.

Mr. President: The House has passed:
SECOND SUBSTITUTE SENATE BILL NO. 2748,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3140,
SENATE BILL NO. 3235,
SENATE BILL NO. 3245,
ENGROSSED SENATE BILL NO. 3253,
SENATE BILL NO. 3404,
SUBSTITUTE SENATE BILL NO. 3611,
SENATE JOINT RESOLUTION NO. 132, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 18, 1980.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 3405 and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 19, 1980.

Mr. President: The Speakers have signed:
HOUSE BILL NO. 878,
HOUSE BILL NO. 1414,
HOUSE BILL NO. 1587,
HOUSE BILL NO. 1588,
HOUSE BILL NO. 1589,
HOUSE BILL NO. 1624,
HOUSE BILL NO. 1686,
HOUSE BILL NO. 1762,
SUBSTITUTE HOUSE BILL NO. 1807,
HOUSE BILL NO. 1976, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 18, 1980.

Mr. President: The Speakers have signed:

SUBSTITUTE HOUSE BILL NO. 1496,

HOUSE BILL NO. 1524, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 18, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE HOUSE JOINT RESOLUTION NO. 37, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 18, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE SENATE BILL NO. 3271, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 878,

HOUSE BILL NO. 1414,

HOUSE BILL NO. 1587,

HOUSE BILL NO. 1588,

HOUSE BILL NO. 1589,

HOUSE BILL NO. 1624,

HOUSE BILL NO. 1686,

HOUSE BILL NO. 1762,

SUBSTITUTE HOUSE BILL NO. 1807,

HOUSE BILL NO. 1976.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1496,

HOUSE BILL NO. 1524,

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 37.

MOTION

At 12:22 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

HOUSE BILL NO. 1813, by Representatives Van Dyken, Heck, Nelson (G), Barnes, Ellis, Galloway, Whiteside, Eberle, Taller, Addison, Nisbet, Flint, Rohrbach, Williams, Zimmerman, Mitchell, Chandler, Sprague, Struthers, Dawson, Smith (C.), Becker, Pruitt, Rinehart and Taylor:

Establishing attendance incentive programs for school districts and educational service district employees.

The Senate resumed consideration of House Bill No. 1813. Earlier today the committee amendment had been moved for adoption. Two amendments by Senator Gould to the committee amendment had failed. Senator Jones moved adoption of an amendment by Senators Jones and Hansen to the committee amendment. Senator McDermott raised a Point of Order on the amendment by Senators Jones and Hansen to the committee amendment.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator McDermott, the President finds that House Bill 1813 is a measure which allows school districts to bargain with their employees on the subject of unused sick leave within the guidelines of the bill.

"The amendment proposed by Senators Jones and Hansen limits the salaries of school district employees to the amount provided for the particular school district in the biennial state operating budget, and goes well beyond the purpose of House Bill 1813.

"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 Senators Jones and Hansen to the committee amendment was ruled out of order.

The motion by Senator McDermott carried and the committee amendment was adopted.

On motion of Senator McDermott, the rules were suspended, House Bill No. 1813, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Odegaard, Day and Woody 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 commenced calling the roll.

POINT OF INQUIRY

Senator Hayner: "Senator McDermott, there have been statements made that not all the public employees receive this kind of benefit incentive from sick leave, that some do and some do not. It is given to certain groups and not to others. And that it is on a different basis with some groups, some get one hundred and eighty days and others get less than that; and it starts with sixty and so on. Can you shed some light on that, please?"

Senator McDermott: "Do you want me to explain all three programs? You are absolutely correct, there is a difference in the various programs. I do not know what it is specifically you want to know. It is basically a bill to correct an inequity among public employees. We had it for public employees, we have it now for higher ed, now we are adding it to K-12 employees. It is basically to make all public employees have the same benefit; and in fact, this is more likely to be a saving than it is for any of the other parts because in a state employee, if a secretary or somebody does not show up, they do not necessarily go out and find somebody to fill the spot; but a school teacher they must replace. So the money is going to be spent and the money spent for a substitute is more than it would be for per day activity for a teacher."

Senator Hayner: "I understand that. This bill now has no limitation on the number of days for which the teacher can ultimately receive pay. Is that true in the other systems?"

Senator McDermott: "This bill limits the number of days for which there can be pay, to twelve in one year, that is correct. Takes the top limit off for accumulation of sick pay, or sick days, yes; but not for the amount of money, only twelve days a year."

Senator Hayner: "You still have not told me how this compares with the public employees."

REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President, maybe I can help a little bit here. As I understand it, in the public employee bill that passed last year, allows one day per month for sick leave cash-out. It took the one hundred and eighty day lid off for accumulation purposes. This bill, in effect, would be about the same. It would allow the one day per month per sick leave cash-out program and it lifts the one hundred and eighty day limit, also. In the case, the community college bill that passed the Senate and is now in the House rules committee, allows the one day per month also, and it take the one hundred and eighty day lid off but only for remuneration purposes; it does not take the lid off for the amount of sick leave that is accumulated; that would still be lidded at one hundred and eighty days. The reason for that was community colleges allow five days per quarter for sick leave purposes and so they thought that was somewhat of a tradeoff since they get three more days, you might say, for three quarters of teaching than K-12 or state employees, then they should have a lid of one hundred and eighty days for sick leave. I hope that helps a little bit."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President, one slight correction, I think, to what Senator McDermott said when he answered with regard to higher education. The higher education faculties at the colleges and universities do not have such a program and have considered it and have rejected it because the program which they have for extended sick leave, they felt was better than a cash-out system; so there are differences."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, members of the Senate. Senator Hayner, what we found when we started looking at the program, we found a great diversity of days off that they were granted for sick leave. Some, higher education, Washington state I think was limited to twelve days a year; some of the other four-year institutions started off with a six-month the first day you went to work, you had a six-months drawing, and the community colleges, I think had fifteen days, set up in the statutes how many days. But I thought, and many of the other members of the committee thought, that it was imperative that we set a uniform standard that they could draw on which would be twelve days a year; and also that it could not count on their pension. And the third thing was that we would not bound by a contract, that any time that the legislature found this program too expensive, it could terminate it and there could be no backing-out decision such as we had on the pensions. So that it is entirely within the control of the legislature if it does become too expensive and proves not to be a money saving legislation, I am sure that the legislature will repeal it and we will have no lasting effect."

POINT OF INQUIRY

Senator Gould: "Senator Rasmussen, does that mean if we provide the ability for district and employee groups to negotiate it, that we cannot then retract that because we would be breaking an employment contract?"

Senator Rasmussen: "I would think for the particular year that until such a time as the legislature by writing this into the law that they may repeal it at any time without any lasting effect would say that it would not be a binding contract."

Senator Gould: "Oftentimes in a negotiation of a contract, they are negotiating policy which goes into the policy handled for the district and becomes a permanent policy until it is renegotiated, and in that sense I think the policy is in a form of a

contract. And I guess my question is, would we have the ability, really, to negate or break that contract afterwards, after the fact?"

Senator Rasmussen: "I would not, not being a lawyer, but I would think we have written it in to specific legislation that we have that right of abrogation, that that would be binding as far as the contract is concerned. We say 'this is what we are reserving for ourselves' . . ."

Senator Gould: "Is that in this bill?"

Senator Rasmussen: "Yes, it is in this bill and the other bills that we have passed."

MOTION

On motion of Senator Marsh, there being no objection, the Senate dispensed with the Call of the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1813, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 8.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognilid, von Reichbauer, Walgren, Williams, Wojahn, Woody—41.

Voting nay: Senators Benitz, Bluechel, Guess, Hayner, Lysen, Scott, Wanamaker, Wilson—8.

HOUSE BILL NO. 1813, 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. 209, by Representatives Winsley, Smith (Rick) and Newhouse (by Judicial Council request):

Authorizing discretionary review of administrative agency decisions by the court of appeals.

REPORT OF STANDING COMMITTEE

February 8, 1980.

HOUSE BILL NO. 209, authorizing discretionary review of administrative agency decisions by the court of appeals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On line 7, after "RCW" strike all the material down to and including the period on line 11 and insert "may be directly reviewed by the court of appeals upon certification by the superior court pursuant to this section. An application for such direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

(1) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

(2) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

(3) An appeal to the court of appeals would be likely regardless of the determination in superior court; and

(4) The appellate court's determination in the proceeding would have significant precedential value.

NEW SECTION. Sec. 2. There is added to chapter 34.04 RCW a new section to read as follows:

The court of appeals may refuse to accept review of a case certified pursuant to section 1 of this act. The refusal to accept such review is not subject to further appellate review, notwithstanding anything in Rule 13.3 of the Rules of Appellate Procedure to the contrary.

NEW SECTION. Sec. 3. Section 3, chapter 221, Laws of 1969 ex. sess. as last amended by section 1, chapter 102, Laws of 1979 and RCW 2.06.030 are each amended to read as follows:

The administration and procedures of the court shall be as provided by rules of the supreme court. The court shall be vested with all power and authority, not inconsistent with said rules, necessary to carry into complete execution all of its judgments, decrees and determinations in all matters within its jurisdiction, according to the rules and principles of the common law and the Constitution and laws of this state.

For the prompt and orderly administration of justice, the supreme court may (1) transfer to the appropriate division of the court for decision a case or appeal pending before the supreme court; or (2) transfer to the supreme court for decision a case or appeal pending in a division of the court.

Subject to the provisions of this section, the court shall have exclusive appellate jurisdiction in all cases except:

(a) cases of quo warranto, prohibition, injunction or mandamus directed to state officials;

(b) criminal cases where the death penalty has been decreed;

(c) cases where the validity of all or any portion of a statute, ordinance, tax, impost, assessment or toll is drawn into question on the grounds of repugnancy to the Constitution of the United States or of the state of Washington, or to a statute or treaty of the United States, and the superior court has held against its validity;

(d) cases involving fundamental and urgent issues of broad public import requiring prompt and ultimate determination; and

(e) cases involving substantive issues on which there is a direct conflict among prevailing decisions of panels of the court or between decisions of the supreme court; all of which shall be appealed directly to the supreme court: PROVIDED, That whenever a majority of the court before which an appeal is pending, but before a hearing thereon, is in doubt as to whether such appeal is within the categories set forth in subsection (d) or (e) of this section, the cause shall be certified to the supreme court for such determination.

The appellate jurisdiction of the court of appeals does not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property does not exceed the sum of two hundred dollars.

The court shall have appellate jurisdiction over review of final decisions of administrative agencies certified by the superior court pursuant to section 1 of this act.

Appeals from the court to the supreme court shall be only at the discretion of the supreme court upon the filing of a petition for review. No case, appeal or petition for a writ filed in the supreme court or the court shall be dismissed for the reason that it was not filed in the proper court, but it shall be transferred to the proper court."

In line 2 of the title strike all of the language and insert "amending section 3, chapter 221, Laws of 1969 ex. sess. as last amended by section 1, chapter 102, Laws of 1979 and RCW 2.06.030; and adding new sections to chapter 34.04 RCW."

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Jones.

The bill was read the second time by sections.

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

On motion of Senator Talmadge, the committee amendment to the title was adopted.

On motion of Senator Talmadge, the rules were suspended, House Bill No. 209, 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. 209, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognil, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

HOUSE BILL NO. 209, 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. 1408, by Committee on Local Government (originally sponsored by Representative Thompson):

Authorizing the creation of solid waste disposal districts.

REPORT OF STANDING COMMITTEE

February 13, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408, authorizing the creation of solid waste disposal districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 5, after "wastes" and before "." insert ": PROVIDED, That the primary purpose of any solid waste disposal district is for the disposal of solid waste"

On page 3, line 25, after "district" and before "." insert ": PROVIDED, That if the excise tax is collected as an addition to any private utility billing the proportionate cost of such billing shall be paid by the taxing district to the private utility company"

On page 3, line 31, beginning with "and" strike everything down to and including "taxes" on line 32

Signed by: Senators Bluechel, Bradburn, Fleming, Lee, Moore.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendment to page 3, line 5 was adopted.

On motion of Senator Bluechel, the committee amendment to page 3, line 25 was adopted.

On motion of Senator Fleming, the committee amendment to page 3, line 31 was adopted.

On motion of Senator Donohue, the following amendments by Senators Donohue, Shinpoch and Scott were considered and adopted simultaneously:

On page 2, after "for" on line 33, strike "all aspects of".

On page 3, after line 13, insert: "Nothing in this chapter shall permit waste disposal districts to engage in the collection of residential or commercial garbage."

On motion of Senator Bottiger, the following amendments by Senators Bottiger, Odegaard, Williams, McDermott and Talley were considered and adopted simultaneously:

On page 3, line 3, after "wastes," insert "facilities for the recovery of energy from solid waste,"

On page 3, line 6, after "materials" strike "or" and insert ","

On page 3, line 6, after "products" insert "or energy"

On page 3, line 7, after "recovered" insert "or produced"

Senator Bradburn moved adoption of the following amendment:

On page 3, beginning with "The" on line 20, strike all material through "classes." on line 23.

Debate ensued.

On motion of Senator Fleming, Engrossed Substitute House Bill No. 1408, as amended, will be held on today's second reading calendar following consideration of the next two measures.

SECOND READING

REENGROSSED HOUSE BILL NO. 542, by Representatives Bauer, Chandler, Erickson, Barnes, Blair, Thompson, Patterson, Galloway, Heck, Whiteside, McGinnis, Taylor and Hurley:

Abolishing existing educational television commission and creating another; setting out its powers and duties, and making appropriations thereto.

MOTION

On motion of Senator Walgren, Reengrossed House Bill No. 542 was ordered held on the second reading calendar for February 20, 1980.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 1485.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1485, by Committee on Social and Health Services (originally sponsored by Representatives Mitchell, Teutsch, Whiteside, Flint, Houchen, Brekke, Kreidler and Granlund) (by Board of Pharmacy request):

Revising laws on controlled substances.

REPORT OF STANDING COMMITTEE

February 13, 1980.

SUBSTITUTE HOUSE BILL NO. 1485, revising laws on controlled substances (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 15, line 16, after "board" insert "and the osteopathic disciplinary board"

On page 15, line 21, after "practitioners:" strike all material down and through line 24 including "obesity:"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments were adopted.

On motion of Senator Day, the following amendments by Senators Day, Henry and Hayner were adopted:

After the enacting clause, insert a section as follows:

"Section 1. Section 69.50.101, chapter 308, Laws of 1971 ex. sess. as amended by section 1, chapter 38, Laws of 1973 2nd ex. sess. and RCW 69.50.101 are each amended to read as follows:

As used in this chapter:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner, or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Bureau" means the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, or its successor agency.

(d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(h) "Dispenser" means a practitioner who dispenses.

(i) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(j) "Distributor" means a person who distributes.

(k) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(l) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical

intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(m) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(n) "Marihuana" means all parts of the plant of the genus *Cannabis* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(o) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(p) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(q) "Opium poppy" means the plant of the genus *Papaver* L., except its seeds, capable of producing an opiate.

(r) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(s) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(t) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiroprapist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state which shares a common border with the state of Washington.

(u) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(v) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(w) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(x) "Board" means the state board of pharmacy.

(y) "Executive officer" means the executive officer of the state board of pharmacy."

Renumber remaining sections consecutively and change internal references accordingly.

On page 15, line 23, after "nonnarcotic" strike "stimulents" and insert "stimulants"

On motion of Senator Day, the following amendment by Senators Day, Henry and Hayner to the title was adopted:

In the title, page 1, line 1, after "substances;" insert "amending section 69.50-.101, chapter 308, Laws of 1971 ex. sess. as amended by section 1, chapter 38, Laws of 1973 2nd ex. sess. and RCW 69.50.101;"

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 1485, 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. 1485, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

SUBSTITUTE HOUSE BILL NO. 1485, 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. 1729, by Committee on Judiciary (originally sponsored by Representatives Smith (R.) and Erickson):
Requiring the consent of both living parents for the adoption of a minor.

REPORT OF STANDING COMMITTEE

February 15, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1729, requiring the consent of both living parents for the adoption of a minor (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 12, strike all the material down to and including the period on line 20, page 3 and insert:

"Section 1. Section 3, chapter 291, Laws of 1955 as last amended by section 15, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.030 are each amended to read as follows:

(1) Written consent to adoption must be filed with the petition for adoption, as follows:

((+)) (a) by the person to be adopted, if such person is fourteen years of age or older, but the filing of such consent shall not obviate the necessity of securing any other consent herein required; ((2)) (b) if a legal guardian has been appointed for the person of the child, then by such guardian; ((and))

((3)) (c) If the person to be adopted is a minor ((and has been permanently committed upon due notice to his parents by any court of general jurisdiction to an approved agency, then by such approved agency)) then by each of his or her living parents who has not had his or her parent and child relationship terminated pursuant to a court order. If the parents' written consent is obtained, the procedures specified in this chapter for voluntary termination of the parent and child relationship are not applicable. A parent may revoke his or her written consent at any time before the consent is accepted by the court; and

(d) If the person to be adopted is a minor and has been permanently committed upon due notice to his or her parents by any court of general jurisdiction to an approved agency, then by such approved agency.

(2) The written consent shall be acknowledged before a notary public and filed with the petition or at all events before any action is taken by the court in such proceeding. Such consent shall recite that it is given subject to the approval of the court to be requested in an adoption proceeding and to have no force or effect until such court has approved the same. Such consent shall also provide therein that, after it is approved by the court and the order of relinquishment issued and filed, as required by RCW 26.36.010, and the child relinquished by the petitioners, it is not revocable except for fraud practiced by the petitioners or mental incompetency of the person signing the consent at the time of signing the same;

(3) If the parent signing the consent is a minor, the court shall appoint a guardian ad litem, who shall make an investigation and report prior to the order of relinquishment, covering the competency of the person signing the the consent and certifying that the consent was voluntarily made and for the best interests of the child."

Renumber the remaining sections consecutively.

On page 4, line 15, after "the" insert "prenatal,"

On page 4, line 19, strike "B" and insert "C"

On page 4, line 20, strike "B" and insert "C"

Beginning on line 3 of the title, after ".030;" strike all the material down to and including "RCW;" on line 7

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Hurley, Woody.

The bill was read the second time by sections.

On motion of Senator Talmadge, the committee amendment to page 1 beginning on line 12 was adopted.

On motion of Senator Talmadge, the committee amendments to page 4, lines 15, 19 and 20 were considered and adopted simultaneously.

On motion of Senator Talmadge, the committee amendment to the title was adopted.

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1729, 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: "Senator Talmadge, this bill in no way allows expiration (sic) by a child of its parents?"

Senator Talmadge: "No it does not, Senator. Thank you for raising that. Members of the Senate, I might add that this bill does not purport to allow access to any records of the children and does not deal with the question of intermediaries or any other things that were present in House Bill 318 and Senate Bill 3221."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1729, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talley; Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1729, 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. 783, by Representatives Douthwaite, McDonald and Taller (by Department of Retirement Systems request):

Revising laws relating to retirement of state patrol officers.

REPORT OF STANDING COMMITTEE

February 15, 1980.

HOUSE BILL NO. 783, revising laws relating to retirement of state patrol officers (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 43.43.120, chapter 8, Laws of 1965 as last amended by section 1, chapter 180, Laws of 1973 1st ex. sess. and RCW 43.43.120 are each amended to read as follows:

As used in the following sections:

- (1) "Retirement system" means the Washington state patrol retirement system.
- (2) "Retirement fund" means the Washington state patrol retirement fund.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Member" means any person included in the membership of the retirement fund.

(5) "Employee" means any commissioned employee of the Washington state patrol.

(6) "Cadet" is a person who has passed the Washington state patrol's entry-level oral, written, physical performance, and background examinations and is, thereby, appointed by the chief as a candidate to be a commissioned officer of the Washington state patrol.

(7) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

~~((7))~~ (8) "Regular interest" means interest compounded annually at such rates as may be determined by the retirement board.

~~((8))~~ (9) "Retirement board" means the board provided for in this chapter.

~~((9))~~ (10) "Insurance commissioner" means the insurance commissioner of the state of Washington.

~~((10))~~ (11) "Lieutenant governor" means the lieutenant governor of the state of Washington.

~~((11))~~ (12) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for ten days or more 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 herein. 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 benefit.

~~((12))~~ (13) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

~~((13))~~ (14) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

~~((14))~~ (15) "Average final salary" shall mean the average monthly salary received by a member during his last two years of service or any consecutive two year period of service, whichever is the greater, as an employee of the Washington state patrol; or if he has less than two years of service, then the average monthly salary received by him during his total years of service.

~~((15))~~ (16) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the board.

~~((16))~~ (17) Unless the context expressly indicates otherwise, words importing the masculine gender shall be extended to include the feminine gender and words importing the feminine gender shall be extended to include the masculine gender.

Sec. 2. Section 43.43.130, chapter 8, Laws of 1965 and RCW 43.43.130 are each amended to read as follows:

(1) A Washington state patrol retirement fund is hereby established for members of the Washington state patrol which shall include funds created and placed under the management of a retirement board for the payment of retirement allowances and other benefits under the provisions hereof.

(2) Any employee of the Washington state patrol, upon date of commissioning, shall be eligible to participate in the retirement plan and shall start contributing to the fund immediately. Any employee of the Washington state patrol employed by the state of Washington or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system

operating in the state of Washington shall receive full credit for such prior service but after that date each new commissioned employee must automatically participate in the fund. If a member shall terminate service in the patrol and later reenter, he shall be treated in all respects as a new employee: PROVIDED, That a member who reenters or has reentered service within ten years from the date of his termination, shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions, plus earned interest, which restoration must be completed within four years after resumption of service, be returned to the status of membership he earned at the time of termination.

(3) (a) An employee of the Washington state patrol who becomes a member of the retirement system after the effective date of this 1980 act and who has service as a cadet in the patrol training program may make an irrevocable election to transfer the service to the retirement system. Any member upon making such election shall have transferred all existing service credited in a prior public retirement system in this state for periods of employment as a cadet. Transfer of credit under this subsection is contingent on completion of the transfer of funds specified in subsection (3)(b) of this section.

(b) Within sixty days of notification of a member's cadet service transfer as provided in subsection (3)(a) of this section, the department of retirement systems shall transfer:

(i) The employee's accumulated contributions attributable to the periods of service as a cadet, including accumulated interest; and

(ii) The employer's accumulated contributions attributable to the periods of service as a cadet, including accumulated interest.

(4) A member of the retirement system who has served or shall serve on active federal service in the armed forces of the United States pursuant to and by reason of orders by competent federal authority, who left or shall leave the Washington state patrol to enter such service, and who within one year from termination of such active federal service, resumes employment as a state employee, shall have his service in such armed forces credited to him as a member of the retirement system: PROVIDED, That no such service in excess of five years shall be credited unless such service was actually rendered during time of war or emergency."

On page 1, line 1 of the title, after "patrol;" delete all material down to and including "43.43.020;" on line 3

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Fleming, Gaspard, Goltz, Marsh, Ridder, Shinpoch, Walgren, Wojahn.

The bill was read the second time by sections.

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

On motion of Senator Shinpoch, the committee amendment to the title was adopted.

On motion of Senator Shinpoch, the rules were suspended, House Bill No. 783, 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 Wanamaker was excused.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 783, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen,

Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Wanamaker—1.

HOUSE BILL NO. 783, 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. 1515, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Mitchell, Schmitt, Adams, Lux and Brekke):

Revising requirements for health care planning.

REPORT OF STANDING COMMITTEE

February 13, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515, revising requirements for health care planning (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 36, after "index" strike all material down to and including "services" on page 4 line 3 and insert "established by rules and regulations by the department of social and health services"

On page 5, line 2, after "basis)" insert ": **PROVIDED**, That entities licensed pursuant to Chapter 48.44, otherwise qualifying pursuant to this subsection, shall be subject to Certificate of Need requirements set forth in Section 7 of this 1980 act"

On page 6, line 2, after "modernization" strike ", conversion, or closure" and insert "or conversion"

On page 6, line 16, after "index" strike the remainder of the paragraph and insert "established by rules and regulations by the department of social and health services."

On page 11, line 29, after "hearing" and before the period insert "in accordance with the governor's statement"

On page 14, line 33, after "provide" insert "substantial"

On page 25, insert a new section to read as follows:

"**NEW SECTION.** Sec. 14. Sections 7, 8, and 10 of this 1980 act shall take effect January 1, 1981."

On page 1, line 15, strike "and" and on page 1, line 17, after ".075" and before the period insert "; and providing an effective date"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Haley, Talmadge.

The bill was read the second time by sections.

On motion of Senator Day, all committee amendments were adopted with the exception of the committee amendment to page 5, line 2.

On motion of Senator Day, the committee amendment to page 5, line 2 was not adopted.

On motion of Senator Day, the committee amendment to the title was adopted.

On motion of Senator Day, the rules were suspended, Engrossed Substitute House Bill No. 1515, 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. 1515, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Pullen—1.

Excused: Senator Wanamaker—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515, 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. 1464, by Representatives Martinis, Wilson, Scott, Mitchell, Sprague, King, Addison, Gallagher, Garrett, Grimm, Houchen, Keller, Smith (R) and Walk:

Authorizes the board to issue cease and desist orders for unlawful practices.

The bill was read the second time by sections.

On motion of Senator Shinpoch, the rules were suspended, Engrossed House Bill No. 1464 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. 1464 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Wanamaker—1.

ENGROSSED HOUSE BILL NO. 1464, having received the 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. 1447, by Representatives Schmitt and Vrooman (by Washington Department of Game request):

Revising the game code.

The bill was read the second time by sections.

On motion of Senator Hansen, the following amendments by Senators Hansen, Odegaard, Donohue and Gallagher were adopted:

On page 18, line 31, strike "This section shall not" and insert "Nothing contained herein shall"

On page 18, beginning on line 32, strike "((his private)) trespass upon the owner's" and insert "the owner's private"

On page 31, line 23, strike "specifically for that purpose" and insert "((for that purpose)) for the acquisition of a specific property".

On page 58, line 15, after "of origin," insert "A person who is now otherwise lawfully diverting water from a lake, river or stream shall not be deemed guilty of a violation of this section."

Senator Pullen moved adoption of the following amendment by Senators Pullen, Lysen, Lee, Vognild, Gallagher and Woody:

On page 71, line 35, after "chapter." insert:

"Each hunting license shall contain the following language: 'The holder of this license is responsible for all actions relating to the hunting permitted by this license. This license does not authorize the illegal or improper use of firearms.'"

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Van Hollebeke, would you tell me where this exists in law?"

Senator Van Hollebeke: "Well, it is in the common laws, in the case law. It is very clear in all of it."

Senator Pullen: "I am asking what RCW it is in."

Senator Van Hollebeke: "It does not have to be in the code to be law . . ."

Senator Pullen: "Then it is not in the RCWs right now?"

Senator Van Hollebeke: "Because it does not need to be. And the criminal code of course would be in that part of the code."

Further debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

Senator Pullen moved adoption of the following amendment:

On page 23, line 22, after "wildlife or" insert "with warrant"

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

On motion of Senator Peterson, the rules were suspended, Engrossed House Bill No. 1447, 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 Hurley: "Senator Peterson, there has been some concern about the power of condemnation in our Spokane area; and if you would respond to a couple of questions I think the people over there would feel a little bit more secure in the game department's use of it. Section one of this bill declares that 'the revisions made to the game code by this act are not to be construed as substantive unless the context clearly requires otherwise'. Do the wording changes in section thirty-five of this bill increase the authority of the game commission to acquire or condemn real property?"

Senator Peterson: "Senator Hurley, the wording changes in section thirty-five should really be characterized as technical, not meant to modernize the language of this section. It is not the intent of the legislature to make a substantive change in the authority granted by the game commission, or to them."

Senator Hurley: "Now question number two, please. Does the legislature have any control over the game commission's use of the power of condemnation?"

Senator Peterson: "Yes. In 1953 the legislature restricted the condemnation authority to the commission to three circumstances, that (1) is where the legislature has made an appropriation to acquire a specific piece of property; number (2) where the department is attempting to acquire right-of-way to get to property that they

already own or control; and number (3) is to clear title. To date the commission has not exercised this authority in any event so I do not anticipate anything in the future."

Senator Hurley: "Thank you, Senator Peterson."

Further debate ensued.

Senators Talley, Walgren and Van Hollebeke 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. 1447, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1447, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; excused, 1.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Fleming, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Peterson, Quigg, Scott, Sellar, Talley, Talmadge, Walgren, Williams, Wojahn, Woody—33.

Voting nay: Senators Benitz, Conner, Day, Donohue, Gaspard, Jones, Odegaard, Pullen, Rasmussen, Ridder, Shinpoch, Van Hollebeke, Vognild, von Reichbauer, Wilson—15.

Excused: Senator Wanamaker—1.

ENGROSSED HOUSE BILL NO. 1447, 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. 1901, by Committee on Revenue (originally sponsored by Representatives Kreidler, Craswell and Sommers):

Redefining life estate for purposes of the residential property tax exemption.

The bill was read the second time by sections.

Senator Odegaard moved adoption of the following amendment by Senators Odegaard and Day:

On page 2, beginning on line 36, strike all material down to and including line 11 on page 3 and insert the following:

"(5) (a) A person who otherwise qualifies under this section and is within the income range of eleven thousand dollars or less shall be exempt from all excess property taxes(~~(-and in addition))~~) and shall be exempt from regular property taxes on up to ten thousand dollars of valuation of the residence.

(b) In addition, a person who otherwise qualifies under this section and is within the income range of seven thousand dollars or less shall be exempt from all regular property taxes on up to ~~((fifteen))~~ twenty thousand dollars of valuation of his or her residence.

(c) The income limits in (a) and (b) of this subsection shall be adjusted each year beginning in 1980 by an amount equal to the previous year's income limit adjusted by the percentage change in the consumer price index for the twelve-month period ending September 31st of the previous year.

(d) The maximum assessed valuations that are subject to the property tax exemption provided by this section shall be adjusted annually, by the department, commencing with assessment year 1980 for taxes payable in 1981, by the percentage change in the national average purchase price of previously occupied homes for the twelve-month period ending September 30th of the previous year, as that data is published by the federal home loan bank board.

(6) For the purposes of this section, cotenants mean two or more individuals who reside together, who jointly own the residence, and who otherwise meet the requirements of this section.

Sec. 2. Section 2, chapter 182, Laws of 1974 ex. sess. as last amended by section 2, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.383 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04.090 or 84.40.250, such a residence shall be deemed real property.

(2) The term "real property" except for the purposes of chapters 84.56 and 84.60 RCW, shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed-pipe, connections with sewer, water, or other utilities.

(3) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) "Department" shall mean the state department of revenue.

(5) "Consumer price index" shall mean the consumer price index for urban wage earners and clerical workers as compiled by the bureau of labor statistics of the United States department of labor."

Renumber the remaining section consecutively.

POINT OF ORDER

Senator Clarke: "With some reluctance that I challenge the scope and object with respect to this particular bill as the bill as introduced is a very, very narrow situation simply to, in effect, redefine what constitutes life estate and take care of such things as Panorama City; and Senator Odegaard has very plainly stated the proposed amendment goes far, far beyond that and while it may be meritorious I just think that we should maintain our position of not cluttering up narrow bills with other advantageous bills in connection with our expiring with the house."

Debate ensued.

MOTION

On motion of Senator Marsh, Substitute House Bill No. 1901, together with the pending amendment by Senators Odegaard and Day and the Point of Order as raised by Senator Clarke, was ordered held pending a Ruling by the President.

MOTIONS

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 1460.

On motion of Senator Wilson, Senator Vognild was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1460, by Representatives Bauer, Heck, Zimmerman, Galloway and Thompson:

Mandating salaries of certificated employees in state schools for the blind to be comparable to others in school district where located.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, Engrossed House Bill No. 1460 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. 1460, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Vognild, Wanamaker—2.

ENGROSSED HOUSE BILL NO. 1460, having received the 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. 1681, by Representatives Brekke, Taller, Galloway, Brown, Erak, Tupper, Pruitt, Nelson (D.), Sanders, Burns, Jovanovich and Granlund:

Prioritizing requests for services to the state patrol crime lab.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, House Bill No. 1681 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. 1681, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Vognild, Wanamaker—2.

HOUSE BILL NO. 1681, having received the 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. 1952, by Committee on Labor (originally sponsored by Representatives Lux, Clayton, King and Heck) (by Department of Employment Security request):

Making miscellaneous changes in law relating to employment compensation.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute House Hill No. 1952 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. 1952, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Pullen—1.

Excused: Senator Wanamaker—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952, having received the 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. 1492, by Committee on State Government (originally sponsored by Representatives Rohrbach, Keller, Taller, Hughes, Ehlers, McGinnis, Salatino, Ellis and Maxie):

Providing for the approval of property, casualty, and accident insurance for public employees.

REPORT OF STANDING COMMITTEE

February 12, 1980.

SUBSTITUTE HOUSE BILL NO. 1492, providing for approval of property, casualty and accident insurance for public employees (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 11, after "state" insert: "or its political subdivisions"

On page 2, line 16, after "dues" insert "and voluntary payments made to a labor or employee organization for political purposes"

On page 6, line 8, after "deduction" insert "by carriers holding a valid certificate of authority in the state of Washington and"

Signed by: Senators Bausch, Chairman; Day, Donohue, von Reichbauer, Walgren.

The bill was read the second time by sections.

Senator Bausch moved the committee amendments to page 1, line 11 and page 2, line 16 be considered and adopted simultaneously.

Debate ensued.

POINT OF ORDER

Senator Clarke: "I raise the question of scope and object on that particular amendment. The purpose of the bill relates exclusively as originally introduced to public employees' insurance, and it provides a situation where the insurance, the public employees' insurance commission can, in substance, adopt a group type of policy offered for the public employees; and it does offer a checkoff that is a reduction of the payroll for that particular purpose. But it relates, in the title of the bill in itself, relates exclusively to insurance. The proposed amendment would relate to authorized deductions for political purposes which is entirely foreign to the original purpose of the bill."

MOTION

On motion of Senator Walgren, Substitute House Bill No. 1492, together with the committee amendments moved for adoption by Senator Bausch and the Point of Order raised by Senator Clarke, was ordered held for a Ruling by the President after 4:00 p.m. today.

MOTION

Senator Walgren moved the Senate commence consideration of Substitute House Bill No. 1609.

PARLIAMENTARY INQUIRY

Senator Lewis: "With the cutoff resolution specifying four o'clock as the cutoff time, is the motion that Senator Walgren made to consider this bill after four p.m. in order?"

REPLY BY THE PRESIDENT

President Cherberg: "I believe that it would be in order. The President believes it to be in order, Senator, because the President looks upon it as a courtesy to the President to give him time to fully deliberate on the question; and therefore the President should not rule it out just because the Senate wishes to consider that to four p.m."

The motion by Senator Walgren carried and the Senate commenced consideration of Substitute House Bill No. 1609.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1609, by Committee on Transportation (originally sponsored by Representatives Sanders, Eberle, Bond, Sprague, Martinis, Brown, Charnley, Bender, Clayton, Isaacson, Addison and Garrett):

Increasing the maximum allowed state aid to local airport projects.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Substitute House Bill No. 1609 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. 1609, and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Hurley, Lee, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—36.

Voting nay: Senators Bluechel, Gould, Haley, Jones, Lewis, Lysen, Pullen, Ridder, Scott, Shinpoch, Wilson—12.

Excused: Senator Wanamaker—1.

SUBSTITUTE HOUSE BILL NO. 1609, having received the 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. 810, by Committee on Revenue (originally sponsored by Representatives Barr, Sommers, Craswell, Thompson and Fuller):

Modifying the law on forest lands and open space, agricultural, and timber lands.

REPORT OF STANDING COMMITTEE

February 14, 1980.

SUBSTITUTE HOUSE BILL NO. 810, modifying the law on forest lands and open space, agricultural, and timber lands (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:

"Section 1. Section 1, chapter 347, Laws of 1977 ex. sess. as amended by section 1, chapter 6, Laws of 1979 and RCW 84.33.071 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a harvester of timber; as to such persons the amount of tax imposed 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 June 30, 1981, inclusive, six and one-half percent))~~ For timber harvested between January 1, 1979, and June 30, 1980, inclusive, the rate shall be six and one-half percent.

(b) For timber harvested on or between July 1, 1980, and June 30, 1981, inclusive, the rate shall be six percent.

(c) For timber harvested on or after July 1, 1981, the rate shall be five 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 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 reserve account as follows:

YEAR OF COLLECTION	ACCOUNT A	RESERVE ACCOUNT
1973 ((through 1982)) and thereafter	100%	0%
((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 the state timber tax reserve 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 5, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.050 are each amended to read as follows:

(1) In preparing the assessment roll as of January 1, 1971 for taxes payable in 1972, the assessor of each timber county shall list all timber within such county on January 1, 1971 at the 1970 timber value. For each year commencing with 1972, the assessor of each timber county shall prepare a timber roll, which shall be separate and apart from the assessment roll, listing all timber within such county on January 1 (~~(-1972)~~) of each year at values determined as follows:

~~((a) For the five years commencing with 1972, the value shall be the 1970 timber value;~~

~~((b)) For each succeeding ((five)) year ((period)), the first of which commences on January 1, ((1977)) 1980, the value shall be such 1970 timber value increased or decreased in proportion to the percentage change, if any, which has occurred between the ((last)) preceding year ((of the preceding five year period)) and 1973 in the average stumpage value per unit of measure of all timber harvested in such county. Such percentage change shall be determined by the department of revenue on the basis of information contained in the excise tax returns filed pursuant to RCW 84.33.071.~~

(2) As used in subsection (1) of this section, "1970 timber value" means the value for timber calculated in the same manner and using the same values and valuation factors actually used by such assessor in determining the value of timber for the January 1, 1970 assessment roll, except that if a revised schedule of such values and valuation factors was applied to some but not all timber in a county for the January 1, 1970 assessment roll, such revised schedule shall be used by the assessor for any timber revalued for the 1971 or 1972 assessment rolls, and except that if the value of timber in any county on January 1, 1970 was not separately determined and shown on such assessment roll, 1970 timber value shall mean the value reconstructed from available records and information in accordance with rules to be prescribed by the department of revenue.

(3) The assessor of each timber county shall add to the assessment roll showing values of property as of January 1 of the years listed below, an "assessed valuation"

of the portion, indicated below opposite each such year, of the value of timber as shown on the timber roll for such year. Such assessed valuation shall be calculated by multiplying such portion of the timber roll by the assessment ratio applied generally by such assessor in computing the assessed valuation of other property in his county. The dollar rates, calculated pursuant to RCW 84.33.060 for each taxing district within which there was timber on January 1 of such year, shall be extended against such "assessed valuation" of timber within such district as well as against the assessed value of all other property within such district as shown on such assessment roll.

YEAR	PORTION OF TIMBER ROLL
1972	75%
1973	45%
1974 and thereafter	None

(4) Timber may be added to the timber roll, at the value specified in subsection (1) of this section, commencing as of January 1 following the designation of the land upon which such timber stands pursuant to subsection (3) of RCW 84.33.120 or 84.33.130, but only if the value of such timber was not separately determined and shown on the assessment roll as of either January 1, 1970 or January 1, 1972.

(5) Timber may be added to the timber roll, at the value specified in subsection (1) of this section, commencing as of January 1st following the sale or transfer of the land upon which such timber stands from an ownership in which such land was exempt from ad valorem taxation to an ownership in which such land is no longer exempt.

(6) The value of timber shall be deleted from the timber roll upon the sale or transfer of the land upon which such timber stands to an ownership in which such land is exempt from ad valorem taxation.

Sec. 3. Section 6, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 6, Laws of 1979 and RCW 84.33.060 are each amended to read as follows:

In each year commencing with (~~(1972)~~) 1980, 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 and thereafter	80%

Sec. 4. Section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 6, Laws of 1979 and RCW 84.33.080 are each amended to read as follows:

(1) On or before December 15 of each year commencing with 1972, 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 and thereafter	80%

On or before December 31 of each year commencing with 1972, 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, 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, on the twentieth day of the second month of each calendar quarter commencing February 20, 1975 (~~and ending November 20, 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 tax division and for the activities undertaken by the department of natural resources relating to classification of lands as required by this chapter. 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) In addition to the distributions calculated above, the department of revenue shall also calculate a distribution to each county government which experienced a loss in federal revenue sharing payments during calendar year 1979 due to the decision of the United States department of commerce bureau of the census that county government forest tax receipts are not directly a result of locally levied taxes. Such distribution in 1980 and each subsequent year to each eligible county government shall be a percentage multiplied by the total of federal revenue sharing funds to be distributed pursuant to Public Law 95-512 to all county governments in Washington in 1980 and subsequent years respectively.

The percentage for each county government shall be, the county government loss of the 1979 federal revenue sharing moneys, as a result of the United States bureau of the census decision, divided by the total of the federal revenue sharing funds distributed in 1979 to all county governments in Washington. The total distribution to all eligible county governments in 1980 and each subsequent year shall not exceed one million dollars annually. Such yearly distribution shall be in effect for six years or until the census bureau ruling is reversed and forest tax receipts are treated as a locally levied tax or until federal revenue sharing ceases, whichever occurs first;

(d) 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) and (c) 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.

(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.

Sec. 5. Section 9, chapter 294, Laws of 1971 ex. sess. as amended by section 3, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.090 are each amended to read as follows:

(1) For the purpose of calculating the limit of indebtedness which may be incurred by any taxing district, the value of the taxable property of any taxing district, as that term is used in chapter 39.36 RCW and any other statutes governing limitation of indebtedness of taxing districts, shall include the value of timber as shown from time to time on the timber roll prepared in accordance with RCW 84.33.050.

(2) For the purposes of calculating the amount to be distributed to a school district pursuant to RCW 28A.48.110, there shall be added to the "assessed valuation of all taxable property" within such district an amount equal to the product of the assessment ratio applied generally by the assessor in computing the assessed value of other property in his county and the appropriate portion listed below of the timber roll prepared in accordance with RCW 84.33.050 for such year.

YEAR	PORTION OF TIMBER ROLL
1972	25%
1973	55%
1974 and thereafter	100%

(3) Any taxing district which has classified or designated forest land and which issues general obligation bonds payable from excess property tax levies for bonds is authorized, after the effective date of this 1980 act, to pledge that proceeds from the forest tax distribution system related to the excess bond levy will be used for the purposes for which the excess bond levy was made. For as long as general obligation bonds with respect to which such a pledge has been made remain outstanding, if the legislature alters the timber tax distributions below the amount to which the taxing districts with such pledged bond levies would have been entitled under chapter 84.33 RCW as it existed prior to such future legislative alteration, forest tax revenues as are then available shall be appropriated and distributed pursuant to chapter 84.33 RCW in a dollar amount substantially equivalent to those distributions which would have been provided to taxing districts with such pledged bond levies by chapter 84.33 RCW as it existed prior to such future legislative alteration.

Sec. 6. Section 10, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.100 are each amended to read as follows:

As used in ((RCW 84.33.110 through 84.33.150)) this chapter:

(1) "Forest land" is synonymous with timberland and means all land in any contiguous ownership of ((twenty)) five or more acres which is primarily devoted to and used for growing and harvesting timber and means the land only.

(2) "Owner" means the party or parties having the fee interest in land, except where land is subject to a real estate contract "owner" means the contract vendee.

Sec. 7. Section 11, chapter 294, Laws of 1971 ex. sess. as amended by section 4, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.110 are each amended to read as follows:

(1) ((On or before September 1, 1971, the department of revenue shall promulgate rules in accordance with chapter 34.04 RCW setting forth criteria and procedures for grading forest land on the basis of its quality, accessibility and topography. Three general quality classes shall be established which shall be "good", "average" and "poor". Within each of the three general quality classes, four classes of accessibility and topography shall be established which shall be "favorable", "average", "difficult" and "inoperable". On or before March 1, 1972 each assessor shall grade all forest land within his county, in accordance with such rules. Land not initially so graded but later designated as forest land pursuant to subsection (3) of RCW 84.33.120 or 84.33.130, or otherwise determined to be forest land, shall be graded in accordance with such rules)) Each assessor shall grade all forest land within the county with respect to general land quality classes of "good", "average",

and "poor" and, within each quality class, with respect to accessibility and topography as "favorable", "average", "difficult", and "inoperable", in accordance with the rules promulgated by the department of revenue under chapter 34.04 RCW setting forth criteria and procedures for grading forest land. This subsection and rules promulgated thereunder shall not have any force or effect after ((grading of all forest land in the state has been completed by the department of natural resources or)) December 31, ((1980, whichever first occurs)) 1982.

(2) The department of natural resources, in consultation with the department of revenue and other appropriate representatives of government agencies and landowners, shall design and implement a program to determine which privately owned land is forest land as defined by RCW 84.33.100 and as classified under chapter 84.28 RCW and to have such forest land graded by the department of natural resources in conformance with factors that may affect the nurture and continued production of forests at each site, such as but not limited to species variability, characteristics of forest soils, climate variability, topography and access. The program shall include field work to obtain data which are necessary or useful in determining such grades and identifying which land is devoted to or suitable for growing and harvesting timber. The program shall be completed by December 31, 1980.

Sec. 8. Section 12, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.113 are each amended to read as follows:

Within sixty days following the hearing held pursuant to RCW 84.33.112, any owner of forest land may request a review by the department for the purpose of modifying the grades established for his land. The department shall conduct such review in the county where the land is located. The forest land owner shall have the right to reasonably present testimony and data in support of his contentions. Following such review, except as provided below in RCW 84.33.116 (~~and 84.33.118~~), the decision of the department shall be final.

Sec. 9. Section 14, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.115 are each amended to read as follows:

(1) The department of revenue shall certify to each county assessor the ((grades)) categories established for forest land within each respective county with instructions for application of the land categories to the parcels of forest land within each county. The certification of land categories by the department of revenue shall occur within twelve months after receiving the certificate from the department of natural resources ((pursuant to section 12 of this 1974 amendatory act)) under RCW 84.33.114 or by March 31, 1981, whichever is earlier. Land grades certified to the department of revenue under RCW 84.33.114 for land which is not initially determined to be forest land but is determined to be forest land after 1980 shall be promptly certified to the appropriate county assessors.

(2) Upon receipt of the land categories certified to him by the department of revenue the assessor shall take such actions as are necessary to cause all acres of forest land within the county to be placed within the applicable land categories.

Sec. 10. Section 15, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.116 are each amended to read as follows:

(1) ((Within sixty days after)) Between May 15, 1982, and May 31, 1982, and between May 15 and May 31 next succeeding the certification of forest land categories with respect to land determined to be forest land after 1980, the assessor ((has received certification pursuant to RCW 84.33.115 of forest land grades within his county he)) shall mail a notice to each owner of forest land stating the number of acres of each ((grade) category of forest land included in any tax parcel to which the notice applies. Any such notice mailed prior to ((1981)) 1983 shall plainly advise the forest land owner that the ((grades) categories established for his forest land will not be used as a basis for assessment of such forest land until ((in)) the assessment year ((1981)) 1983 for taxes payable in ((1982)) 1984.

(2) In addition to any other remedies provided by law, on or before the thirtieth day after the date of receipt of the notice under subsection (1) of this section, any owner who feels aggrieved by the forest land ((grade)) category determined for any forest land owned by him may petition the county board of equalization for correction of such ((grade)) category. The board shall have jurisdiction to review such petition and may grant or deny the relief requested. ((Such petition must be filed with the board on or before July 1 next succeeding the date of mailing any notice given pursuant to subsection (1) of this section. The filing of such petition shall not jeopardize the owner's right to petition the board pursuant to RCW 84.33.118:))

Sec. 11. Section 17, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.118 are each amended to read as follows:

~~((1) On or before May 31, 1981 each county assessor shall mail notice to each owner of forest land within his county stating the number of acres of each grade of forest land included in any tax parcel to which the notice applies and the value established for each forest land grade and the total value of such tax parcel on which the assessment of such parcel is based:~~

~~(2) In addition to any other remedies provided by law, any owner who feels aggrieved by the valuation of any tax parcel owned by him may petition the county board of equalization for correction of such value. The board shall have jurisdiction to review such petitions and may grant or deny the requested relief:)) On or before January 1, 1983, the department of revenue shall determine, by rule under chapter 34.04 RCW, the value of each category of forest land and shall certify these values to the county assessors. The values shall be determined as follows:~~

~~(1) The department of revenue shall first determine the adjusted value of each grade of bare forest land as of January 1, 1983, calculated under RCW 84.33.120(3).~~

~~(2) The value, calculated in accordance with subsection (1) of this section, of that grade of forest land which would have been classified as being of quality class "average" and of accessibility and topography class "average" under RCW 84.33.110(1) for eastern and western Washington shall be used for the value of the equivalent land categories established upon the basis of the certification made to the department of revenue under RCW 84.33.114. This equivalency shall be determined by comparison of mean increment of wood growth expressed in terms of cubic feet per acre per year.~~

~~(3) The value of all other land categories established under the basis of the certification made to the department of revenue under RCW 84.33.114 shall be determined on the basis of the productivity of the soil of each land category for growing timber, measured in terms of the mean increment of wood growth expressed in cubic feet per acre per year, and the costs of harvesting and removing timber for each land category relative to the productivity of the soil and costs of harvesting and removing of timber for the land category determined, under subsection (2) of this section, to be equivalent of that land which would have been classified as being of quality class "average" and of accessibility and topography class "average" under RCW 84.33.110(1) for eastern and western Washington.~~

Sec. 12. Section 12, chapter 294, Laws of 1971 ex. sess. as last amended by section 5, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.120 are each amended to read as follows:

(1) ~~((On or before March 1, 1972 and January 1 of each year commencing with 1973, subject to review by the ways and means committees of the house and senate and after compliance with the procedures set forth in chapter 34.04 RCW for adoption of rules, the department of revenue shall determine the true and fair value of each grade of bare forest land and shall certify such values to the county assessors. Such values shall be determined on the basis that the only use of the land is for~~

~~growing and harvesting timber, and other potential uses shall not be considered in fixing such values.~~

~~(2) In preparing the assessment rolls as of January 1, 1971 for taxes payable in 1972, the assessor shall list each parcel of forest land at a value not to exceed the value used on the 1970 assessment roll for such land.)) In preparing the assessment rolls as of January 1, 1980, for taxes payable in 1981 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and shall compute the assessed value of the land by using the same assessment ratio he applies generally in computing the assessed value of other property in his county.~~

LAND QUALITY	ACCESS/ TOPOGRAPHY	WESTERN	EASTERN
		WASHINGTON	WASHINGTON
	GRADE	per acre	per acre
Good	Favorable	\$135	\$44
Good	Average	115	38
Good	Difficult	75	29
Good	Inoperable	5	1
Average	Favorable	97	27
Average	Average	82	23
Average	Difficult	53	17
Average	Inoperable	3	1
Poor	Favorable	55	12
Poor	Average	45	11
Poor	Difficult	29	8
Poor	Inoperable	1	1

~~(2) The land grades indicated in subsection (1) of this section are defined in RCW 84.33.110 for the purpose of ad valorem property tax levies for assessment years 1980 through 1982 for collection in the year after the assessment year. For purposes of 1983 ad valorem tax levies for 1984 collection and thereafter the land categories established upon the basis of the certification made by the department of natural resources to the department of revenue under RCW 84.33.114 shall be used. The values corresponding to these land grades and categories shall be determined as follows:~~

~~(a) For the assessment years 1980 through 1982 for collection in the year after the assessment year, the values shall be as initially specified in subsection (1) of this section and as thereafter adjusted under subsection (3) of this section.~~

~~(b) For assessment year 1983 for collection in 1984 the values shall be determined under RCW 84.33.118.~~

~~(c) For assessment year 1984 for collection in 1985, and thereafter, the values shall be the values annually determined under RCW 84.33.118 as adjusted under subsection (3) of this section.~~

~~(3) On or before December 31 of each year commencing with 1980, the department shall adjust, by rule under chapter 34.04 RCW, the forest land values contained in subsection (1) of this section in accordance with this subsection, and shall certify these adjusted values to the county assessor for his use in preparing the assessment rolls as of January 1 of the next calendar year. For the adjustment to be made on or before December 31, 1980, for use in the 1981 assessment year, the department shall:~~

~~(a) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and~~

~~(b) Divide the aggregate value of all timber harvested within the state between July 1, 1974, and June 30, 1979, by the aggregate harvest volume for the same~~

period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to three-quarters of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

For the adjustments to be made on or before December 31, 1981, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and 84.33.071, except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(4) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him by the department of revenue, and he shall compute the assessed value of such land by using the same assessment ratio he applies generally in computing the assessed value of other property in his county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to subsection ~~((3))~~ (5) of RCW 84.33.120 or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

~~((3))~~ (5) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and ~~((subsections (1) and (2) of))~~ this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130.

~~((4))~~ (6) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

(a) Receipt of notice from the owner to remove such land from classification as forest land;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber;

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard;

(e) Sale or transfer of all or a portion of the land to a new owner without a signed notice of forest land classification continuance by the new owner, which

notice shall be attached as a part thereof to the real estate excise tax affidavit provided for in RCW 28A.45.120, as now or hereafter amended. The notice of continuance form shall be prepared by the department of revenue. If the notice of continuance is not so signed and attached, all compensating taxes, calculated under subsection (8) of this section, shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid. The seller or transferor or the new owner if the new owner has agreed by contract or deed to pay the compensating tax shall have the right to appeal the compensating taxes assessed or the valuation to the county board of equalization.

The assessor shall remove classification pursuant to subsections (c) or (d) above prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of subsection (a), (b) ~~((or))~~, (d), or (e) above shall apply only to the land affected, and upon occurrence of subsection (c) shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: PROVIDED, That any remaining classified forest land meets the requirements of forest land under chapter 84.33 RCW.

~~((5))~~ (7) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection ~~((3))~~ (5) of this section or RCW 84.33.130 or to appeal such removal to the county board of equalization.

~~((6))~~ (8) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in ~~((subsection (8)))~~ subsections (6)(e) and (10) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection ~~((2))~~ (4) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer on or before April 30 of the following year. On or before May 31 following such assessment date, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to:

(a) The difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as ~~((classified))~~ forest land under this chapter or chapter 84.34 RCW.

A penalty equal to ten percent of the compensating tax due as calculated in (a) and (b) of this subsection shall in addition become due if the lands have been assessed as forest land under this chapter for less than five years.

~~((7))~~ (9) Any compensating tax unpaid on its due date shall thereupon become delinquent and, together with applicable interest thereon, shall as of said date become a lien on such land which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. From the date of delinquency until paid,

interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

~~((8))~~ (10) The compensating tax specified in subsection ~~((6))~~ (8) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection ~~((4))~~ (6) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(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;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land.

~~((9) With respect to any land that has been designated prior to May 6, 1974, pursuant to subsection (3) of RCW 84.33.120 or 84.33.130, the assessor may, prior to January 1, 1975, on his own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land.))~~

NEW SECTION. Sec. 4. There is added to chapter 84.33 RCW a new section which shall be codified as RCW 84.33.125 to read as follows:

On or before the sixtieth day following the effective date of the rules prescribing values which are adopted under RCW 84.33.120 by the department of revenue for each category of forest land, an owner of forest land may appeal to the board of tax appeals for correction of such values as pertain to his forest land ownership.

Sec. 5. Section 13, chapter 294, Laws of 1971 ex. sess. as amended by section 6, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.130 are each amended to read as follows:

(1) An owner of land desiring that it be designated as forest land and valued pursuant to RCW 84.33.120 as of January 1 of any year commencing with 1972 shall make application to the county assessor before such January 1.

(2) The application shall be made upon forms prepared by the department of revenue and supplied by the county assessor, and shall include the following:

(a) A legal description of or assessor's tax lot numbers for all land the applicant desires to be designated as forest land;

(b) The date or dates of acquisition of such land;

(c) A brief description of the timber on such land, or if the timber has been harvested, the owner's plan for restocking;

(d) Whether there is a forest management plan for such land;

(e) If so, the nature and extent of implementation of such plan;

(f) Whether such land is used for grazing;

(g) Whether such land has been subdivided or a plat filed with respect thereto;

(h) Whether such land and the applicant are in compliance with the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;

(i) Whether such land is subject to fire patrol assessments pursuant to RCW 76.04.360;

(j) Whether such land is subject to a lease, option, or other right which permits it to be used for any purpose other than growing and harvesting timber;

(k) A summary of the past experience and activity of the applicant in growing and harvesting timber;

(l) A summary of current and continuing activity of the applicant in growing and harvesting timber;

(m) A statement that the applicant is aware of the potential tax liability involved when such land ceases to be designated as forest land;

(n) An affirmation that the statements contained in the application are true and that the land described in the application is, by itself or with other forest land not included in the application, in contiguous ownership of ((twenty)) five or more acres which is primarily devoted to and used for growing and harvesting timber. The assessor shall afford the applicant an opportunity to be heard if the application so requests.

(3) The assessor shall act upon the application with due regard to all relevant evidence and without any one or more items of evidence necessarily being determinative, except that the application may be denied for one of the following reasons, without regard to other items:

(a) The land does not contain either a "merchantable stand of timber" or an "adequate stocking" as defined in RCW 76.08.010, or any laws or regulations adopted to replace such minimum standards, except this reason (a) shall not alone be sufficient for denial of the application (i) if such land has been recently harvested or supports a growth of brush or noncommercial type timber, and the application includes a plan for restocking within three years or such longer period necessitated by unavailability of seed or seedlings, or (ii) if only isolated areas within such land do not meet such minimum standards due to rock outcroppings, swamps, unproductive soil, or other natural conditions;

(b) The applicant, with respect to such land, has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;

(c) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling such ordinary high tide line and two hundred feet horizontally landward therefrom, except that if the higher and better use determined by the assessor to exist for such land would not be permitted or economically feasible by virtue of any federal, state or local law or regulation such land shall be assessed and valued pursuant to the procedures set forth in RCW 84.33.110 and ((subsections (1) and (2) of)) RCW 84.33.120 (1) through (3) without being designated. The application shall be deemed to have been approved unless, prior to May 1, of the year after such application was mailed or delivered to the assessor, he shall notify the applicant in writing of the extent to which the application is denied.

(4) An owner who receives notice pursuant to subsection (3) of this section that his application has been denied may appeal such denial to the county board of equalization.

Sec. 15. Section 14, chapter 294, Laws of 1971 ex. sess. as last amended by section 7, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.140 are each amended to read as follows:

(1) When land has been designated as forest land pursuant to subsection ((3)) (5) of RCW 84.33.120 or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation((;)).

(b) ~~((Passage of sixty days following the sale or transfer of such land to a new owner without receipt of an application pursuant to RCW 84.33.130 from the new owner;))~~ Sale or transfer of all or a portion of the land to a new owner without a signed notice of forest land designation continuance by the new owner, which notice shall be attached as a part thereof to the real estate excise tax affidavit provided for in RCW 28A.45.120, as now or hereafter amended. The notice of continuance form

shall be prepared by the department of revenue. If the notice of continuance is not so signed and attached, all compensating taxes, calculated under subsection (3) of this section, shall become due and payable by the seller or transferor at time of sale or transfer. The county auditor shall not accept an instrument of conveyance of designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid. The seller or transferor or new owner if the new owner has agreed by contract or deed to pay the compensating tax shall have the right to appeal the compensating taxes assessed or the valuation to the county board of equalization.

(c) Sale or transfer to an ownership making such land exempt from ad valorem taxation(;;).

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that (i) such land is no longer primarily devoted to and used for growing and harvesting timber, (ii) such owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder, or (iii) restocking has not occurred to the extent or within the time specified in the application for designation of such land.

Removal of designation upon occurrence of any of subsections (a) through (c) above shall apply only to the land affected, and upon occurrence of subsection (d) shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation: PROVIDED, That any remaining designated forest land meets the requirements of forest land under chapter 84.33 RCW.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsections (1)(b) and (5) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer on or before April 30 of the following year. On or before May 31 following such assessment date, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to:

(a) The difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number, in no event greater than ten, equal to the number of years for which such land was (~~designated~~) assessed and valued as forest land under this chapter or chapter 84.34 RCW.

A penalty equal to ten percent of the compensating tax due as calculated in (a) and (b) of this subsection shall in addition become due if the lands have been assessed as forest land under this chapter for less than five years.

(4) Any compensating tax unpaid on its due date shall thereupon become delinquent and together with applicable interest thereon, shall as of said date become a lien on such land which shall have priority to and shall be fully paid and

satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(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;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land.

Sec. 16. Section 17, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.170 are each amended to read as follows:

Notwithstanding any provision of this chapter or RCW 84.33.071 to the contrary, this chapter shall not exempt from the ad valorem tax nor subject to the excise tax imposed by RCW 84.33.071, Christmas trees which are grown on land which has been prepared by intensive cultivation and tilling, such as by plowing or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of raising such Christmas trees, and such land on which such Christmas trees stand shall not be taxed as provided in (~~RCW 84.33-100 through 84.33.150~~) chapter 84.33 RCW.

Sec. 17. Section 9, chapter 187, Laws of 1974 ex. sess. as amended by section 4, chapter 6, Laws of 1979 and RCW 84.33.200 are each amended to read as follows:

(1) The legislature shall review the system of distribution and allocation of all timber excise tax revenues in January, 1975 and each year thereafter to provide a uniform and equitable distribution and allocation of such revenues to the state and local taxing districts.

(2) In order to allow legislative review of the rules and regulations to be adopted by the department of revenue establishing forest land values pursuant to RCW 84.33.120 and the stumpage value index provided for in RCW 84.33.071(3), such rules and regulations shall be effective not less than sixty days after transmitting to the staffs of the senate and house ways and means committees (or their successor committees) the same proposed rules and regulations as shall have been previously filed with the office of the code reviser pursuant to RCW 34.04.025(1)(a).

(3) In the event that a permanent timber tax rate is not set in 1979, a joint timber tax advisory committee shall be established. The joint advisory committee shall be composed of members of the house of representatives and the senate and co-chaired by a member of the house revenue committee and a member of the senate ways and means committee. The joint advisory committee shall recommend a rate level and distribution system on or before the convening of the forty-seventh legislature.

(4) The department of revenue and the department of natural resources shall make available to the revenue committees of the senate and house of representatives of the state legislature information and data, as it may be available, pertaining to the status of forest land grading throughout the state, the collection of timber excise tax revenues, the distribution and allocation of timber excise tax revenues to the state and local taxing districts, and any other information as may be necessary for the proper legislative review and implementation of the timber excise tax system,

and in addition, the departments shall provide an annual report of such matters in January of each year to such committees.

Sec. 6. Section 6, chapter 87, Laws of 1970 ex. sess. as amended by section 7, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.060 are each amended to read as follows:

In determining the true and fair value of open space land and timber land, which has been classified as such under the provisions of this chapter, the assessor shall consider only the use to which such property and improvements is currently applied and shall not consider potential uses of such property. The assessor shall compute the assessed value of such property by using the same assessment ratio which he applies generally in computing the assessed value of other property: PROVIDED, That the assessed valuation of open space land with no current use shall not be less than that which would result if it were to be assessed for agricultural uses; PROVIDED FURTHER, That timber land shall be valued according to chapter 84.33 RCW.

Sec. 7. Section 12, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.108 are each amended to read as follows:

(1) When land has once been classified under this (~~(+1973 amendatory act)~~) chapter, a notation of such designation shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of such designation(~~(:)~~).

(b) (~~(Passage of sixty days following the sale or transfer of all or a portion of such land to a new owner without receipt of a notice of compliance from the new owner. Notice of compliance forms shall be prepared by the state department of revenue and supplied by the county assessor. Said notice shall contain a statement that the new owner is aware of the use classification of the land and of the potential tax liability involved when such land ceases to be designated as open space, farm and agricultural or timber land;)~~) Sale or transfer of all or a portion of the land to a new owner without a signed notice of open space land, farm and agricultural land, or timber land classification continuance by the new owner, which notice shall be attached as a part thereof to the real estate excise tax affidavit provided for in RCW 28A.45.120, as now or hereafter amended. The notice of continuance form shall be prepared by the department of revenue. If the notice of continuance is not so signed and attached, all compensating taxes calculated under subsection (3) of this section shall become due and payable by the seller or transferor at time of sale or transfer. The county auditor shall not accept an instrument of conveyance of classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid. The seller or transferor or the new owner if the new owner has agreed by contract or deed to pay the compensating tax shall have the right to appeal the compensating taxes assessed or the valuation to the county board of equalization.

(c) Sale or transfer to an ownership making all or a portion of such land exempt from ad valorem taxation(~~(:)~~).

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land is no longer primarily devoted to and used for the purposes under which it was granted classification.

(2) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsections (1)(b) and (5) of this section, an additional tax shall be imposed which shall be due and payable to the county treasurer on or before April 30 of the following year. The assessor shall compute the amount of such an additional tax and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax shall be equal to:

(a) The difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified; plus

(b) Interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter.

(4) Any additional tax unpaid on its due date shall thereupon become delinquent and together with applicable interest thereon, shall as of said date become a lien on such land which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The additional tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(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;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land.

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land.

(f) Transfer to a church and such land would qualify for property tax exemption pursuant to RCW 84.36.020.

Sec. 20. Section 19, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34-.155 are each amended to read as follows:

Land classified under the provisions of chapter 84.34 RCW as timber land which meets the definition of forest land under the provisions of chapter 84.33 RCW, upon request for such change made by the owner to the county assessor, shall be reclassified by the county assessor under the provisions of chapter 84.33 RCW. This change in classification shall be made without additional tax, penalty, or other requirements set forth in chapter 84.34 RCW: PROVIDED, That subsequent to such reclassification, the land shall be fully subject to the provisions of chapter 84.33 RCW, as now or hereafter amended: PROVIDED FURTHER, That upon the

imposition of any compensating tax such tax shall be calculated back to the time the land was first classified under RCW 84.34.155, but the tax shall not be calculated back for more than ten years.

NEW SECTION. Sec. 8. (1) One of the purposes of this act is to establish the values for ad valorem tax purposes as of January 1, 1980, of bare forest land which is primarily devoted to and used for growing and harvesting timber without consideration of other potential uses of the land, to provide a procedure for adjusting the values in future years to reflect economic changes which may affect the value established by chapter 84.33 RCW, and to relate the values to the new land grades being established under chapter 187, Laws of 1974 ex. sess.

(2) Chapter 294, Laws of 1971 ex. sess., as originally enacted, required the department of revenue annually to analyze forest land transactions to ascertain the market value of bare forest land purchased and used exclusively for growing and harvesting timber. Most transactions involving forest land include mature and immature timber with no segregation by the parties between the amounts paid for timber and bare land. The examination of these transactions by the department to ascertain the prices being paid for only the bare land has proven to be very difficult, time consuming, and subject to recurring legal challenge. Samples are small in relation to the total acreage of forest land involved and the administrative time and costs required for the annual analyses are excessive in relation to the changes from year to year which have been observed in the value of bare forest land. This act eliminates most of these administrative costs by establishing the current bare forest land values as a base value as of January 1, 1980, and by providing a procedure for periodic adjustment of the values which does not require continuing and costly analysis of the numerous forest land transactions throughout the state.

Sec. 9. Section 28A.45.120, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.120 are each amended to read as follows:

The department of revenue (~~is authorized and directed to~~) shall prescribe minimum standards for uniformity in reporting, application, and collection of the real estate excise tax imposed by this chapter.

The department of revenue shall also prescribe a real estate excise tax affidavit form which shall contain, at least, the following:

- (1) Identification of the seller and purchaser;
- (2) Description of the property involved including the tax parcel or account number(s);
- (3) Date of sale, type of instrument of sale, and nature of transfer;
- (4) Gross sales price;
- (5) Whether or not the land is classified or designated as forest land under chapter 84.33 RCW; or classified as open space land, farm and agricultural land, or timber land under chapter 84.34 RCW; and
- (6) Signatures of both the buyer and seller.

Each county shall use the affidavit form prescribed by the department of revenue.

Sec. 10. Section 82.32.010, chapter 15, Laws of 1961 and RCW 82.32.010 are each amended to read as follows:

The provisions of this chapter shall apply with respect to the taxes imposed under chapters 82.04 through 82.28 RCW of this title and under RCW 84.33.071 in such manner and to such extent as indicated in each such chapter.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

- (1) Section 10, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.111;
- (2) Section 16, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.117; and
- (3) Section 15, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.150.

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. This act is necessary for the immediate preservation of the public peace, health, and safety, and 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 "taxation;" strike the remainder of the title and insert "amending section 1, chapter 347, Laws of 1977 ex. sess. as amended by section 1, chapter 6, Laws of 1979 and RCW 84.33.071; amending section 5, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.050; amending section 6, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 6, Laws of 1979 and RCW 84.33.060; amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 6, Laws of 1979 and RCW 84.33.080; amending section 9, chapter 294, Laws of 1971 ex. sess. as amended by section 3, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.090; amending section 10, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.100; amending section 11, chapter 294, Laws of 1971 ex. sess. as amended by section 4, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.110; amending section 12, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.113; amending section 14, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.115; amending section 15, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.116; amending section 17, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.118; amending section 12, chapter 294, Laws of 1971 ex. sess. as last amended by section 5, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.120; amending section 13, chapter 294, Laws of 1971 ex. sess. as amended by section 6, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.130; amending section 14, chapter 294, Laws of 1971 ex. sess. as last amended by section 7, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.140; amending section 17, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.170; amending section 9, chapter 187, Laws of 1974 ex. sess. as amended by section 4, chapter 6, Laws of 1979 and RCW 84.33.200; amending section 6, chapter 87, Laws of 1970 ex. sess. as amended by section 7, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.060; amending section 12, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.108; amending section 19, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.155; amending section 28A.45.120, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.120; amending section 82.32.010, chapter 15, Laws of 1961 and RCW 82.32.010; adding a new section to chapter 84.33 RCW; creating a new section; repealing section 10, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.111; repealing section 16, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.117; repealing section 15, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.150; and declaring an emergency."

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Jones, Marsh, Matson, Morrison, Odegaard, Scott, Sellar, Wojahn.

The bill was read the second time by sections.

Senator Odegaard moved adoption of the committee amendment.

POINT OF ORDER

Senator Talmadge: "Mr. President, I believe the committee amendment is outside the scope and object of the bill and I would like to speak to my Point of Order.

"Mr. President, members of the Senate. I think the committee amendment is outside the scope and object of the bill because the original bill related essentially to problems with the open space law and helped to prevent forest land buyers from incurring a liability when they are unaware of the situation. The committee amendment to House Bill 810 provides for some substantial changes in the timber tax, including changes with respect to the rate schedule, changes with respect to land

valuation, and some changes with the definition of what constitutes forest lands. And for that reason, Mr. President, I believe it would be outside the scope and object. Furthermore, I would raise the question of Senate Rule 54 which requires that each bill relate to only one subject. To my way of thinking, there are at least five subjects in the bill, four or five of which I have already enumerated; and for that reason I raise the Point of Order."

Debate ensued.

MOTION

Senator Marsh moved that Substitute House Bill No. 810, together with the pending committee amendment and the Point of Order raised by Senator Talmadge be held for a Ruling by The President following 4:00 p.m. today.

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "The President in ruling upon the Point of Order raised by Senator Talmadge finds that Substitute House Bill 810 is a measure which deals with the compensating tax due when forests or open space lands, lands taxed on a current-use basis, are used for other purposes.

"The amendment proposed by the Senate Committee on Ways and Means provides for a reduction of the forest excise tax and thus goes well beyond the purpose of Substitute House Bill 810.

"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 committee amendment was ruled out of order.

On motion of Senator Odegaard, the rules were suspended, Substitute House Bill No. 810 was advanced to third reading, the second reading considered the third, the the bill was placed on final passage.

There being no objection, the rules were suspended and Substitute House Bill No. 810 was returned to second reading.

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

On page 13, following line 7, insert the following:

"**NEW SECTION.** Sec. 24. There is added to chapter 84.33 RCW a new section to read as follows:

The excise tax imposed by RCW 84.33.071 shall not apply to any timber harvested by a nonprofit organization, association, or corporation from forest lands owned by it, where such lands are exempt from property taxes under RCW 84.36-.030, and where all of the income and receipts of the nonprofit organization, association, or corporation derived from such timber sales are used solely for the expense of promoting, operating, and maintaining youth programs which are equally available to all, regardless of race, color, national origin, ancestry, or religious belief.

In order to determine whether the harvesting of timber by a nonprofit organization, association, or corporation is exempt, the director of the department of revenue shall have access to its books.

For the purposes of this section, a "nonprofit" organization, association, or corporation is one:

(1) Which pays no part of its income directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws; and (2) which pays salary or compensation to its officers only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the public services of the state."

Renumber the remaining sections consecutively.

On motion of Senator Conner, the following amendments to the title were adopted:

On page 1, line 9 after "RCW 84.34.100;" strike and "and"

On page 1, line 11 after "84.34.108" insert the following:

"(:); and adding a new section to chapter 84.33 RCW"

On motion of Senator Odegaard, the rules were suspended, Substitute House Bill No. 810, 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. 810, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Wanamaker—1.

SUBSTITUTE HOUSE BILL NO. 810, 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. 1841, by Representatives Van Dyken, Whiteside, Adams, Sommers, Eberle, Addison, Flint, Rohrbach, Williams, Nisbet, Zimmerman, Smith (C.), Erickson, Maxie and Charnley:

Exempting state furnished meals to the aged from sales and use taxes.

REPORT OF STANDING COMMITTEE

February 14, 1980.

HOUSE BILL NO. 1841, exempting state furnished meals to the aged from sales and use taxes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 8, line 17, after "insulin" strike ", prosthetic devices," and insert": prosthetic and orthotic devices prescribed for an individual by a person licensed under chapters 18.25 RCW, 18.57 RCW, and 18.71 RCW; ostomic items;"

On page 9, line 8, after "aged" insert "as provided for in the Older American Act (P.L. 95-478 Title III) and RCW 74.38.040(6)"

On page 15, line 29, after "insulin" strike ", prosthetic devices," and insert": prosthetic and orthotic devices prescribed for an individual by a person licensed under chapters 18.25 RCW, 18.57 RCW, and 18.71 RCW; ostomic items;"

On page 16, line 20, after "aged" insert "as provided for in the Older American Act (P.L. 95-478 Title III) and RCW 74.38.04(6)"

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bluechel, Clarke, Fleming, Gaspard, Goltz, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Wojahn.

The bill was read the second time by sections.

On motion of Senator Ridder, the committee amendments were considered and adopted simultaneously.

Senator Ridder moved adoption of the following amendment:

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

"Section 1. Section 48, chapter ___ (SHB 1016), Laws of 1980 and RCW 82.08. ___ are each amended to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of insulin(;) prosthetic and orthotic devices(;) prescribed for an individual by a person licensed under chapters 18.25, 18.57, or 18.71 RCW; ostomic items; and medically prescribed oxygen.

Sec. 2. Section 75, chapter ___ (SHB 1016), Laws of 1980 and RCW 82.12. ___ are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of insulin(;) prosthetic and orthotic devices(;) prescribed for an individual by a person licensed under chapters 18.25, 18.57, or 18.71 RCW; ostomic items; and medically prescribed oxygen.

Sec. 3. Section 49, chapter ___ (SHB 1016), Laws of 1980 and RCW 82.08. ___ are each amended to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this paragraph shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food products furnished as meals under a state administered nutrition program for the aged as provided for in the Older American Act (P.L. 95-478 Title III) and RCW 74.38.040(6), or (b) when the food 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.

Sec. 4. Section 76, chapter ___ (SHB 1016), Laws of 1980 and RCW 82.12. ___ are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this paragraph shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food products furnished as meals under a state administered nutrition program for the aged as provided for in the Older American Act (P.L. 95-478 Title III) and RCW 74.38.040(6), or (b) when the food 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."

POINT OF INQUIRY

Senator Day: "Senator Ridder, I notice here you have authorized an exemption from taxation for certain items prescribed by people licensed under 18.25. Does this in any way expand the scope of what is authorized in their practice under the statutes?"

Senator Ridder: "No, Senator Day, it is not the intent of the amendment to authorize any practice under 18.25, 18.57, or 18.71 not now authorized by statute."

Senator Day: "Thank you, Senator."

POINT OF INQUIRY

Senator Hayner: "On line nineteen it says that this tax will not be assessed for 'food products furnished as meals under a state-administered nutrition program'. Why does it have to be a state-administered program?"

Senator Ridder: "This comes under the federal provisions, Senator Hayner, in which case, according to our digest, it says that this form of solicitation is provided for in the federal law and it is our intent to comply with the federal provisions where the state monies are a part of that."

Senator Hayner: "Would you have any objections to also relieving the tax from organizations that provide these kinds of services that are not state supported?"

Senator Ridder: "I would have no objection, Senator, but I am frankly at this late date in our timing, I am not sure of the proper phraseology to insure that that was included and I would be glad to join you in a bill such as that for the next session."

The motion by Senator Ridder carried and the amendment was adopted.

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

On page 1, on line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending section 48, chapter ___ (SHB 1016), Laws of 1980 and

RCW 82.08.____; amending section 75, chapter ____ (SHB 1016), Laws of 1980 and RCW 82.12.____; amending section 49, chapter ____ (SHB 1016), Laws of 1980 and RCW 82.08.____; and amending section 76, chapter ____ (SHB 1016), Laws of 1980 and RCW 82.12.____."

On motion of Senator Ridder, the rules were suspended, House Bill No. 1841, 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. 1841, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Matson—1.

Excused: Senator Wanamaker—1.

HOUSE BILL NO. 1841, 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. 1685, by Representatives Charnley, Brown, Chandler and Lux:

Permitting cities to regulate parking facilities not owned by the city.

REPORT OF STANDING COMMITTEE

February 12, 1980.

HOUSE BILL NO. 1685, permitting cities to regulate parking facilities not owned by the city (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 27, after "fees," and before "make" insert "require that receipts to provided for parking fees,"

On page 3, following section 1 add a section to read as follows:

"Sec. 2. Section 12, chapter 204, Laws of 1969 ex. sess. as amended by section 4, chapter 221, Laws of 1975 1st ex. sess. and RCW 35.86A.120 are each amended to read as follows:

Except for off-street ((park and civic center)) parking facilities((, as provided in RCW 35.86.010 and 35.86A.070, no city shall operate off street parking facilities but shall call for sealed bids from)) situated on real property leased or rented to a city and not used for park and civic center parking, cities may operate off-street parking facilities with city forces. Leased or rented off-street parking shall be operated by responsible, experienced private operators of such facilities ((for the operation thereof)). The call for bids shall specify the terms and conditions under which the facility will be leased for private operation. The call for bids shall specify the time and place at which the bids will be received and the time and when the same will be opened, and such call shall be advertised once a week for two successive weeks before the time fixed for the filing of bids in a newspaper of general circulation in the city. ((The competitive bid requirements of this section shall not apply in any case where such a city shall grant a long-term negotiated lease of any such

facility to a private operator on the condition that the tenant-operator shall construct a substantial portion of the facility or the improvements thereto, which construction and/or improvements shall become the property of the city on expiration of the lease:)) If no bid is received for the operation of such an off-street parking facility, or if the bids received are not satisfactory, the legislative body of the city may reject such bids and shall readvertise the facility for lease. In the event that no bids or no satisfactory bids shall have been received following the second advertising, the city may negotiate with a private operator ((of) for the operation of the facility without competitive bidding. In the event the city shall be unable to negotiate for satisfactory private operation within a reasonable time, the city may operate the facility for a period not to exceed three years, at which time it shall readvertise as provided above in this section."

In line 3 of the title after "RCW 35.86A.070" and before the period insert "; and amending section 12, chapter 204, Laws of 1969 ex. sess. as amended by section 4, chapter 221, Laws of 1975 1st ex. sess. and RCW 35.86A.120"

Signed by: Senators Wilson, Chairman; Fleming, Henry, Moore, Talley.

The bill was read the second time by sections.

Senator Wilson moved adoption of the committee amendment.

MOTION

Senator Walgren moved that the Senate commence consideration of Reengrossed House Joint Resolution No. 22.

POINT OF INQUIRY

Senator Scott: "Senator Walgren, according to rule twelve, doesn't the Senate have to advance to the eighth order of business to consider a resolution such as this?"

Senator Walgren: "I think that the practice has been, in this body, never to advance to that particular order on constitutional amendments."

Senator Scott: "I would point out that the last section of rule twelve says that under the eighth order, presentations of petitions, memorials, resolutions and motions."

Senator Walgren: "Mr. President, I think that Senator Scott is referring to floor resolutions and of course this is not a floor resolution."

The motion by Senator Walgren, carried and the Senate commenced consideration of Reengrossed House Joint Resolution No. 22.

SECOND READING

REENGROSSED HOUSE JOINT RESOLUTION NO. 22, by Representatives O'Brien, Zimmerman, Garrett, Nelson (Gary), Sommers, Bauer, Galloway, Teutsch, Heck and Taller:

Providing the means to pay the indebtedness on public development projects.

REPORT OF STANDING COMMITTEE

February 15, 1980.

REENGROSSED HOUSE JOINT RESOLUTION NO. 22, providing the means to pay the indebtedness on public development projects (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 11 after "of the" strike "real"

On page 1, line 15, after "project." strike "~~((A taxing authority shall not pledge funds for payment of such obligations from any state or local tax source~~

~~other than those derived from the previously mentioned increase in true and fair value or other revenue derived from within such project; and such obligations shall not constitute general indebtedness of the taxing authority:))" and insert: "A taxing authority shall not pledge funds for payment of such obligations from any state or local revenue source other than those tax revenues derived from the previously mentioned increase in true and fair value or those non-tax revenues derived from within such project; and such obligations shall not constitute general indebtedness of the taxing authority."~~

Signed by: Senators McDermott, Vice Chairman; Bausch, Bluechel, Fleming, Gaspard, Goltz, Marsh, Morrison, Ridder, Sellar, Walgren, Wojahn.

The resolution was read the second time in full.

On motion of Senator Marsh, the committee amendments were adopted.

On motion of Senator Guess, an amendment to page 1, line 11 on the desk of the Secretary of the Senate was withdrawn.

Senator Donohue moved adoption of the following amendment:

On page 1, line 11 after "levied" insert "in any taxing district assenting thereto".

Debate ensued.

The motion by Senator Donohue carried and the amendment was adopted on a rising vote.

Senator Donohue moved adoption of the following amendment:

On page 1, after "public" on line 13 strike "development or" on line 14.

Debate ensued.

The motion by Senator Donohue carried and the amendment was adopted on a rising vote.

Senator Guess moved adoption of the following amendment;

On page 1, line 16, after "not" and before "pledge" insert "contribute its property"

POINT OF ORDER

Senator Marsh: "This amendment is to a deleted sentence in the measure now so it would be out of order. The second committee amendment deleted that sentence."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Guess moved the Senate reconsider the vote by which the committee amendment was adopted.

Debate ensued.

The motion by Senator Guess failed.

Senator Lewis moved adoption of the following amendment by Senators Lewis, Hurley, Clarke and Rasmussen:

On page 1, line 26 insert a new paragraph to read as follows:

"In exercising powers as authorized herein, a taxing authority shall not have the power of eminent domain as authorized by Section 16 of Article 1 of this Constitution."

Debate ensued.

The motion by Senator Lewis failed and the amendment was not adopted on a rising vote.

On motion of Senator Marsh, the rules were suspended, Reengrossed House Joint Resolution No. 22, 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 Reengrossed House Joint Resolution No. 22, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 27; nays, 20; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Lewis, Marsh, McDermott, Moore, Morrison, Quigg, Ridder, Sellar, Talley, Talmadge, von Reichbauer, Walgren, Wilson, Wojahn—27.

Voting nay: Senators Bausch, Clarke, Conner, Day, Donohue, Guess, Hurley, Jones, Lysen, Matson, Odegaard, Peterson, Pullen, Rasmussen, Scott, Shinpoch, Van Hollebeke, Vognild, Williams, Woody—20.

Absent or not voting: Senator Lee—1.

Excused: Senator Wanamaker—1.

REENGROSSED HOUSE JOINT RESOLUTION NO. 22, as amended by the Senate, having failed to receive the constitutional two-thirds majority, was declared lost.

MOTION

On motion of Senator Marsh, the Senate resumed consideration of Substitute House Bill No. 1901.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1901, by Committee on Revenue (originally sponsored by Representatives Kreidler, Craswell and Sommers):

Redefining life estate for purposes of the residential property tax exemption.

The Senate resumed consideration of Substitute House Bill No. 1901 from earlier today. An amendment by Senators Odegaard and Day had been moved for adoption. A Point of order has been raised by Senator Clarke on the amendment.

MOTION

On motion of Senator Wilson, Senator Donohue was excused.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Clarke, the President finds that Substitute House Bill No. 1901 is a measure which deals with residential property tax exemptions.

"The amendment proposed by Senators Odegaard and Day also deals with residential property tax exemptions.

"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 following amendment was ruled in order:

On page 2, beginning on line 36, strike all material down to and including line 11 on page 3 and insert the following:

"(5) (a) A person who otherwise qualifies under this section and is within the income range of eleven thousand dollars or less shall be exempt from all excess property taxes(~~;~~ ~~and in addition~~) and shall be exempt from regular property taxes on up to ten thousand dollars of valuation of the residence.

(b) In addition, a person who otherwise qualifies under this section and is within the income range of seven thousand dollars or less shall be exempt from all regular property taxes on up to (~~fifteen~~) twenty thousand dollars of valuation of his or her residence.

(c) The income limits in (a) and (b) of this subsection shall be adjusted each year beginning in 1980 by an amount equal to the previous year's income limit adjusted by the percentage change in the consumer price index for the twelve-month period ending September 31st of the previous year.

(d) The maximum assessed valuations that are subject to the property tax exemption provided by this section shall be adjusted annually, by the department, commencing with assessment year 1980 for taxes payable in 1981, by the percentage change in the national average purchase price of previously occupied homes for the twelve-month period ending September 30th of the previous year, as that data is published by the federal home loan bank board.

(6) For the purposes of this section, cotenants mean two or more individuals who reside together, who jointly own the residence, and who otherwise meet the requirements of this section.

Sec. 2. Section 2, chapter 182, Laws of 1974 ex. sess. as last amended by section 2, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.383 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04.090 or 84.40.250, such a residence shall be deemed real property.

(2) The term "real property" except for the purposes of chapters 84.56 and 84.60 RCW, shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities.

(3) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) "Department" shall mean the state department of revenue.

(5) "Consumer price index" shall mean the consumer price index for urban wage earners and clerical workers as compiled by the bureau of labor statistics of the United States department of labor."

Renumber the remaining section consecutively.

Debate ensued.

The motion by Senator Odegaard carried and the amendment was adopted.

On motion of Senator Odegaard, the following amendment by Senators Odegaard and Day to the title was adopted:

On page 1, on line 4 of the title, after "84.36.381;" insert "amending section 2, chapter 182, Laws of 1974 ex. sess. as last amended by section 2, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.383;"

On motion of Senator Bausch, the rules were suspended, Substitute House Bill No. 1901, 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. 1901, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Lee—1.

Excused: Senators Donohue, Wanamaker—2.

SUBSTITUTE HOUSE BILL NO. 1901, 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 House Bill No. 1475.

SECOND READING

HOUSE BILL NO. 1475, by Representatives Erickson and Oliver:

Modifying terminology relating to regular and special sessions of the legislature.

The Senate resumed consideration of House Bill No. 1475 from February 18, 1980. Senator Pullen had raised a Point of Order on the committee amendment to page 4.

There being no objection, on motion of Senator Pullen, the Point of Order was withdrawn.

On motion of Senator Bottiger, the committee amendment to page 50 was adopted.

On motion of Senator Woody, the following amendments were considered and adopted simultaneously:

Beginning on page 7, line 1, strike all of section 10, through and including page 9, line 3, renumber the sections remaining consecutively, and correct internal references accordingly.

Beginning on page 16, line 8, strike all of sections 17 and 18, through and including page 19, line 8, renumber the sections remaining consecutively, and correct internal references accordingly.

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

On page 22, after line 12, insert:

NEW SECTION. Sec. 23. 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."

Renumber remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Woody, the committee amendments to the title were considered and adopted simultaneously.

On motion of Senator Woody, the following amendments to the title were considered and adopted simultaneously:

On page 1, line 18 of the title, after "28A.92.030;" strike everything through and including "28B.16.110;"

On page 1, line 29 of the title, after "41.06.070;" strike everything through and including "41.06.167;" on page 2, line 3

On motion of Senator Woody, the following amendment by Senators Bottiger, Talmadge, Moore, Lewis and Quigg to the title was adopted:

On page 3, line 26 of the title, after "90.02.137;" insert "adding a new section to chapter 41.56 RCW;"

On motion of Senator Woody, the rules were suspended, House Bill No. 1475, 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 Lee was excused.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1475, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Matson—1.

Excused: Senators Donohue, Lee, Wanamaker—3.

HOUSE BILL NO. 1475, 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 House Bill No. 1685.

SECOND READING

HOUSE BILL NO. 1685, by Representatives Charnley, Brown, Chandler and Lux:

Permitting cities to regulate parking facilities not owned by the city.

The Senate resumed consideration of House Bill No. 1685 from earlier today. The committee amendment to page 1 had been moved for adoption by Senator Wilson.

The motion by Senator Wilson carried and the committee amendment to page 1 was adopted.

Senator Wilson moved adoption of the committee amendment to page 3, following section 1 adding a new section.

POINT OF INQUIRY

Senator Scott: "Senator Goltz, I would like to know for the record whether the intended amendment is to allow them to operate facilities that they own or to purchase and operate facilities that they might wish to use?"

Senator Goltz: "Well, Senator Scott, the intent of the amendment was to allow cities which now own parking facilities to operate them. I have not checked the wording to know whether it would be more inclusive than that but the intent was to provide for those already in existence."

Debate ensued.

The motion by Senator Wilson carried and the committee amendment to page 3 was adopted.

On motion of Senator Wilson, the committee amendment to the title was adopted.

On motion of Senator Wilson, the rules were suspended, House Bill No. 1685, 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. 1685, as amended by the Senate, 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, Bottiger, Conner, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hurley, Lysen, Marsh, McDermott, Moore, Odegaard, Quigg, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Walgren, Williams, Wilson, Wojahn—27.

Voting nay: Senators Benitz, Bluechel, Clarke, Day, Guess, Hayner, Jones, Lewis, Matson, Morrison, Peterson, Pullen, Scott, Sellar, Van Hollebeke, von Reichbauer, Woody—18.

Absent or not voting: Senator Henry—1.

Excused: Senators Donohue, Lee, Wanamaker—3.

HOUSE BILL NO. 1685, 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 Substitute House Bill No. 1492.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1492, by Committee on State Government (originally sponsored by Representatives Rohrbach, Keller, Taller, Hughes, Ehlers, McGinnis, Salatino, Ellis and Maxie):

Providing for the approval of property, casualty, and accident insurance for public employees.

The Senate resumed consideration of Substitute House Bill No. 1492 from earlier today. At that time two committee amendments were moved for adoption and a Point of Order was raised by Senator Clarke on the amendments.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Clarke, the President finds that Substitute House Bill 1492 is a measure which relates to insurance for public employees and authorizes the state employees insurance board to offer voluntary property, accident and casualty insurance to state employees through a payroll deduction plan.

"The amendment proposed by the Senate Financial Institutions and Insurance Committee deals with the totally different subject of permitting voluntary payments

made to labor or employee organizations for political purposes to be deducted from the salaries or wages of public employees.

"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 committee amendments to page 1, line 11 and page 2, line 16 were ruled out of order.

On motion of Senator Bausch, the committee amendment to page 6, line 8 was adopted.

On motion of Senator Bausch, the rules were suspended, Substitute House Bill No. 1492, 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. 1492, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Donohue, Lee, Wanamaker—3.

SUBSTITUTE HOUSE BILL NO. 1492, 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 returned to the fifth order of business.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1541, by Representative Thompson:
Making an appropriation to the department of agriculture.
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1981, by Committee on Appropriations (originally sponsored by Representatives Zimmerman, Thompson and Struthers) (by Office of Financial Management request):

Modifying provisions relating to jail bonds.
Referred to Committee on Ways and Means.

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, February 19, 1980.
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to advise that on February 19, 1980, Governor Ray approved the following Senate Bill entitled:

SUBSTITUTE SENATE BILL 3271, an acting relating to the judicial retirement system.

Very truly yours,
H.B. HANNA,
LEGAL COUNSEL.

MESSAGES FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed:
SUBSTITUTE SENATE BILL NO. 2616,
SENATE BILL NO. 3202,
ENGROSSED SENATE BILL NO. 3320, and the same are herewith
transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 19, 1980.

Mr. President: The Speakers have signed:
SENATE BILL NO. 3011,
SUBSTITUTE SENATE BILL NO. 3237, and the same are herewith
transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE SENATE BILL NO. 2748,
SUBSTITUTE SENATE BILL NO. 3140,
SENATE BILL NO. 3235,
SENATE BILL NO. 3245,
SENATE BILL NO. 3253,
SENATE BILL NO. 3404,
SUBSTITUTE SENATE BILL NO. 3405,
SUBSTITUTE SENATE BILL NO. 3611,
SENATE JOINT RESOLUTION NO. 132.

MOTION

At 5:10 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00
a.m., Wednesday, February 20, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 20, 1980.

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, Pullen and Talmadge. On motion of Senator Wilson, Senators Benitz, Pullen and Talmadge were excused.

The Color Guard, consisting of Pages Maureen Doherty and Brian Davidson, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"MIGHTY GOD OF HISTORY, WE REFLECT UPON YOUR PAST. WE ARE SOMETIMES AMAZED AND PERPLEXED BY YOUR SHAPING OF THE PRESENT. WE ANTICIPATE WITH TIP TOE EXPECTANCY THE FUTURE YOU CHOOSE TO MAKE PRESENT. FORGIVE US FOR THE TIMES WE HAVE MISREAD THE PAST AND HAVE TAKEN TOO MUCH REST IN ITS ACCOMPLISHMENTS. FORGIVE US FOR OUR FAILURE TO MAKE THE MOST OF THE PRESENT AND NOT ALWAYS SEIZING EACH OPPORTUNITY FOR SIMPLE SERVICE. FORGIVE US FOR OUR LACK OF CONCERN FOR THE FUTURE OR OUR TOO GREAT DEPENDENCE TO DO IN TIME NOT YET GIVEN. WE THANK YOU FOR THE DETERMINATION, DEDICATION AND SACRIFICE OF THE CIVIL SERVANTS OF THIS NATION AND THIS COMMONWEALTH IN DAYS AND YEARS PAST. WE THANK YOU FOR THE CAPABLE MEN AND WOMEN OF VARYING POLITICAL PERSUASIONS OF THESE DAYS WE NOW CALL PRESENT; AND WE THANK YOU FOR THE PROMISE OF YOUR ABIDING PRESENCE IN THE GOOD TIMES AND BAD WE NAME AS FUTURE.

"PLEASE GIVE THIS BODY THE WISDOM AND PERCEPTION TO PERSEVER, CONTINUE AND ENHANCE THAT WHICH IS GOOD FROM THE PAST. GIVE US GUIDANCE TO THIS ASSEMBLED BODY TO DISCERN AND IMPLEMENT THAT WHICH IS GOOD AND NECESSARY FOR TODAY, AND MOVE US INTO A FUTURE WHERE OUR LEGISLATIVE CONTRIBUTION TO SOCIETY WILL HELP ALL PERSONS IN THIS GREAT STATE TO ENJOY THE RIGHTS YOU GIVE THEM; THE RIGHT TO HAVE; THE RIGHT TO BELONG; THE RIGHT TO BE! IN THE NAME OF CHRIST WHO BECAME HUMAN TO FREE US TO BE TRULY HUMAN WE ASK IT. AMEN."

MOTIONS

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

On motion of Senator Walgren, a copy of Reverend Misterek's prayer will be placed on the desk of each member.

MESSAGE FROM THE HOUSE

Mr. President: The House has passed:

February 19, 1980.

SECOND SUBSTITUTE SENATE BILL NO. 2381,
SUBSTITUTE SENATE BILL NO. 3226,
SENATE BILL NO. 3280, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2616,
SENATE BILL NO. 3202,
SENATE BILL NO. 3320.

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 gubernatorial appointment 198.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS MOTION

On motion of Senator Goltz, the appointment of Dave McNally as a member of the State Board of Community College Education was confirmed.

APPOINTMENT OF DAVE McNALLY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Benitz, Pullen, Talmadge—3.

MOTION

On motion of Senator Goltz, the appointment of James M. Spalding as a member of the State Board for Community College Education was confirmed.

APPOINTMENT OF JAMES M. SPALDING

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Benitz, Talmadge—2.

MOTION

On motion of Senator Goltz, the appointment of Allison Cowles as a member of the Council for Postsecondary Education was confirmed.

APPOINTMENT OF ALLISON COWLES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Benitz, Talmadge—2.

MOTION

On motion of Senator Wilson, Senator Fleming was excused.

MOTION

On motion of Senator Goltz, the appointment of Marianne Craft Norton as a member of the Council for Postsecondary Education was confirmed.

APPOINTMENT OF MARIANNE CRAFT NORTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Benitz, Fleming, Talmadge—3

MOTION

On motion of Senator Goltz, the appointment of Raymond A. Norwood as a member of the Council for Postsecondary Education was confirmed.

APPOINTMENT OF RAYMOND A. NORWOOD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Benitz, Fleming, Talmadge—3.

MOTIONS

On motion of Senator Marsh, the Committee on State Government was relieved from further consideration of Senate Bill No. 3519.

On motion of Senator Marsh, Senate Bill No. 3519 was rereferred to the Committee on Constitutions and Elections.

At 11:28 a.m., on motion of Senator Marsh, 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 adjourned until 11:00 a.m., Thursday, February 21, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 21, 1980.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President all Senators were present except Senators Conner and Gould. On motion of Senator Wilson, Senator Conner was excused.

The Color Guard, consisting of Pages Lori Kelly and Robert Radcliffe, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"HEAVENLY FATHER, LORD AND MASTER OF US ALL! HELP US TODAY TO REMEMBER THE WORDS OF YOUR SERVANT PAUL . . . 'NO AUTHORITY EXISTS WITHOUT GOD'S PERMISSION AND THE EXISTING AUTHORITIES HAVE BEEN PUT THERE BY GOD'. YOU ARE THE ONE FROM WHOM ALL AUTHORITY AND POWER COMES AND THAT INCLUDES OUR AUTHORITY TO DO LEGISLATION FOR YOUR PEOPLE. YOU HAVE MADE IT ABUNDANTLY CLEAR THAT YOU WANT US TO DO WHAT WE DO IN A WAY THAT WILL BE A CREDIT TO YOU AND HELPFUL TO YOUR PEOPLE. LORD, THIS IS A HEAVY RESPONSIBILITY AND WE COME TO YOU AT THE BEGINNING OF THIS DAY'S SESSION AND ASK YOU TO HELP ALL OF US REMEMBER WHAT WE ARE HERE FOR. HELP US DO OUR JOB WITH EAGERNESS AND ENTHUSIASM, BEARING IN MIND THAT YOU DO WANT YOUR PEOPLE TO BE WHOLE, HEALTHY AND HAPPY.

"HELP US TO REMEMBER ALSO WHO WE ARE HERE FOR — THAT IS FOR YOU AND OTHER PEOPLE. AS WE REMEMBER, PLEASE SET US FREE FROM PETTINESS, FALSE PRIDE AND PREJUDICE! HELP THESE SENATORS REMAIN ALERT AND PERCEPTIVE OF THE REAL NEEDS OF THEIR CONSTITUENTS AND HELP THEM CARRY OUT THEIR RESPONSIBILITIES IN A WAY THAT WILL BE MOST HELPFUL FOR ALL. MAKE THESE LAWMAKERS WISE AND JUDICIOUS IN THE VOTES THEY CAST. IN CHAMBERS AND COMMITTEES, TEMPER THEIR FIRMNESS AND PERSEVERANCE WITH PATIENCE AND KINDNESS. WE ASK FORGIVENESS FOR PAST MISTAKES AND GUIDANCE FOR TODAY IN THE STRONG NAME OF JESUS. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 1980.

SENATE BILL NO. 3389, relating to postsecondary education (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3389 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Goltz, Chairman; Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 20, 1980.

WILLIAM A. GRANT, to the position of Member of the Board of Trustees, Walla Walla Community College District No. 20, appointed by the Governor January 18, 1980 for the term ending September 30, 1984, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 20, 1980.

PATRICIA G. HITE, to the position of Member of the Board of Trustees, Whatcom Community College District No. 21, appointed by the Governor on January 18, 1980 for the term ending September 30, 1984, succeeding herself (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 20, 1980.

ROBERT E. HUNT, JR., to the position of Member of the Board of Trustees, Tacoma Community College District No. 22, appointed by the Governor on January 21, 1980 for the term ending September 30, 1981, succeeding Mildred Jeynes (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 20, 1980.

WILLIAM H. LAWRENCE, to the position of Member of the Board of Trustees, Community College District No. 12, appointed by the Governor on January 22, 1980 for the term ending September 30, 1984, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 20, 1980.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 357 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 20, 1980.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1481 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 20, 1980.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1663 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 20, 1980.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 395 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 20, 1980.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1598 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 20, 1980.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1558 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 20, 1980.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1510 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 20, 1980.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 382 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 20, 1980.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1463 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 20, 1980.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1466 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 20, 1980.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTION HOUSE BILL NO. 1429 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 20, 1980.

Mr. President: The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1540,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1584, and the same are
herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3478 with the following amendment:

On page 1, after line 27, insert the following additional sections:

"NEW SECTION. Sec. 2. As used in this section, sections 4 through 9 of this 1980 act, and RCW 70.58.210, as now or hereafter amended, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Adult adopted person" means a person who was adopted under the laws of this state and is at least twenty-one years of age.

(2) "Adoptive parents" means persons who received custody of the adopted person under the laws of this state.

(3) "Adoption registry" means a record kept by the department of social and health services under RCW 70.58.210, as now or hereafter amended, for purposes of recording the natural parent's consent to disclosure of identity to an adult adopted person.

(4) "Agency" means a public or private social agency expressly empowered by law to receive and place children for adoption or foster care, including the department of social and health services.

(5) "Confidential intermediary" means a suitable and qualified person appointed by the court who agrees, under oath of confidentiality, to mediate between and make contact with the natural parents and the adult adopted person to the extent allowed by the court.

(6) "Department" means the department of social and health services.

(7) "Natural parents" means the biological parents of the adopted person.

Sec. 3. Section 1, chapter 133, Laws of 1939 as last amended by section 2, chapter 101, Laws of 1979 ex. sess. and RCW 70.58.210 are each amended to read as follows:

(1) Whenever a decree of adoption has been entered declaring a child, born in the state of Washington, adopted in any court of competent jurisdiction in the state of Washington or any other state or any territory of the United States or foreign country, a certified copy of the decree of adoption shall be recorded with the proper department of registration of births in the state of Washington and a certificate of birth shall issue upon request, bearing the new name of the child as shown in the decree of adoption, the names of the adoptive parents of the child and the age, sex, and date of birth of the child, but no (~~reference in any~~) birth certificate (~~shall have reference~~) may refer to the adoption of the child. However, original registration of births shall remain a part of the record of the board of health.

(2) Whenever a decree of adoption has been entered declaring a child, born outside of the United States and its territories, adopted in any court of competent

jurisdiction in the state of Washington, a certified copy of the decree of adoption together with evidence as to the child's birth date and birth place provided by the original birth certificate, or by a certified copy, extract, or translation thereof or by a certified copy of some other document essentially equivalent thereto, shall be recorded with the proper department of registration of births in the state of Washington. The records of the United States immigration and naturalization service or the United States department of state are essentially equivalent to the birth certificate. A certificate of birth shall issue upon request, bearing the new name of the child as shown in the decree of adoption, the names of the adoptive parents of the child and the age, sex, and date of birth of the child, but no reference in any birth certificate shall have reference to the adoption of the child. Unless the court orders otherwise, the certificate of birth shall have the same overall appearance as the certificate which would have been issued if the adopted child had been born in the state of Washington.

A person born outside of the United States and its territories for whom a decree of adoption has been entered in a court of this state before September 1, 1979, may apply for a certificate of birth under this subsection by furnishing the proper department of registration of births with a certified copy of the decree of adoption together with the other evidence required by this subsection as to the date and place of birth. Upon receipt of the decree and evidence, a certificate of birth shall be issued in accordance with this subsection.

(3) In conjunction with the original birth registration, there shall be established an adoption registry. At the time of adoption or at any time thereafter, either or both natural parents may file consent to disclosure of their identity, to become effective at the time the adopted person reaches twenty-one years of age, in the adoption registry.

NEW SECTION. Sec. 4. Upon the request of an adult adopted person, the department shall examine the adoption registry to ascertain whether either or both natural parents have placed a consent to disclosure of their identity on file.

If the consent is found in the adoption registry, the names of either or both natural parents, depending on whether either or both natural parents have filed a consent, the name and location of the court issuing the decree of adoption together with the cause number, and other information contained in the file relating to the identity and location of the natural parents shall be disclosed to the adult adopted person.

The department shall also provide the adult adopted person with an affidavit, executed by the custodian of these records, which affirms that a consent to disclosure has been filed in the adoption registry.

The information on file shall not be disclosed in any other case, except as otherwise provided by sections 5 through 9 of this act.

NEW SECTION. Sec. 5. An adult adopted person may petition the court for disclosure of the identity of his or her natural parents. The petition to open the sealed adoption file shall contain the following information, if known:

- (1) Name of the petitioner;
 - (2) Date of birth;
 - (3) Address of current residence;
 - (4) Whether the adult adopted person still resides with or is a dependent of the adoptive parents;
 - (5) County and state of adoption and date of adoption;
 - (6) Any information known to the adult adopted person concerning the natural parents; and
 - (7) That no consent to disclosure has been filed in the adoption registry.
- The petition may be filed under the original cause number.

NEW SECTION. Sec. 6. In response to a petition by an adult adopted person for disclosure of the identity of the natural parents, the court shall appoint a confidential intermediary if:

(1) The adult adopted person no longer lives with or is not a dependent of the adoptive parents; or

(2) The adoptive parents of the adult adopted person file written consent to the search with the court.

NEW SECTION. Sec. 7. (1) The duties and responsibilities of the confidential intermediary are as follows:

(a) To refrain from disclosing directly or indirectly any information to the petitioner until so ordered by the court;

(b) To conduct a search for the natural parents; and

(c) To make a written report of the results of the search to the court no later than six months after appointment.

If the confidential intermediary fails to locate the natural parents within six months, the report shall include a recommendation as to whether or not further search is warranted and the reasons for this recommendation. If the confidential intermediary locates the natural parents, a discreet and confidential inquiry shall be made as to whether they will consent to having their present identity disclosed to the petitioner. The identity of the petitioner shall not be disclosed to the natural parents. If the natural parents consent to the disclosure of their identity, the confidential intermediary shall obtain the consent in writing and shall include the original of the consent report to be made to the court.

(2) Information found in records of the court proceeding of the adoption or in the files of the agency shall be released to the confidential intermediary for use in the search, but only that information relating to the identities and location of the natural parents. The confidential intermediary shall not divulge the contents of these files or the results of any search except as authorized by the court.

(3) The court may request the confidential intermediary to help arrange contact between the petitioner and the natural parents if the consent is obtained.

(4) The confidential intermediary shall receive as compensation from the petitioner for services a reasonable fee as set by the court, including reimbursement for actual expenses as listed in the report made to the court.

NEW SECTION. Sec. 8. The confidential intermediary shall sign an oath of confidentiality substantially as follows:

I,, being first dully sworn on oath depose and say: As a condition of appointment as a confidential intermediary, I affirm that, when adoption files are opened for me:

I will not disclose to the petitioner, directly or indirectly, any information therein without further order of the court.

I will conduct a diligent search for the natural parents and make a discreet and confidential inquiry as to whether the natural parents will consent to being put in contact with the petitioner, and will report back to the court the results of my search and inquiry.

If the person sought consents to be put in contact with the petitioner, I will attempt to obtain a dated, written, and notarized consent of the person and attach the original thereof to my report to the court.

I will not make any charge or accept any compensation for my services except as approved by the court or as reimbursement from the petitioner of actual out-of-pocket expenses such as postage, advertising, telephone calls, or travel expenses, and that all of the expenses will be listed in my report to the court.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/

..... date
witness date
witness date

NEW SECTION. Sec. 9. (1) If the confidential intermediary obtains written consent from the natural parents for disclosure of their identity to the petitioner, the court shall order that their names and other identifying information be released to the petitioner.

(2) If the natural parents are deceased, the court shall order disclosure of the available files to the petitioner.

(3) If the confidential intermediary is unable to make contact with the natural parents within six months, the court may order the search be continued for a specified time.

Sec. 10. Section 12, chapter 291, Laws of 1955 as last amended by section 1, chapter 101, Laws of 1979 ex. sess. and by section 19, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.120 are each reenacted and amended to read as follows:

Upon the conclusion of such hearing, if had, or upon filing the report of investigation, if any, or as soon as the procedure hereunder may permit, the court shall enter its decree either granting or denying the petition for adoption and change of name, if any, all as in its discretion it shall deem proper. If the decree denies the petition for adoption, the court shall make appropriate provision for the custody and care of the child. If the decree is for adoption, it shall provide:

(1) In the case of a child born in a state other than Washington, or in a territory of the United States, for the forwarding of the certificate of adoption to the department of health, or its equivalent, of the state or territory of the United States in which the birth occurred;

(2) In the case of a child born in the state of Washington, for the issuance of a certificate of birth by the state registrar of vital statistics, in such form and containing such information as the court may deem proper and by such decree shall direct;

(3) In the case of a child born outside of the United States and its territories, for the issuance of a certificate of birth by the state registrar of vital statistics, in such form and containing such information as the court may deem proper and by such decree shall direct, but unless the court orders otherwise, the certificate of birth shall have the same overall appearance as the certificate which would have been issued if the adopted child had been born in the state of Washington;

(4) That the records of the registrar shall be secret unless otherwise provided by the court, and the same shall be disclosed only upon order of court for good cause shown or under sections 4 through 9 ~~((chapter ..., Laws of 1979 (Adoptive Records Act.))~~ of this 1980 act; and

(5) That such adoption shall remain interlocutory for six months from date of entry of such decree, and shall become absolute at the expiration of said six months.

Such decree shall be final as to the parties thereto and those notified as herein provided unless appealed from within thirty days after entry thereof.

Sec. 11. Section 15, chapter 291, Laws of 1955 and RCW 26.32.150 are each amended to read as follows:

~~((Unless otherwise requested by the adopted,))~~ All records of any proceeding hereunder shall be sealed and shall not be thereafter open to inspection by any person except upon order of the court for good cause shown or in accordance with sections 7 through 9 of this 1980 act, or to an adult adopted person upon production of an affidavit executed by the custodian of the adoption registry of the department which affirms the existence in the registry of a consent to disclosure as described in section 4 of this 1980 act and RCW 70.58.210 as now or hereafter amended, and thereafter shall be again sealed as before.

Sec. 12. Section 3, chapter 150, Laws of 1935 and RCW 26.36.030 are each amended to read as follows:

It (~~(shall be)~~) is unlawful for any person to show or to divulge the contents of any of the court records existing by reason of RCW 26.36.010 or of the records required to be kept under RCW 26.36.020 which would tend to disclose the identity of the natural parents of an adopted person, except on written order of the superior court made upon a petition showing to the satisfaction of the court that the divulging of the information would inure to the benefit of the child or except as provided in sections 7 through 9 of this 1980 act.

Sec. 13. Section 1, chapter 82, Laws of 1970 ex. sess. as last amended by section 20, chapter 165, Laws of 1979 ex. sess. and RCW 26.36.050 are each amended to read as follows:

Every person, firm, society, association, or corporation receiving, securing a home for, or otherwise caring for a minor child shall transmit to the prospective adopting parent prior to placement and shall make available to all persons with whom a child has been placed by adoption or to those qualified to receive information under sections 5 through 9 of this 1980 act, a complete medical report containing all reasonably available information concerning the mental, physical, and sensory handicaps of said child. Said report shall not reveal the identity of the natural parents of the child but shall include any reasonably available mental or physical health history of the natural parents that needs to be known by the adoptive parents to facilitate proper health care for the child. RCW 26.36.030 and 26.36.060 shall not apply to any information made available by this section.

NEW SECTION. Sec. 14. Sections 2 and 4 through 9 of this 1980 act are each added to chapter 26.32 RCW."

In line 1 of the title, after "children;" insert "amending section 1, chapter 133, Laws of 1939 as last amended by section 2, chapter 101, Laws of 1979 ex. sess. and RCW 70.58.210; reenacting and amending section 12, chapter 291, Laws of 1955 as last amended by section 1, chapter 101, Laws of 1979 ex. sess. and by section 19, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.120; amending section 15, chapter 291, Laws of 1955 and RCW 26.32.150; amending section 3, chapter 150, Laws of 1935 and RCW 26.36.030; amending section 1, chapter 82, Laws of 1970 ex. sess. as last amended by section 20, chapter 165, Laws of 1979 ex. sess. and RCW 26.36.050; adding new sections to chapter 26.32 RCW;" , and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

POINT OF ORDER

Senator Marsh: "Mr. President, I challenge the amendment as being beyond the scope and object of the bill. Engrossed Senate Bill 3478 is an act relating to children and adds a new section to the revised criminal code, making it a class C felony to buy or sell a minor child. The House amendment to Engrossed Substitute Senate Bill 3478 incorporates provisions of Substitute House Bill 318, an act relating to adoption and adds new sections and amends existing sections all of which are outside the revised criminal code. The amendment establishes a mechanism by which persons over twenty-one, who have been adopted may attempt to discover the identity of their natural parents. Under this mechanism a court, on petition of an adult adoptee is required to appoint a confidential intermediary to contact the natural parents. From the foregoing it is apparent that the House amendment expands the scope and object of Engrossed Senate Bill 3478, and I invoke the provisions of Senate rule 57."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Marsh, the President finds that Engrossed Senate Bill No. 3478 is a measure which revises the criminal code by making it a class C felony to buy or sell a minor child.

"The amendment proposed by the House deals with the totally different subject of adoption and the method by which adopted persons over the age of twenty-one may attempt to discover the identity of their natural parents.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and the the Point of Order is well taken.

"Pursuant to Senate Rule 57, Engrossed Senate Bill No. 3478 is referred to the Senate Judiciary Committee."

Engrossed Senate Bill No. 3478 was referred to the Senate Judiciary Committee.

MOTIONS

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

On motion of Senator Goltz, the following resolution was adopted.

SENATE RESOLUTION 1980-180

By Senator Goltz:

WHEREAS, Excellence in athletic ability is a commendable adjunct to academic endeavors; and

WHEREAS, The athletic program at Western Washington University is a "walk-on," no athletic scholarship activity; and

WHEREAS, Pat Locker, a senior at Western Washington University, has earned particular distinction on the gridiron as a halfback for the Vikings; and

WHEREAS, This season he became the first man in Northwest annals and only the 37th player in the 111-year history of college football to run for 4,000 yards in a career; and

WHEREAS, His four-year total of 4,049 yards comprises but one of his 12 football records at Western; and

WHEREAS, Pat Locker has been named first-team Kodak All-American College Division I, second-team NAIA Division I All-American, honorable mention Associated Press Little All-American, honorable mention United Press International All-Coast and the Miller Brewing Company's offensive Player of the Year for the State of Washington; and

WHEREAS, Pat Locker also was named Little All-Northwest, NAIA District I all-star and All-Evergreen Conference in each of his four seasons at Western;

NOW, THEREFORE, BE IT RESOLVED, That heartiest congratulations and best wishes be given to Pat Locker, a native of Ferndale, Washington, who has brought recognition and honor to himself, his coaches and teammates, his university's student body and alumni, his city and the entire Evergreen State, at this legislative session held this 21st day of February, 1980; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall immediately transmit a copy of this Resolution to Pat Locker.

MOTION

On motion of Senator Marsh, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1540, by Committee on Appropriations (originally sponsored by Representative Thompson):

Making an appropriation to the department of natural resources.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1584, by Committee on Appropriations (originally sponsored by Representative Nelson (G. A.)):

Providing for claims against the state.

Referred to Committee on Ways and Means.

MOTION .

At 11:27 a.m., on motion of Senator Marsh, the Senate recessed until 12:14 p.m.

NOON SESSION

The President called the Senate to order at 12:14 p.m.

MOTION

At 12:15 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Friday, February 22, 1980.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTIETH DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, February 22, 1980.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Gould, Matson, Morrison, Ridder and Sellar. On motion of Senator Jones, Senators Benitz, Gould, Matson, Morrison and Sellar were excused. On motion of Senator Wilson, Senators Ridder was excused.

The Color Guard, consisting of Pages Candi Snyder and Mike dePinna, presented the Colors. Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"WE BRING YOU SPECIAL THANKS AND PRAISE TODAY, DEAR FATHER, THAT YOU HAVE HELPED US THROUGH ANOTHER WEEK, THROUGH ITS POSITIVE ACCOMPLISHMENTS AS WELL AS THROUGH ITS FRUSTRATIONS; THROUGH ITS ECSTASY AS WELL AS ITS AGONY. FROM THE TIME OF CREATION, YOU HAVE INVESTED US HUMAN CREATURES WITH AN AWESOME AMOUNT OF RESPONSIBILITY. BECAUSE YOU DO HOLD US ACCOUNTABLE FOR THE WAY WE USE OUR TIME AND OUR POTENTIAL FOR SERVICE, PLEASE HELP US HONESTLY AND PERCEPTIVELY TO REVIEW WHAT WE HAVE AND HAVE NOT ACCOMPLISHED THIS PAST WEEK: THEN HELP US WITH WISDOM AND CLEAR HEADS TO PREVIEW THAT WHICH STILL NEEDS TO BE DONE THIS SESSION. RAISE THE LEVEL OF OUR AWARENESS, BOTH OF OUR LIMITATIONS AND OUR CAPABILITIES SO WE MAY PLAN AND IMPLEMENT LEGISLATION THAT WILL TRULY BE A CREDIT TO YOUR NAME AND OF OPTIMUM BENEFIT TO THE PEOPLE WE REPRESENT AND SERVE. WE DIRECT OUR PRAISE, THANKS AND PETITIONS TO YOU IN THE NAME OF JESUS. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

SENATE BILL NO. 3519, relating to state government (reported by Committee on Constitutions and Elections):

Recommendation: That Substitute Senate Bill No. 3519 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Marsh, Peterson, Pullen, Ridder.

Passed to Committee on Rules for second reading.

February 20, 1980.

SENATE BILL NO. 3589, establishing a hydroelectric policy task force (reported by Committee on Energy and Utilities):

Recommendation: That Substitute Senate Bill No. 3589 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hayner, Hurley, Lewis, Lysen, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

February 20, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 894, regulating sources and uses of radiation (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Hurley, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 22, 1980.

SUBSTITUTE HOUSE BILL NO. 1988, regulating movement of mobile homes and renewal of rental agreements (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hurley, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 21, 1980.

KAZUO WATANABE, to the position of Member of the Washington State Liquor Board, appointed by the Governor on June 6, 1979 for the term ending January 15, 1988, succeeding Don Eldridge (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, McDermott, Wanamaker.

Passed to Committee on Rules.

February 21, 1980.

TERRENCE E. WOLD, to the position of Executive Director of the Data Processing Authority, elected by the Data Processing Authority at its meeting held Wednesday, January 16, 1980, succeeding Clinton De Gabrielle (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, McDermott, Wanamaker.

Passed to Committee on Rules.

February 21, 1980.

JAMES B. HOVIS, to the position of Member of the Washington Horse Racing Commission, appointed by the Governor on February 7, 1980 for the term ending January 14, 1985, succeeding Gary L. Jackson (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, McDermott, Wanamaker.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 20, 1980.

Mr. President: The Speakers have signed:

HOUSE BILL NO. 277,

SUBSTITUTE HOUSE BILL NO. 1016,

SECOND SUBSTITUTE HOUSE BILL NO. 1141,
 SUBSTITUTE HOUSE BILL NO. 1210,
 HOUSE BILL NO. 1371,
 SUBSTITUTE HOUSE BILL NO. 1416,
 HOUSE BILL NO. 1434,
 HOUSE BILL NO. 1435,
 SUBSTITUTE HOUSE BILL NO. 1511,
 HOUSE BILL NO. 1555,
 SUBSTITUTE HOUSE BILL NO. 1575,
 HOUSE BILL NO. 1585,
 HOUSE BILL NO. 1586,
 HOUSE BILL NO. 1829,
 SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 29, and the
 same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

February 20, 1980.

Mr. President: The Speakers have signed:
 SECOND SUBSTITUTE SENATE BILL NO. 2748,
 SUBSTITUTE SENATE BILL NO. 3140,
 SENATE BILL NO. 3235,
 SENATE BILL NO. 3245,
 SENATE BILL NO. 3253,
 SENATE BILL NO. 3404,
 SUBSTITUTE SENATE BILL NO. 3405,
 SUBSTITUTE SENATE BILL NO. 3611,
 SENATE JOINT RESOLUTION NO. 132, and the same are herewith
 transmitted.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

February 21, 1980.

Mr. President: The House has concurred in the Senate amendment to HOUSE
 BILL NO. 762 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

February 21, 1980.

Mr. President: The House has concurred in the Senate amendments to SUB-
 STITUTE HOUSE BILL NO. 799 and has passed the bill as amended by the
 Senate.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

February 21, 1980.

Mr. President: The House has concurred in the Senate amendments to SUB-
 STITUTE HOUSE BILL NO. 551 and has passed the bill as amended by the
 Senate.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

February 21, 1980.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1457 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 21, 1980.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1454 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 21, 1980.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 427 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 21, 1980.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 1432 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 277,

SUBSTITUTE HOUSE BILL NO. 1016,

SECOND SUBSTITUTE HOUSE BILL NO. 1141,

SUBSTITUTE HOUSE BILL NO. 1210,

HOUSE BILL NO. 1371,

SUBSTITUTE HOUSE BILL NO. 1416,

HOUSE BILL NO. 1434,

HOUSE BILL NO. 1435,

SUBSTITUTE HOUSE BILL NO. 1511,

HOUSE BILL NO. 1555,

SUBSTITUTE HOUSE BILL NO. 1575,

HOUSE BILL NO. 1585,

HOUSE BILL NO. 1586,

HOUSE BILL NO. 1829,

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 29.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 2381,

SUBSTITUTE SENATE BILL NO. 3226,

SENATE BILL NO. 3280.

MESSAGE FROM THE HOUSE

February 18, 1980.

Mr. President: The House has passed REENGROSSED SENATE BILL NO. 2204 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 1, chapter 58, Laws of 1973 1st ex. sess. and RCW 77.32.230 are each amended to read as follows:

(1) Any (~~bona fide resident of this state who is a veteran of the Spanish-American War, or any~~) person (~~sixty-five or more years of age~~) who is an honorably discharged veteran of the United States military or naval forces having a veteran's administration service-connected disability rating of fifty percent or more and who has been a resident of this state for (~~five~~) one year(s), upon the making of an affidavit to such effect, shall be given a state hunting and fishing license free of charge upon application therefor: PROVIDED, That the applicant pays the statutory agent's fee for such license.

(2) Any person who is blind and has been a resident of this state for one year, upon making an affidavit to such effect, shall be issued a fishing license free of charge except for the statutory agent's fee. Such license shall be renewable annually under the same conditions.

Any separate tags or punch cards which may be required by law shall not be deemed to be included with the free fishing license and must be purchased separately by any person receiving a license pursuant to this section.

NEW SECTION. Sec. 2. There is added to chapter 77.12 RCW a new section to read as follows:

It is the intent of the legislature that the biennial state operating budget shall include an appropriation of state general fund moneys sufficient to reimburse the state game fund for revenues lost as a result of hunting and fishing licenses issued free of charge under RCW 77.32.010, 77.32.032, and 77.32.230."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending section 77.32.230, chapter 36, Laws of 1955 as last amended by section 1, chapter 58, Laws of 1973 1st ex. sess. and RCW 77.32.230; and adding a new section to chapter 77.12 RCW.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Woody, the Senate refused to concur in the House amendments to Reengrossed Senate Bill No. 2204 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 15, 1980.

Mr. President: The House has passed SENATE BILL NO. 2566 with the following amendments:

On page 1, after line 28, insert the following additional section:

"Sec. 2. Section 3, chapter 240, Laws of 1977 ex. sess. and RCW 34.08.020 are each amended to read as follows:

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; and

(6) Juvenile disposition standards adopted pursuant to RCW 13.40.030 as now existing or hereafter amended."

In line 1 of the title, after "Relating to" strike "probation counselors;" and insert "juvenile corrections; amending section 3, chapter 240, Laws of 1977 ex. sess. and RCW 34.08.020;"; and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Shipoch, the Senate refused to concur in the House amendments to Senate Bill No. 2566 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3509 with the following amendments:

On page 1, after the enacting clause, insert the following:

"Section 1. Section 35, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.100 are each amended to read as follows:

Whenever a person's special assessment and/or real property tax obligation is deferred under the provisions of this chapter, it shall become a lien in favor of the state upon his property and shall have priority as provided in chapters 35.50 and 84.60 RCW: PROVIDED, That the interest of a mortgage or purchase contract holder who is required to cosign a declaration of deferral under RCW 84.38.090, shall have priority to said deferred lien. This lien may accumulate up to eighty percent of the amount of the claimant's equity value in said property and shall bear interest each year at the ~~((rates prescribed for delinquent taxes in RCW 84.56.020 as now or hereafter amended per year))~~ rate of eight percent until said obligation becomes due and payable under RCW 84.38.130.

Sec. 2. Section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020 are each amended to read as follows:

The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. All taxes upon real

and personal property made payable by the provisions of this title shall be due and payable to the treasurer as aforesaid on or before the thirtieth day of April (~~in each year, after which date they shall become delinquent, and interest at the rate of eight percent per annum shall be charged upon such unpaid taxes and upon unpaid personal property taxes from the date of delinquency until paid~~) and shall be deemed delinquent after that date: PROVIDED, That when the total amount of tax on personal property or on any lot, block or tract of real property payable by one person is ten dollars or more, and if one-half of such tax be paid on or before the said thirtieth day of April, ((then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of eight percent per annum shall be charged upon said remainder from the date of delinquency until paid: PROVIDED, FURTHER, That when the total amount of personal property taxes falling due in any year, payable by one person, is ten dollars or more, and if one-half of such taxes be paid on or before said thirtieth day of April then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of eight percent per annum shall be charged upon said remainder from the date of delinquency until paid)) the remainder shall be due and payable on or before the thirty-first day of October following and shall be deemed delinquent after that date.

Delinquent taxes under this section shall be subject to interest at the rate of twelve percent per annum computed on a monthly basis from the date of delinquency until paid. All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations."

On page 1, beginning on line 8, strike everything after the committee amendment and insert the following:

"NEW SECTION. Sec. 3. There is added to chapter 84.36 RCW a new section to read as follows:

The legislature finds that the property tax exemption authorized by Article VII, section 10 of the state Constitution should be made available on the basis of a retired person's ability to pay property taxes. The legislature further finds that the best measure of a retired person's ability to pay taxes is that person's disposable income as defined in RCW 84.36.383(6).

Sec. 4. Section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter 214, Laws of 1979 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:

(1) 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: 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: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the

claim of exemption if the residence is temporarily unoccupied or if the residence is occupied by a spouse and/or a person financially dependent on the claimant for support;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, 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 or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must have been sixty-one 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: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated ~~((;))~~ on the basis of ~~((the))~~ combined disposable income, ~~((from all sources whatsoever, of the person claiming the exemption, his or her spouse, and any cotenant occupying the residence for the preceding calendar year))~~ as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person ~~((, his or her spouse, and any cotenant occupying the residence))~~ shall be calculated by multiplying the average monthly combined disposable income of such person ~~((, his or her spouse, and any cotenant occupying the residence))~~ during the months such person was retired by twelve. ~~((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. 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.))~~

(5) (a) A person who otherwise qualifies under this section and ~~((is within the income range))~~ has a combined disposable income of ((eleven)) fourteen thousand dollars or less shall be exempt from all excess property taxes; and in addition

(b) A person who otherwise qualifies under this section and ~~((is within the income range))~~ has a combined disposable income of ((seven)) ten thousand dollars or less shall be exempt from all regular property taxes on up to fifteen thousand dollars of valuation of his or her residence.

~~((6) For the purposes of this section, cotenants mean two or more individuals who reside together, who jointly own the residence, and who otherwise meet the requirements of this section.))~~

Sec. 5. Section 2, chapter 182, Laws of 1974 ex. sess. as last amended by section 2, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.383 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a

single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04.090 or 84.40.250, such a residence shall be deemed real property.

(2) The term "real property" except for the purposes of chapters 84.56 and 84.60 RCW, shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities.

(3) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) "Department" shall mean the state department of revenue.

(5) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the preceding calendar year.

(6) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1980, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits;

(f) Veterans benefits;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(7) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

Sec. 6. Section 4, chapter 182, Laws of 1974 ex. sess. as amended by section 16, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.387 are each amended to read as follows:

(1) All claims for exemption shall be made and signed by the person entitled to the exemption, by his or her attorney in fact or in the event the residence of such person is under mortgage or purchase contract requiring accumulation of reserves out of which the holder of the mortgage or contract is required to pay real estate taxes, by such holder or by the owner, either before two witnesses or the county assessor or his deputy in the county where the real property is located: PROVIDED, That if a claim for exemption is made by a person living in a cooperative housing association, corporation, or partnership, such claim shall be made and signed by the person entitled to the exemption and by the authorized agent of such cooperative.

(2) If the taxpayer is unable to submit his own claim, the claim shall be submitted by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such taxpayer.

(3) Any person signing a false claim with the intent to defraud or evade the payment of any tax shall be guilty of the offense of perjury.

(4) The tax liability of a cooperative housing association, corporation, or partnership shall be reduced by the amount of tax exemption to which a claimant residing therein is entitled and such cooperative shall reduce any amount owed by the claimant to the cooperative by such exact amount of tax exemption or, if no amount be owed, the cooperative shall make payment to the claimant of such exact amount of exemption.

(5) A remainderman or other person who would have otherwise paid the tax on real property that is the subject of an exemption granted under RCW 84.36.381 for an estate for life shall reduce the amount which would have been payable by the life tenant to the remainderman or other person to the extent of the exemption. If no amount is owed or separately stated as an obligation between these persons, the remainderman or other person shall make payment to the life tenant in the exact amount of the exemption.

NEW SECTION. Sec. 7. Except for the amendment to RCW 84.36.381(2) by this 1980 act, sections 3 through 5 of this 1980 act are effective for property taxes due in 1982 and thereafter."

On page 1, on line 4 of the title, strike "and" and on line 6 of the title, after "84.36.387" insert "; amending section 2, chapter 182, Laws of 1974 ex. sess. as last amended by section 2, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.383; adding a new section to chapter 84.36 RCW; and creating a new section"

On page 1, on line 1 of the title, after "property" strike "tax relief;" and insert "taxation; amending section 35, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.100; amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020;" and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Donohue, the Senate refused to concur in the House amendments to Senate Bill No. 3509 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3558 with the following amendment:

On page 1, line 12, after "member" insert "herring", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendment to Substitute Senate Bill No. 3558.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3558, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Benitz, Gould, Matson, Morrison, Ridder, Sellar—6.

SUBSTITUTE SENATE BILL NO. 3558, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3422 with the following amendment:

On page 1, line 20 after "cargo" and before the period insert ": PROVIDED, That nothing contained herein shall authorize a port district to engage in the transportation of commodities by motor vehicle for compensation outside the boundaries of the port district", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Henry moved the Senate do concur in the House amendment to Engrossed Senate Bill No. 3422.

REMARKS BY SENATOR HENRY

Senator Henry: "They have simply added the word 'trucking' to the other things that they did not want the port district to get into; and while I am on this subject, Senator Morrison expressed some concern about . . . wanted a question for the record and for the record, there is no intent in this bill that any port district shall enter into competition with any private firm that is in operation."

POINT OF INQUIRY

Senator Quigg: "Senator Henry, Senator Benitz asked me to check with you and see whether or not this bill covered only that portion of the Columbia river bordered by the states of Oregon and Washington."

Senator Henry: "That is correct, and there is a private operator, I understand, somewhere up in the Umatilla pool, but there is no intent on that . . . to them to be usurped by a port district. That is for the record."

Senator Quigg: "Thank you."

The motion by Senator Henry carried.

The Senate concurred in the House amendment to Engrossed Senate Bill No. 3422.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3422, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senator Lysen—1.

Excused: Senators Benitz, Gould, Matson, Morrison, Ridder, Sellar—6.

ENGROSSED SENATE BILL NO. 3422, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 18, 1980.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3593 with the following amendments:

On page 2, line 4, after "all" insert "unreserved unappropriated public"

On page 2, beginning on line 11 after "(c)" strike all material down to and including "tribes" on line 16 and insert "Within the boundaries of:

- (i) national parks;
- (ii) national forests;
- (iii) national monuments;
- (iv) national wildlife and migratory bird sanctuaries established prior to October 16, 1978; and

(v) military reservations; (d) Which are essential to the operation, maintenance, and access to:

(i) United States Corps of Engineers, and United States Bureau of Reclamation projects;

(ii) designated United States highways;

(iii) shipyards, docks, security and defense establishments, magazines, and arsenals;

(e) On which buildings are sited to house operations of the United States Government; or

(f) Owned or controlled by Indian Reservations"

On page 3, line 9, after "fund" insert ": PROVIDED, That the department shall deposit with each affected county in which lands are transferred an amount in equal proportion to revenues now or would have been received by the county from revenue sharing programs established on those federal lands: PROVIDED FURTHER, That such revenue shall be no less than twenty-five percent of the gross revenues earned by the state on such transferred lands", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Henry, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3593.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3593, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Moore, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senator McDermott—1.

Excused: Senators Benitz, Gould, Matson, Morrison, Ridder, Sellar—6.

ENGROSSED SENATE BILL NO. 3593, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3565 with the following amendments:

In line 1 of the title, after "motor vehicles;" insert "amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 122, chapter 158, Laws of 1979 and RCW 46.01.140;"

On page 2, after section 1, insert the following additional section:

"Sec. 2. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 122, chapter 158, Laws of 1979 and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, certificates of ownership, registration, or the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor, or other agent a fee of one dollar for each application in addition to any other fees required by law, which fee of one dollar, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: PROVIDED, That an agent of the county auditor is entitled to an additional service charge of one dollar and fifty cents: PROVIDED FURTHER, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Henry, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3565.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3565, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge,

Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Gould, Matson, Morrison, Sellar—5.

ENGROSSED SENATE BILL NO. 3565, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3130 with the following amendments:

In line 1 of the title strike "and" and in line 3 of the title after "28A.02.110" and before the period insert ": and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW"

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 303, Laws of 1977 ex. sess. and RCW 28A.02-.110 are each amended to read as follows:

Notwithstanding any other provision of law, school districts, educational service districts, or any other state or local governmental agency concerned with education, when declaring texts and other books, equipment, ((instructional)) materials or relocatable facilities as surplus, shall, prior to other disposal thereof, serve notice in writing to the office of the state superintendent of public instruction which shall then in turn notify any public school or any private school, which has received approval under RCW 28A.02.201, as now or hereafter amended, in Washington state annually requesting such a notice, that the same is available for sale, rent, or lease to public or private schools, at depreciated cost or fair market value, whichever is greater: PROVIDED, That students wishing to purchase texts pursuant to RCW 28A.58.103(2) shall have priority as to such texts. Such districts or agencies shall not publicize the sale, rent, or lease of such surplus property to any person, firm, organization, or nongovernmental agency for at least thirty days following the date notification is mailed by the superintendent of public instruction. Nothing in this section shall be interpreted to create for any party a right of first refusal in the purchase or lease of equipment or facilities covered by this section.

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 board of directors of any school district in the state wishing to sell, lease or rent any real property belonging to the district shall, at least thirty days prior to entering into an agreement for the sale, lease, or rental to any person, firm, organization, or nongovernmental agency, serve notice in writing to any private school which has received approval under RCW 28A.02.201, as now or hereafter amended, and any public school, annually requesting such notice, that the real property is available for sale, lease or rental, in accordance with the policy and procedures adopted by the district pursuant to section 3 of this amendatory act. Nothing in this section shall be interpreted to create for any party a right of first refusal in the purchase, lease or rental of any real property covered by this section.

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:

Every school district board of directors shall, within six months of the effective date of this amendatory act, adopt a written policy with respect to the disposal of its surplus real property, and further, shall adopt a written procedure by which any party interested in the purchase, lease, or rental of the surplus property may indicate its interest and submit its proposal or bid for such property. The written procedures shall include the following: (1) A time limit within which proposals or bids shall be accepted; (2) the manner in which proposals or bids are received and acted upon; (3)

the name of the specific officer or employee of the district responsible for coordinating the disposal of the property. All real property transactions shall be conducted in accordance with such policies and procedures, and in accordance with RCW 28A-.58.045.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTIONS

On motion of Senator Jones, Senator Gallagher was excused.

On motion of Senator McDermott, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3130 with the exception of the House amendment to new section 3 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 15, 1980.

Mr. President: The House has passed **SUBSTITUTE SENATE BILL NO. 3184** with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 36.34 RCW a new section to read as follows:

A county may sell lands by direct negotiation without going through public auction when the lands were, prior to acquisition by the county, a national forest townsite under the jurisdiction of the United States department of agriculture.

NEW SECTION. Sec. 2. There is added to chapter 82.20 RCW a new section to read as follows:

The tax provided for in RCW 82.20.010 shall not apply to a conveyance of a national forest townsite under the jurisdiction of the United States department of agriculture to a county nor to a conveyance by a county of lands by direct negotiation when the lands were, prior to acquisition by the county, a national forest townsite under the jurisdiction of the United States department of agriculture.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act shall expire on January 1, 1984."

On page 1, line 1 of the title after "to" strike the remainder of the title and insert "the disposal of county lands; adding a new section to chapter 36.34 RCW; adding a new section to chapter 82.20 RCW; and providing an expiration date.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Substitute Senate Bill No. 3184.

MOTION

On motion of Senator Wilson, Senators Donohue, Odegaard and Rasmussen were excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3184, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; excused, 9.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Peterson, Quigg, Ridder, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—39.

Voting nay: Senator Pullen—1.

Excused: Senators Benitz, Donohue, Gallagher, Gould, Matson, Morrison, Odegaard, Rasmussen, Sellar—9.

SUBSTITUTE SENATE BILL NO. 3184, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 15, 1980.

Mr. President: The House has passed SENATE BILL NO. 3211 with the following amendments:

On page 1, beginning on line 19, strike ") three thousand (~~(two hundred)~~)" and insert "~~thousand two~~) twenty-four hundred"

On page 2, line 18, strike "~~hundred~~) three thousand" and insert ") twenty-four hundred", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Senate Bill No. 3211.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3211, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Peterson, Pullen, Quigg, Ridder, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—40.

Excused: Senators Benitz, Donohue, Gallagher, Gould, Matson, Morrison, Odegaard, Rasmussen, Sellar—9.

SENATE BILL NO. 3211, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 15, 1980.

Mr. President: The House has passed SENATE BILL NO. 3214 with the following amendments:

After the enacting clause insert a section as follows:

"Section 1. Section 36.80.010, chapter 4, Laws of 1963 as amended by section 6, chapter 182, Laws of 1969 ex. sess. and RCW 36.80.010 are each amended to read as follows:

The board shall employ a full time county road engineer residing in the county: **PROVIDED**, That in eighth and ninth class counties it may employ a county engineer on a part-time basis who need not be a resident of such county, or may contract with other counties for the engineering services of a county road engineer from such other counties: **PROVIDED FURTHER**, That any eighth or ninth class county which is reclassified in class because of an increase in population shall retain the right to employ their existing part-time county engineer or contract with other counties for engineering services."

Renumber remaining sections consecutively

In the title, page 1, line 1, after "bridges;" insert "amending section 36.80.010, chapter 4, Laws of 1963 as amended by section 6, chapter 182, Laws of 1969 ex. sess. and RCW 36.80.010;" , and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Wilson, the Senate concurred in the House amendments to Senate Bill No. 3214.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3214, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—40.

Excused: Senators Benitz, Donohue, Gallagher, Gould, Matson, Morrison, Odegaard, Rasmussen, Sellar—9.

SENATE BILL NO. 3214, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3220 with the following amendment:

On page 1, line 27, after "is" strike everything through "less" on line 28 and insert "equal to or less than the maximum allowed under RCW 4.84.250" and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Engrossed Senate Bill No. 3220.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3220, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senator Rasmussen—1.

Excused: Senators Benitz, Gould, Matson, Sellar—4.

ENGROSSED SENATE BILL NO. 3220, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3224 with the following amendments:

On page 1, line 12, beginning with ":", strike all material down to and including "board" on line 16.

On page 1, line 25, after "except that" insert "(1)"

On page 1, line 28, after "year" insert "; (2) the terms of incumbent board members may be shortened or extended by the board if the board, in order to provide for a more convenient election date, makes a substantial change in the date for elections and if the board obtains the prior approval of the state noxious weed control board for the changes in election dates and in the terms of incumbent board members", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTIONS

On motion of Senator Wilson, Senator Ridder was excused.

Senator Hansen moved the Senate concur in the House amendments to Substitute Senate Bill No. 3224.

POINT OF INQUIRY

Senator Odegaard: "Senator Hansen, on the bill when it originally passed here, I had expressed some concern as you might recall. What is your intention of how long a time could the terms be shortened or extended, how long do you envision that to be, possibly?"

Senator Hansen: "In this case, it would be changed from August to January, January or February when they are holding their farm meetings; so it could not be over six months one way or the other. So a director could not be in, shorten his term over six months or could not lengthen it over six months."

Senator Odegaard: "Okay now, Senator Hansen. In the bill that passed we allowed election of a board member to be in another part of the county, as I recall, rather than in the particular district of the board member. If you get a very long county like the county I live in and then you allow the election to be in the wintertime where we might have bad weather, could not that present some problem of actually causing less people to turn out to vote than what the original bill was trying, the purpose was trying to accomplish?"

Senator Hansen: "This is not mandatory. They can hold their elections in their different areas, but in this case where they are having farm meetings at this time of the year, it was felt that allowing them to vote outside of the jurisdiction instead of somebody's home in each particular district where the member lives, they felt it was better if they could hold it at this central place such as the grange hall at a meeting and vote independently for their districts. I think any place that they do not choose to do this, can continue exactly the way it is. This is just permissive legislation."

The motion by Senator Hansen carried.

The Senate concurred in the House amendments to Substitute Senate Bill No. 3224.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3224, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegard, Peterson, Pullen, Quigg, Rasmussen, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Gould, Matson, Ridder, Sellar—5.

SUBSTITUTE SENATE BILL NO. 3224, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 15, 1980.

Mr. President: The House has passed SENATE BILL NO. 3236 with the following amendments:

On page 3, after line 13, insert the following additional section:

"Sec. 2. Section 68, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.600 are each amended to read as follows:

(1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

(2) The most recent driver of a motor vehicle which the driver has left standing unattended, who learns that the vehicle has become set in motion and has struck another vehicle or property, or has caused injury to any person, shall comply with the requirements of:

(a) RCW 46.52.010 if his vehicle strikes an unattended vehicle or property adjacent to a public highway; or

(b) RCW 46.52.020 if his vehicle causes damage to an attended vehicle or other property or injury to any person.

(3) Any person failing to comply with subsection (2)(b) of this section shall be subject to the sanctions set forth in RCW 46.52.020."

Reumber the section following consecutively.

In line 4 of the title, after "46.52.020;" insert "amending section 68, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.600;" and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Senate Bill No. 3236.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3236, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Gould, Matson, Ridder, Sellar—5.

SENATE BILL NO. 3236, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 15, 1980.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3241 with the following amendment:

On page 1, line 20, after "If" strike "an" and insert "a public" and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Engrossed Senate Bill No. 3241.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3241, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Gould, Matson, Sellar—4.

ENGROSSED SENATE BILL NO. 3241, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL REGARDING SB 3241

SECRETARY OF THE SENATE—SID SNYDER:

I was in the wings of the Senate discussing the Nuclear Inspection Bill 3285 and inadvertently voted for Senate Bill 3241.

Please note for the record I meant to vote against this measure even though it passed overwhelmingly.

Signed: SENATOR KING LYSEN

MESSAGE FROM THE HOUSE

February 18, 1980.

Mr. President: The House has passed SENATE BILL NO. 3244 with the following amendments:

On page 1, line 1 of the title, after "employment;" insert "adding new sections to chapter 41.04 RCW;"

On page 3, after line 33, insert the following:

NEW SECTION. Sec. 2. Commencing January 1, 1981, no employer may employ a person as a law enforcement officer or fire fighter until that person has met and has been certified as having met minimum medical and health standards adopted under section 3 of this act: PROVIDED, That a sheriff, chief of police, or fire chief shall not be required to meet whatever age standard may be adopted under section 3 of this act. The terms "employer," "law enforcement officer," and "fire fighter," as used in this section and section 3 of this act, have the same meanings as prescribed in chapter 41.26 RCW.

NEW SECTION. Sec. 3. By January 1, 1981, each employer shall adopt minimum medical and health standards for the employment of law enforcement officers and fire fighters. In adopting the standards, the employer shall consider the standards codified in WAC 415-104-510 through 415-104-755 as they existed on June 30, 1979, and shall adopt and maintain equal or higher standards. The employer shall also adopt and maintain procedures to insure compliance with this section, including procedures for certifying that individuals have met the required standards and for appropriate publication of the standards, procedures, and any amendments. The standards and procedures shall be adopted by each employer through the employer's civil service commission, where applicable, or by ordinance or resolution of the employer's governing body in all other cases. The standards, when adopted, constitute bona fide occupational qualifications for the purposes of chapter 49.60 RCW.

The cost of any medical examinations necessitated by this section or by standards adopted under this section shall be paid by the employer.

NEW SECTION. Sec. 4. Sections 2 and 3 of this act are each added to chapter 41.04 RCW.

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.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTIONS

Senator Shinpoch moved the Senate refuse to concur in the House amendments to Senate Bill No. 3244 and ask the House to recede therefrom.

On motion of Senator Walgren, the House Message on Senate Bill No. 3244, together with the pending motion by Senator Shinpoch, was ordered held on the concurrence calendar for later consideration.

claim of exemption if the residence is temporarily unoccupied or if the residence
is February 19, 1980.

Mr. President: The House has passed **SUBSTITUTE SENATE BILL NO. 3256** with the following amendments:

On page 3, line 24, after "sales;" strike "and (2)" and insert "(2) fresh net caught food fish to the extent provided under an interstate agreement entered into under section 13 of this act; and (3)"

On page 7, after line 9, insert a new section to read as follows:

"NEW SECTION. Sec. 13. The governor of Washington state is hereby authorized to enter into an agreement with other states having fish enhancement programs comparable to the programs existing in Washington state, which agreement shall provide for reciprocity in taxation of fresh net caught food fish shipped into the signatory states from other signatory states. This section shall expire on the one hundred eightieth day after the effective date of this act, if by such date Washington state has not entered into an agreement as authorized under this act with at least one other state.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Gallagher, the Senate concurred in the House amendments to Substitute Senate Bill No. 3256.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3256, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Gould, Matson, Sellar—4.

SUBSTITUTE SENATE BILL NO. 3256, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 18, 1980.

Mr. President: The House has passed **ENGROSSED SENATE BILL NO. 3282** with the following amendments:

On page 1, line 1 of the title, after "corporations;" strike the remainder of the title and insert "amending section 2, chapter 58, Laws of 1969 ex. sess. as amended by section 4, chapter 16, Laws of 1979 and RCW 23A.08.025; amending section 36, chapter 53, Laws of 1965 and RCW 23A.08.330; amending section 37, chapter 53, Laws of 1965 and RCW 23A.08.340; amending section 43, chapter 53, Laws of 1965 and RCW 23A.08.400; amending section 48, chapter 53, Laws of 1965 as amended by section 24, chapter 16, Laws of 1979 and RCW 23A.08.450; amending section 51, chapter 53, Laws of 1965 as last amended by section 3, chapter 193, Laws of 1977 ex. sess. and RCW 23A.08.480; amending section 108, chapter 53, Laws of 1965 and RCW 23A.28.250; amending section 124, chapter 53, Laws of

1965 and RCW 23A.32.160; amending section 135, chapter 53, Laws of 1965 as last amended by section 3, chapter 133, Laws of 1971 ex. sess. and RCW 23A.40.020; amending section 140, chapter 53, Laws of 1965 as amended by section 3, chapter 92, Laws of 1969 ex. sess. and RCW 23A.40.070; adding new sections to chapter 23A.08 RCW; adding a new section to chapter 23A.28 RCW; adding a new section to chapter 23A.40 RCW; repealing section 4, chapter 92, Laws of 1969 ex. sess., section 1, chapter 142, Laws of 1971 ex. sess., section 1, chapter 36, Laws of 1975 1st ex. sess. section 57, chapter 16, Laws of 1979 and RCW 23A.40.075; and providing an effective date."

Strike everything after the enacting clause and insert the following:

"Section 1. Section 2, chapter 58, Laws of 1969 ex. sess. as amended by section 4, chapter 16, Laws of 1979 and RCW 23A.08.025 are each amended to read as follows:

~~((For the purposes of this section, "agent" includes any person who is or was a director, trustee, officer, employee, or other agent of the corporation or is or was serving at the request of the corporation as a director, trustee, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, or was a director, trustee, officer, employee, or agent of a corporation which was a predecessor corporation of the corporation or of another enterprise at the request of such predecessor corporation, and "expenses" includes attorneys' fees and any expense of establishing a right to indemnification under subsection (3) of this section.))~~

(1) As used in this section:

(a) "Director" means any person who is or was a director of the corporation and any person who, while a director of the corporation, is or was serving at the request of the corporation as a director, officer, partner, trustee, employee, or agent of another foreign or domestic corporation, partnership, joint venture, trust, other enterprise, or employee benefit plan.

(b) "Corporation" includes any domestic or foreign predecessor entity of the corporation in a merger, consolidation, or other transaction in which the predecessor's existence ceased upon consummation of such transaction.

(c) "Expenses" includes attorneys' fees.

(d) "Official capacity" means: (i) When used with respect to a director, the office of director in the corporation, and (ii) when used with respect to a person other than a director as contemplated in subsection (10) of this section, the elective or appointive office in the corporation held by the officer or the employment or agency relationship undertaken by the employee or agent in behalf of the corporation, but in each case does not include service for any other foreign or domestic corporation or any partnership, joint venture, trust, other enterprise, or employee benefit plan.

(e) "Party" includes a person who was, is, or is threatened to be, made a named defendant or respondent in a proceeding.

(f) "Proceeding" means any threatened, pending, or completed action, suit, or proceeding whether civil, criminal, administrative, or investigative.

(2) A corporation shall have power to indemnify any person ((who was or is a party or is threatened to be)) made a party to any ((threatened, pending or completed action, suit or)) proceeding((; whether civil, criminal, administrative or investigative)) (other than ((an action by or in the right of the corporation)) a proceeding referred to in subsection (3) of this section) by reason of the fact that he is or was ((an agent of the corporation)) a director against ((expenses,)) judgments, penalties, fines ((and amounts paid in)), settlements and reasonable expenses actually ((and reasonably)) incurred by him in connection with such ((action, suit or)) proceeding if ((he acted in good faith and in a manner he reasonably believed to be in or not

opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful):

(a) He conducted himself in good faith, and: (i) In the case of conduct in his own official capacity with the corporation, he reasonably believed his conduct to be in the corporation's best interests, or (ii) in all other cases, he reasonably believed his conduct to be at least not opposed to the corporation's best interests; and

(b) In the case of any criminal proceeding, he had no reasonable cause to believe his conduct was unlawful.

The termination of any ~~((action, suit or))~~ proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself ~~((, create a presumption))~~ be determinative that the person did not ~~((act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful))~~ meet the requisite standard of conduct set forth in this subsection.

~~((2)) (3)~~ A corporation shall have power to indemnify any person ~~((who was or is a party or is threatened to be))~~ made a party to any ~~((threatened, pending or completed action or suit))~~ proceeding by or in the right of the corporation ~~((to procure a judgment in its favor))~~ by reason of the fact that he is or was ~~((an agent of the corporation))~~ a director against reasonable expenses actually ~~((and reasonably))~~ incurred by him in connection with ~~((the defense or settlement of such action or suit))~~ such proceeding if he ~~((acted))~~ conducted himself in good faith, and ~~((in a manner he reasonably believed to be in or not opposed to the best interests of the corporation and except))~~:

(a) In the case of conduct in his official capacity with the corporation, he reasonably believed his conduct to be in its best interests; or

(b) In all other cases, he reasonably believed his conduct to be at least not opposed to its best interests; PROVIDED, That no indemnification shall be made pursuant to this subsection in respect of any ((claim, issue or matter as to)) proceeding in which such person shall have been adjudged to be liable ((for negligence or misconduct in the performance of his duty)) to the corporation ((unless and only to the extent that the court in which such action or suit was brought shall determine upon application, that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

~~(3) To the extent that an agent of a corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsections (1) and (2), or in defense of any claim, issue or matter therein, he shall be indemnified against expenses actually and reasonably incurred by him in connection therewith).~~

(4) ((Any)) A director shall not be indemnified under subsection (2) or (3) of this section in respect of any proceeding charging improper personal benefit to him, whether or not involving action in his official capacity, in which he shall have been adjudged to be liable on the basis that personal benefit was improperly received by him.

(5) Unless otherwise limited by the articles of incorporation:

(a) A director who has been wholly successful, on the merits or otherwise, in the defense of any proceeding referred to in subsection (2) or (3) of this section shall be indemnified against reasonable expenses incurred by him in connection with the proceeding; and

(b) A court of appropriate jurisdiction, upon application of a director and such notice as the court shall require shall have authority to order indemnification in the following circumstances:

(i) If the court determines a director is entitled to reimbursement under (a) of this subsection, the court shall order indemnification, in which case the director shall be entitled to recover the expenses of securing such reimbursement; or

(ii) If the court determines that the director is fairly and reasonably entitled to indemnification in view of all the relevant circumstances, whether or not he has met the standards of conduct set forth in subsection (2) or (3) of this section or has been adjudged liable under subsection (4) of this section, the court may order such indemnification as the court shall deem proper, except that indemnification with respect to any proceeding referred to in subsection (3) of this section and with respect to any proceeding in which liability shall have been adjudged pursuant to subsection (4) of this section shall be limited to expenses.

A court of appropriate jurisdiction may be the same court in which the proceeding involving the director's liability took place.

(6) No indemnification under subsection ~~(s (1) and (2) above (unless ordered by a court))~~ (2) or (3) of this section shall be made by the corporation ~~((only as))~~ unless authorized in the specific case ~~((upon))~~ after a determination that indemnification of the ~~((agent))~~ director is ~~((proper))~~ permissible in the circumstances because he has met the ~~((applicable))~~ standard of conduct set forth in ~~((subsections (1) and (2) above))~~ the applicable subsection. Such determination shall be made ~~((a) by the board of directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding, or (b) if such a quorum is not obtainable, or, even if obtainable a quorum of disinterested directors so directs, by independent legal counsel in a written opinion, or (c) by the shareholders.~~

~~(5)):~~

(a) By the board of directors by a majority vote of a quorum consisting of directors not at the time parties to such proceeding; or

(b) If such a quorum cannot be obtained, then by a majority vote of a committee of the board, duly designated to act in the matter by a majority vote of the full board (in which designation directors who are parties may participate), consisting solely of two or more directors not at the time parties to such proceeding; or

(c) In a written opinion by legal counsel other than an attorney, or a firm having associated with it an attorney, who has been retained by or who has performed services within the past three years for the corporation or any party to be indemnified, selected by the board of directors or a committee thereof by vote as set forth in (a) or (b) of this subsection, or if the requisite quorum of the full board cannot be obtained therefor and such committee cannot be established, by a majority vote of the full board (in which selection directors who are parties may participate); or

(d) By the shareholders.

Authorization of indemnification and determination as to reasonableness of expenses shall be made in the same manner as the determination that indemnification is permissible, except that if the determination that indemnification is permissible is made by such legal counsel, authorization of indemnification and determination as to reasonableness of expenses shall be made in a manner specified in (c) of this subsection for the selection of such counsel. Shares held by directors who are parties to the proceeding shall not be voted on the subject matter under this subsection.

(7) Reasonable expenses incurred ~~((in defending a civil or criminal action suit or))~~ by a director who is party to a proceeding may be paid or reimbursed by the corporation in advance of the final disposition of such ~~((action, suit or))~~ proceeding ~~((as authorized in the manner provided in subsection (4) upon receipt of an undertaking by or on behalf of the agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the corporation as authorized in this section.~~

(6) The indemnification provided by this section shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any bylaw, agreement, vote of shareholders or disinterested directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be an agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

(7)):

(a) After a determination, made in the manner specified by subsection (6) of this section, that the information then known to those making the determination (without undertaking further investigation for purposes thereof) does not establish that indemnification would not be permissible under subsection (2) or (3) of this section; and

(b) Upon receipt by the corporation of:

(i) A written affirmation by the director of his good faith belief that he has met the standard of conduct necessary for indemnification by the corporation as authorized in this section; and

(ii) A written undertaking by or on behalf of the director to repay such amount if it shall ultimately be determined that he has not met such standard of conduct.

The undertaking required by (b)(ii) of this subsection shall be an unlimited general obligation of the director but need not be secured and may be accepted without reference to financial ability to make the repayment. Payments under this subsection may be authorized in the manner specified in subsection (6) of this section.

(8) No provision for the corporation to indemnify a director who is made a party to a proceeding, whether contained in the articles of incorporation, the bylaws, a resolution of shareholders or directors, an agreement, or otherwise (except as contemplated by subsection (11) of this section), shall be valid unless consistent with this section or, to the extent that indemnity hereunder is limited by the articles of incorporation, consistent therewith. Nothing contained in this section shall limit the corporation's ability to reimburse expenses incurred by a director in connection with his appearance as a witness in a proceeding at a time when he has not been made a named defendant or respondent in the proceeding.

(9) For purposes of this section, the corporation shall be deemed to have requested a director to serve an employee benefit plan where the performance by him of his duties to the corporation also imposes duties on, or otherwise involves services by, him to the plan or participants or beneficiaries of the plan; excise taxes assessed on a director with respect to an employee benefit plan pursuant to applicable law shall be deemed "fines"; and action taken or omitted by him with respect to an employee benefit plan in the performance of his duties for a purpose reasonably believed by him to be in the interest of the participants and beneficiaries of the plan shall be deemed to be for a purpose which is not opposed to the best interests of the corporation.

(10) Unless otherwise limited by the articles of incorporation:

(a) An officer of the corporation shall be indemnified as and to the extent provided in subsection (5) of this section for a director and shall be entitled to seek indemnification pursuant to subsection (5) of this section to the same extent as a director;

(b) A corporation shall have the power to provide indemnification including advances of expenses, to an officer, employee, or agent of the corporation to the same extent that it may indemnify directors pursuant to this section except that subsection (12) of this section shall not apply to any person other than a director; and

(c) A corporation, in addition, shall have the power to indemnify an officer who is not a director, as well as employees and agents of the corporation who are not

directors, to such further extent, consistent with law, as may be provided by its articles of incorporation, bylaws, general or specific action of its board of directors, or contract.

(11) A corporation shall have power to purchase and maintain insurance on behalf of any person who is, or was a director, officer, employee, or agent of the corporation or is or was serving at the request of the corporation as an officer, employee or agent of another corporation, partnership, joint venture, trust, other enterprise, or employee benefit plan against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section.

(12) Any indemnification of a director in accordance with this section, including any payment or reimbursement of expenses, shall be reported to the shareholders with the notice of the next shareholders' meeting or prior thereto in a written report containing a brief description of the proceedings involving the director being indemnified and the nature and extent of such indemnification.

NEW SECTION. Sec. 2. There is added to chapter 23A.08 RCW a new section to read as follows:

If the articles of incorporation or bylaws so provide, shareholders may participate in a meeting of the shareholders by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time, and participation by such means shall constitute presence in person at a meeting.

Sec. 3. Section 36, chapter 53, Laws of 1965 and RCW 23A.08.330 are each amended to read as follows:

Any number of shareholders of a corporation may create a voting trust for the purpose of conferring upon a trustee or trustees the right to vote or otherwise represent their shares, for a period of not to exceed ten years, by entering into a written voting trust agreement specifying the terms and conditions of the voting trust, by depositing a counterpart of the agreement with the corporation at its registered office, and by transferring their shares to such trustee or trustees for the purposes of the agreement. The certificates of shares so transferred shall be surrendered and canceled, and new certificates therefor issued to such person or persons, as such trustee or trustees, in which new certificates, it shall appear that they are issued pursuant to said agreement. In the entry of transfer on the books of the corporation it shall also be noted that the transfer is made pursuant to said agreement. The trustee or trustees shall execute and deliver to the transferors voting trust certificates. Such voting trust certificates shall be transferable in the same manner and with the same effect as certificates of stock under the laws of this state.

The counterpart of the voting trust agreement deposited with the corporation shall be subject to the same right of examination by a shareholder of the corporation, in person or by agent or attorney, as are the books and records of the corporation, and shall be subject to examination by any holder of a beneficial interest in the voting trust, either in person or by agent or attorney, at any reasonable time for any proper purpose.

At any time within six months before the expiration of such voting trust agreement as originally fixed or extended under this paragraph, one or more holders of voting trust certificates may, by agreement in writing, extend the duration of such voting trust agreement, nominating the same or substitute trustee or trustees, for an additional period not exceeding ten years. Such extension agreement shall not affect the rights or obligations of persons not parties thereto and shall in every respect comply with and be subject to all the provisions of this title applicable to the original voting trust agreement.

Agreements among shareholders regarding the voting of their shares shall be valid and enforceable in accordance with their terms. Such agreements shall not be subject to the provisions of this section regarding voting trusts.

Sec. 4. Section 37, chapter 53, Laws of 1965 and RCW 23A.08.340 are each amended to read as follows:

~~((The))~~ All corporate powers shall be exercised by or under authority of, and the business and affairs of a corporation shall be managed ((by)) under the direction of, a board of directors((-The powers and duties of the board of directors may be prescribed by the bylaws)) except as may be otherwise provided in this title or the articles of incorporation. If any such provision is made in the articles of incorporation, the powers and duties conferred or imposed upon the board of directors by this title shall be exercised or performed to such extent and by such person or persons as shall be provided in the articles of incorporation. Directors need not be residents of this state or shareholders of the corporation unless the articles of incorporation or bylaws so require. The articles of incorporation or bylaws may prescribe other qualifications for directors. The board of directors shall have authority to fix the compensation of directors unless otherwise provided in the articles of incorporation.

NEW SECTION. Sec. 5. There is added to chapter 23A.08 RCW a new section to read as follows:

A director shall perform the duties of a director, including the duties as a member of any committee of the board upon which the director may serve, in good faith, in a manner such director believes to be in the best interests of the corporation, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

In performing the duties of a director, a director shall be entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, in each case prepared or presented by:

(1) One or more officers or employees of the corporation whom the director believes to be reliable and competent in the matter presented;

(2) Counsel, public accountants, or other persons as to matters which the director believes to be within such person's professional or expert competence; or

(3) A committee of the board upon which the director does not serve, duly designated in accordance with a provision in the articles of incorporation or bylaws, as to matters within its designated authority, which committee the director believes to merit confidence; so long as, in any such case, the director acts in good faith, after reasonable inquiry when the need therefor is indicated by the circumstances and without knowledge that would cause such reliance to be unwarranted.

NEW SECTION. Sec. 6. There is added to chapter 23A.08 RCW a new section to read as follows:

A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

Sec. 7. Section 43, chapter 53, Laws of 1965 and RCW 23A.08.400 are each amended to read as follows:

If the articles of incorporation or the bylaws so provide, the board of directors, by resolution adopted by a majority of the full board of directors, may designate from among its members an executive committee and one or more other committees each of which, to the extent provided in such resolution or in the articles of incorporation or the bylaws of the corporation, shall have and may exercise all the authority

of the board of directors, ~~((but)) except that no such committee shall have the authority ((of the board of directors in reference to amending the articles of incorporation, adopting a plan of merger or consolidation, recommending to the shareholders the sale, lease, exchange or other disposition of all or substantially all the property and assets of the corporation otherwise than in the usual and regular course of its business, recommending to the shareholders a voluntary dissolution of the corporation or a revocation thereof, or amending the bylaws of the corporation. The designation of any such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any member thereof, of any responsibility imposed by law)) to: (1) Declare dividends or distributions, except at a rate or in periodic amount determined by the board of directors, (2) approve or recommend to shareholders actions or proposals required by this title to be approved by shareholders, (3) fill vacancies on the board of directors or any committee thereof, (4) amend the bylaws, (5) authorize or approve the reacquisition of shares unless pursuant to general formula or method specified by the board of directors, (6) fix compensation of any director for serving on the board of directors or on any committee, (7) approve a plan of merger, consolidation, or exchange of shares not requiring shareholder approval, (8) reduce earned or capital surplus, or (9) appoint other committees of the board of directors or the members thereof.~~

Sec. 8. Section 48, chapter 53, Laws of 1965 as amended by section 24, chapter 16, Laws of 1979 and RCW 23A.08.450 are each amended to read as follows:

In addition to any other liabilities imposed by law upon directors of a corporation:

(1) Directors of a corporation who vote for or assent to the declaration of any dividend or other distribution of the assets of a corporation to its shareholders contrary to the provisions of this title or contrary to any restrictions contained in the articles of incorporation, shall be jointly and severally liable to the corporation for the amount of such dividend which is paid or the value of such assets which are distributed in excess of the amount of such dividend or distribution which could have been paid or distributed without a violation of the provisions of this title or the restrictions in the articles of incorporation.

(2) Directors of a corporation who vote for or assent to the purchase of its own shares contrary to the provisions of this title shall be jointly and severally liable to the corporation for the amount of consideration paid for such shares which is in excess of the maximum amount which could have been paid therefor without a violation of the provisions of this title.

(3) The directors of a corporation who vote for or assent to any distribution of assets of a corporation to its shareholders during the liquidation of the corporation without the payment and discharge of, or making adequate provision for, all known debts, obligations, and liabilities of the corporation shall be jointly and severally liable to the corporation for the value of such assets which are distributed, to the extent that such debts, obligations, and liabilities of the corporation are not thereafter paid and discharged.

(4) The directors of a corporation who vote for or assent to the making of a loan to an officer or director of the corporation, or the making of any loan secured by shares of the corporation, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof, unless approved by the shareholders as provided in RCW 23A.08.440.

~~((A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation immediately after~~

~~the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.~~

~~A director shall not be liable under subsections (1), (2), or (3) of this section if he relied and acted in good faith upon financial statements of the corporation represented to him to be correct by the president or the officer of such corporation having charge of its books of account, or stated in a written report by an independent public or certified public accountant or firm of such accountants fairly to reflect the financial condition of such corporation, nor shall he be so liable if in good faith in determining the amount available for any such dividend or distribution he considered the assets to be of their book value.)~~

Any director against whom a claim shall be asserted under or pursuant to this section for the payment of a dividend or other distribution of assets of a corporation and who shall be held liable thereon, shall be entitled to contribution from the shareholders who accepted or received any such dividend or assets, knowing such dividend or distribution to have been made in violation of this title, in proportion to the amounts received by them respectively.

Any director against whom a claim shall be asserted under or pursuant to this section shall be entitled to contribution from the other directors who voted for or assented to the action upon which the claim is asserted.

Sec. 9. Section 51, chapter 53, Laws of 1965 as last amended by section 3, chapter 193, Laws of 1977 ex. sess. and RCW 23A.08.480 are each amended to read as follows:

(1)(a) Every corporation (~~hereafter~~) organized under this title (~~and any foreign corporation authorized to do business in the state of Washington, shall (a) within thirty days after issuance of its certificate of incorporation, or (b) within thirty days of the issuance of its certificate of authority;~~) on or after January 1, 1981, shall file an ((annual)) initial report with the secretary of state containing the information described in subsections (2)(a) through (2)((d)) (e) of this section.

(b) Every foreign corporation authorized to do business in the state of Washington shall, at the time it files its application for a certificate of authority, file an initial report with the secretary of state containing the information described in subsections (2)(a) through (2)(e) of this section.

(2) In addition, every corporation heretofore or hereafter organized under the laws of the territory or state of Washington and (~~any~~) every foreign corporation authorized to do business in Washington shall at the time it is required to pay its annual license fee and at such additional times as it may elect, file with the secretary of state an annual report(~~, sworn to by its president and attested by its secretary;~~) containing, as of the date of execution of the report:

(a) The name of the corporation and the state or country under the laws of which it is incorporated.

(b) The address of the registered office of the corporation in this state including street and number and the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(c) A brief (~~statement~~) description of the ((character of the affairs)) business, if any, which the corporation is ((actually)) conducting, or, in the case of a foreign corporation, which the corporation is ((actually)) conducting in this state.

(d) The address of the principal place of business of the corporation in the state.

(e) The names and respective addresses of the directors and officers of the corporation.

(3) ((The secretary of state shall file such annual report in his office for the fee of two dollars.)) Every report required by this section shall be executed by an officer or director on behalf of the corporation except that the initial report of a domestic

corporation may be executed by an incorporator. If the secretary of state finds that the annual report substantially conforms to law, he shall, when all the fees have been paid as in this title described, file the same.

~~((4) If any corporation shall fail to ((comply with the foregoing provisions of)) file a report required by this section ((and more than one year shall have elapsed from the date of the filing of the last report)),~~ service of process against such corporation may be made by serving duplicate copies upon the secretary of state. Upon such service being made, the secretary of state shall forthwith mail one of such duplicate copies of such process to such corporation at its registered office or its last known address, as shown by the records of his office.

~~((4) For every violation of))~~ (5) If any corporation shall fail to file a report required by this section there shall become due and owing to the state of Washington the sum of ((five)) twenty-five dollars if the required report is filed on or before the first of September in the year in which the report is required, or one hundred dollars if the report is not filed on or before that date, which sum shall be ((collected by)) paid to the secretary of state.

NEW SECTION. Sec. 10. There is added to chapter 23A.28 RCW a new section to read as follows:

(1) If a domestic corporation fails for a period of three consecutive years either to pay the annual license fee required by RCW 23A.40.060, or to file the annual report required by RCW 23A.08.480, it shall be dissolved and cease to exist on the second anniversary of the date of its first failure either to file an annual report or to pay an annual license fee. The secretary of state shall remove the names of all corporations so dissolved from the list of active corporations.

(2) Prior to such dissolution the corporation's existence will not be affected nor will any of its rights, duties and obligations be impaired, except as otherwise provided in RCW 23A.44.120.

Sec. 11. Section 108, chapter 53, Laws of 1965 and RCW 23A.28.250 are each amended to read as follows:

The dissolution of a corporation either (1) by the issuance of a certificate of dissolution by the secretary of state, or (2) by a decree of court ~~((when the court has not liquidated the assets and business of the corporation as provided in this title)),~~ or (3) by expiration of its period of duration, or (4) by reason of its failure for three consecutive years to pay its annual license fee and file its annual report as provided in section 10 of this 1980 act, shall not take away or impair any remedy available to or against such corporation, its directors, officers, or shareholders, for any right or claim existing, or any liability incurred, prior to such dissolution if action or other proceeding thereon is commenced within two years after the date of such dissolution. The directors of any such corporation shall hold title to the property of the corporation as trustees for the benefit of its creditors and shareholders. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name. The shareholders, directors and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right or claim. If such corporation was dissolved by the expiration of its period of duration, such corporation may amend its articles of incorporation at any time during such period of two years so as to extend its period of duration.

Sec. 12. Section 124, chapter 53, Laws of 1965 and RCW 23A.32.160 are each amended to read as follows:

(1) The certificate of authority of a foreign corporation to transact business in this state may be revoked by the secretary of state upon the conditions prescribed in this section when:

(a) The corporation has failed to pay any fees, or penalties prescribed by this title when they have become due and payable; or

(b) The corporation has failed to file any annual report prescribed by this title;
or

(c) The corporation has failed to appoint and maintain a registered agent in this state as required by this title; or

~~((c))~~ (d) The corporation has failed, after change of its registered office or registered agent, to file in the office of the secretary of state a statement of such change as required by this title; or

~~((d))~~ (e) The corporation has failed to file in the office of the secretary of state any amendment to its articles of incorporation or any articles of merger within the time prescribed by this title; or

~~((e))~~ (f) A misrepresentation has been made of any material matter in any application, report, affidavit or other document submitted by such corporation pursuant to this title.

(2) Not less than thirty nor more than ninety days prior to July 1 of each year the secretary of state shall mail to each foreign corporation qualified to do business in this state, at its registered office within the state, by first class mail, a notice that its annual license fee must be paid and its annual report must be filed as required by this title, and stating that if it shall fail to pay its annual license fee or to file its annual report its certificate of authority to transact business within this state may be revoked. Failure of the secretary of state to mail any such notice shall not relieve a corporation from its obligations to pay the annual license fees and to file the annual reports required by this title.

(3) No certificate of authority of a foreign corporation shall be revoked by the secretary of state unless (a) he shall have given the corporation not less than sixty days notice thereof by mail addressed to its registered office in this state, and (b) the corporation shall fail prior to revocation to pay such fees or penalties, or file the required statement of change of registered agent or registered office, or file such articles of amendment or articles of merger, or correct such misrepresentation.

Sec. 13. Section 135, chapter 53, Laws of 1965 as last amended by section 3, chapter 133, Laws of 1971 ex. sess. and RCW 23A.40.020 are each amended to read as follows:

The secretary of state shall charge and collect for:

(1) Filing articles of amendment and issuing a certificate of amendment, ten dollars;

(2) Filing restated articles of incorporation, ten dollars;

(3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, fifteen dollars;

(4) Filing an application to reserve a corporate name, ten dollars;

(5) Filing a notice of transfer of a reserved corporate name, five dollars;

(6) Filing a statement of change of address of registered office, revocation, resignation, change of registered agent, or any combination, of these, two dollars;

(7) Filing a statement of the establishment of a series of shares, ten dollars;

(8) Filing a statement of cancellation of shares, ten dollars;

(9) Filing a statement of reduction of stated capital, ten dollars;

(10) Filing a statement of intent to dissolve, five dollars;

(11) Filing a statement of revocation of voluntary dissolution proceedings, five dollars;

(12) Filing articles of dissolution, five dollars;

(13) Filing a certificate by a foreign corporation of the appointment of an agent residing in this state, or a certificate of the revocation of the appointment of such registered agent, or filing a notice of resignation by a registered agent, two dollars;

(14) Filing an application of a foreign corporation for a certificate of authority to transact business in this state and issuing a certificate of authority, five dollars;

(15) Filing an application of a foreign corporation for an amended certificate of authority to transact business in this state and issuing an amended certificate of authority, five dollars;

(16) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this state, ten dollars;

(17) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this state, fifteen dollars;

(18) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, five dollars;

(19) Filing an annual report, five dollars;

(20) Filing any other statement or report, five dollars;

~~((20))~~ (21) Such other filings as are provided by this title.

NEW SECTION. Sec. 14. There is added to chapter 23A.40 RCW a new section to read as follows:

Not less than thirty nor more than ninety days prior to July 1st of each year the secretary of state shall mail to each domestic corporation, at its registered office within the state, by first class mail, a notice that its annual license fee must be paid and its annual report must be filed as required by this title, and stating that if any domestic corporation shall fail for three consecutive years to pay its annual license fee or to file its annual report it shall be dissolved and cease to exist. Failure of the secretary of state to mail any such notice shall not relieve a corporation from its obligations to pay the annual license fees and to file the annual reports required by this title.

Sec. 15. Section 140, chapter 53, Laws of 1965 as amended by section 3, chapter 92, Laws of 1969 ex. sess. and RCW 23A.40.070 are each amended to read as follows:

In the event any corporation, foreign or domestic, shall do business in this state without having paid its annual license fee when due, there shall become due and owing the state of Washington a penalty of twenty-five dollars and an additional license fee equivalent to one percent per month or fraction thereof computed upon each annual license fee from the date it should have been paid to the date when it is paid: PROVIDED, That the minimum additional license fee due under the provisions of this section shall be ~~((two))~~ ten dollars ~~((and fifty cents))~~.

A corporation organized under this title may at any time prior to its dissolution as provided in section 10 of this 1980 act, and a foreign corporation qualified to do business in this state may at any time prior to the revocation of its certificate of authority as provided in RCW 23A.32.160, pay to the state of Washington its current annual license fee, provided it also pays an amount equal to all previously unpaid annual license fees plus the penalty and additional license fees specified in this section.

NEW SECTION. Sec. 16. Section 4, chapter 92, Laws of 1969 ex. sess., section 1, chapter 142, Laws of 1971 ex. sess., section 1, chapter 36, Laws of 1975 1st ex. sess., section 57, chapter 16, Laws of 1979 and RCW 23A.40.075 are each repealed.

NEW SECTION. Sec. 17. Sections 9, 10, 12, 13, 14, 15, and 16 of this 1980 act shall take effect on January 1, 1981.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3282.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3282, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Gould, Matson, Sellar—4.

ENGROSSED SENATE BILL NO. 3282, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed REENGROSSED SENATE BILL NO. 2433, with the following amendments:

On page 2, line 7, after "assistance" insert ": PROVIDED, That general assistance shall be granted temporarily to any person eligible for and receiving supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse"

On page 6, strike section 2 and insert a new section as follows:

"NEW SECTION. Sec. 2. (1) Not later than September 1, 1980, the secretary and the commissioner of the employment security department shall jointly submit proposed rules regarding unemployable persons, as set forth in subsection (3) of this section, to the standing committees on social and health services and appropriations in the house of representatives and social and health services and ways and means in the senate for review and approval. Proposed rules shall be approved by the legislative committees by February 1, 1981 and shall subsequently be adopted pursuant to chapter 34.04 RCW and will become effective July 1, 1981.

(2) The secretary and the commissioner of the employment security department shall make periodic reports to the committees of the legislature referred to in subsection (1) as to the progress in the development of such rules.

(3) The rules required by subsection (1) of this section shall include the following:

(a) A uniform definition of unemployable persons, which definition shall include physical, mental, or other personal obstacle or obstacles to any (i) employment or (ii) work training opportunity: PROVIDED, That any definition shall discourage the continued classification of an individual as unemployable if incapacity or infirmity is correctable through treatment or use of corrective aids unless such disqualifying condition or conditions shall persist beyond a reasonable period of time as determined pursuant to the rules adopted hereunder.

(b) A system of review of such unemployable persons for the purpose of determining the continuing existence of such condition or conditions serving as obstacles to any (i) employment or (ii) work training opportunity.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Day moved the Senate do concur in the House amendment to page 2, line 7 to Reengrossed Senate Bill No. 2433.

POINT OF INQUIRY

Senator Hayner: "May I ask a question? I understand that Congress is in the process of rewriting these laws with respect to the SSI so that this situation will not occur in the future. Is it possible that we might want to add an amendment to that, that in the event that the federal government passes the law with respect to this, that that will govern so that we can get the federal money and not be excluded from it? . . . Well, 'temporarily' does not mean . . ."

Senator Day: "Yes, I believe the language of the amendment which says 'shall be granted 'temporarily' to any person' because even under the present circumstances, if they wait six months they are then eligible. So the maximum that could occur here, as I see it, would be a loss of six months period of time. Secondly, the balance of the bill allows the departments to get together and that is the thrust of the bill, to adopt rules relative to this. So I believe that the adoption of the rules will take care of the entire situation."

Senator Hayner: "I think that will take of the situation if the federal government does pass the rules. It is your intention that that shall be done?"

Senator Day: "Yes, that is the intent of the bill."

The motion by Senator Day carried.

The Senate concurred in the House amendment to page 2, line 7 of Reengrossed Senate Bill No. 2433.

On motion of Senator Day, the Senate refused to concur in the House amendment to page 6 striking section 2 of Reengrossed Senate Bill No. 2433 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 15, 1980.

Mr. President: The House has passed SENATE BILL NO. 3318 with the following amendments:

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

"Section 1. Section 3, chapter 70, Laws of 1965 ex. sess. as amended by section 3, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.05.185 are each amended to read as follows:

After hearing or with the consent of the insurer and in addition to or in lieu of the suspension, revocation, or refusal to renew any certificate of authority the commissioner may levy a fine upon the insurer in an amount not less than two hundred fifty dollars and not more than ((five)) ten thousand dollars. The order levying such fine shall specify the period within which the fine shall be fully paid and which period shall not be less than fifteen nor more than thirty days from the date of such order. Upon failure to pay any such fine when due the commissioner shall revoke the certificate of authority of the insurer if not already revoked, and the fine shall be recovered in a civil action brought in behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the state treasurer for the account of the general fund.

Sec. 19. Section .15.02, chapter 79, Laws of 1947 and RCW 48.15.020 are each amended to read as follows:

(1) An insurer not thereunto authorized by the commissioner shall not solicit insurance business in this state, nor transact insurance business in this state except as provided in this chapter.

(2) No person shall, in this state, represent an unauthorized insurer except as provided in this chapter. This provision shall not apply to any adjuster or attorney at law representing such an insurer from time to time in this state in his professional capacity.

(3) Each violation of this section shall constitute a separate offense punishable by a fine of not less than ~~((fifty))~~ two hundred fifty dollars nor more than ~~((one))~~ ten thousand dollars.

Sec. 20. Section .15.07, chapter 79, Laws of 1947 as last amended by section 3, chapter 130, Laws of 1979 ex. sess. and RCW 48.15.070 are each amended to read as follows:

Any person deemed by the commissioner to be competent and trustworthy and while maintaining an office at a designated location in this state may be licensed as a surplus line broker, as follows:

(1) Application to the commissioner for the license shall be made on forms furnished by the commissioner.

(2) The license fee shall be one hundred dollars for each license year during any part of which the license is in force. The annual renewal date shall be determined by the commissioner. The commissioner shall adopt a rule providing for the proration, on a quarterly basis, of the license fee. The proration shall be applicable only: (a) To applicants who apply for a license after the expiration of the first quarter of any license year, or (b) to licensees whose licenses would exist for less than nine months as a result of the adoption of the annual renewal date.

(3) ~~Prior to issuance of license the applicant shall file with the commissioner ((and thereafter for as long as the license remains in effect he shall keep in force)) a bond in favor of the state of Washington in the penal sum of twenty thousand dollars, with authorized corporate sureties approved by the commissioner, conditioned that he will conduct business under the license in accordance with the provisions of this chapter and that he will promptly remit the taxes provided by RCW 48.15.120. ((No such bond shall be terminated unless not less than thirty days prior written notice thereof is filed with the commissioner.))~~ The licensee shall maintain such bond in force for as long as the license remains in effect.

(4) Every applicant for a surplus line broker's license or for the renewal of a surplus line broker's license shall file with the application or request for renewal a bond in favor of the people of the state of Washington, executed by an authorized corporate surety approved by the commissioner, in the amount of fifty thousand dollars and shall be the bonding requirement for new licensees. The licensee shall maintain such bond in force while so licensed. The bond may be continuous in form, and total aggregate liability on the bond may be limited to the amount stated in the bond. The bond shall be contingent on the accounting by the surplus line broker to any person requesting such broker to obtain insurance, for moneys or premiums collected in connection therewith. A bond issued in accordance with RCW 48.17.250 or with this subsection will satisfy the requirements of both RCW 48.17.250 and this subsection if the limit of liability is not less than the greater of the requirement of RCW 48.17.250 or the requirement of this subsection.

(5) Any bond issued pursuant to subsection (3) or (4) of this section shall remain in force until the surety is released from liability by the commissioner, or until the bond is canceled by the surety. Without prejudice to any liability accrued prior to such cancellation, the surety may cancel the bond upon thirty days' advance notice in writing filed with the commissioner.

Sec. 21. Section .15.09, chapter 79, Laws of 1947 as last amended by section 6, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.15.090 are each amended to read as follows:

(1) A surplus line broker shall not knowingly place surplus line insurance with insurers unsound financially. The broker shall ascertain the financial condition of the

unauthorized insurer, and maintain written evidence thereof, before placing insurance therewith. The broker shall not so insure with any insurer having less capital and surplus or combined capital funds than the minimum amounts required for an admitted multiple line insurer in accordance with RCW 48.05.340 as now or hereafter amended, ~~((unless))~~ and in the case of an alien insurer, there ((is)) must be on file with the commissioner a copy of a trust agreement, certified by the trustee, evidencing a subsisting trust deposit of not less than one-half of a like amount by such insurer with a bank or trust company in the United States, and which deposit is held for the protection of United States policyholders. Such trust account shall consist of cash or other assets acceptable to the commissioner and shall have an expiration date which at no time shall be less than five years hence. The commissioner may, by rule and regulation, prescribe the terms under which the foregoing financial requirements may be waived in circumstances where insurance cannot be otherwise procured on risks located in this state.

(2) For any violation of this section the broker ~~((shall))~~ may be fined not less than ((twenty-five)) one hundred dollars or more than ((two hundred and fifty)) five thousand dollars, his surplus line broker's license ((shall)) may be revoked, ((and the broker may not again be so licensed within a period of two years thereafter)) suspended, or nonrenewed.

Sec. 22. Section .15.13, chapter 79, Laws of 1947 and RCW 48.15.130 are each amended to read as follows:

If any surplus line broker fails to file his annual statement, or fails to remit the tax provided by RCW 48.15.120, prior to the first day of April after the tax is due, he shall be liable for a fine of ~~((twenty-five))~~ one hundred dollars for each day of delinquency commencing with the first day of April. The tax may be collected by distraint, or the tax and fine may be recovered by an action instituted by the commissioner in any court of competent jurisdiction. Any fine collected by the commissioner shall be paid to the state treasurer and credited to the general fund.

Sec. 23. Section .15.14, chapter 79, Laws of 1947 and RCW 48.15.140 are each amended to read as follows:

(1) The commissioner ~~((shall))~~ may revoke, suspend, or refuse to renew any surplus line broker's license:

(a) If the surplus line broker fails to file his annual statement or to remit the tax as required by this chapter; or

(b) If the surplus line broker fails to maintain an office in this state, or to keep the records, or to allow the commissioner to examine his records as required by this chapter; or

(c) For any of the causes for which a ((general)) broker's license may be revoked under chapter 48.17 RCW.

(2) The commissioner may suspend or revoke any such license whenever he deems suspension or revocation to be for the best interests of the people of this state.

(3) The procedures provided by this code for the suspension or revocation of general brokers' licenses shall be applicable to suspension or revocation of a surplus line broker's license.

(4) No broker whose license has been so revoked ~~((or suspended))~~ shall again be so licensed within one year thereafter, nor until any fines or delinquent taxes owing by him have been paid.

Sec. 24. Section .18.29, chapter 79, Laws of 1947 as last amended by section 5, chapter 199, Laws of 1979 ex. sess. and RCW 48.18.290 are each amended to read as follows:

(1) Cancellation by the insurer of any policy which by its terms is cancellable at the option of the insurer, or of any binder based on such policy, may be effected as to any interest only upon compliance with either or both of the following:

(a) Written notice of such cancellation must be actually delivered or mailed to the insured or to his representative in charge of the subject of the insurance not less than twenty days prior to the effective date of the cancellation except for cancellation of insurance policies for nonpayment of premiums, which notice shall be not less than ten days prior to such date;

(b) Like notice must also be so delivered or mailed to each mortgagee, pledgee, or other person shown by the policy to have an interest in any loss which may occur thereunder.

(2) The mailing of any such notice shall be effected by depositing it in a sealed envelope, directed to the addressee at his last address as known to the insurer or as shown by the insurer's records, with proper prepaid postage affixed, in a letter depository of the United States post office. The insurer shall retain in its records any such item so mailed, together with its envelope, which was returned by the post office upon failure to find, or deliver the mailing to, the addressee.

(3) The affidavit of the individual making or supervising such a mailing, shall constitute prima facie evidence of such facts of the mailing as are therein affirmed.

(4) The portion of any premium paid to the insurer on account of the policy, unearned because of the cancellation and in amount as computed on the pro rata basis, must be actually paid to the insured or other person entitled thereto as shown by the policy or by any endorsement thereon, or be mailed to the insured or such person as soon as possible (~~(but)~~), and no later than thirty days after the date of notice of cancellation to the insured for homeowners', dwelling fire, and private passenger auto. Any such payment may be made by cash, or by check, bank draft, or money order.

(5) This section shall not apply to contracts of life or disability insurance without provision for cancellation prior to the date to which premiums have been paid.

Sec. 25. Section .18.30, chapter 79, Laws of 1947 as last amended by section 8, chapter 199, Laws of 1979 ex. sess. and RCW 48.18.300 are each amended to read as follows:

(1) Cancellation by the insured of any policy which by its terms is cancellable at the insured's option or of any binder based on such policy may be effected by written notice thereof to the insurer or surrender of the policy or binder for cancellation prior to or on the effective date of such cancellation. In event the policy or binder has been lost or destroyed and cannot be so surrendered, the insurer may in lieu of such surrender accept and in good faith rely upon the insured's written statement setting forth the fact of such loss or destruction.

(2) As soon as possible, (~~(but)~~) and no later than thirty days after the receipt of the notice of cancellation from the policyholder for homeowners', dwelling fire, and private passenger auto insurance, the insurer shall pay to the insured or to the person entitled thereto as shown by the insurer's records, any unearned portion of any premium paid on the policy as computed on the customary short rate or as otherwise specified in the policy: PROVIDED, That the refund of any unearned portion of any premium paid on a contract of dwelling fire insurance, homeowners' insurance, or insurance predicated upon the use of a private passenger automobile (as defined in RCW 48.18.297 and excluding contracts of insurance and policies enumerated in RCW 48.18.296) shall be computed on a pro rata basis and the insurer shall refund not less than ninety percent of any unearned portion not exceeding one hundred dollars, plus ninety-five percent of any unearned portion over one hundred dollars but not exceeding five hundred dollars, and not less than ninety-seven percent of the amount of any unearned portion in excess of five hundred dollars. If the amount of any refund is less than two dollars, no refund need be made. If no premium has been paid on the policy, the insured shall be liable to the insurer for premium for the period during which the policy was in force.

(3) The surrender of a policy to the insurer for any cause by any person named therein as having an interest insured thereunder shall create a presumption that such surrender is concurred in by all persons so named.

(4) This section shall not apply to life insurance policies or to annuity contracts.

Sec. 26. Section 7, chapter 80, Laws of 1979 ex. sess. and RCW 48.50.070 are each amended to read as follows:

Any licensed insurance agent, any licensed insurance broker, or any insurer or person acting in ((its)) the insurer's behalf or any authorized agency which releases information, whether oral or written, under RCW 48.50.030, 48.50.040, 48.50.050, or 48.50.060 shall be immune from liability in any civil or criminal action, suit, or prosecution arising from the release of the information, unless actual malice on the part of the agent, broker, insurer, or authorized agency against the insured is shown.

Sec. 27. Section 1, chapter 268, Laws of 1947 as last amended by section 1, chapter 87, Laws of 1965 and RCW 48.44.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Health care services" means and includes medical, surgical, dental, hospital and other therapeutic services. Ambulance services licensed in this state, the services of an optometrist licensed by the state of Washington, and the services of a pharmacist registered by the state of Washington are also declared to be health care services for the purposes of this chapter.

(2) "Doctor" means any person lawfully licensed or authorized to render any health care services.

(3) "Health care service contractor" means any corporation, cooperative group, or association, which corporation, cooperative group, or association is sponsored by or otherwise intimately connected with a group of doctors licensed by the state of Washington or by a group of hospitals licensed by the state of Washington; or doctor licensed by the state of Washington; or group of doctors licensed by the state of Washington, who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services. The term also includes any corporation, cooperative group, or association, sponsored by or otherwise intimately connected with a group of pharmacists registered by the state of Washington; or any pharmacist, or group of pharmacists, registered by the state of Washington; who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services.

(4) "Participant" means a doctor, hospital, or licensed pharmacy, drug store or dispensary, who or which has contracted in writing with a health care service contractor to accept payment from and to look solely to such contractor according to the terms of the subscriber contract for any health care services rendered to a person who has previously paid such contractor for such services."

On page 1, beginning on line 4 of the title, strike "amending section .05.21, chapter 79, Laws of 1947 and RCW 48.05.210;"

On page 1, on line 18 of the title, after "48.18.300;" strike "and" and on line 19, after "48.50.070" insert "; and amending section 1, chapter 268, Laws of 1947 as last amended by section 1, chapter 87, Laws of 1965 and RCW 48.44.010", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Bausch, the Senate concurred in the House amendments to Senate Bill No. 3318.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3318, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45

Excused: Senators Benitz, Gould, Matson, Sellar—4.

SENATE BILL NO. 3318, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 18, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3330 with the following amendments:

On page 2, lines 4-5, strike "as now existing or hereafter amended" and insert "or its successor"

On page 5, line 30, strike "as now existing or hereafter amended" and insert "or its successor", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Day, the Senate concurred in the House amendments to Substitute Senate Bill No. 3330.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3330, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Gould, Matson, Sellar—4.

SUBSTITUTE SENATE BILL NO. 3330, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 18, 1980.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3331 with the following amendment:

Strike everything after the enacting clause, and insert the following:

"Section 1. Section 46.48.175, chapter 12, Laws of 1961 and RCW 46.48.175 are each amended to read as follows:

Each violation of any rules and/or regulations made pursuant to RCW 46.48.170 or 81.80.290 pertaining to vehicle equipment on motor carriers transporting hazardous material shall be a misdemeanor.

Bail for such a violation shall be set at a minimum of one hundred dollars. The fine for such a violation shall be not less than two hundred dollars nor more than five hundred dollars. Compliance with the provisions of this chapter is the primary responsibility of the owner or lessee of the vehicle or any vehicle used in combination that is cited in the violation.

Sec. 2. Section 1, chapter 69, Laws of 1969 ex. sess. as amended by section 1, chapter 148, Laws of 1971 ex. sess. and RCW 46.44.120 are each amended to read as follows:

Whenever an act or omission is declared to be unlawful in chapter 46.44 RCW, the owner or lessee of any motor vehicle involved in such act or omission (~~((shall be))~~) is responsible therefor. Any person (~~((operating such vehicle, and any persons))~~) knowingly and intentionally participating in creating an unlawful condition of use, (~~((shall))~~) is also (~~((be))~~) subject to the penalties provided in this chapter for such unlawful act or omission.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner or lessee of the vehicle, such person is fully authorized to accept the citation and execute the promise to appear on behalf of the owner or lessee.

Sec. 3. Section 2, chapter 69, Laws of 1969 ex. sess. and RCW 46.16.500 are each amended to read as follows:

Whenever an act or omission is declared to be unlawful in chapter 46.16 RCW, if the operator of the vehicle is not the owner or lessee of such vehicle, but is so operating or moving the (~~((same))~~) vehicle with the express or implied permission of the owner or lessee, then the operator and/or owner (~~((shall))~~) or lessee are both (~~((be))~~) subject to the provisions of this chapter with the primary responsibility to be that of the owner or lessee.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner or lessee of the vehicle, such person is fully authorized to accept the citation and execute the promise to appear on behalf of the owner or lessee.

Sec. 4. Section 3, chapter 69, Laws of 1969 ex. sess. and RCW 46.37.600 are each amended to read as follows:

Whenever an act or omission is declared to be unlawful in chapter 46.37 RCW, if the operator of the vehicle is not the owner or lessee of such vehicle, but is so operating or moving the (~~((same))~~) vehicle with the express or implied permission of the owner or lessee, then the operator and/or owner (~~((shall))~~) or lessee are both (~~((be))~~) subject to the provisions of this chapter with the primary responsibility to be that of the owner or lessee.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner or lessee of the vehicle, such person is fully authorized to accept the citation and execute the promise to appear on behalf of the owner or lessee.

Sec. 5. Section 81.04.390, chapter 14, Laws of 1961 and RCW 81.04.390 are each amended to read as follows:

Every person who, either individually, or acting as an officer or agent of a corporation other than a public service company, (~~((shall))~~) violates any provision of this title, or fails to observe, obey, or comply with any order made by the commission under this title, so long as the same (~~((shall be))~~) is or remains in force, or who (~~((shall))~~) procures, aids, or abets any such corporation in its violation of this title, or in its failure to obey, observe, or comply with any such order, (~~((shall be))~~) is guilty of a gross misdemeanor, except that a violation pertaining to equipment on motor carriers transporting hazardous material is a misdemeanor."

In line 2 of the title, after "Relating to" strike "transportation safety;" and insert "motor vehicles; amending section 1, chapter 69, Laws of 1969 ex. sess. as amended by section 1, chapter 148, Laws of 1971 ex. sess. and RCW 46.44.120; amending section 2, chapter 69, Laws of 1969 ex. sess. and RCW 46.16.500; amending section 3, chapter 69, Laws of 1969 ex. sess. and RCW 46.37.600; amending section 81.04.390, chapter 14, Laws of 1961 and RCW 81.04.390;"; and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Henry, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3331.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3331, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Gould, Matson, Sellar—4.

ENGROSSED SENATE BILL NO. 3331, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed SENATE BILL NO. 3334 with the following amendments:

In line 1 of the title, after "civil procedure;" insert "amending section 2, page 363, Laws of 1854 as last amended by section 26, Code of 1881 and RCW 4.16.020; amending section 3, page 363, Laws of 1854 as last amended by section 1, chapter 137, Laws of 1927 and RCW 4.16.040;"

On page 1, after line 10, insert the following additional sections:

"Section 1. Section 2, page 363, Laws of 1854 as last amended by section 26, Code of 1881 and RCW 4.16.020 are each amended to read as follows:

The period prescribed in RCW 4.16.010 for the commencement of actions shall be as follows:

Within ten years:

(1) Actions for the recovery of real property, or for the recovery of the possession thereof; and no action shall be maintained for such recovery unless it appears that the plaintiff, his ancestor, predecessor or grantor was seized or possessed of the premises in question within ten years before the commencement of the action.

(2) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or of any territory or possession of the United States outside the boundaries thereof, or of any extraterritorial court of the United States.

Sec. 2. Section 3, page 363, Laws of 1854 as last amended by section 1, chapter 137, Laws of 1927 and RCW 4.16.040 are each amended to read as follows:

Within six years:

(1) ~~((An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or of any territory or possession of the United States outside the boundaries thereof, or of any extraterritorial court of the United States.~~

~~(2))~~ An action upon a contract in writing, or liability express or implied arising out of a written agreement.

~~((3))~~ (2) An action for the rents and profits or for the use and occupation of real estate."

Renumber the sections following consecutively, and correct internal references accordingly., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Wilson, Senator Fleming was excused.

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Senate Bill No. 3334.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3334, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 8; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Moore, Morrison, Peterson, Pullen, Quigg, Scott, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Woody—36.

Voting nay: Senators Goltz, McDermott, Odegaard, Rasmussen, Ridder, Shinpoch, Wilson, Wojahn—8.

Excused: Senators Benitz, Fleming, Gould, Matson, Sellar—5.

SENATE BILL NO. 3334, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 18, 1980.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3309 with the following amendment:

Strike everything after the enacting clause and insert:

"NEW SECTION. Section 1. (1) Nothing in this chapter shall:

(a) Be construed to limit or restrict a duly licensed physician or employees working under the personal supervision of a duly licensed physician from the practices enumerated in this chapter;

(b) Be construed to prohibit an unlicensed person from performing mechanical work upon inert matter in an ocularist's office or laboratory;

(c) Be construed to authorize or permit a licensee under this chapter to hold himself or herself out as being able to, or to offer to, or to undertake to attempt, by

any manner or means, to examine or exercise eyes, or diagnose, treat, correct, relieve, operate, or prescribe for disease or any visual deficiency.

(2) Each practitioner duly licensed pursuant to chapters 18.53, 18.57, and 18.71 RCW shall have all the rights and privileges which may accrue under this chapter to ocularists licensed under this chapter.

NEW SECTION. Sec. 2. The terms defined in this section shall have the meaning ascribed to them wherever appearing in this chapter, unless a different meaning is specifically used to such term in such statute.

(1) "Director" means the director of licenses.

(2) "Ocularist" means a person who designs, fabricates, and fits ocular prosthetic appliances. An ocularist is authorized to perform the necessary procedures to provide an ocular prosthetic service for the patient in the ocularist's office or laboratory on prescription of a physician. The ocularist is authorized to make judgment on the needed care, replacement, and use of an ocular prosthetic appliance. The ocularist is authorized to design, fabricate, and fit human prosthetics in the following categories:

- (a) Stock and custom prosthetic eyes;
- (b) Stock and custom therapeutic scleral shells;
- (c) Stock and custom therapeutic painted iris shells;
- (d) External orbital and facial prosthetics; and

(e) Ocular conformers: **PROVIDED**, That nothing herein shall be construed to allow the fitting or fabricating of contact lenses.

(3) "Apprentice" means a person designated an apprentice in the records of the director at the request of a licensed ocularist, and who shall thereafter receive from such licensee training and direct supervision in the work of an ocularist.

NEW SECTION. Sec. 3. Upon receipt of an application for a license and the license fee as determined by the director, the director shall issue a license if the applicant meets the requirements established under this chapter. The license, unless suspended or revoked, shall be renewed annually. All licenses issued under the provisions of this chapter shall expire on the 1st day of July.

NEW SECTION. Sec. 4. (1) No applicant for a license shall be registered under this chapter until the applicant pays an examination fee as shall be determined by the director as provided in RCW 43.24.085, and certifies under oath that the applicant:

- (a) Is eighteen years or more of age;
- (b) Has graduated from high school;
- (c) Is of good moral character; and
- (d) Has either:

(i) Had at least five years of apprenticeship training under a licensed ocularist in the state of Washington; or

(ii) Successfully completed a prescribed course in ocularist training programs in a college, teaching facility, or university approved by the director; or

(iii) Been principally engaged in practicing as an ocularist outside the state of Washington for eight years and shall have been employed by a licensed ocularist or physician for one year in the state of Washington; and

(iv) Successfully passes with a grade of at least seventy-five percent, an examination, conducted by the director, which shall determine whether the applicant has a thorough knowledge of the principles governing the practice of an ocularist.

(2) The director shall issue a license without examination to any person who makes application therefor within six months after the effective date of this act, pays a fee as determined by the director, and certifies under oath that the applicant has been actually and principally engaged in the practice of an ocularist in the state of Washington for a period of not less than five years immediately preceding the effective date of this act.

(3) Any person who on the effective date of this act (a) is employed as apprentice by a person who is principally engaged in the practice of an ocularist, (b) registers with the director prior to one hundred twenty days after the effective date of this act, and (c) furnishes the director a statement, under oath, and certified as correct by the employer, as to the length of time of such employment shall be given credit for such period towards compliance with the requirement for five years' apprenticeship.

NEW SECTION. Sec. 5. (1) No licensee under this chapter may have more than two apprentices in training at one time.

(2) The licensee shall be responsible for the acts of the apprentices in the performance of their work in the apprenticeship program.

(3) Apprentices shall complete their apprenticeship in eight years and shall not work longer as an apprentice unless the director determines, after a hearing, that the apprentice was prevented by causes beyond his or her control from completing the apprenticeship and becoming a licensee hereunder in eight years.

NEW SECTION. Sec. 6. A license may be suspended or revoked when a licensee:

(1) Has been convicted of a felony involving moral turpitude related to the practice of an ocularist;

(2) Is addicted to the use of alcohol or any drug;

(3) Has used advertising, whether printed, radio, display, or of any other nature, which is fraudulent, misleading, deceptive, or inaccurate in any material particular, or misrepresents in any way any goods, services, credit terms, values, policies, services, or the nature or form of the business conducted;

(4) Has practiced fraud or deception in the application for or during the examination for license;

(5) Has participated in the division, assignment, rebate, or refund of fees to a physician in consideration of patient referrals;

(6) Has bartered or given away as premiums in any manner either on the licensee's own account or as agent or representative for any other person;

(7) Has employed, either directly or indirectly, any person commonly known as "cappers" or "steerers" to obtain business;

(8) Has solicited or employed any person to solicit from house to house;

(9) Has used advertising offering a service to the public for which the licensee is not licensed under this chapter: **PROVIDED**, That nothing in this section shall prohibit the ocularist from advertising merchandise for which the license which is the subject of this chapter is not required;

(10) Has engaged in a group contract for the ocularist's services without a prescription from a physician; or

(11) Has advertised the services of any other segment of the healing arts.

NEW SECTION. Sec. 7. Every licensee under this chapter shall pay an annual renewal registration fee determined by the director, as provided by RCW 43.24.085, on or before the 1st day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. An application for renewal shall be on the form provided by the director and shall be filed with the department of licensing not less than ten days prior to its expiration. Each application for renewal shall be accompanied by a license fee as shall be determined by the director. Any license not renewed as provided in this section shall render the license invalid but such licensee shall be reinstated upon written application therefore to the director and payment of a renewal fee to the director as provided in RCW 43.24.085, together with all delinquent annual renewal license fees.

NEW SECTION. Sec. 8. The director, after a hearing, may for cause reissue or reinstate the license of a person whose license has been revoked or suspended.

NEW SECTION. Sec. 9. It shall be a gross misdemeanor for any person to practice as an ocularist without a license or while the license is suspended or revoked.

NEW SECTION. Sec. 10. If any person engaged in the practice of an ocularist without possessing a valid license to do so, the attorney general, any prosecuting attorney, the director, or any citizen who resides in the same county as said practitioner who operates an office, may maintain an action in the name of the state of Washington to enjoin such person from engaging in practice as an ocularist. The injunction shall not relieve from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution and to suspension or revocation of the license: PROVIDED, HOWEVER, That nothing in this chapter shall be deemed to prevent any licensed physician, licensed optometrist, or licensed dispensing optician from making any examination or performing any act permitted or authorized by law.

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.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 18 RCW.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTIONS

On motion of Senator Marsh, Senators Donohue, Odegaard and Rasmussen were excused.

On motion of Senator Jones, Senator Gallagher was excused.

MOTION

On motion of Senator Day, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3309.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3309, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Excused: Senators Benitz, Donohue, Gallagher, Gould, Matson, Odegaard, Rasmussen, Sellar—8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3309, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 18, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3133 with the following amendments:

On page 1, beginning on line 1 of the title, strike "including school buses; and" and insert "; amending section 1, chapter 178, Laws of 1949 as last amended by section 221, chapter 158, Laws of 1979 and RCW 73.04.110;"

On page 1, line 3 of the title, after "RCW" insert "; and prescribing penalties"

On page 1, following line 6, strike the remainder of section 1 and insert the following:

"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."

On page 1, after line 14, insert the following:

"Sec. 2. Section 1, chapter 178, Laws of 1949 as last amended by section 221, chapter 158, Laws of 1979 and RCW 73.04.110 are each amended to read as follows:

Any veteran who is a veteran of any war of the United States, or of any military campaign for which a campaign ribbon shall have been awarded, and has been awarded an honorable discharge, who ((~~shall~~)) submits to the director of licensing satisfactory proof that he ((~~has lost the use of one or both of his arms or legs or that he had~~)) or she is receiving compensation or a pension from the veterans administration or any branch of the armed forces of the United States for the loss of or the loss of the use of both arms or legs or one arm and one leg or a loss or use of one arm or one leg that precludes locomotion without the use of or aid of braces, crutches, canes, a wheelchair, or a permanent prosthesis: he or she has become unemployable: or he or she has become blind in both eyes as the result of ((his)) military service ((~~in such war or military campaign~~)), shall be entitled to have issued to him or her by the director of licensing ((~~an annual motor vehicle license for one automobile~~)) general license plates or license plates with distinguishing marks, letters, or numerals indicating that the motor vehicle is owned by a disabled veteran. This license shall be issued annually for one vehicle for personal use without the payment of any license fees or excise tax thereon. Whenever any person who has been issued license plates under the provisions of this section applies to the department for transfer of such plates to a subsequently acquired motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees.

Any person who has been issued free motor vehicle license plates under this section prior to the effective date of this 1980 act, shall continue to be eligible for the annual free license plates.

For the purposes of this section, "blind" shall mean that definition of the "blind" utilized by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW.

Any unauthorized use of a special plate is a gross misdemeanor."

MOTION

On motion of Senator Henry, the Senate concurred in the House amendments to Substitute Senate Bill No. 3133.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3133, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones,

Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Ridder, Scott, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Excused: Senators Benitz, Donohue, Gallagher, Gould, Matson, Odegaard, Rasmussen, Sellar—8.

SUBSTITUTE SENATE BILL NO. 3133, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed SENATE BILL NO. 3362 with the following amendments:

On line 7 of the title, after "29.04.040" insert "; and adding a new section to chapter 29.04 RCW"

On page 1, line 12, after "before" strike "~~((July))~~ November" and insert "July"

On page 1, line 13, after "prepare" strike "and transmit to the secretary of state" and insert "~~((and transmit to the secretary of state))~~ for public inspection and use"

On page 1, line 17, after "election." insert "On or before November 1, 1980 each county auditor shall transmit such maps to the secretary of state."

On page 1, line 20, after "maps" insert "transmitted to the secretary of state"

On page 2, following section 1, insert a new section as follows:

"New Section. Sec. 2. There is hereby added to chapter 29.04 RCW a new section to read as follows: The office of the secretary of state is hereby prohibited from associating in any manner voting results with the materials supplied by the respective county auditors under the provisions of RCW 29.04.130."

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

MOTION

On motion of Senator Woody, the Senate concurred in the House amendments to Senate Bill No 3362.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3362, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Ridder, Scott, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Excused: Senators Benitz, Donohue, Gallagher, Gould, Matson, Odegaard, Rasmussen, Sellar—8.

SENATE BILL NO. 3362, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3378 with the following amendment:

On page 1, line 11, after "That" insert "before June 30, 1981," and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Engrossed Senate Bill No. 3378.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3378, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Excused: Senators Benitz, Donohue, Gallagher, Gould, Matson, Odegaard, Rasmussen, Sellar—8.

ENGROSSED SENATE BILL NO. 3378, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 18, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3164 with the following amendments:

On page 1, line 4 of the title, after "43.51.060;" strike the remainder of the title and insert "adding new sections to chapter 43.51 RCW; and creating a new section."

Strike everything after the enacting clause and insert the following:

"Section 1. Section 4, chapter 10, Laws of 1979 and RCW 43.51.040 are each amended to read as follows:

The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt, promulgate, issue, and enforce rules and regulations pertaining to the use, care, and administration of state parks and parkways, which shall become effective ten days after adoption. The commission shall cause a copy of the rules and regulations to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule or regulation posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules and regulations as shall be prescribed.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions or leases in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than forty years, and upon such conditions as shall be approved by the commission: PROVIDED, That leases exceeding a twenty-year term shall require a unanimous vote of the commission: PROVIDED FURTHER, That if, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease: PROVIDED FURTHER, That television station leases shall be subject to the provisions of RCW 43.51.063, only: PROVIDED FURTHER, That the rates of such concessions or leases shall be renegotiated at five-year intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary.

(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights of way for state highways. Option agreements executed under authority of this subdivision shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition (~~for park and parkway purposes of any area not within the limits of any city, and in the~~), development, redevelopment, renovation, care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to (~~the acquisition or improvement of~~) which the state (~~shall have~~) contributed or in whose care, control, or supervision the state (~~shall participate~~) participated pursuant to the provisions of this section, shall be governed by the provisions hereof.

Sec. 2. Section 43.51.060, chapter 8, Laws of 1965 as amended by section 1, chapter 99, Laws of 1969 and RCW 43.51.060 are each amended to read as follows:

The commission may: (1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. All fees received by the commission shall be deposited with the state treasurer in the state general fund;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years; ~~((and))~~

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040, and upon his recommendation, a supervisor of recreation, and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

NEW SECTION. Sec. 3. There is added to chapter 43.51 RCW a new section to read as follows:

Recognizing the fact that the demand for park services is greatest in our urban areas, that parks should be accessible to all Washington citizens, that the urban poor cannot afford to travel to remotely located parks, that few state parks are located in or near urban areas, that a need exists to conserve energy, and that local governments having jurisdiction in urban areas cannot afford the costs of maintaining and operating the extensive park systems needed to service their large populations, the legislature hereby directs the interagency committee for outdoor recreation to place a high priority on the acquisition, development, redevelopment, and renovation of parks to be located in or near urban areas and to be particularly accessible to and used by the populations of those areas. For purposes of sections 3 and 4 of this 1980 act, "urban areas" mean any incorporated city with a population of five thousand persons or greater or any county with a population density of two hundred fifty persons per square mile or greater. This section shall be implemented by January 1, 1981.

NEW SECTION. Sec. 4. There is added to chapter 43.51 RCW a new section to read as follows:

For the reasons specified in section 3 of this act, the state parks and recreation commission shall place a high priority on the establishment of urban area state parks and shall revise its plan for future state parks to achieve this priority. This section shall be implemented by January 1, 1981.

NEW SECTION. Sec. 5. (1) In keeping with the purposes of this 1980 act, the powers, functions, and duties heretofore exercised by the game commission, department of game, or its director, respecting the management, control, and operation of the approximately 165-acre tract of land bordering the White/Stuck Rivers in or near the city of Auburn and currently used as a game preserve are, except as provided under this section, terminated as of the effective date of this section, and the powers, functions, and duties with respect to such land are vested in the parks and recreation commission to be exercised in accordance with chapter 43.51 RCW as now existing or hereafter amended for the purposes specified therein.

(2) Nothing in this section shall impair any contract, debt, or obligation owed by the game commission or department of game in respect to such land. However, the director of the office of financial management may, if the director finds it appropriate, transfer the duty to satisfy any such contract, debt, or obligation to the parks and recreation commission.

(3) The director of the office of financial management is authorized to make whatever orders are convenient or necessary for the implementation of this section. In addition, the director is authorized to make decisions resolving questions regarding the impact of this section on preexisting contracts, debts, or obligations with respect to such land. Any orders or decisions made by the director under this section shall be binding on the game commission, the department of game, and the parks and recreation commission.

(4) On the effective date of this section, the state treasurer shall transfer from the general fund to the game fund the sum of one million five hundred thousand dollars to compensate the game fund for the transfer of the Auburn game farm to the parks and recreation commission.

(5) Section 5 of this act shall become effective on July 31, 1981, at which time the transfer of powers, functions and duties provided for in subsection (1) and the transfer of funds provided for in subsection (4) shall occur: PROVIDED, HOWEVER, That the parks and recreation commission is hereby authorized to begin planning for the public use of this property as an urban park on the effective date of this 1980 act.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

Senator von Reichbauer moved the Senate do concur in the House amendments to Substitute Senate Bill No. 3164.

POINT OF INQUIRY

Senator Peterson: "Senator von Reichbauer, it is my impression that the intent of this is the valuation of this property that is being transferred from the game department to parks has it been approximately appraised in the neighborhood of one and one-half million dollars?"

Senator von Reichbauer: "That is correct."

Senator Peterson: "And this money is dedicated to the game department, or is to be transferred to the game department funds. Is that correct?"

Senator von Reichbauer: "That is correct."

Senator Peterson: "And further does this money have to be appropriated from the general fund to the game department and is it assured that the game department will, in effect, receive that one and one-half million dollars?"

Senator von Reichbauer: "This is an expression of the intent to appropriate the one and one-half million dollars from the general fund to the game department for the game department's determined use."

Senator Peterson: "It will still have to take an appropriation in the next session of the legislature?"

Senator von Reichbauer: "Yes, it will."

The motion by Senator von Reichbauer carried.

The Senate concurred in the House amendments to Substitute Senate Bill No. 3164.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3164, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 5; excused, 8.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gaspard, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Quigg, Ridder,

Scott, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—36.

Voting nay: Senators Goltz, Pullen, Shinpoch, Wanamaker, Wilson—5.

Excused: Senators Benitz, Donohue, Gallagher, Gould, Matson, Odegaard, Rasmussen, Sellar—8.

SUBSTITUTE SENATE BILL NO. 3164, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 18, 1980.

Mr. President: The House has passed SENATE BILL NO. 3474 with the following amendments:

On page 1, line 22, after "That" strike "a" and insert "any public or"

On page 1, line 23, strike "other private party" and insert "others", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Senate Bill No. 3474.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3474, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senator Van Hollebeke—1.

Excused: Senators Benitz, Gould, Matson, Sellar—4.

SENATE BILL NO. 3474, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed SENATE BILL NO. 3487 with the following amendment:

On page 2, after line 13, insert the following:

"NEW SECTION. Sec. 2. There is added to chapter 41.40 RCW a new section to read as follows:

Any person who has been employed in a nonelective position for at least nine months and who has made member contributions required under this chapter

throughout such period, shall be deemed to have been in an eligible position during such period of employment.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Lysen, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3487.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3487, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Gould, Matson, Sellar—4.

SENATE BILL NO. 3487, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3581 with the following amendments:

On page 2, line 2, after "into" strike everything through "control" on line 3 and insert "shall include provisions which permit the recapture of the leased or rented surplus property"

On page 2, line 12, following "use of" insert "surplus"

On page 2, beginning on line 12, strike "sections 1 and" and insert "section"

On page 2, line 16, after "than" insert "common"

On page 2, line 19, following "use of" insert "surplus"

On page 2, line 19, following "under" strike "sections 1 and" and insert "section"

On page 2, line 21, after "on a" strike "nondiscriminating basis" and insert "basis that is nondiscriminatory within classes of users"

On page 3, line 3, following "date of" strike "sections 1,2, and 3 of"

On page 3, line 8, following "sections" strike "1" and insert "2"

On page 3, following section 7, add a section to read as follows and renumber the remaining section consecutively:

"Sec. 8. Section 2, chapter 200, Laws of 1971 ex. sess. and RCW 79.01.770 are each amended to read as follows:

Notwithstanding the provisions of RCW 79.01.096 or any other provision of law, any school district or institution of higher education, that on August 9, 1971 is leasing land granted to the state by the United States and on which land by January 1, 1976, such district or institution has placed improvements as defined in RCW 79.01.036 shall be afforded the opportunity by the department of natural resources at any time prior to January 1, (~~1976~~) 1981, to purchase such land, excepting land over which the department retains management responsibilities, for the purposes of schoolhouse construction and/or necessary supporting facilities or structures at the appraised value thereof less the value that any improvements thereon added to the

value of the land itself at the time of the sale thereof.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator McDermott, the Senate concurred in the House amendments to Substitute Senate Bill No. 3581.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3581, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Gould, Matson, Sellar—4.

SUBSTITUTE SENATE BILL NO. 3581, 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 eighth order of business.

On motion of Senator Walgren, the following Senate Resolutions were referred to the Committee on Rules:

1980-167	Trial by jury—study
1980-172	Trust land purchase—study
1980-173	Park and recreation consultation practices—study
1980-177	Joint tenant accounts—study
1980-179	Federal regional system, establishing select committee

MOTION

Senator Walgren moved the following measures be rereferred to the Committee on Rules since they appear not to qualify for further consideration during this session pursuant to Senate Concurrent Resolution 118:

POINT OF INQUIRY

Senator Clarke: "Yes, Mr. President, concurring in the motion by Senator Walgren, but I would assume that as to matters remaining on the calendar, each member still retains the right to question as to whether or not they fall within or without the resolution?"

Senator Walgren: "You certainly have the right to raise the question."

The following bills remained on the Senate calendar at 4:00 p.m., Tuesday, February 19, 1980, and appear not to qualify for further consideration during this session pursuant to Senate Concurrent Resolution No. 118:

HB 1430	Planning comm. compensation
HB 1407	S & L assns., joint tenancy

SHB 1461	Household goods storage
EHB 1703	Temporary driving permit
SHB 1798	Corrections officer hiring
E2SHB 1183	Criminal code revised
SHB 498	Prison terms certain crimes
SHB 943	County tax levies, growth
EHB 1410	Gambling devices taxation
SHB 1512	Private docks, shorelines
SHB 1873	Uniform parentage act
SHB 1008	Fisheries data, vessels
SHB 43	Contractors' bonds rates
HB 115	County roads, private const.
SHB 131	Special districts mergers
REHB 168	Babysitting referral
HB 284	Frozen fish labeling
SHB 315	Bus/prof. reg., criteria
HB 520	Medicine regulations
EHB 903	Priv. org., documents
SHB 1093	Special, dists., job candidates
HB 1106	Prisoner leaves of absence
SHB 1107	Rule-making auth. personnel bd.
HB 1254	Pub. transport benefit areas
SHB 1359	Juvenile comm. workers
HB 1406	MV offenses double amendment
HB 1431	ESD superintendent
EHB 1449	Ballots receipt
SHB 1455	Park, recreation serv. areas
HB 1497	Life sustaining procedures
EHB 1519	DSHS investigative access
HB 1784	Bond pay. irrig. dist.
HB 1943	Road districts excess levies
HB 1960	City programs, county notice
EHJM 21	Berry picking, fed. support

The motion by Senator Walgren carried. The measures were rereferred to the Committee on Rules.

MOTIONS

On motion of Senator Walgren, the rules were suspended and any member so indicating may be added as a sponsor to Senate Resolution 1980-183.

Senator Walgren moved that Senate Resolution 1980-183 regarding state ferries be referred to the Committee on Rules.

REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President and members of the Senate. This is a resolution that has been prepared by Senator Lysen and myself and Senator Conner, and may wish to be joined on by other members of the Senate relating to the matter of transportation across Hood Canal. It is a study resolution and calls for the creation of a select committee and traditionally, we have forwarded those particular resolutions to the committee on rules for a consideration by that body and reference to the Senate facilities and operations committee; and that is why I am making the motion at this time to do exactly the same thing. The resolution, of course, contains matters that certainly require the examination by this legislature, both the Senate and the House of Representatives, because of the methods of interim transportation that

have been instituted by the department since the unfortunate loss of the Hood Canal bridge. It would be my intention to request the rules committee to give serious consideration to this resolution at the appropriate time when the other measures are considered."

REMARKS BY SENATOR LYSEN

Senator Lysen: "Yes, Mr. President, ladies and gentlemen of the Senate. I think this resolution is very important and Senator Walgren has assured me the rules committee will consider it shortly after the end of this session to the creation of a select committee to look into the contract and the circumstances surrounding the contract which was given to Marine Power subsidiary, Marine Power and Equipment company. This contract, in the paper, indicates it is two hundred and fifty thousand dollars approximately, per month on this tug and barge across Hood Canal bridge system. It was indicated in the press that the tug and barge system was certificated and licensed and inspected by the Coast Guard. The fact is that that is not the case. The tug is a navy war, a navy surplus scrapped-out tug where the accident occurred. This tug has had fifteen reported accidents since it went into service approximately two months ago; it lost a propellor twice, when you lose a propellor on a boat you lose your steering, you lose everything. And the question of why the propellor fell off was the fatigue, shaft fatigue or what were the circumstances surrounding this whole situation where we have lost the first fatality in our state's ferry board's system service. To ask the department to investigate its own contract is like putting the fox in the hen house. I think that this contract should be investigated or reviewed by this legislature as an independent part of the non-executive part of our function. So I very much look forward to serious consideration on this matter, and this is where we have this. . . Thank you."

The motion by Senator Walgren carried.

Senate Resolution 1980-183 was referred to the Committee on Rules.

Senator Day moved adoption of the following resolution:

SENATE RESOLUTION 1980-187

By Senators Day, Walgren, Donohue, Hurley, Gaspard, Moore, Quigg, Vognild, Wanamaker, Jones, Bradburn, Scott, Shinpoch, Bausch, Wilson, Ridder, Williams, Wojahn, Goltz, Van Hollebeke, Fleming, Hayner, Guess, Odegaard, Woody, Bluechel, Lee, Hanson, Conner, Haley, Lewis, Morrison, Pullen, McDermott and Rasmussen:

WHEREAS, McNeil Island is currently the property of the Bureau of Prisons, United States Department of Justice; and

WHEREAS, The federal government has publicly stated that the Bureau of Prisons has no further use for McNeil Island and the Bureau will formally declare the facility excess to its needs in October, 1980, and close the prison; and

WHEREAS, In anticipation of the closure the Bureau is relocating and will relocate all serviceable equipment and personal property to other institutions within the Bureau of Prisons; and

WHEREAS, After thirty days of the Bureau's formal declaration of excess, if no executive agency of the federal government has expressed a desire for this excess real property, the federal General Services Administration will declare such excess real property as surplus real property; and

WHEREAS, In the subsequent procedure for the disposal of surplus real property, the state of Washington has primacy among nonfederal governmental agencies in the acquisition of this real property; and

WHEREAS, The state of Washington has numerous potential uses for McNeil Island; and

WHEREAS, The people of the state of Washington would be well served if McNeil Island were to be acquired as state property; and

WHEREAS, The Governor has been in contact with the federal government for almost two years trying to obtain the Island for use by our state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the state continue in its attempts to acquire McNeil Island through the federal surplus property procedure; and

BE IT FURTHER RESOLVED, That the Honorable Governor Dixy Lee Ray be urged to continue her extensive efforts to acquire McNeil Island and to again notify the federal General Services Administration of the state's desire to acquire McNeil Island; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the Congressional delegation of the state of Washington to reiterate the state Senate's recommendation for the acquisition of McNeil Island for state purposes.

Debate ensued.

POINT OF INQUIRY

Senator Morrison: "Senator Day, would it be helpful on this resolution if we indicated what we had in mind for McNeil Island?"

Senator Day: "I do not think so because, according to the latest word that we have gotten from the federal government, that it is not available either for interim use as a prison or as, continuing as a prison site. And that does not negate the other positive aspects of it at all; but one of the reasons, of course, for the resolution is the obvious entanglement over House Bill 1817 which of course goes far beyond the acquiring of McNeil—it actually stops the development of the present corrections system, and of course that is the problem, the basic problem of the bill."

Senator Morrison: "Senator Day, do we presume that the passage of this resolution and the efforts to acquire McNeil Island do not foreclose the opportunity of a later decision to utilize this as part of the prison system?"

Senator Day: "They do not, and I think that is the point. We have to continue with the development of the correction system—we are behind scheduled as everyone knows, and that bill did deter that. This will allow us to pursue the acquiring of the property, it is obvious we are not going to be able to acquire it immediately when it becomes available in October of 1980, then when the final conclusion comes and we do, in fact, have the property, then those judgments can be made and they can possibly be made relative to a corrections application as well. But I do not think until we do that that we should deter the development of the present system."

Further debate ensued.

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

MOTIONS

On motion of Senator Donohue, Engrossed Substitute House Bill No. 1516, establishing requirements for in-home services, was referred to the Committee on Ways and Means from the second reading calendar.

At 12:37 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Monday, February 25, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 25, 1980.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore all Senators were present except Senators Bausch, Donohue, Fleming, Hayner, Matson, Quigg, Ridder and Sellar. On motion of Senator Wilson, Senators Bausch, Donohue, Fleming and Ridder were excused. On motion of Senator Jones, Senators Hayner, Matson, Quigg and Sellar were excused.

The Color Guard, consisting of Pages Susan Beckers and Scott Thrasher, presented the Colors. Reverend Paul J. Beeman of First United Methodist Church of Olympia, offered the following prayer:

"OUR FATHER, WE HAVE ALL BEEN MOVED BY THE HEROIC PERSISTENCE OF YOUNG ATHLETES WHO BELIEVED THAT THEY WERE MEANT TO COMPETE, AND THAT THEIR TIME FOR COURAGEOUS TEAMWORK HAD COME.

"HOW OFTEN YOU HAVE CALLED US TO LIVE AGAINST THE ODDS; TO SET OUR GOALS BEYOND THE POSSIBLE; TO PLAY OVER OUR HEADS; TO SEEK THAT WHICH SEEMINGLY CANNOT BE DONE; TO BE MORE THAN WE ARE.

"WE ACKNOWLEDGE AT THE BEGINNING OF THIS DAY AND WEEK THAT WE ARE NOT OUR OWN. WE ARE THINE. THE WORK OF THIS SENATE IS THINE. THE TASKS TO BE ACCOMPLISHED ARE THINE. THE PEOPLE OF WASHINGTON FOR WHOM WE LABOR ARE THINE. THIS MOMENT, THIS HOUR, THIS DAY ARE THINE, AND YOU HAVE CALLED US TO COMPETE HERE AND NOW.

"AS THESE SENATORS CONSIDER THE BUDGET THAT SEEMS INSURMOUNTABLE, AND NUCLEAR WASTE DISPOSAL WHICH SEEMS UNSTORABLE, AND ENERGY WHICH SEEM UNSUPPLYABLE, AND LONG-RANGE REDISTRICTING WHICH SEEMS UNSOLVABLE, AND SHORT-RANGE COOPERATION WITH THE HOUSE AND WITH THE EXECUTIVE WHICH SEEMS UNMANAGEABLE, REMIND THEM THAT THEIR RESOURCES FOR THIS DAY LIE NOT ALONE IN THEIR SENSE, BUT IN THEIR SOULS; NOT ALONE IN THEIR HANDS, BUT IN THEIR HEARTS; NOT ALONE IN THEIR MINDS, BUT IN THEIR REALIZATION OF THEIR MISSION AND THEIR DESTINY. THESE SENATORS ARE MEANT TO BE HERE. GRANT TO THEM THE PESKY PERSISTENCE AND THE UNCONQUERABLE COURAGE WHICH ALONE WILL MAKE TODAY A WINNING DAY FOR THE WHOLE LEGISLATURE, ON THE ROAD TO A SUCCESSFUL 1980 SESSION. IN THE MASTER'S NAME. SO BE IT."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 22, 1980.

SENATE BILL NO. 3305, requiring energy-related court cases receive priority (reported by Judiciary Committee):

MAJORITY recommendation: That Senate Bill No. 3305 be referred to the Senate Committee on Energy and Utilities.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Hurley, Van Hollebeke, Woody.

Referred to Committee on Energy and Utilities.

February 21, 1980.

SENATE BILL NO. 3376, directing OFM to report to the legislature on permits, licenses, and inspection requirements by state agencies (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3376 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 22, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516, establishing requirements for in-home services (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Bluechel, Gaspard, Goltz, Jones, Odegaard, Rasmussen, Ridder, Walgren, Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1980.

HOUSE BILL NO. 1658, modifying provisions of the administrative contingency fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Bluechel, Gaspard, Goltz, Jones, Odegaard, Rasmussen, Ridder, Walgren, Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1980.

SUBSTITUTE HOUSE BILL NO. 1981, modifying provisions relating to jail bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Bluechel, Gaspard, Goltz, Jones, Odegaard, Rasmussen, Ridder, Walgren.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 21, 1980.

KENNETH W. ELFBRANDT, to the position of Member of the Washington State Commission for the Blind, appointed by the Governor on November 29, 1979 for the term ending September 30, 1982, succeeding Edward S. Foscue (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

Passed to Committee on Rules.

February 21, 1980.

BONNIE L. LARSON, to the position of Member of the Washington State Commission for the Blind, appointed by the Governor on November 29, 1979 for the term ending September 30, 1982, succeeding Lori Swauger (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

Passed to Committee on Rules.

February 21, 1980.

CLYDE BALLARD, to the position of Member of the Emergency Medical Services Committee, appointed by the Governor on August 28, 1979 for the term ending July 1, 1982, succeeding Sandra Levy (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

Passed to Committee on Rules.

February 21, 1980.

VALETA R. BIGGS, to the position of Member of the Emergency Medical Services Committee, appointed by the Governor on August 28, 1979 for the term ending July 1, 1982, succeeding herself (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

Passed to Committee on Rules.

February 21, 1980.

ROBERT M. JOHNSON, to the position of Member of the Emergency Medical Services Committee, appointed by the Governor on August 28, 1979 for the term ending July 1, 1982, succeeding himself (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

Passed to Committee on Rules.

February 21, 1980.

MERLIN TRAYLOR, to the position of Member of the Emergency Medical Services Committee, appointed by the Governor on August 28, 1979 for the term ending July 1, 1982, succeeding Carl Barr (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

Passed to Committee on Rules.

February 21, 1980.

MARVIN A. WAYNE, to the position of Member of the Emergency Medical Services Committee, appointed by the Governor on August 28, 1979 for the term ending July 1, 1982, succeeding himself (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 25, 1980.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 22, 1980.

Mr. President: The House concurred in the Senate amendments to HOUSE BILL NO. 1521 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 22, 1980.

Mr. President: The House concurred in the Senate amendment to HOUSE BILL NO. 1486 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 22, 1980.

Mr. President: The House concurred in the Senate amendments to HOUSE BILL NO. 1458 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 22, 1980.

Mr. President: The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1447 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 22, 1980.

Mr. President: The Speakers have signed:
SUBSTITUTE SENATE BILL NO. 2616,
SENATE BILL NO. 3202,
SENATE BILL NO. 3320, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 25, 1980.

Mr. President: The Speakers have signed:
SECOND SUBSTITUTE SENATE BILL NO. 2381,
SUBSTITUTE SENATE BILL NO. 3226,
SENATE BILL NO. 3280, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 22, 1980.

Mr. President: The Speakers have signed:
SUBSTITUTE HOUSE BILL NO. 382,
HOUSE BILL NO. 427,
SUBSTITUTE HOUSE BILL NO. 799,
SUBSTITUTE HOUSE BILL NO. 1429,

SUBSTITUTE HOUSE BILL NO. 1510, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 22, 1980.

Mr. President: The Speakers have signed:

HOUSE BILL NO. 357,
SUBSTITUTE HOUSE BILL NO. 395,
SUBSTITUTE HOUSE BILL NO. 551,
HOUSE BILL NO. 762,
HOUSE BILL NO. 1432,
SUBSTITUTE HOUSE BILL NO. 1454,
SUBSTITUTE HOUSE BILL NO. 1457,
HOUSE BILL NO. 1463,
SUBSTITUTE HOUSE BILL NO. 1466,
SUBSTITUTE HOUSE BILL NO. 1481,
SUBSTITUTE HOUSE BILL NO. 1558,
HOUSE BILL NO. 1598,
HOUSE BILL NO. 1663,
HOUSE JOINT MEMORIAL NO. 24, and the same are herewith

transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 21, 1980.

Mr. President: The Speakers have signed:

HOUSE BILL NO. 1460,
HOUSE BILL NO. 1464,
HOUSE BILL NO. 1593,
SUBSTITUTE HOUSE BILL NO. 1609,
HOUSE BILL NO. 1681,
SUBSTITUTE HOUSE BILL NO. 1952, and the same are herewith

transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 357,
SUBSTITUTE HOUSE BILL NO. 395,
SUBSTITUTE HOUSE BILL NO. 551,
HOUSE BILL NO. 762,
HOUSE BILL NO. 1432,
SUBSTITUTE HOUSE BILL NO. 1454,
SUBSTITUTE HOUSE BILL NO. 1457,
HOUSE BILL NO. 1460,
HOUSE BILL NO. 1463,
HOUSE BILL NO. 1464,
SUBSTITUTE HOUSE BILL NO. 1466,
SUBSTITUTE HOUSE BILL NO. 1481,
SUBSTITUTE HOUSE BILL NO. 1558,
HOUSE BILL NO. 1593,
HOUSE BILL NO. 1598,
SUBSTITUTE HOUSE BILL NO. 1609,

HOUSE BILL NO. 1663,
 HOUSE BILL NO. 1681,
 SUBSTITUTE HOUSE BILL NO. 1952,
 HOUSE JOINT MEMORIAL NO. 24.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 382,
 HOUSE BILL NO. 427,
 SUBSTITUTE HOUSE BILL NO. 799,
 SUBSTITUTE HOUSE BILL NO. 1429,
 SUBSTITUTE HOUSE BILL NO. 1510.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533, by Committee on Appropriations (originally sponsored by Representatives Thompson and Nelson (G.)):

Making an appropriation to the department of social and health services.
 Referred to Committee on Ways and Means.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS
 MOTION

On motion of Senator Day, the appointment of J. H. Todd as a member of the Board of Prison Terms and Paroles was confirmed.

APPOINTMENT OF J. H. TODD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Excused: Senators Bausch, Donohue, Fleming, Hayner, Matson, Quigg, Ridder, Sellar—8.

MOTION

On motion of Senator Goltz, the appointment of R. D. Leary as a member of the Washington State University Board of Regents was confirmed.

APPOINTMENT OF R. D. LEARY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Excused: Senators Bausch, Donohue, Fleming, Hayner, Matson, Quigg, Ridder, Sellar—8.

MOTION

On motion of Senator Goltz, the appointment of Edwin J. McWilliams as a member of the Washington State University Board of Regents was confirmed.

APPOINTMENT OF EDWIN J. McWILLIAMS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Excused: Senators Bausch, Donohue, Fleming, Hayner, Matson, Quigg, Sellar—7.

MOTION

On motion of Senator Goltz, the appointment of William F. Kennelly as a member of the Board of Trustees, Green River Community College, District 10 was confirmed.

APPOINTMENT OF WILLIAM F. KENNELLY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Bausch, Donohue, Fleming, Hayner, Matson, Quigg—6.

MOTION

On motion of Senator Goltz, the appointment of Janet Allison as a member of the Commission for Vocational Education was confirmed.

APPOINTMENT OF JANET ALLISON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Bausch, Donohue, Fleming, Hayner, Matson, Quigg—6.

MOTIONS

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

On motion of Senator Marsh, Senate Resolution 1980-163, regarding limiting electrical energy service hookups was referred to the Senate Committee on Energy and Utilities.

MOTION

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

SENATE RESOLUTION 1980-171

By Senators Lewis, Day, Hurley and Guess:

WHEREAS, The Fort George Wright National Cemetery Committee has been established to preserve the historic significance of Fort George Wright Military Cemetery through congressional legislation as a National Cemetery; and

WHEREAS, In addition, the Fort George Wright National Cemetery Committee has requested the State of Washington to release to the Federal Government one hundred acres of land west of the present cemetery to provide additional burial spaces for our veterans inasmuch as the cemetery is now considered closed except for a few reserved spaces; and

WHEREAS, As of December 31, 1977, there were one hundred eight National Cemeteries under the jurisdiction of the Veterans Administration, none of which are located in Washington, Idaho, Montana or North Dakota; and

WHEREAS, There is limited space remaining in only sixty-two of these one hundred eight National Cemeteries; and

WHEREAS, The need of a National Cemetery in the State of Washington will grow immeasurably to provide a final resting place for the men who served their country and for their wives and families;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Fort George Wright National Cemetery Committee's purpose of preserving the historical significance of the Fort George Wright Military Cemetery through congressional legislation designating it a National Cemetery be and hereby is endorsed; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the Honorable Jimmy Carter, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

MOTIONS

On motion of Senator Marsh, Senate Resolution 1980-176, regarding fusion energy systems, and Senate Resolution 1980-178, regarding coal exploration were referred to the Senate Committee on Energy and Utilities.

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1980-181.

On motion of Senator von Reichbauer, any member wishing to be an additional sponsor to Senate Resolution 1980-181 will be permitted.

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1980-181

By Senators von Reichbauer, Gaspard and Walgren:

WHEREAS, The Washington Games for Physically Disabled Citizens are held annually at Green River Community College and are sponsored by King County Parks, Seattle Parks and Recreation Department, Green River Community College, and the Kent-Meridian Kiwanis Club; and

WHEREAS, These games will be held on Saturday, March 1, 1980; and

WHEREAS, The Washington Games for Physically Disabled Citizens establishes competition based on merit between those children and those adults who are physically disabled; and

WHEREAS, The games comprise over 250 competitors from various schools and parks programs located in Washington and Canada; and

WHEREAS, The games embrace the players' physical and mental endurance to overcome obstacles which are seemingly impossible; and

WHEREAS, The games provide community awareness and direct involvement in the high level of proficiency and competence of the players involved; and

WHEREAS, The games provide challenging and rewarding competition, promoting self-fulfillment and self-esteem for the players involved;

NOW, THEREFORE, BE IT RESOLVED, That the Washington Games for Physically Disabled Citizens be applauded for its effort in providing a positive and meaningful event; and

BE IT FURTHER RESOLVED, That King County Parks, Seattle Parks and Recreation Department, Green River Community College, and the Kent-Meridian Kiwanis Club be openly applauded for their sponsorship of the games; and

BE IT FURTHER RESOLVED, That the athletes of these games be supported and encouraged in their efforts to achieve personal growth through active participation; and

BE IT FURTHER RESOLVED, That the sponsors and participants of the 1980 Washington Games for Physically Disabled Citizens receive a copy of this resolution from the Secretary of the Senate.

MOTIONS

On motion of Senator Marsh, Senate Resolution 1980-182, regarding recreational rivers study, was referred to the Senate Committee on Rules.

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1980-185.

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

SENATE RESOLUTION 1980-185

By Senator Wanamaker:

WHEREAS, The United State Congress has established the Ebey's Landing Historic Reserve on Whidbey Island, Washington; and

WHEREAS, The United States Congress has authorized five million dollars for acquisition of property needed to accomplish this new and creative cooperative program; and

WHEREAS, The state of Washington has expended seven hundred and fifty thousand dollars to preserve the reservation's waterfront and continues to expend funds for the development and operation of Fort Ebey and Fort Casey State Parks, both of which parks are located within the reserve; and

WHEREAS, Certain key parcels of property will be lost forever unless the federal government acts immediately;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate strongly urges the United States Congress to appropriate five million dollars of authorized funds to immediately purchase key parcels of property; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately 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.

MOTIONS

On motion of Senator Marsh, Senate Resolution 1980-188, regarding park and recreation facility fee structures study, was referred to the Senate Committee on Rules.

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1980-184.

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

SENATE RESOLUTION 1980-184

By Senators, Gaspard, Bottiger, Odegaard, Hansen, Gallagher, Goltz, Morrison and Benitz:

WHEREAS, Berry farming is an essential factor in the agricultural economy of the state of Washington that is placed in jeopardy without an available supply of berry pickers; and

WHEREAS, Berry picking is primarily performed by the youth of this state; and

WHEREAS, Berry picking provides numerous jobs for the youth of our state, especially near urbanized areas, which furnishes our youth with worthwhile activities to occupy their summer vacation time; and

WHEREAS, Berry picking fosters a work ethic in our youth that is essential to our nation; and

WHEREAS, Regulations by the United States Department of Labor preclude ten and eleven year old youths from picking berries because of the use of particular pesticides even though the Environmental Protection Agency has determined that such pesticides are not harmful;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That jurisdiction over any restriction on berry picking which is based upon the alleged harmful effects of a pesticide, herbicide, or fungicide be removed from the Department of Labor and placed in the Environmental Protection Agency which has expertise in this area, that a public hearing on this matter be held to receive input from affected parties, and that this problem be resolved as soon as possible to avoid hardships in the forthcoming summer; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Secretary of the Senate to the Honorable Jimmy Carter, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the state of Washington.

MOTION

At 11:45 a.m., on motion of Senator Marsh, the Senate recessed until 12:30 p.m.

NOON SESSION

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

POINT OF INQUIRY

Senator Morrison: "Mr. President, a point of inquiry. Is House Bill 1901 still on the desk?"

President Pro Tempore Henry: "The answer is 'yes'."

REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President, the discussion in our caucus I have not had an opportunity to discuss this with Senator Walgren that, we would like to ask that that measure be held, if we could, so that it would still be eligible for Senate action. Senator Walgren, is that okay with you?"

Senator Walgren: "Well, Senator Morrison, I do not like to make commitments out here on the floor without having discussed it more; further, I do not know what the total ramifications are; but I am not intending to do anything with this bill at the moment."

Senator Morrison: "Mr. President, could we then ask that it be held and not transmitted to the House at this time so that it would be available for discussion between our leaders?"

President Pro Tempore Henry: "Yes, it can be held until at least we take up at ten o'clock tomorrow, Senator Morrison."

MOTION

At 12:35 a.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, February 26, 1980.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 26, 1980.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benitz, Guess, Matson and Odegaard. On motion of Senator Wilson, Senator Odegaard was excused. On motion of Senator Jones, Senators Benitz and Guess were excused.

The Color Guard, consisting of Pages Tami Dietrich and Brian Smith, presented the Colors. Reverend Paul J. Beeman, pastor of First United Methodist Church of Olympia, offered the following prayer:

"OUR FATHER IN HEAVEN, WE COME TO YOU TODAY WITH TWIN PRAYERS OF THANKSGIVING AND OF PETITION. WE COME THANKING YOU FOR ALL THOSE BACK HOME WHO MAKE IT POSSIBLE FOR THESE SENATORS TO BE HERE, TO BE FREE OF OTHER RESPONSIBILITIES, AND TO FOCUS ON LEGISLATION. WE COME IN GRATITUDE FOR BUSINESS COLLEAGUES, LAW PARTNERS, OTHERS IN COVERING THE CLASSROOM OR DEPARTMENT OR OFFICE. WE THANK YOU FOR FAITHFUL AND SKILLED BUSINESS ASSOCIATES WHO CAN HANDLE THINGS AT HOME, RELEASING THESE SENATORS FOR THEIR DUTIES. WE THANK YOU ALSO FOR LOVED ONES WHO ARE WILLING TO GET BY ON THEIR OWN, SPOUSES WHO MANAGE THE FAMILY, AND CHILDREN WHO CAN MANAGE THEMSELVES, SUPPORTING AND LOVING THESE SENATORS ACROSS THE MILES, AND GETTING BY WHILE LOVE CAN BE EXPRESSED ONLY IN ABSENTIA.

"WE ASK YOU TO BLESS THOSE THEY LOVE BACK HOME, AND MAKE THIS A GOOD DAY FOR COLLEAGUES AND FAMILIES, A DAY OF HEALING, AND WHOLENESS AND COMPETENCY. IN THAT TRUST, WE ASK FOR THESE SENATORS YOUR TWIN GIFTS, THAT TODAY MAY BE FRUITFUL AND GRATIFYING IN ALL ITS ACCOMPLISHMENTS. IN THE MASTER'S NAME. SO BE IT."

MOTION

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

APPOINTMENT OF SPECIAL COMMITTEE

President Pro Tempore Henry: "Ladies and gentlemen of the Senate. We have in the Senate Chambers this morning, some very distinguished guests with international recognition. At this time I would like to appoint Senators Hansen, Walgren, Rasmussen, Senator Morrison, Senator Vognild, Senator Gould. I would like to ask those Senators to go to the Lieutenant Governor's office and bring our distinguished guests to the rostrum . . . Senators Hansen, Walgren, Morrison, Vognild; I was looking for Senator Matson; Senator Gould; Senator Bottiger, are you a trifle Scandinavian?"

Senator Bottiger: "The words I can remember are not suited for here; but my mother does speak Norwegian."

President Pro Tempore Henry: "Senator Odegaard is ill today. I think that is a sufficient delegation."

President Pro Tempore Henry: "Would the Governor from Yugoslavia also join us on the rostrum?"

Lieutenant Governor Cherberg came to the rostrum.

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Fellow Senators, it is my pleasure to introduce to you today a man, who I said earlier, is internationally renowned, Mr. John Heistein, who is the vice president and general manager of SAS North America. He is stationed in New York City. He has two sons living in the Seattle area. He was born in Kristiansand, Norway. His hobby is sailing; he is a member of the Wings Club and Mt. Kenya Safari Club; and he has been very active in a wide range of Scandinavian/American organizations such as the American/Scandinavian Foundation; a member of the executive committee of the Norwegian/American Chamber of Commerce; a member of the board of Swedish/American Chamber of Commerce. He has been decorated by the three Scandinavian countries, Norway, Sweden and Denmark. May I present to you Mr. John Heistein and his lovely wife, Barbara. John. I am sure the members of the Senate would like to hear from you."

REMARKS BY JOHN HEISTEIN

Mr. Heistein: "Thank you, Mr. President. I just happened to have a few words prepared.

"Mr. President, Senators. Thank you for this wonderful welcome to the capital of Washington. We picked a very nice day to see the capital. We got out of Seattle and it was raining cats and dogs and down here the sky is clear. I don't know how you do that, I would like to follow whatever secret it is, because we have a few problems with rain in western Norway as well.

"We have two sons here. I could never understand why they could barely finish the university in Minnesota before they lit out for the state of Washington, but I have since found out. We have spent the last four days here eating and a little drinking and seeing a lot of fantastic scenery, especially up at Stevens Pass. We are now heading south to that other state to catch up on some sleep which I understand is what they do best there.

"We started this route over the pole from Seattle many years ago and it was a little unheard of at that time; people from the west were supposed to go to New York if they wanted to go overseas. We disagreed with that for many reasons, the first one was that it made good commercial sense, the other one was that we could not see why you should have to sit longer in an airplane than you have to; and the third one was that we wanted to see a lot of our colleagues live in this beautiful part of the country. Funny thing has happened over these years. We used to fly eighty, ninety percent of the business that we got from Washington. We are now flying over sixty percent of it from Europe, which is a good sign - that is what you want, two-way trade. We promise that we are going to spend a lot of time and effort to bring more Europeans here; we are going to make sure that they spend a lot of money, and we are going to make doubly sure that they get out of here fast. And that is the kind of trade you would like, I hope.

"I want to thank you very much for this warm and very cordial welcome. I am awed by this chamber where you are working hard to keep the state moving forward and at the same time, as beautiful as it is. I wish you much luck in your hard work here. Thank you."

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Thank you, Mr. Heistein. I found out on my visit to your beautiful little town of Kristiansand why you do, you said 'little drinking'. I tried that akvait, it almost knocked my head off; and if we could incorporate that with gasoline we would have this situation whipped, we would not need it ten-ninety percent. I want to tell you also that I think you have the right person for the job in the northwest. I do not know of anybody in the whole country that has met him that doesn't like Leif Eie. And we appreciate your visit here and I have made several trips on your planes and I feel very safe riding them. They seem to be very well taken care of and you have a very fine airline. Would anybody like to ask Mr. Heistein any questions? I think all the members whose names ended with 'on' that I could find, found out some of them were sort of parading under false colors, you know like an Irishman with an 'on' on the end of his name or something like that. Nobody has any questions? Fine. Or Senator Rasmussen. . ."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, there are no questions. The service is just tremendous on SAS and I have no objection taking my wife on a plane like that with me because I know we are going to get back together—not that we have ever been apart, but I would just like to compliment them on their very fine service and their very fine man that they have here in Seattle. We call him 'High Life' but his name is Leif Eie, who does an excellent job for SAS also. Thank you."

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I thought maybe, Senator, that when you said they were going to get you back together, that they had gone into counseling business along with the airline business. Evidently not. Would the committee please escort our warm and welcome guests to the Lieutenant Governor's chambers?"

REPORT OF STANDING COMMITTEES

February 25, 1980.

SENATE BILL NO. 3313, authorizing equine research and stallion awards (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended and be referred to the Committee on Ways and Means.

Signed by: Senators Van Hollebeke, Chairman; Hurley, Morrison, Quigg, Williams.

Rereferred to Committee on Ways and Means for second reading.

GUBERNATORIAL APPOINTMENT

February 25, 1980.

MARVEN K. EGGERT, to the position of Member of the Board of Trustees, Western Washington University, appointed by the Governor on February 7, 1980 for the term ending September 30, 1982, succeeding John Wittaker (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3133,
SUBSTITUTE SENATE BILL NO. 3164,
SUBSTITUTE SENATE BILL NO. 3184,
SENATE BILL NO. 3211,
SENATE BILL NO. 3214,
SENATE BILL NO. 3220,
SUBSTITUTE SENATE BILL NO. 3224,
SENATE BILL NO. 3236,
SENATE BILL NO. 3241,
SUBSTITUTE SENATE BILL NO. 3256,
SENATE BILL NO. 3282,
SUBSTITUTE SENATE BILL NO. 3309,
SENATE BILL NO. 3318,
SUBSTITUTE SENATE BILL NO. 3330,
SENATE BILL NO. 3331,
SENATE BILL NO. 3334,
SENATE BILL NO. 3362,
SENATE BILL NO. 3378,
SENATE BILL NO. 3422,
SENATE BILL NO. 3474,
SENATE BILL NO. 3487,
SUBSTITUTE SENATE BILL NO. 3558,
SENATE BILL NO. 3565,
SUBSTITUTE SENATE BILL NO. 3581,
SENATE BILL NO. 3593.

MESSAGES FROM THE HOUSE

February 25, 1980.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1495 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 15, 1980.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTION HOUSE BILL NO. 1480 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 25, 1980.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTION HOUSE BILL NO. 19 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 25, 1980.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 209 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 25, 1980.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 783 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of gubernatorial appointment 248.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS MOTION

On motion of Senator Goltz, the appointment of Dorothy W. McClellan as a member of the Council for Postsecondary Education was confirmed.

APPOINTMENT OF DOROTHY W. McCLELLAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

ROLL CALL

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Benitz, Guess, Odegaard—3.

MOTIONS

On motion of Senator Wilson, Senator Williams was excused.

On motion of Senator Fleming, the Senate commenced consideration of gubernatorial appointment 253.

MOTION

On motion of Senator Goltz, the appointment of Vivian M. Startup as a member of the Board of Trustees, Peninsula Community College, District 1 was confirmed.

APPOINTMENT OF VIVIAN M. STARTUP

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Matson—1.

Excused: Senators Benitz, Guess, Odegaard, Williams—4.

MOTION

On motion of Senator Fleming, the Senate commenced consideration of gubernatorial appointment 254.

MOTION

On motion of Senator Sellar, the appointment of Melvin G. Hammer as a member of the Board of Trustees, Wenatchee Community College, District 15 was confirmed.

APPOINTMENT OF MELVIN G. HAMMER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Guess, Matson, Odegaard, Williams—5.

MOTION

On motion of Senator Fleming, the Senate commenced consideration of gubernatorial appointment 113.

MOTION

On motion of Senator Conner, the appointment of Chester A. Richmond as a member of the Board of Pilotage Commissioners was confirmed.

APPOINTMENT OF CHESTER A. RICHMOND

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Guess, Matson, Odegaard, Williams—5.

MOTION

On motion of Senator Goltz, the appointment of Ellen Pinto as a member of the Board of Trustees, Tacoma Community College, District 22 was confirmed.

APPOINTMENT OF ELLEN PINTO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley,

Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Guess, Matson, Odegaard, Williams—5.

MOTION

On motion of Senator Day, the appointment of Harold F. Osborne as a member of the Board of Pharmacy was confirmed.

APPOINTMENT OF HAROLD F. OSBORNE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Guess, Matson, Odegaard, Williams—5.

MOTION

On motion of Senator Goltz, the appointment of James E. Brooks as a member of the Board of Trustees, Yakima Community College, District 16 was confirmed.

APPOINTMENT OF JAMES E. BROOKS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Guess, Matson, Odegaard—4.

MOTION

On motion of Senator Goltz, the appointment of Dan W. Stephens as a member of the Board of Trustees, Yakima Community College, District 16 was confirmed.

APPOINTMENT OF DAN W. STEPHENS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Guess, Matson, Odegaard—4.

MOTION

On motion of Senator Goltz, the appointment of Virginia Hislop as a member of the Board of Trustees, Yakima Community College, District 16 was confirmed.

APPOINTMENT OF VIRGINIA HISLOP

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Guess, Matson, Odegaard—4.

MOTION

On motion of Senator Goltz, the appointment of Joan Harris as a member of the Board of Trustees, Yakima Community College, District 16 was confirmed.

APPOINTMENT OF JOAN HARRIS

The Secretary called the roll. The appointment was confirmed by the senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Guess, Matson, Odegaard—4.

MOTION

On motion of Senator Goltz, the appointment of Anthony Washines as a member of the Board of Trustees, Yakima Community College, District 16 was confirmed.

APPOINTMENT OF ANTHONY WASHINES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Guess, Matson, Odegaard—4.

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 Substitute Senate Bill No. 3169.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3169 with the following amendments:

On page 1, line 4, following "51.32.090", strike the period and insert: "; and amending section 16, chapter 289, Laws of 1971 ex. sess. as amended by section 24, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.035; and creating new sections."

On page 1, line 1 of the title, strike "industrial".

On page 2, line 29, strike all language starting with "That" up to and including "disability" on line 32. Insert on line 29 after "PROVIDED:" "That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs."

On page 3, following line 6, add three new sections as follows:

NEW SECTION. Sec. 2. The department shall develop a comprehensive plan including alternatives for medical, rehabilitation, and reemployment services to be presented to the appropriate committees of the legislature no later than October 1, 1980. Such plan and alternatives shall include, but not be limited to, the following:

- (1) A statement of purpose;
- (2) Specific definitions of medical, rehabilitation, and reemployment services to be provided by the state and/or employers;
- (3) A description of administrative organization, staffing, and responsibilities;
- (4) Criteria and content of individual worker rehabilitation plans;
- (5) Specific timetables for claims review and for development of rehabilitation plans based on category and type of injury;
- (6) An appeals procedure for disputes regarding rehabilitation plans;
- (7) Legislative recommendations to improve medical, rehabilitation, and reemployment services, with specific attention given to employer and employee incentives, second injury fund, and alternative methods of providing compensation for wage loss, loss of earning power, and functional disability.

NEW SECTION. Sec. 3. (1) There is hereby created the joint committee on workers' compensation to conduct a comprehensive examination of the present workers' compensation program in the state. The committee shall be bipartisan in nature and shall be composed of four senators appointed by the majority leader of the senate and four representatives appointed by the speakers of the house. The committee may appoint up to seven nonlegislators representing various interested parties to serve as ex-officio, nonvoting members.

(2) In conducting its study, the committee shall consider, but not be limited to, the following areas:

- (a) Definition, adequacy, and methods of determining benefits;
- (b) Medical, rehabilitation, and reemployment procedures and services;
- (c) Administrative organization and claims management;
- (d) Rate-making and methods of financing;
- (e) Coverage of professional athletes and the classifications and rates established for professional sports teams;
- (f) Audit and appeals procedures;
- (g) Safety standards; and
- (h) Occupational disease.

(3) The committee shall hold meetings and hearings at the times and places it designates to accomplish the purposes of this section. It shall make use of existing

legislative facilities and the staff of the house and senate. The committee shall have authority to contract for expert services and opinions relevant to its study.

(4) The committee shall report its initial findings and recommendations to the legislature no later than January 1, 1981. A final report shall be submitted to the legislature no later than January 1, 1983.

(5) The committee shall cease to exist on July 1, 1983, unless extended by law for an additional fixed period of time.

Sec. 4. Section 16, chapter 289, Laws of 1971 ex. sess. as amended by section 24, chapter 350, Laws of 1977 ex. sess. and RCW 56.16.035 are each amended to read as follows:

The department shall classify all occupations or industries in accordance with their degree of hazard and fix therefor basic rates of premium which shall be the lowest necessary to maintain actuarial solvency of the accident and medical aid funds in accordance with recognized insurance principles. The department shall formulate and adopt rules and regulations governing the method of premium calculation and collection and providing for a rating system consistent with recognized principles of workers' compensation insurance which shall be designed to stimulate and encourage accident prevention and to facilitate collection. The department may annually, or at such other times as it deems necessary to maintain solvency of the funds, readjust rates in accordance with the rating system to become effective on such dates as the department may designate.

The department may insure the workers' compensation obligations of employers as a group if the following conditions are met:

(1) All the employers in the group are members of an organization that has been in existence for at least two years;

(2) The organization was formed for a purpose other than that of obtaining workers' compensation coverage;

(3) The occupations or industries of the employers in the organization are substantially similar, taking into consideration the nature of the services being performed by workers of such employers;

(4) The employers in the group constitute at least fifty percent of the total employers in such organization; and

(5) The formation and operation of the group program in the organization will substantially improve accident prevention and claim management for the employers in the group.

In providing an employer group plan under this section, the department may consider an employer group as a single employing entity for purposes of dividends or premium discounts."

On page 3, after line 6, insert the following:

"NEW SECTION. Sec. 2. Sections 3 through 5 of this 1980 act are required to clarify the legislative intent concerning the phrase "public or private insurance" as used in section 13, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.130 which was the subject of *Wagner v. Labor & Indus.*, 92 Wn.2d 463 (1979). It has continuously been the legislative intent to include as "public insurance" both state and federal statutory social welfare and insurance schemes which make available to victims or their beneficiaries recompense as a result of the claimed injury or death, such as but not limited to old age and survivors insurance, medicare, medicaid, benefits under the veterans' benefits act, longshore and harbor workers act, industrial insurance act, law enforcement officers' and fire fighters' retirement system act, Washington public employees' retirement system act, teachers' retirement system act, and firemen's relief and pension act. "Private insurance" continuously has been intended to include sources of recompense available by contract, such as but not limited to policies insuring a victim's life or disability.

Sec. 3. Section 2, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 302, Laws of 1977 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 set forth in this section 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)~~) is 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)~~) is 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)~~) are deemed to be criminal conduct within the meaning of this chapter.

(3) "Victim" means a 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)~~) is interchangeable with "employee" or "workman" as defined in chapter 51.08 RCW as now or hereafter amended.

(4) "Child(~~(-)~~)₂," "accredited school(~~(-)~~)₂," "dependent(~~(-)~~)₂," "beneficiary(~~(-)~~)₂," "average monthly wage(~~(-)~~)₂," "director(~~(-)~~)₂," "injury(~~(-)~~)₂," "invalid(~~(-)~~)₂," "permanent partial disability(~~(-)~~)₂" 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) "Private insurance" means any source of recompense provided by contract available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

(7) "Public insurance" means any source of recompense provided by statute, state or federal, available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

Sec. 4. Section 5, chapter 122, Laws of 1973 1st ex. sess. as amended by section 3, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.050 are each amended to read as follows:

(1) No right of action at law for damages incurred as a consequence of a criminal act shall be lost as a consequence of being entitled to benefits under the provisions of this chapter. (~~(In the event any person entitled to benefits under this chapter additionally seeks a remedy for 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 and have a lien upon any recovery so made to the extent of the benefits paid or payable by the department to or on behalf of such person under this chapter.))~~ The victim or his beneficiary may elect to seek damages from the person or persons liable for the claimed injury or death, and such victim or beneficiary is entitled to

the full compensation and benefits provided by this chapter regardless of any election or recovery made pursuant to this section.

(2) For the purposes of this section, the rights, privileges, responsibilities, duties, limitations, and procedures contained in RCW 51.24.050 through 51.24.100 as now existing or hereafter amended apply.

(3) If the recovery involved is against the state, the lien of the department ((~~shall~~)) includes 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.

(4) The 1980 amendments to this section apply only to injuries which occur on or after the effective date of this 1980 act.

Sec. 5. Section 13, chapter 122, Laws of 1973 1st ex. sess. as amended by section 8, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.130 are each amended to read as follows:

Benefits payable pursuant to this chapter shall be reduced by the amount of any other public or private insurance(~~(, industrial insurance, or medical health or disability benefits))~~ available. Payment by the department under this chapter shall be secondary to such other insurance ((~~or~~)) benefits, notwithstanding the provision of any contract or coverage to the contrary: PROVIDED, That in the case of private life insurance proceeds, the first forty thousand dollars of such proceeds shall not be considered for purposes of any such reduction in benefits.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "insurance;" strike "and"

On page 1, line 4 of the title, after "51.32.090" and before the period, insert "; amending section 2, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.020; amending section 5, chapter 122, Laws of 1973 1st ex. sess. as amended by section 3, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.050; amending section 13, chapter 122, Laws of 1973 1st ex. sess. as amended by section 8, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.130; creating a new section; and declaring an emergency", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Conner, the Senate concurred in the House amendments to Substitute Senate Bill No. 3169 except for the amendment by Representative Tilly on page 3, line 6 and the title amendment to page 1, line 1 and asks the House to recede therefrom.

There being no objection, the Senate resumed consideration of the following House Message on Senate Bill No. 3244. On February 22, 1980, Senator Shinpoch had moved the Senate refuse to concur in the House amendment and ask the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 18, 1980.

Mr. President: The House has passed SENATE BILL NO. 3244 with the following amendments:

On page 1, line 1 of the title, after "employment;" insert "adding new sections to chapter 41.04 RCW;"

On page 3, after line 33, insert the following:

NEW SECTION. Sec. 2. Commencing January 1, 1981, no employer may employ a person as a law enforcement officer or fire fighter until that person has met and has been certified as having met minimum medical and health standards adopted under section 3 of this act: PROVIDED, That a sheriff, chief of police, or fire chief shall not be required to meet whatever age standard may be adopted under section 3 of this act. The terms "employer," "law enforcement officer," and "fire fighter," as used in this section and section 3 of this act, have the same meanings as prescribed in chapter 41.26 RCW.

NEW SECTION. Sec. 3. By January 1, 1981, each employer shall adopt minimum medical and health standards for the employment of law enforcement officers and fire fighters. In adopting the standards, the employer shall consider the standards codified in WAC 415-104-510 through 415-104-755 as they existed on June 30, 1979, and shall adopt and maintain equal or higher standards. The employer shall also adopt and maintain procedures to insure compliance with this section, including procedures for certifying that individuals have met the required standards and for appropriate publication of the standards, procedures, and any amendments. The standards and procedures shall be adopted by each employer through the employer's civil service commission, where applicable, or by ordinance or resolution of the employer's governing body in all other cases. The standards, when adopted, constitute bona fide occupational qualifications for the purposes of chapter 49.60 RCW.

The cost of any medical examinations necessitated by this section or by standards adopted under this section shall be paid by the employer.

NEW SECTION. Sec. 4. Sections 2 and 3 of this act are each added to chapter 41.04 RCW.

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.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

The motion by Senator Shinpoch carried.

The Senate refused to concur in the House amendments to Senate Bill No. 3244 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. 3190.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3190 with the following amendment:

On line 23, following "transportation" insert ": PROVIDED FURTHER, That wherever private transportation certified or licensed by the utilities and transportation commission or public transportation is reasonably available as determined by rule and regulation of the state board of education, this section shall not apply", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator McDermott, the Senate concurred in the House amendment to Engrossed Senate Bill No. 3190.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, this bus transportation of students, of course, is very costly and it is one that the schools have been saying that they are not receiving the ninety percent payment from the state on. In your opinion, would adding this transportation cost increase the deficit we have in our present transportation financing for schools? Let me ask a further question so you can answer it all at once. This is intended to provide that the boosters of the school team go along with them on trips. Would this only be on the bus that the team is transported on or would they run three or four additional buses for the boosters?"

Senator McDermott: "Senator Rasmussen, this bill was written so that it would not incur an additional cost to the state. These buses, owned by school districts, and they want to use them to take boosters along in addition to the actual team bus, will have to be subscribed fully and paid for. They cannot run at a deficit and run it out of the operational budget of the district. So they already own the bus—it will be the operation cost that will have to be borne by those people who use it. And they will, say if you want to go from Chehalis to a game in Walla Walla, it is going to cost you five dollars or six dollars a person. That will have to cover the cost."

Senator Rasmussen: "And that will also include capital outlay? I assume that this will be set by the superintendent of public instruction to include all costs, is that correct?"

Senator McDermott: "Yes."

Senator Rasmussen: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3190, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Guess, Matson, Odegaard—4.

ENGROSSED SENATE BILL NO. 3190, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3297 with the following amendments:

On page 1, on line 1 of the title, after "Relating to" strike the remainder of the title and insert "local government financing; amending section 6, chapter 59, Laws of 1955 and RCW 27.12.060; amending section 13, chapter 155, Laws of 1971 ex. sess. and RCW 36.95.130; amending section 36.29.040, chapter 4, Laws of 1963 and

RCW 36.29.040; amending section 36.29.060, chapter 4, Laws of 1963 and RCW 36.29.060; amending section 36.88.200, chapter 4, Laws of 1963 as last amended by section 55, chapter 56, Laws of 1970 ex. sess. and RCW 36.88.200; amending section 36.88.330, chapter 4, Laws of 1963 and RCW 36.88.330; and declaring an emergency."

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

"Section 1. Section 6, chapter 59, Laws of 1955 and RCW 27.12.060 are each amended to read as follows:

The board of library trustees of this district may contract indebtedness, and evidence it by issuing and selling, at par plus accrued interest (~~((not exceeding six percent a year))~~), coupon warrants of the district in such form as the board of library trustees shall determine. Such warrants may be issued in advance of the tax levy. Such warrants, signed by the chairman and the secretary of the board of library trustees, shall be payable at such times as the board of library trustees shall provide not longer than six years from the date thereof.

The warrants shall be payable to bearer(;) and shall have interest coupons attached providing for the payment of interest semiannually on the first day of January and of July(;-and). At the option of the district board, the aggregate amount of coupon warrants may include a sum sufficient to pay the annual interest for a period not exceeding one year from the issuing date of the coupon warrants and, in that event, such interest shall be taken from the proceeds of the sale of the coupon warrants and immediately placed in the coupon warrant fund of the district for payment of the interest coupons maturing during the first year of the coupon warrants. The issuance thereof shall be recorded in the office of the county treasurer in a book kept for that purpose. All district warrants of every kind shall outlaw and become void after six years from their maturity date but only if there is money in the proper fund available for their payment within such period.

A rural county library district shall be a public corporation with such powers as are necessary to carry out its functions and for taxation purposes shall have the power vested in municipal corporations for such purposes.

Sec. 2. Section 13, chapter 155, Laws of 1971 ex. sess. and RCW 36.95.130 are each amended to read as follows:

In addition to other powers provided for under this chapter, the board shall have the following powers:

(1) To perform all acts necessary to assure that the purposes of this chapter will be carried out fairly and efficiently;

(2) To acquire, build, construct, repair, own, maintain, and operate any necessary stations retransmitting simultaneous visual and aural signals intended to be received by the general public, relay stations, pick-up stations, or any other electrical or electronic system necessary: PROVIDED, That the board shall have no power to originate programs;

(3) To make contracts to compensate any owner of land or other property for the use of such property for the purposes of this chapter;

(4) To make contracts with the United States, or any state, municipality, or any department or agency of those entities for carrying out the general purposes for which the district is formed;

(5) To acquire by gift, devise, bequest, lease, or purchase real and personal property, tangible or intangible, including lands, rights of way, and easements, necessary or convenient for its purposes;

(6) To make contracts of any lawful nature (including labor contracts or those for employees' benefits), employ engineers, laboratory personnel, attorneys, other technical or professional assistants, and any other assistants or employees necessary to carry out the provisions of this chapter;

(7) To contract indebtedness or borrow money (~~(and)~~); to issue warrants or bonds to be paid from district revenues (~~(, bearing interest at a rate not exceeding seven percent per annum)~~);

(8) To prescribe tax rates for the providing of services throughout the area in accordance with the provisions of this chapter; and

(9) To apply for, accept, and be the holder of any permit or license issued by or required under federal or state law.

Sec. 3. Section 36.29.040, chapter 4, Laws of 1963 and RCW 36.29.040 are each amended to read as follows:

All county, school, city and town warrants, and taxing district warrants when not otherwise provided for by law, shall be paid according to their number, date and issue, and when not paid upon presentation shall draw interest from ~~((and after))~~ the date of their presentation to the proper treasurers or from the date the warrants were originally issued, as determined by the proper treasurer. No compound interest shall be paid directly or indirectly on any such warrants.

Sec. 4. Section 36.29.060, chapter 4, Laws of 1963 and RCW 36.29.060 are each amended to read as follows:

Whenever the county treasurer has in his hands the sum of five hundred dollars belonging to any fund upon which warrants are outstanding, he shall make a call for such warrants to that amount in the order of their issue ~~((, and he shall))~~. The county treasurer shall either notify all holders of warrants covered by the call or cause such call to be published in some newspaper published in the county in the first issue of such newspaper after such sum has been accumulated, and if there is no such newspaper, the call shall be posted in three conspicuous places in the county. The call shall describe by number the warrants called, and specify the funds upon which they were drawn: PROVIDED, That the board of county commissioners may prescribe a less sum than five hundred dollars, upon the accumulation of which the call shall be made as to any particular fund: PROVIDED FURTHER, That if the warrant longest outstanding on any fund exceeds the sum of five hundred dollars, or exceeds the sum fixed by the board of county commissioners, no call need be made for warrants on such fund until the amount due on such warrant has accumulated. No more than two calls for the redemption of warrants shall be made by the treasurer in any month. The treasurer shall pay on demand, in the order of their issue, any warrants when there shall be in the treasury sufficient funds applicable to such payment.

Sec. 5. Section 36.88.200, chapter 4, Laws of 1963 as last amended by section 55, chapter 56, Laws of 1970 ex. sess. and RCW 36.88.200 are each amended to read as follows:

Such bonds shall be numbered from one upwards consecutively, shall be in such denominations as may be provided by the ~~((board of county commissioners))~~ county legislative authority in the resolution authorizing their issuance, shall mature on or before a date not to exceed twenty-two years from and after their date, shall bear interest at such rate or rates as authorized by the ~~((board))~~ legislative authority payable annually or semiannually as may be provided by the ~~((board))~~ legislative authority, shall be signed by the chairman of the ~~((board))~~ legislative authority and attested by the county auditor, shall have the seal of the county affixed thereto, shall be payable at the office of the county treasurer or elsewhere as may be designated by the ~~((board))~~ legislative authority, and shall have attached thereto interest coupons for each interest payment which said coupons shall be signed by the chairman of the ~~((board))~~ legislative authority and attested by the auditor ~~((or))~~. In lieu ((thereof)) of any signatures required in this section, the bonds and coupons may bear the printed or engraved facsimile signatures of said officials.

Such bonds shall refer to the improvement for which they are issued and to the resolution creating the road improvement district therefor.

Sec. 6. Section 36.88.330, chapter 4, Laws of 1963 and RCW 36.88.330 are each amended to read as follows:

The board may provide by resolution for the issuance of warrants in payment of the costs and expenses of any project, payable out of the county road improvement fund. The warrants (~~shall bear interest at the rate of not to exceed six percent per annum and~~) shall be redeemed either in cash or by bonds for the same project authorized by the resolution.

All warrants issued against any such improvement fund shall be claims and liens against said fund prior and superior to any right, lien or claim of any surety upon the bond given to the county by or for the contract to secure the performance of his contract or to secure the payment of persons who have performed work thereon, furnished materials therefor, or furnished provisions and supplies for the carrying on of the work.

The county treasurer may accept warrants against any county road improvement fund upon such conditions as the board may prescribe in payment of: (1) Assessments levied to supply that fund in due order of priority; (2) judgments rendered against property owners who have become delinquent in the payment of assessments to that fund; and (3) certificates of purchase in cases where property of delinquents has been sold under execution or at tax sale for failure to pay assessments levied to supply that fund.

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 immediately.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Wilson, the Senate concurred in the House amendments to Substitute Senate Bill No. 3297.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3297, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Guess, Matson, Odegaard—4.

SUBSTITUTE SENATE BILL NO. 3297, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed SENATE BILL NO. 3415 with the following amendments:

On page 1, line 1 of the title, after "Relating to the white cane law;" strike the remainder of the title and insert "amending section 1, chapter 141, Laws of 1969 and RCW 70.84.010; amending section 2, chapter 141, Laws of 1969 and RCW

70.84.020; amending section 3, chapter 141, Laws of 1969 and RCW 70.84.030; amending section 4, chapter 141, Laws of 1969 as amended by section 1, chapter 77, Laws of 1971 ex. sess. and RCW 70.84.040; amending section 5, chapter 141, Laws of 1969 and RCW 70.84.050; amending section 6, chapter 141, Laws of 1969 and RCW 70.84.060; amending section 7, chapter 141, Laws of 1969 and RCW 70.84.070; and amending section 9, chapter 141, Laws of 1969 and RCW 70.84.080."

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 141, Laws of 1969 and RCW 70.84.010 are each amended to read as follows:

The legislature declares:

(1) It is the policy of this state to encourage and enable the blind, the visually handicapped, the hearing impaired, and the otherwise physically disabled to participate fully in the social and economic life of the state, and to engage in remunerative employment.

(2) As citizens, the blind, the visually handicapped, the hearing impaired, and the otherwise physically disabled have the same rights as the able-bodied to the full and free use of the streets, highways, walkways, public buildings, public facilities, and other public places.

(3) The blind, the visually handicapped, the hearing impaired, and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges on common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, and all other public conveyances, as well as in hotels, lodging places, places of public resort, accommodation, assemblage or amusement, and all other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

Sec. 2. Section 2, chapter 141, Laws of 1969 and RCW 70.84.020 are each amended to read as follows:

For the purpose of this chapter, the term "guide dog" shall mean a dog which is in working harness and is trained or approved by an accredited school engaged in training dogs for the purpose of guiding blind persons assisting hearing impaired persons.

Sec. 3. Section 3, chapter 141, Laws of 1969 and RCW 70.84.030 are each amended to read as follows:

Every totally or partially blind or hearing impaired persons shall have the right to be accompanied by a guide dog in any of the places listed in RCW 70.84.010(3) without being required to pay an extra charge for the guide dog. It shall be unlawful to refuse service to a blind or hearing impaired person in any such place solely because he is accompanied by a guide dog.

Sec. 4. Section 4, chapter 141, Laws of 1969 as amended by section 1, chapter 77, Laws of 1971 ex. sess. and RCW 70.84.040 are each amended to read as follows:

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white in color (with or without a red tip) or a totally or partially blind or hearing impaired pedestrian using a guide dog shall take all necessary precautions to avoid injury to such ~~((blind))~~ pedestrian. Any driver who fails to take such precaution shall be liable in damages for any injury caused such pedestrian. It shall be unlawful for the operator of any vehicle to drive into or upon any crosswalk while there is on such crosswalk. ~~((any))~~ such pedestrian ~~((wholly or partially blind))~~, crossing or attempting to cross the roadway, if such pedestrian indicates his intention to cross or of continuing on, with a timely warning by holding up or waving a white cane, or using a guide dog. The failure of any such pedestrian so to signal shall not deprive him of the right of way accorded him by other laws.

Sec. 5. Section 5, chapter 141, Laws of 1969 and RCW 70.84.050 are each amended to read as follows:

A totally or partially blind pedestrian not carrying a white cane or a totally or partially blind or hearing impaired pedestrian not using a guide dog in any of the places, accommodations, or conveyances listed in RCW 70.84.010, shall have all of the rights and privileges conferred by law on other persons.

Sec. 6. Section 6, chapter 141, Laws of 1969 and RCW 70.84.060 are each amended to read as follows:

It shall be unlawful for any pedestrian who is not totally or partially blind to use a white cane or any pedestrian who is not totally or partially blind or is not hearing impaired to use a guide dog in any of the places, accommodations, or conveyances listed in RCW 70.84.010 for the purpose of securing the rights and privileges accorded by the chapter to totally or partially blind or hearing impaired people.

Sec. 7. Section 7, chapter 141, Laws of 1969 and RCW 70.84.070 are each amended to read as follows:

Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation, who denies or interferes with admittance to or enjoyment of the public facilities enumerated in RCW 70.84.010, or otherwise interferes with the rights of a totally or partially blind or hearing impaired person as set forth in RCW 70.84.010 shall be guilty of a misdemeanor.

Sec. 8. Section 9, chapter 141, Laws of 1969 and RCW 70.84.080 are each amended to read as follows:

In accordance with the policy set forth in RCW 70.84.010, the blind, the visually handicapped, the hearing impaired, and the otherwise physically disabled shall be employed in the state service, in the service of the political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Day, the Senate concurred in the House amendments to Senate Bill No. 3415.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3415, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoche, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Guess, Matson, Odegaard—4.

SENATE BILL NO. 3415, 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

SENATE BILL NO. 2977, by Senator Bottiger:
Relating to energy conservation.

MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 2977 was substituted for Senate Bill No. 2977 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bottiger, the following amendment by Senators Bottiger and Gould was adopted:

On page 2, line 31, delete all the material after "economic life," down to and including "standards" on line 36 and insert "where the costs of electricity and petroleum fuels, natural gas, or other fossil energy forms are the applicable retail costs of those energy forms as forecast by the office for the time period of operation of the facility"

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Bill No. 2977 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, we are, of course, full of good intentions. Are these various public buildings, schools, universities, city light and city halls and things like that, are they going to be required to hire consultants and put out reports on analysis of the three or four systems of coal, oil, or gas, or solar?"

Senator Bottiger: "Senator Rasmussen, they have been since 1975. We passed an act requiring them to do that in 1975."

Senator Rasmussen: "Have any idea any improvements that have been made by a result of these surveys?"

Senator Bottiger: "Yes, Senator, the Clallam County court house is now heated with solar energy. Different school buildings, Bush School in Seattle, like, I do not have a list with me but many of them have utilized the life-cycle cost analysis and made very wise decisions. There have been some very poor decisions made. The Thurston county library decided to use oil and we all know that is not a wise decision. The city of Tacoma decided to put in an electric boiler in the county-city building. I do not think that was a good decision."

Senator Rasmussen: "Well, I guess my question is, are we going to save money or waste money by hiring all of these consultants and piling these reports up when poor decisions are made as you have just indicated?"

Senator Bottiger: "Senator, this bill requires they use the least expensive life-cycle cost analysis and requires that they look at a renewable, that is the change made from the '75 act. It should mean that we save money."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2977 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Guess, Matson, Odegaard—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2977, having received the 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. 1453, by Representatives Schmitten, Vrooman, Addison, Brekke, Fuller, Keller, Mitchell, Monohon, Nisbet, Oliver, Pruitt, Salatino, Sanders and Walk:

Creating a program to study the use of wood for energy and heat.

REPORT OF STANDING COMMITTEE

February 11, 1980.

ENGROSSED HOUSE BILL NO. 1453, creating a program to study the use of wood for energy and heat (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 18, after the "." add the following language: "The department of natural resources shall reimburse local governments for all expenses incurred in complying with requests made of them by the department of natural resources under the provisions of this act."

On page 2, line 20, after the period insert a new section 6 to read as follows and renumber the remaining sections consecutively:

"NEW SECTION. Sec. 6. There is hereby appropriated to the department of natural resources from the general fund the sum of fifty thousand dollars, or so much thereof as may be necessary to carry out the provisions of this act."

Signed by: Senators Bottiger, Chairman; Gould, Hurley, Wilson, Woody.

The bill was read the second time by sections.

On motion of Senator Bottiger, the committee amendments were adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed House Bill No. 1453, 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. 1453, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Guess, Matson, Odegaard—4.

ENGROSSED HOUSE BILL NO. 1453, 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. 1568, by Representatives McCormick, Bond, Scott, Grimm, Oliver, Monohon, Kreidler, Sanders, Maxie, McGinnis, Burns, Taylor, Gallagher, Smith (C.), Mitchell, Granlund, Pruitt, Rinehart, Lux, Stratton, Valle, Bauer and Erak:

Requiring the use of gasohol in state vehicles.

REPORT OF STANDING COMMITTEE

February 14, 1980.

ENGROSSED HOUSE BILL NO. 1568, requiring the use of gasohol in state vehicles (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 25, strike the word "other".

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hayner, Hurley, Williams, Wilson.

The bill was read the second time by sections.

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

On motion of Senator Gould, the following amendment by Senators Gould and Bottiger was adopted:

On page 1, line 26, before "motor vehicles" strike "passenger".

On motion of Senator Bottiger, the rules were suspended, Engrossed House Bill No. 1568, 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 Goltz: "Senator Bottiger, there does not seem to be any criteria established in this bill as to what would determine when this should be used in terms of cost effectiveness. Does this imply that, at whatever price, gasohol should be used even if it is substantially higher than gasoline without alcohol?"

Senator Bottiger: "That would have to be a decision made by the state. If it was substantially higher, no; but if it is, you might say, competitive, then cost effective then they are to use it. There is one question as to whether gasohol in fact, gets better mileage. There are people that advocate it does, so if it is a penny a gallon more, it still may be cost effective. That is why we did not say the lowest cost."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1568, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Guess, Matson, Odegaard—4.

ENGROSSED HOUSE BILL NO. 1568, 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 SENATE BILL NO. 2494 by Committee on Energy and Utilities (originally sponsored by Senator Bottiger):

Granting the power of eminent domain to certain energy facilities.

MOTIONS

On motion of Senator Bottiger, Second Substitute Senate Bill No. 2494 was substituted for Engrossed Substitute Senate Bill No. 2494 and the second substitute bill was placed on second reading and read the second time in full.

Senator Talmadge moved adoption of the following amendment:

On page 1, line 26, after "companies." insert "Any corporation which acquires any property or interest under the provisions of this section shall be strictly liable for damages sustained to adjacent property during construction or operation of pipelines and appurtenances for the conveyance and transportation as common carriers of oils, gas, gasoline, and other petroleum products."

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Senator Talmadge, in my district when they brought the gas line through years ago, they did some dynamiting and they destroyed five wells. We were a long time getting them to admit it and to repair these wells. Would this cover this situation?"

Senator Talmadge: "Yes, it would, Senator."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Clarke, I am having difficulty seeing any need for the amendment to the common carrier law. In looking at the bill 'proposed (sic) the construction, maintenance, and operation of pipelines and appurtenances for the conveyance and transportation as common carriers of oils, gas, gasoline, and other petroleum products'; why would it be necessary to grant additional powers? The only thing I can see in this is having for one of their principal purposes, and this would allow some company to come in and condemn, use the power of eminent domain, on lands that were not primarily used for the transmission of petroleum products. Is that the real reason why we need this amendment to the common carrier law?"

Senator Clarke: "Senator, I believe Senator Bottiger could answer this more accurately than I can but it is my understanding that the pipeline is not subject to supervision or regulation by the public utilities commission, and that the power of eminent domain which other public utilities have, comes to them because of the fact that the statute granting it relates to all utilities that are under the supervision and jurisdiction of the public utility commission. And since the pipeline is not, the specific need for this enactment is to give them the same rights that other utilities which are under the jurisdiction of the public utility commission have. Now, that is my impression but I am not an expert in the field and perhaps Senator Bottiger could confirm."

Senator Rasmussen: "Thank you, Senator Clarke."

Senator Pullen moved adoption of the following amendment to the amendment by Senator Talmadge:

In the amendment by Senator Talmadge, before "liable" strike "strictly".

Debate ensued.

The motion by Senator Pullen failed and the amendment to the amendment was not adopted.

The motion by Senator Talmadge carried and the amendment was adopted on a rising vote.

Senator McDermott moved adoption of the following amendment by Senators McDermott and Conner:

On page 2, line 18 after ".", insert "Upon restoration of the city, town or county road or street, any corporation constructing such a facility shall be liable for a period of five years for maintaining such road or street with respect to any damages reasonably attributable to the common carrier pipeline right-of-way. For purposes of insuring such restoration and maintenance, each city, town or county may require a bond of an amount equal to anticipated costs."

On motion of Senator Bottiger, the following amendment to the amendment by Senators McDermott and Conner was adopted:

On the last line of the amendment, after "costs" insert "": PROVIDED, That if the parties cannot agree to the amount of the bond the matter shall be submitted to the superior court of the county"

President Pro Tempore Henry declared the question before the Senate is adoption of an amendment by Senators McDermott and Conner as amended by Senator Bottiger.

POINT OF INQUIRY

Senator Van Hollebeke: "Senator McDermott, I am left wondering what the real effect of this amendment would be. It would require a bond in an amount equal to anticipated costs, not only as to whom would be, who would decide what anticipated costs are or what the magnitude could be. If you are going through a bunch of highways and other roads a right-of-way could, you know, conceivably cause a lot of damage. How would that be determined? What would the anticipated cost be?"

Senator McDermott: "I think the amendment which you just adopted to the amendment by Senator Bottiger, gives you the final authority and would begin by a negotiation between the Northern Tier company and a particular county, let us say King county. They were going to go under a road in King county, they would have to negotiate what they thought the anticipated cost would be. If they could not come to some kind of decision, they would then go to superior court and a judge would make a decision as to what was a reasonable amount to require a bond for over the next five years."

Senator Van Hollebeke: "Well, all right; that helps some. But this is one of the things that concerns me is, are we going to . . . I think that this is not definitive enough and that is what I am really asking. Maybe Senator Bottiger has another idea, but, how that would be determined, you are just setting up an arbitration system but it is not very definitive in the statute itself if this were to pass."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I am supporting this amendment because I think I have had my front end knocked out of align enough times where the road has sunk as a result of somebody digging it up to put a pipe under it and then it not being patched right; and I do not see anything wrong with somebody that busts the road apart ought to be responsible to see that that patchwork stays there for a while."

The motion by Senator McDermott carried and the amendment by Senators McDermott and Conner as amended by Senator Bottiger was adopted.

Senator McDermott moved adoption of the following amendment:

On page 2, line 18, after "feasible" insert "": PROVIDED, That the power of eminent domain granted in this section shall not preclude the ability of a county to require a franchise fee for the use of county right-of-way as authorized in RCW 36.55.010"

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator McDermott, would the county be required in their setting of the amount of the franchise fee, would they be required to use the same schedule that they use for natural gas or anybody else that wants to go underground?"

Senator McDermott: "It would certainly be the intention of my amendment. I do not think we are trying to hold them up but we really want to use the same fee schedule we use for everybody else."

The motion by Senator McDermott carried and the amendment was adopted.

Senator McDermott moved adoption of the following amendment:

On page 2, line 4, strike section (2).

Debate ensued.

POINT OF INQUIRY

Senator Conner: "Mr. President and ladies and gentlemen of the Senate. I think that this particular amendment that we are talking about, if it stays in, is going to take away local condition as far as what we are talking about relative to this particular program and I would like to ask Senator Bottiger a question; and that is, if the assurance that the application is going to be made by the site committee relative to this agreement, does this contain all the necessary and available conditions to mitigate any economic or any environmental impacts that might prevail as far as our respective areas are concerned?"

Senator Bottiger: "This bill does not contain that, but within the site certification statute itself, is the opportunity for the local community to come forth and ask for mitigation. Unfortunately that has not yet occurred in Clallam county and Port Angeles and I think somebody up there ought to take some judgment and start going in and getting, for the local community, what they should get just as Skagit or Hanford does when somebody is going to build a plant over there, and which Grays Harbor did on the nuclear power plants; but there is a vehicle within the site evaluation council to get that mitigation. This bill has nothing to do with that."

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Senator Bottiger, does the right of eminent domain as contained in this act refer to the taking of property or to the taking of right-of-way or easement?"

Senator Bottiger: "Well, it is a right-of-way for a pipeline which is an easement and to the best of my knowledge has always been used that way by the gas company, so I would know of no reason, and it is not our intent that they have any more than the same kind of easement a gas company has."

Further debate ensued.

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, I would like to answer a couple of things that have been said here. This bill is not limited to Northern Tier. It says 'all corporations having for one of its principle purposes the construction, maintenance and operation'—that leaves it wide open. This is not written 'Northern Tier pipeline company'. This is for everybody who does this. In answer to Senator Wilson's question, it does not talk about easements, it talks about rights-of-way. The question is, do they then own the land that they have condemned under eminent domain. There is a real question here about whether segments of public land will now be under the control of a private corporation. I think if you read this section, it is far-reaching, it

is wide in its application. I think it is way too broad for us to be giving to one private company."

Senators Talley, Peterson and Hansen demanded the previous question. The demand was not sustained on a rising vote.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, in the event that this portion is struck from the bill as Senator McDermott's amendment would do, how would the pipeline company proceed? They would have to purchase or negotiate with local . . ."

Senator Bottiger: "Senator Rasmussen, they obviously would do that first anyhow. The problem has been that Clallam county and the city of Port Angeles have announced that they will not grant a right-of-way under one of their streets. And I understand the political climate in Port Angeles and Clallam county. So they have already said 'don't come and talk to us—we will not negotiate'."

Senator Rasmussen: "Thank you, Senator Bottiger."

Further debate ensued.

The motion by Senator McDermott failed and the amendment was not adopted.

MOTION

At 12:20 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

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

The Senate resumed consideration of Second Substitute Senate Bill No. 2494 as amended earlier today.

Senator McDermott moved adoption of the following amendment:

On page 2, line 19, insert: "NEW SECTION. Sec. 2

The 1980 amendments contained in section 1 of this act shall expire and become null and void at midnight December 31, 1981."

Debate ensued.

The motion by Senator McDermott failed and the amendment was not adopted.

On motion of Senator McDermott, the rules were suspended, Engrossed Second Substitute Senate Bill No. 2494 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 2494 and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; excused, 3.

Voting yea: Senators Bausch, Bottiger, Clarke, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Morrison, Peterson, Pullen, Quigg, Scott, Sellar, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wilson, Wojahn, Woody—32.

Voting nay: Senators Bluechel, Conner, Fleming, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Wanamaker, Williams—14.

Excused: Senators Benitz, Matson, Odegaard—3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2494, having received the 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. 3420, by Senators Bottiger and Benitz:

Appropriating funds for a feasibility study of constructing waste energy resource recovery facilities in various locations in the state.

MOTIONS

On motion of Senator Wilson, Senator Walgren was excused.

On motion of Senator Bottiger, Substitute Senate Bill No. 3420 was substituted for Senate Bill No. 3420 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. 3420 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, did your committee investigate any of the studies that have already been done and are piled up in some dusty closet, or do you have any knowledge that there are studies . . .?"

Senator Bottiger: "Yes, Senator Rasmussen, that was one of the conclusions we reached that the thing has been studied to death and now it is time to start using those studies and go site specific. This money is not for any study. It is to where to put it and to be site-selective in the application of the process."

Senator Rasmussen: "Then you are going to burn all these studies in this present site where they are proposing on the capitol campus . . . I have them stacked up in my office, you know, about ten feet high and that is only a few of them, I have the rest in my basement."

Senator Bottiger: "One of the things general administration has done is to put in recycling process for all the paper that comes out of here; but we had one witness that said that the hot air around here alone ought to take care of the problem."

Senator Rasmussen: "Well, thank you, Senator Bottiger."

Debate ensued.

POINT OF INQUIRY

Senator Hurley: "Senator Bottiger, is not this the same bill we considered in committee that proposed garbage to heat here on the capitol campus and also garbage to heat at the penitentiary?"

Senator Bottiger: "That is right."

Senator Hurley: "Well, I guess this is one of the things, if I may continue, that really excited me to support, that is, in energy committee. I think that it is one of those things that we all can be excited about, something like science fiction, only it is not really fiction at all when you can take garbage that has been used as a landfill or garbage that has attracted rats and all kinds of bad things in the community, and use it for heat purposes; and they do say, the preliminary reports are that the garbage of Thurston county could be used to heat the whole capitol campus; and the garbage from Walla Walla could be used to heat the whole penitentiary at Walla Walla. I think that we should not pooh-pooh these things. I think that it is interesting and it is terribly necessary that we go ahead and study this for just such types of projects."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3420 and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wanamaker, Williams, Wojahn, Woody—40.

Voting nay: Senators Lysen, Pullen, Rasmussen, Van Hollebeke, Wilson—5.

Excused: Senators Benitz, Matson, Odegaard, Walgren—4.

SUBSTITUTE SENATE BILL NO. 3420, having received the 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. 3371, by Senators Peterson, Wanamaker and Goltz (by Department of Ecology request):

Establishing the Padilla Bay estuarine sanctuary in Skagit county.

The bill was read the second time by sections.

On motion of Senator Peterson, the following amendments were adopted:

On page 1, line 8, after "of" strike "two hundred fifty" and insert "seventy"

On page 1, line 13, after "agency" strike "." and insert "and for administering the establishment of an estuarine sanctuary in Padilla Bay, Skagit County."

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 3371 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. 3371 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Matson, Odegaard, Walgren—4.

ENGROSSED SENATE BILL NO. 3371, having received the 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. 1778, by Committee on Transportation (originally sponsored by Representatives Patterson, Chandler, Wilson, Teutsch, Craswell, Barnes, Rohrbach, North, Sherman, Eberle, Warnke and Amen):

Establishing and funding seven additional drivers' licensing stations.

REPORT OF STANDING COMMITTEE

February 14, 1980.

SUBSTITUTE HOUSE BILL NO. 1778, establishing and funding seven additional drivers' licensing stations (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 17, after "of" strike "\$1,401,000" and insert \$1,469,000"

On page 1, line 20, after "of" strike "seven" and insert "eight"

On page 1, line 22, after "Oak Harbor," insert "Oroville,"

On page 1, line 23, after "of" strike "thirty-two" and insert "thirty-four"

On page 1, line 29, after "shall" strike all of the material down to and including "years" on line 30 and insert "remain unexpended to the extent that appropriations are made by that act for the purposes of carrying out section 1 of this act"

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Gallagher, Guess, Hansen, Peterson, Quigg, von Reichbauer, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Henry, the committee amendments were considered and adopted simultaneously.

On motion of Senator Talmadge, there being no objection, an amendment to page 1, lines 20 and 22 on the desk of the Secretary of the Senate was withdrawn.

Senator Rasmussen moved adoption of the following amendment:

On page 1, after line 30, insert the following:

"Sec. 3. Section 11, chapter 121, Laws of 1965 ex. sess. as last amended by section 3, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.161 are each amended to read as follows:

The department shall upon receipt of a fee of (~~six~~) eight dollars issue to every applicant qualifying therefor a driver's license, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

Sec. 4. Section 17, chapter 121, Laws of 1965 ex. sess. as last amended by section 4, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.181 are each amended to read as follows:

Every driver's license shall expire on the (~~second~~) fourth anniversary of the licensee's birthdate following the issuance of such license. Every such license shall be renewable on or before its expiration upon application prescribed by the department and the payment of a fee of (~~six~~) eight dollars."

Re-number section remaining consecutively.

POINT OF ORDER

Senator Clarke: "Point of order, I raise the question of scope and object on the amendment. The things that Senator Rasmussen say may very well have merit, but I think plainly that it is beyond the scope and object of the bill and I think we should restrict, at this late date, consideration to the things that were intended when the bill was put in."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Henry: "Rather reluctantly to make that ruling after I made my little pitch for the deal; I do not think there is any doubt in anybody's mind on the floor of this house that a bill is designed to set up seven additional drivers' licenses stations around the state of Washington. This amendment of Senator Rasmussen's certainly enlarges the scope and object and your point is well taken."

The amendment was ruled out of order.

Debate ensued.

On motion of Senator Henry, the rules were suspended, Substitute House Bill No. 1778, 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. 1778, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Matson, Odegaard, Walgren—4.

SUBSTITUTE HOUSE BILL NO. 1778, 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 advanced to the eighth order of business.

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1980-189.

MOTION

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

SENATE RESOLUTION 1980-189

By Senators Morrison, Walgren, Bluechel; Lieutenant Governor John A. Cherberg; Senators Bausch, Benitz, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody, Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate and Charlie Johnson, Sergeant at Arms:

WHEREAS, Two Washingtonians, Phil and Steve Mahre of White Pass and Yakima, have represented this state and nation all over the world in Alpine Skiing competition; and

WHEREAS, The United States Alpine team had not won any medals at the Thirteenth Winter Olympic Games until February 22, 1980; and

WHEREAS, On that day, Phil Mahre won a Silver Medal in the slalom event, missing the Gold Medal by one-half second; and

WHEREAS, Phil Mahre's performance equals the best performance by any American now in Winter Olympic Alpine Skiing history; and

WHEREAS, Phil Mahre's combined performance in the slalom, giant slalom, and downhill events won him the World Championship combined Gold Medal as presented by the International Ski Federation; and

WHEREAS, Phil Mahre's medals are particularly inspiration in that he fought back from a severe injury which seriously challenged whether he might ever walk again, much less ski;

NOW, THEREFORE, BE IT RESOLVED, That the Senate officially congratulates Steve and Phil Mahre on their courage, desires, and many accomplishments, especially in the Winter Olympics; and

BE IT FURTHER RESOLVED, That this resolution be transmitted to Steve and Phil Mahre and their proud family, and posted conspicuously at the White Pass Ski Lodge.

REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President, ladies and gentlemen of the Senate. I hope you have had the opportunity to read this particular resolution. It is one that we can pass here with a great deal of pride. The heroes in this year's winter Olympics, I believe, came in different forms. Eric Heiden, who was supposed to win, did, and won more gold medals than any person in the history of those winter Olympics. The hockey team that was not supposed to win anything, did the whole routine, and a bunch of collegians, in effect, from the United States with their spirits high, defeated the Russian army. Perhaps for us here, the most important moment is in fact that Phil Mahre who perhaps should not even been on skis at all, recovered from an accident a year ago, and if you have seen his foot, it is filled with steel holding it together; and with a tremendous amount of courage and the ability that both of the Mahre boys have, brought home a silver medal, missing the gold medal in the slalom race by only half of a second. Some of you perhaps did not notice, but Phil also won, it is not now recognized as an Olympic event, but the combined gold medal which is recognized by the International Federation of Skiing, the combination of the downhill, the slalom, and the giant slalom. I think we can all be very proud as Washingtonians to have these young men representing this state on that winter Olympic team that I think did so well and brought a resurgence of spirit and a feeling to the American public. I know I certainly could sense that it was delightful to me to see those crowds in the streets at Lake Placid waving the American flag with the pride that we haven't seen from young people in this nation for all too many years.

"I hope you will join with me in voting for this resolution that will be sent to the Mahre family. I have suggested it be posted at the White Pass ski lodge because that facility is run by the Mahre family so they can look at it in pride and recognize that this Senate, too, appreciated the magnificent work of our Olympic team, especially the boys from White Pass, Phil and Steve Mahre."

REMARKS BY SENATOR HENRY

Senator Henry: "I am sure some of you will remember about three sessions back when, before the boys really got into the heavy competition, that we presented the twins right here from the rostrum of the Senate. Very nice, clean-cut American boys."

REMARKS BY SENATOR VON REICHBAUER

Senator von Reichbauer: I join with the other members who have saluted Phil Mahre's success at Lake Placid. The selection of the Mahre brothers to represent the United States was honor enough for any American, and Phil Mahre's silver victory added a special shine to that honor he brought to our region and our country. I would point out to the Senate that while the individual is important, so is the equipment he uses, and for those who failed to note it when Phil Mahre won his silver

medal, he did so on K-2 skis. It was satisfying to see a Northwest person win on one of the finest products of the Northwest.

MOTIONS

On motion of Senator Rasmussen, the Committee on State Government was relieved from further consideration of Senate Bill No. 3457.

On motion of Senator Rasmussen, Senate Bill No. 3457 was rereferred to the Committee on Ways and Means.

At 2:25 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Wednesday, February 27, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 27, 1980.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Donohue, Haley and Pullen. On motion of Senator Wilson, Senator Donohue was excused.

The Color Guard, consisting of Pages Marty Kovacevich and Dougall Agan, presented the Colors. Reverend Paul J. Beeman, pastor of First United Methodist Church of Olympia, offered the following prayer:

"OUR FATHER, AS OUR NATION'S FIRST PRIMARY ELECTION RESULTS ARE REPORTED AND INTERPRETED, DISSECTED AND WEIGHED TODAY, WE THANK YOU, ON THE ONE HAND, FOR POPULAR DEMOCRACY EXHIBITED AND EXPRESSED AT THE POLLS. YOU HAVE GIVEN US A NATION BASED ON THE FREE CHOICE OF PUBLIC SENTIMENT, AND WE ARE GRATEFUL FOR OUR FREEDOM.

"YET ON THE OTHER HAND, FATHER, WE ASK YOU TO HELP US ALL NOT TO OVER-REACT TO POPULAR OPINION. SOMETIMES WE RECEIVE TOO MUCH OF IT. OUR ADVISORS KNOW HOW MUCH WE LACK INFORMATION, AND THEY POUR IT IN. OUR FRIENDS KNOW HOW MUCH WE CRAVE APPROVAL, AND THEY SPREAD IT ON. OUR ENEMIES KNOW HOW MUCH WE NEED CRITICISM, AND THEY HEAP IT UP.

"HOWEVER, FOR TODAY, OUR FATHER, WE SEEK YOUR GIFT OF THE CLEAR INSIGHT WE NEED FOR MAKING CRITICAL JUDGMENTS. HELP THESE SENATORS TODAY TO BE ABLE TO SIFT DATA, TO EVALUATE EVIDENCE, AND TO MAKE DECISIONS ON THOSE ISSUES WHICH AWAIT THEIR JUDGMENT. GIVE TO EACH OF THEM THE ABILITY TO SAY NO WITHOUT HOSTILITY, AND TO SAY YES WITHOUT ARROGANCE, THAT THE WORK OF THIS SENATE TODAY MAY BE ORDERLY, IMPARTIAL, AND INSPIRED, FOR THE SAKE OF ALL OUR PEOPLE. WE PRAY THIS IN THE MASTER'S NAME. SO BE IT."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 26, 1980.

SENATE BILL NO. 3526, relating to parks and recreation (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3526 as proposed by the Committee on Parks and Recreation be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Bluechel, Fleming, Gaspard, Goltz, Jones, Marsh, Morrison, Ridder, Scott, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1980.

SENATE BILL NO. 3636, relating to nursing homes (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3636 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Fleming, Gaspard, Goltz, Jones, Marsh, Morrison, Ridder, Sellar.

Passed to Committee on Rules for second reading.

February 26, 1980.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1420, exempting energy conservation materials from the sales and use tax (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Bluechel, Fleming, Gaspard, Goltz, Marsh, Morrison, Ridder, Scott, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1980.

HOUSE JOINT MEMORIAL NO. 25, requesting federal help in promoting development of geothermal resources (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Gould, Hurley, Lewis, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 26, 1980.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 1475 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 26, 1980.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 1419,

ENGROSSED HOUSE BILL NO. 1483, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

February 27, 1980.

SUBSTITUTE HOUSE BILL NO. 1419, By Committee on Revenue (originally sponsored by Representatives Scott, Bond, McCormick, Wilson, Nelson (D.), Sprague, Martinis, Mitchell, Charnley, King, Sherman, Grimm, Ehlers, Thompson, Warnke, Burns, Gallagher, Knowles, Rinehart, Brekke, Eng, Erak, Galloway, Granlund, Hughes, Kreidler, Lux, Monohon, Pruitt, Salatino, Smith (R.), Van Dyken and Vrooman):

Encouraging the use of renewable energy resources by gas and electric companies.

Referred to Committee on Energy and Utilities.

ENGROSSED HOUSE BILL NO. 1483, by Representatives Whiteside, Adams, Stratton, Schmitt, Mitchell, Pruitt, Lux, Smith (C.), Vrooman, Williams, Maxie, Gallagher, Valle and Salatino (by Department of Social and Health Services request):

Appropriating moneys to implement Referendum 37 (Facilities for the Handicapped).

Referred to Committee on Ways and Means.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3190,

SUBSTITUTE SENATE BILL NO. 3297,

SENATE BILL NO. 3415.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3571.

SECOND READING

SENATE BILL NO. 3571, by Senators Goltz, Guess, Scott, Benitz, Shinpoch, von Reichbauer and Odegaard:

Providing study for institute of applied technology.

MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 3571 was substituted for Senate Bill No. 3571 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Goltz, the rules were suspended, Substitute Senate Bill No. 3571 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. 3571, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vogndild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Haley, Matson, Pullen—3.

Excused: Senator Donohue—1.

SUBSTITUTE SENATE BILL NO. 3571, having received the 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. 1620, by Representatives Wilson, Martinis, Eberle, Owen, Houchen, Nisbet and Smith (R.) (by Office of Financial Management request):

Making an appropriation to the department of transportation.

The bill was read the second time by sections.

Senator Lysen moved adoption of the following amendment:

On page 1, on line 9, after "tolls" and before the period insert: " PROVIDED, That no moneys contained in this appropriation shall be expended for ferry construction"

Debate ensued.

The motion by Senator Lysen failed and the amendment was not adopted.

Senator Vognild moved adoption of the following amendment by Senators Vognild, Conner, Walgren, Talmadge, Day, Moore, Lysen and Bausch:

On page 1, after line 9, insert the following:

"Sec. 2. Section 2, chapter 136, Laws of 1977 ex. sess. as amended by section 1, chapter 125, Laws of 1979 and RCW 41.05.025 are each amended to read as follows:

(1) There is hereby created a state employees' insurance board to be composed of the members of the present board holding office on the day prior to July 1, 1977, which such members shall serve until the expiration of the period of time of the term for which they were appointed and until their successors are appointed and qualified. Thereafter the board shall be composed as follows: The governor or 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 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. Meetings of the board shall be 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 annually. 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 employees 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

nothing in the foregoing provisions of this subsection shall be applied to employees employed under chapter 47.64 RCW: PROVIDED FURTHER, That all contracts for insurance, health care plans, including panel medicine plans, or protection applying to employees covered by RCW 28B.10.660 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 as a part of the employee insurance benefit program an employee health care benefit plan 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 a plan to be provided by a panel medicine plan in its service area only when approved by the board. The board may but shall not be required to pay more for health benefits under a panel medicine plan than it would otherwise be required to pay for health benefits by a contract with a regularly constituted insurance carrier or health care service contractor in effect at the time the panel medicine plan is included in the employee health care benefit plan. 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. Active employees, as defined in *RCW 41.05.020(2), eligible for medicare benefits shall have the option of continuing participation in health care programs on the same basis as all other employees or participation in medicare supplemental programs as may be developed by the board. These health care benefit plans shall provide coverage for all officials and employees and their dependents without premium or subscription cost to the individual employees and officials, unless the board approves a panel medicine plan at a subscription rate in excess of the premium of the regularly constituted insurance carrier or health care service contractor, in which circumstances an employee contribution may be authorized at an amount equal to such excess. Rates for self pay segments of state employee groups will be developed from the experience of the entire group. Such self pay rates will be established based on a separate rate for the employee, the spouse, and children."

Renumber the remaining section consecutively.

POINT OF ORDER

Senator Hayner: "Mr. President, I would challenge the scope and object of this amendment. It is very clear that the bill before us is an appropriation bill, strictly. That is, 1620. The amendment deals with the state employees insurance board and provides that 'marine employees shall be exempt therefrom'. I do not see that there is any relationship between those two; this is far afield of the basic concept of 1620 and I would challenge its scope and object."

RULING BY PRESIDENT PRO TEMPORE

President Pro Tempore Henry: "The Senate, in ruling on the Point of Order by Senator Hayner for the exact reasons she mentioned does rule it is beyond the scope and object of the bill."

The amendment was ruled out of order.

PERSONAL PRIVILEGE

Senator Vognild: "Thank you. I hope that this body will address, sometime in this session, this problem—I do not believe it is proper that an agency of government outside of this body should put us all in a position that we very likely will force a strike of employees in an effort to protect something that they have had for thirty years—and I think that is what is going to happen."

MOTIONS

On motion of Senator Jones, Senators Matson and Pullen were excused.

On motion of Senator Conner, the rules were suspended, House Bill No. 1620 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lysen: "Senator Conner, I guess I am a little concerned. Why wasn't this fifteen million or twenty-nine million, or how does the figure 'nine million', how was that arrived at since we are arbitrarily throwing around these figures? Exactly how much fuel are we talking about? What is the increase in cost here that the fares don't cover? Would we go beyond the twenty-five percent statutory limit for subsidy? Just how was the nine million arrived at?"

Senator Conner: "The state director of the ferry system was before us as well as the director of highways and they said that the state ferry system operations and management for the remainder of this biennium, the deficit would be about fourteen million dollars which is an increase of about ten million over what we considered when we were in session a year ago; and so their discussion was before both the House committee as well as the Senate committee on transportation. The money is in the Puget Sound ferry operations account and it was felt that in order to not go to a substantial ferry rate increase, that this was the direction to go and the opinion was unanimous in both the committees in the House and the Senate in moving in this direction."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1620, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senator Lysen—1.

Excused: Senators Donohue, Matson, Pullen—3.

HOUSE BILL NO. 1620, having received the 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. 542, by Representatives Bauer, Chandler, Erickson, Barnes, Blair, Thompson, Patterson, Galloway, Heck, Whiteside, McGinnis, Taylor and Hurley:

Abolishing existing educational television commission and creating another; setting out its powers and duties, and making appropriations thereto.

REPORT OF STANDING COMMITTEE

February 7, 1980.

REENGROSSED HOUSE BILL NO. 542, abolishing existing educational television commission and creating another; setting out its powers and duties, and making appropriations thereto (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 2, after "senate" and before the period insert ", one of which shall be from the commercial broadcasting sector"

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Morrison, Ridder, Talmadge.

The bill was read the second time by sections.

On motion of Senator McDermott, the committee amendment was not adopted.

Senator Morrison moved adoption of the following amendment:

On page 2, line 19, after the word "public", strike the period at the end of the line and insert:

" , provided the Washington state public broadcasting commission shall make no appropriation, disbursement, or grant for acquisition or production of programs defined by the Federal Communications Commission as 'Entertainment (E)' Type programs."

Debate ensued.

POINT OF INQUIRY

Senator Quigg: "Senator Morrison, do you think if your amendment is adopted that it might jeopardize the regular coverage of the Washington State Legislature on public television?"

President Pro Tempore Henry: "That is not entertainment."

Senator Morrison: "Senator Quigg, I think that particularly with our current presiding officer that much of this is entertainment, and very good at that."

The motion by Senator Morrison failed and the amendment was not adopted on a rising vote.

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

On page 3, line 2, after "senate" insert ": PROVIDED, That one member of the commission shall be from the commercial broadcasting sector"

On motion of Senator McDermott, the rules were suspended, Reengrossed House Bill No. 542, 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 Guess: "Senator McDermott, I understand that this is only the foot-in-the-door process now that we are going into. Can you give us any indication as to the total amount of money that the planning that they are going to do, they are going to come back and ask us for?"

Senator McDermott: "Well, Senator Guess, prophecy is a very dangerous sport and this bill started out at six million dollars, justified by educational situations, loss of money due to basic ed funding. What we will ultimately do in the 1981 session I think remains to be seen. I do not know anybody that could give you a firm figure. You could give any figure from five hundred thousand to five hundred million and you would have no basis on which to prove it. So I think really, it is a matter that will have to be debated here in front of everybody and the decision made."

Senator Guess: "Senator McDermott, if the figures that I have are correct, that twenty-five percent of the funds that are now supporting public television come from the private sector, do you see this as a diminution of the funds that will be asked for from the private sources, and will the state replace those private funds?"

Senator McDermott: "No, I said before that the problem arose as a result of the funding of basic education. Districts paid a fee to educational TV stations and bought programming; and now they do not have that money to buy that kind of programming. So you have two different ways school districts are dealing with this. In some places, since you cannot stop people from turning on the television set even though they are not paying the fee, they are still turning on the television set and getting the programming. Other districts are not allowing their teachers to use educational television because they have been unable to pay the fee. And so we are having a loss of educational opportunities for kids and that is what brought this bill in, was a decision that we ought to make a decision at the state level what we are going to do, what we should put into educational TV—it is one of the many parts of education that has come under question with the full funding of basic education. Some things have been left out."

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 542, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 15.

Voting yea: Senators Bausch, Bluechel, Bottiger, Conner, Day, Fleming, Gaspard, Goltz, Gould, Haley, Hansen, Henry, Hurley, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Ridder, Shinpoch, Talmadge, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn—34.

Voting nay: Senators Benitz, Clarke, Donohue, Gallagher, Guess, Hayner, Lee, Pullen, Rasmussen, Scott, Sellar, Talley, Van Hollebeke, Wanamaker, Woody—15.

REENGROSSED HOUSE BILL NO. 542, 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. 38, by Committee on State Government (originally sponsored by Representatives Taller, Ehlers, Sommers, Nelson (G.) and Sanders):

Establishing a program of training and career development for state civil service employees.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 38 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. 38, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Haley, Hansen, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen,

Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Guess, Hayner, Hurley, Lysen, Van Hollebeke—5.

Absent or not voting: Senator Gallagher—1.

ENGROSSED HOUSE BILL NO. 38, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3447, by Senators Odegaard and Talley:

Appropriating money to replace state forest lands at Seaquest.

MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 3447 was substituted for Senate Bill No. 3447 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Substitute Senate Bill No. 3447 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. 3447, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Absent or not voting: Senator Gallagher—1.

SUBSTITUTE SENATE BILL NO. 3447, having received the 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 11:15 a.m., on motion of Senator Marsh, the Senate recessed until 11:55 a.m.

SECOND MORNING SESSION

President Pro Tempore Henry called the Senate to order at 11:55 a.m.

MOTION

At 11:55 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.

MOTIONS

On motion of Senator Wilson, Senator Shinpoch was excused.

On motion of Senator Marsh, the Senate commenced consideration of gubernatorial appointment 196.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS
MOTION

On motion of Senator Day, the appointment of Kenneth E. Elfbrandt as a member of the Washington State Commission for the Blind was confirmed.

APPOINTMENT OF KENNETH E. ELFBRANDT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Benitz, Scott—2.

Excused: Senator Shinpoch—1.

MOTION

On motion of Senator Jones, Senator Matson was excused.

MOTION

On motion of Senator Day, the appointment of Bonnie L. Larson, as a member of the Washington State Commission for the Blind was confirmed.

APPOINTMENT OF BONNIE L. LARSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Hayner—1.

Excused: Senator Matson—1.

MOTION

On motion of Senator Day, the appointment of Clyde Ballard as a member of the Emergency Medical Services Committee, was confirmed.

APPOINTMENT OF CLYDE BALLARD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

MOTION

On motion of Senator Day, the appointment of Valeta R. Biggs as a member of the Emergency Medical Services Committee, was confirmed.

APPOINTMENT OF VALETA R. BIGGS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

MOTION

On motion of Senator Day, the appointment of Robert M. Johnson, as a member of the Emergency Medical Services Committee, was confirmed.

APPOINTMENT OF ROBERT M. JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

MOTION

On motion of Senator Day, the appointment of Merlin Traylor as a member of the Emergency Medical Services Committee, was confirmed.

APPOINTMENT OF MERLIN TRAYLOR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

MOTION

On motion of Senator Day, the appointment of Marvin A. Wayne as a member of the Emergency Medical Services Committee, was confirmed.

APPOINTMENT OF MARVIN A. WAYNE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

MOTION

On motion of Senator Rasmussen, the appointment of Terrence Wold as Executive Director of the Data Processing Authority, was confirmed.

APPOINTMENT OF TERRENCE WOLD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

MOTION

On motion of Senator Goltz, the appointment of William A. Grant as a member of the Board of Trustees, Walla Walla Community College District 20, was confirmed.

APPOINTMENT OF WILLIAM A. GRANT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

MOTION

On motion of Senator Rasmussen, the appointment of James B. Hovis as a member of the Washington Horse Racing Commission, was confirmed.

APPOINTMENT OF JAMES B. HOVIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

MOTION

On motion of Senator Goltz, the appointment of Patricia G. Hite as a member of the Board of Trustees, Whatcom Community College, District 21, was confirmed.

APPOINTMENT OF PATRICIA G. HITE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Matson, Sellar, Wanamaker—3.

MOTION

On motion of Senator Jones, Senators Matson, Sellar and Wanamaker were excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1418, by Representatives Newhouse, Smith (R.), Knowles and Ellis (by Judicial Council request):
 Modifying the laws governing traffic infractions.

REPORT OF STANDING COMMITTEE

February 13, 1980.

ENGROSSED HOUSE BILL NO. 1418, modifying the laws governing traffic infractions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 8, line 24, after the period insert "Any person who has been issued a notice of infraction pursuant to RCW 46.63.030 (3) and who wilfully fails to respond as provided in this title shall be guilty of a misdemeanor regardless of the disposition of the notice of infraction."

On page 8, beginning on line 31, insert the following:

"Sec. 10. Section 3, chapter 136, Laws of 1979 1st ex. sess. and RCW 46.63.-030 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction when the infraction is committed in the officer's presence or (~~when the notice of traffic infraction is issued pursuant to RCW 46.64.017, pertaining to investigation at the scene of a motor vehicle accident~~) if an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

NEW SECTION. Sec. 11. There is added to chapter 46.63 RCW a new section to read as follows:

(1) In any traffic infraction case involving a violation of this title or equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the notice of traffic infraction was stopping, standing, or parking in violation of any such provision of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

(2) The foregoing stated presumption shall apply only when the procedure prescribed in RCW 46.63.030 (3) has been followed.

Sec. 12. Section 25, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.291 are each amended to read as follows:

(1) The department is hereby authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

(a) Has committed an offense for which mandatory revocation or suspension of license is provided by law;

(b) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;

(c) Has been convicted ((with such frequency)) of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws ((and)) or a disregard for the safety of others on the highways;

(d) Is incompetent to drive a motor vehicle for any of the reasons enumerated in subsections (4), (5) and (8) of RCW 46.20.043;

(e) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW 46.20.336.

NEW SECTION Sec. 13. There is added to chapter 46.63 a new section to read as follows:

(1) Notwithstanding any other provision of law, the court may suspend either a portion or all of the costs of the action.

(2) The court may not award attorney's fees or costs to the defendant in a traffic infraction case.

Sec. 14. Section 111, chapter 299, Laws of 1961 as last amended by section 1, chapter 129, Laws of 1979 1st ex. sess. and RCW 3.62.010 are each amended to read as follows:

Except in traffic cases wherein bail is forfeited or a monetary penalty paid to a violations bureau, and except in cases filed in municipal departments established pursuant to chapter 3.46 RCW and except in cases where a city has contracted with another city for such services pursuant to chapter 39.34 RCW, in every criminal or traffic infraction action filed by a city for an ordinance violation, the city shall be

charged a filing fee determined pursuant to an agreement as provided for in chapter 39.34 RCW the interlocal cooperation act, between the city and the county providing the court service. In such criminal or traffic infraction actions the cost of providing services necessary for the preparation and presentation of a defense at public expense are not within the filing fee and shall be paid by the city. In all other criminal or traffic infraction actions, no filing fee shall be assessed or collected: PROVIDED, That in such cases, for the purposes of RCW 3.62.010, four dollars or the agreed filing fee of each fine or penalty, whichever is greater, shall be deemed filing costs. In the event no agreement is reached between a municipal corporation and the county providing the court service within ninety days of September 1, 1979, the municipal corporation and the county shall be deemed to have entered into an agreement to submit the issue to arbitration pursuant to chapter 7.04 RCW, and the municipal corporation and the county shall be entitled to the same rights and subject to the same duties as other parties who have agreed to submit to arbitration pursuant to chapter 7.04 RCW. In the event that such issue is submitted to arbitration, the arbitrator or arbitrators shall only consider those additional costs borne by the county in providing justice court services for such city.

Sec. 15. Section 112, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90-.710 are each amended to read as follows:

Unless another penalty is expressly provided by law, any person (~~who is convicted of violating or failing to comply with any of~~) found to have committed an act designated a traffic infraction under the provisions of this chapter shall be punished by a ((fine)) penalty of not more than two hundred fifty dollars ((or by imprisonment for not more than ninety days or by both such fine and imprisonment)).

NEW SECTION. Sec. 16. There is added to chapter 13.40 RCW a new section to read as follows:

A traffic infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of traffic infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community service, or educational or informational sessions.

(4) If a case involving the commission of a traffic infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270 (2)."

Remember the remaining sections consecutively.

In line 13 of the title, after "(uncodified)" insert "amending section 3, chapter 136, Laws of 1979 1st ex. sess. and RCW 46.63.030; amending section 111, chapter 299, Laws of 1961 as last amended by section 1, chapter 129, Laws of 1979 1st ex. sess. and RCW 3.62.010; amending section 112, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.710;"

In line 13 of the title, after "adding" strike "a new section" and insert "new sections"

In line 13 of the title, after "RCW;" insert "adding a new section to chapter 13.40 RCW;"

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Pullen, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Talmadge, the committee amendments were considered and adopted simultaneously.

On motion of Senator Talmadge, the committee amendments to the title were adopted.

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 1418, 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 Wilson, Senators Donohue, Fleming, Jones and McDermott were excused.

POINT OF INQUIRY

Senator Van Hollebeke: "Senator Talmadge, the analysis in our second reading calendar indicates that, removes the trial de novo provisions in appeal to superior court. For what offenses?"

Senator Talmadge: "Senator, I think what the bill does is simply indicate that the appeal process for appeals to superior court is that which we have already adopted in House Bill 1422, assuming that is concurred with over in the House. The idea is to simply conform the appeal process for traffic infractions to that which we have adopted generally for appeals from courts of limited jurisdiction to superior courts. And that is the reason that 'trial de novo' thing is struck. If, in fact, trial de novo remains and we fail to pass 1422, then the usual way of appealing will be by trial de novo. If 1422 is passed then it will be an appeal on the record, that is what 1422 provided for. But this simply is open-ended to conform to whatever changes may, in fact, happen."

Senator Van Hollebeke: "1422 provides for an appeal on the record, an appeal on the record only for all traffic offenses?"

Senator Talmadge: "That is my understanding."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1418, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Lysen, Marsh, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—42.

Excused: Senators Donohue, Fleming, Jones, Matson, McDermott, Sellar, Wanamaker—7.

ENGROSSED HOUSE BILL NO. 1418, 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 2:10 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Thursday, February 28, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 28, 1980.

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 Donohue, Goltz, Matson and McDermott. On motion of Senator Wilson, Senators Donohue, Goltz and McDermott were excused. On motion of Senator Jones, Senator Matson was excused.

The Color Guard, consisting of Pages Terri Eccles and Traci Eccles, presented the Colors. Reverend Paul J. Beeman of the First United Methodist Church of Olympia, offered the following prayer:

"OUR FATHER, WE CONFESS THAT SO EASILY WE TEND TO SLOUGH OFF MATTERS OF THE MOMENT, SAYING WE ARE MORE INTERESTED IN THE LARGER PICTURE. WE SAY CASUALLY THAT THIS TIME DOESN'T COUNT, THIS CONVERSATION DOESN'T MATTER, THIS CONTACT IS NOT IMPORTANT, THIS CONSIDERATION CAN BE PUT OFF. WE EXCUSE OURSELVES BY SAYING THAT THIS LITTLE UNTRUTH WON'T REALLY CHANGE US, OR THAT SMALL INDISCRETION WON'T SET A PATTERN, OR THE OTHER SHIRKING OF RESPONSIBILITY WON'T HURT FOR NOW.

"REMINDE US, FATHER, THAT THIS TIME DOES COUNT, THIS WORD, THIS CONVERSATION, THIS FULFILLING OF DUTY, THIS FAITHFULNESS TO IDEAL, IS WHAT REALLY CONSTITUTES OUR LIFE.

"WE PRAY THAT NEITHER CARELESSNESS NOR CALOUSNESS MAY OVERGROW THE TENDER, SENSITIVE AREAS OF OUR LIVES. KEEP US OPEN TO ONE ANOTHER, BUT MOST OF ALL, KEEP US PAINFULLY SENSITIVE TO THE BEST AND THE RIGHT. DON'T LET US FORGET IN ANY CIRCUMSTANCE TODAY THAT THIS TIME, THIS PERSON, THIS SITUATION DOES COUNT, BECAUSE THE QUALITY AND PURITY OF OUR LIFE DOES COUNT. MAKE THIS A GOOD, A WORTHY, A FRUITFUL DAY FOR EACH OF THESE SENATORS, NOT ONLY BECAUSE OF THE MOUNTAINS OF WORK THEY ACCOMPLISH, BUT BECAUSE OF THEIR METICULOUS CARE ABOUT HONOR AND INTEGRITY, TRUTH AND LOVE. IN THE MASTER'S NAME. SO BE IT."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 27, 1980.

SENATE BILL NO. 2963, relating to education and making an appropriation (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2963 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bluechel, Clarke, Gaspard, Jones, Marsh, Morrison, Ridder, Shinpoch, Wojahn.
Passed to Committee on Rules for second reading.

February 27, 1980.

SENATE BILL NO. 3457, relating to state government (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3457 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Gaspard, Jones, Marsh, Morrison, Ridder, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412, regulating the transportation and disposal of radioactive wastes (reported by Committee on Ecology):

Recommendation: Do pass as amended.

Signed by: Senators Williams, Chairman; Bradburn, Donohue, Goltz, Guess, Hansen, Scott.

Passed to Committee on Rules for second reading.

February 27, 1980.

HOUSE BILL NO. 1444, requiring ordinances for reduced utility fees for low income persons (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hurley, Wilson, Woody.

Passed to Committee on Rules for second reading.

February 27, 1980.

HOUSE BILL NO. 1597, authorizing issuance of certain school district bonds for energy efficiency purposes (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hurley, Wilson, Woody.

Passed to Committee on Rules for second reading.

February 27, 1980.

HOUSE BILL NO. 1643, authorizing bonds for common school construction (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bluechel, Clarke, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Ridder, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 27, 1980.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 3499, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 27, 1980.

Mr. President: The House has adopted: SUBSTITUTE HOUSE JOINT MEMORIAL NO. 31, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 27, 1980.

Mr. President: The House has passed:
HOUSE BILL NO. 1518,
SUBSTITUTE HOUSE BILL NO. 1989, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 27, 1980.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 1499, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 27, 1980.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1492 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 27, 1980.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1778 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 27, 1980.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1983 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1499, By Committee on Energy and Utilities (originally sponsored by Representatives Monohon, Tupper, Erak, McCormick, Burns, Nelson (D.), Nisbet, Williams, Rinehart, Brown, North, Fuller, Charnley, Lux, Knowles, Salatino, May, Brekke, Eng, Vrooman, Sherman, Ellis, Gallagher):

Defining low income senior citizen for reduced utility rates of public utility districts.

Referred to Committee on Energy and Utilities.

HOUSE BILL NO. 1518, by Representatives Sanders, Schmitten, Erickson, Sommers and Owen:

Modifying minimum rental requirements for oil and gas leases on state lands.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 1989, by Committee on Commerce (originally sponsored by Representatives Warnke, May, Nisbet, Greengo, Salatino, Bauer, Mitchell, McGinnis, Kreidler, Charnley, Ehlers, McCormick, Sherman, Bender, Scott, North, Maxie, Gruger, Heck, Erickson, Knowles, Smith (R.), O'Brien and Winsley) (by House Select Committee on Mobile Homes request):

Regulating the manufacture, installation, sale, transportation, and repair of manufactured homes.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 31, by Committee on Energy and Utilities (originally sponsored by Representatives Williams, Eberle, Addison, Tupper, Zimmerman, Sprague, Dunlap and Isaacson):

Requesting the President to designate one federal agency to process complicated energy licensing applications.

Referred to Committee on Energy and Utilities.

SIGNED BY THE PRESIDENT

The President signed: **SENATE BILL NO. 3499**.

Business was suspended to extend birthday greetings to Senator Odegaard on his fortieth birthday.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Walgren, the appointment of Kazuo Watanabe as a member of the Washington State Liquor Control board, was confirmed.

APPOINTMENT OF KAZUO WATANABE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Donohue, Goltz, Matson, McDermott—4.

MOTION

On motion of Senator Odegaard, the appointment of Marven K. Eggert as a member of the Board of Trustees, Western Washington University, was confirmed.

APPOINTMENT OF MARVEN K. EGGERT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Donohue, Goltz, Matson, McDermott—4.

MOTION

On motion of Senator Shipoch, the appointment of William H. Lawrence as a member of the Board of Trustees, Centralia Community College, District 12, was confirmed.

APPOINTMENT OF WILLIAM H. LAWRENCE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Odegaard—1.

Excused: Senators Goltz, Matson, McDermott—3.

MOTION

On motion of Senator Bottiger, the appointment of Robert E. Hunt, Jr. as a member of the Board of Trustees, Tacoma Community College, District 22, was confirmed.

APPOINTMENT OF ROBERT E. HUNT, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Goltz, Matson—2.

MOTION

At 11:32 a.m., on motion of Senator Marsh, 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 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 commenced consideration of Senate Bill No. 3366.

SECOND READING

SENATE BILL NO. 3366, by Senators Wojahn, Rasmussen and Jones:

Establishing a two-year demonstration project on adoptive services for special need children.

MOTIONS

On motion of Senator Scott, Senators Jones, Haley and Quigg were excused.

On motion of Senator Wilson, Senator Ridder was excused.

On motion of Senator Wojahn, Substitute Senate Bill No. 3366 was substituted for Senate Bill No. 3366 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 3366 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. 3366, and the bill passed the Senate by the following vote: Yeas, 35; absent or not voting, 9; excused, 5.

Voting yea: Senators Bausch, Benitz, Clarke, Donohue, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—35.

Absent or not voting: Senators Bluechel, Bottiger, Conner, Day, Fleming, Lysen, Odegaard, Shinpoch, Walgren—9.

Excused: Senators Goltz, Haley, Jones, Matson, Ridder—5.

SUBSTITUTE SENATE BILL NO. 3366, having received the 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. 3519, by Senator Rasmussen:

Relating to state government.

MOTIONS

On motion of Senator Wilson, Senators Fleming, Lysen, Odegaard and Walgren were excused.

On motion of Senator Woody, Substitute Senate Bill No. 3519 was substituted for Senate Bill No. 3519 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Woody, the rules were suspended, Substitute Senate Bill No. 3519 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. 3519, and the bill passed the Senate by the following vote: Yeas, 38; nays, 2; excused, 9.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Hurley, Lee,

Lewis, Marsh, McDermott, Morrison, Peterson, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—38.

Voting nay: Senators Moore, Pullen—2.

Excused: Senators Fleming, Goltz, Haley, Jones, Lysen, Matson, Odegaard, Ridder, Walgren—9.

SUBSTITUTE SENATE BILL NO. 3519, having received the 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. 3389, by Senator Goltz:

Relating to postsecondary education.

MOTIONS

On motion of Senator Conner, Substitute Senate Bill No. 3389 was substituted for Senate Bill No. 3389 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Conner, the rules were suspended, Substitute Senate Bill No. 3389 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. 3389, and the bill passed the Senate by the following vote: Yeas, 29; nays, 13; excused, 7.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Donohue, Gaspard, Gould, Hansen, Hayner, Henry, Hurley, Jones, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Shinpoch, Talmadge, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn—29.

Voting nay: Senators Benitz, Bluechel, Gallagher, Guess, Lee, Lewis, Rasmussen, Scott, Sellar, Talley, Van Hollebeke, Wanamaker, Woody—13.

Excused: Senators Fleming, Goltz, Haley, Lysen, Matson, Odegaard, Ridder—7.

SUBSTITUTE SENATE BILL NO. 3389, having received the 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. 1630, by Committee on Agriculture (originally sponsored by Representatives Fancher, Kreidler, Zimmerman, Hastings, Addison, Amen, Schmitt, Taylor, Tilly, Barr, Whiteside, Struthers, Patterson, Mitchell, Flanagan, Nisbet, Tupper, Bond, Van Dyken, Rosbach, Smith (C.P.), Houchen, Rohrbach, Scott, Granlund, McGinnis, Oliver, Burns, Teutsch, Williams, Erak, Pruitt, Rinehart and Bauer):

Authorizing distillation of alcohol for use as a motor vehicle fuel.

REPORT OF STANDING COMMITTEE

February 13, 1980.

SUBSTITUTE HOUSE BILL NO. 1630, authorizing distillation of alcohol for use as a motor vehicle fuel (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 9, after "fees" strike "sufficient" and insert "not to exceed \$15"

On page 3, line 4, after "a" strike "motor vehicle"

On page 3, line 5, strike "motor vehicle"

Signed by: Senators Benitz, Gaspard, Wanamaker, Wilson.

The bill was read the second time by sections.

Senator Hansen moved adoption of the committee amendment to page 2, line 9.

POINT OF INQUIRY

Senator Pullen: "Senator Hansen, I notice your amendment does some other things. On page 3, subsection 15, your amendment strikes existing language relative to an 'interdicted person'. I was wondering if you could explain why that is stricken in your amendment."

Senator Hansen: "You will have to explain that one a little bit more thorough, Senator Pullen; he was chuckling and I never even understood what you were saying."

Senator Pullen: "I refer you to subsection 15 of your amendment, that is section 3, subsection 15. You are striking out of the law as I read your amendment, the definition of 'interdicted person' and this seems rather discriminatory against interdicted people and I was wondering why you were striking that."

Senator Hansen: "Well, this is alcohol for fuel. This is not alcohol for a beverage. The committee amendment is the amendment under consideration. This is by the request of the liquor control board because it has antiquated its language. It does not need it."

The motion by Senator Hansen carried and the committee amendment to page 2, line 9 was adopted.

On motion of Senator Hansen, the committee amendments to page 3, line 4 and 5 were not adopted.

On motion of Senator Hansen, the following amendment by Senators Hansen and Guess was adopted:

On page 1, line 19 after Section 1, beginning with "NEW SECTION. Sec. 2." strike the remainder of the act through page 8, line 1 and insert:

"NEW SECTION. Sec. 2. There is added to chapter 66.12 RCW a new section to read as follows:

Nothing in this title shall apply to or prevent the sale, importation, purchase, production, or blending of alcohol used solely for fuel to be used in motor vehicles, farm implements, and machines or implements of husbandry or in combination with gasoline or other petroleum products for use as such fuel. Manufacturers and distillers of such alcohol fuel are not required to obtain a license under this title. Alcohol which is produced for use as fuel shall be denatured in accordance with a formula approved by the federal bureau of alcohol, tobacco and firearms prior to the removal of the alcohol from the premises as described in the approved federal permit application. The exemptions from the state liquor control laws provided by this section only apply to distillers and manufacturers of alcohol to be used solely for fuel as long as the manufacturers and distillers are the holders of an appropriate permit issued under federal law.

Sec. 3. Section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 13, chapter 21, Laws of 1969 ex. sess. and RCW 66.04.010 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and

mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in section 2 of this 1980 act, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title any such beverage, including ale, stout and porter, containing more than four percent of alcohol by weight shall be referred to as "strong beer."

(3) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor.

(4) "Board" means the liquor control board, constituted under this title.

(5) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(6) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(7) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to (~~sections 10030-10038, Remington's Revised Statutes~~) chapter 18.32 RCW.

(8) "Distiller" means a person engaged in the business of distilling spirits.

(9) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to (~~sections 10126-10146, Remington's Revised Statutes~~) chapter 18.64 RCW.

(10) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(11) "Employee" means any person employed by the board, including a vendor, as hereinafter in this section defined.

(12) "Fund" means 'liquor revolving fund.'

(13) "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms.

(14) "Imprisonment" means confinement in the county jail.

(15) (~~"Interdicted person" means a person declared an habitual drunkard pursuant to sections 1708-1715, Remington's Revised Statutes, or a person to whom the sale of liquor is prohibited by an order of interdiction filed with the board pursuant to this title.~~

(16)) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous

or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

((17)) (16) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

((18)) (17) "Malt liquor" means beer, strong beer, ale, stout and porter.

((19)) (18) "Package" means any container or receptacle used for holding liquor.

((20)) (19) "Permit" means a permit for the purchase of liquor under this title.

((21)) (20) "Person" means an individual, copartnership, association, or corporation.

((22)) (21) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to ~~((sections 10008-10025, Remington's Revised Statutes))~~ chapter 18.71 RCW.

((23)) (22) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

((24)) (23) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

((25)) (24) "Regulations" means regulations made by the board under the powers conferred by this title.

((26)) (25) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

((27)) (26) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state.

((28)) (27) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

((29)) (28) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding seventeen percent of alcohol by weight.

((30)) (29) "Store" means a state liquor store established under this title.

((31)) (30) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

~~((32))~~ (31) "Vendor" means a person employed by the board as a store manager under this title.

~~((33))~~ (32) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

~~((34))~~ (33) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

~~((35))~~ (34) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen percent of alcohol by weight.

~~((36))~~ (35) "Beer wholesaler" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

~~((37))~~ (36) "Wine wholesaler" means a person who buys a wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

Sec. 4. Section 4, chapter 289, Laws of 1955 and RCW 66.44.140 are each amended to read as follows:

Every person who shall sell or offer for sale, or transport in any manner, any spirituous liquor, without government stamp or seal attached thereto, or who shall operate ~~((or shall have in his possession))~~ without a license, any still or other device for the production of spirituous liquor, or shall have in his possession or under his control any mash capable of being distilled into spirituous liquor except as provided in section 2 of this 1980 act, shall be guilty of a gross misdemeanor and upon conviction thereof shall upon his first conviction be fined not less than five hundred dollars and confined in the county jail not less than six months, and upon second and subsequent conviction shall be fined not less than one thousand dollars and confined in the county jail not less than one year.

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."

On motion of Senator Hansen, the following amendment by Senators Hansen and Guess to the title was adopted:

On page 1, line 5 of the title, after "new" strike: "chapter to Title 66 RCW" and insert: "section to chapter 66.12 RCW"

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 1630, 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 Sellar was excused.

POINT OF INQUIRY

Senator Pullen: "Senator Hansen, I still have some interests in the language in which we struck the definition of 'interdicted person' and I was hoping you, Senator Hansen, or perhaps someone else could give me some assurances. What I would like to know is, in the striking of the definition of 'interdicted person' and I realize this is perhaps very old language in the RCWs, are we in any way allowing now the sale of liquor to habitual drunkards?"

Senator Hansen: "It is still antiquated language that the liquor control board wanted out of the law. We are going into fuel alcohol, not beverage alcohol, so I think that is very explicit and the liquor control board asks that this language be deleted from the RCWs."

Senator Pullen: "It is my understanding then that the liquor control board no longer recognizes the definition of an 'interdicted person'?"

Senator Hansen: "I think it is answered in other RCWs."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1630, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nay, 1; excused, 6.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senator Pullen—1.

Excused: Senators Fleming, Goltz, Haley, Lysen, Matson, Sellar—6.

SUBSTITUTE HOUSE BILL NO. 1630, 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. 3589, by Senators Williams, Bottiger and Hansen:
Establishing a hydroelectric policy task force.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3589 was substituted for Senate Bill No. 3589 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 3589 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. 3589, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Fleming, Goltz, Haley, Lysen, Matson, Sellar—6.

SUBSTITUTE SENATE BILL NO. 3589, having received the 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. 3425, by Senators Hansen, Bottiger and Benitz:

Modifying provisions relating to fish protective devices on hydroelectric and water supply projects.

The bill was read the second time by sections.

On motion of Senator Lee, there being no objection, the amendments by Senator Lee to page 2, lines 1 and 23, also page 3, lines 10 and 26; also page 6, lines 15 and 29; also page 7, line 16, were withdrawn.

Senator Hansen moved adoption of the following amendment by Senators Hansen, Bottiger and Gallaghan:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Section 1. The legislature finds that there is a continuing need for projects to develop hydroelectric energy and to provide water for irrigation and other beneficial uses and that these projects are in the public interest. The legislature further finds that including reasonable features for the protection of the state's fisheries resources in connection with the construction or modification of these water-related projects is in the public interest.

It is the intent of the legislature to set forth the policy of the state regarding fish protection features on hydroelectric and water supply projects and to establish a procedure by which a balancing of these public interests will be achieved taking into consideration the extent to which the fisheries resources would be protected, the cost of such protection, and the impacts on other potential beneficial uses of the water.

Sec. 2. Section 75.20.040, chapter 12, Laws of 1955 and RCW 75.20.040 are each amended to read as follows:

Every ditch, channel, canal or waterpipe used for conducting water from any lake, river or stream, for irrigation, manufacturing, domestic or other purposes, ((~~shaft~~)) may be provided at its entrance or intake with a fish guard so as to prevent the passage of fish into such ditch, channel or waterpipe and subject to the approval of the director, which shall be constantly maintained at all times when water is taken or admitted into such ditch, channel, canal, or waterpipe: **PROVIDED**, That such fish guards and screens shall be installed at such places and times as ((~~shaft~~)) may be prescribed by the director upon thirty days' notice to the owner or owners of any such water conduit. In determining whether fish guards and screens shall be required, the director shall consider the impact, if any, on food fish and other beneficial uses of water as described in section 1 of this 1980 act: PROVIDED HOWEVER, That fish guards and screens shall not be required at any project at a location where anadromous food fish were not present at the time the project was constructed. Every owner, manager, agent or person in charge of such ditch, channel, canal, or waterpipe who shall fail to comply with the provisions of this section is guilty of a gross misdemeanor.

Each day the end of the ditch, channel, canal or waterpipe is not equipped with this covering as provided shall constitute a separate offense. If within thirty days after notice to equip any such ditch, channel, canal, or waterpipe such person shall fail to do so, the director is hereby authorized to take possession of the same in the name of the state of Washington, and to close the same to the entrance of any water until such time as the ditch shall be properly equipped, and the expense incident thereto shall constitute a lien upon the ditch, channel, canal, or waterpipe and upon the real and personal property of the person owning the same. Notice of such lien shall be filed and recorded in the office of the county auditor in the county in which such action is taken.

Sec. 3. Section 75.20.060, chapter 12, Laws of 1955 and RCW 75.20.060 are each amended to read as follows:

Every dam or other obstruction across or in any stream (~~(shall)~~) may be ((provided with)) required to have a durable and efficient fishway, which shall be maintained in a practical and effective condition in such place, form and capacity as the director may approve, for which plans and specification shall be furnished by the director upon application to him, and which shall be kept open, unobstructed and supplied with a sufficient quantity of water to freely admit the passage of fish through the same. If the director determines, after considering the need for other beneficial uses as described in section 1 of this 1980 act, that such fishways are impractical, the director may, in his discretion, require mitigation for any losses to food fish that are caused by a project under RCW 75.20.090 as now or hereafter amended: PROVIDED, That fishways or mitigation shall not be required at any project where anadromous food fish were not present at the time the project was constructed. Every owner, manager, agent or person in charge of such dam or obstruction who shall fail to comply with the provisions of this section is guilty of a gross misdemeanor.

If any person or government agency fails to construct and maintain such fish ladder or fishway or to remove such dam or obstruction in a manner satisfactory to the director, then within thirty days after written notice thereof has been served upon the owner, his agent, or the person in charge thereof, the director may construct a suitable fish ladder or fishway, or remove such dam or obstruction, and the actual cost in case of construction of fishway thereof shall constitute a lien upon the dam and upon all the personal property of the person or government agency owning the same. Notice of such lien shall be filed and recorded in the office of the county auditor of the county in which such dam or obstruction is situated. Such lien may be foreclosed in any action brought in the name of the state.

If any person or government agency fails to make any such fishway or remove such dam or obstruction in a manner satisfactory to the director, then within thirty days after written notice thereof has been served on the owner, his agent, or the person in charge, such dam or obstruction shall thereby become a public nuisance and the director may take possession thereof in his own name or in the name of the state and destroy it and no liability shall attach for such destruction.

Sec. 4. Section 75.20.090, chapter 12, Laws of 1955 and RCW 75.20.090 are each amended to read as follows:

In the event that any person or government agency desires to construct or maintain a dam or other hydraulic work in any of the streams of this state of a type making a fish ladder or fishway thereover impracticable, in the opinion of the director, then such person or government agency, before any construction work shall commence on such dam or other hydraulic work (~~((shall at the option of the director))~~) may, in the discretion of the director after consideration of the impact, if any, on food fish resources and other beneficial uses of water as described in section 1 of this 1980 act: (1) Convey to the state a site or sites of a size and dimensions satisfactory to the director, at such place as may be selected by the director, and erect thereon a fish hatchery or fish hatcheries, rearing ponds and other buildings according to plans and specifications to be furnished by said person or government agency subject to the approval of the director and enter into an agreement with director secured by good and sufficient bond, to furnish all water and lights, without expense, and necessary sums of money to operate and maintain said hatchery or hatcheries and rearing ponds or (2) enter into an agreement with the director secured by good and sufficient bond to pay to the state such initial money and make such annual payments of additional money to the state as the director may determine are necessary to expand, maintain, and operate additional facilities at existing hatcheries within a reasonable distance of such dam or other hydraulic work to compensate for the damages sustained by the erection of any such dam or other hydraulic work.

Any decision of the director hereunder shall be subject to review in the superior court of the state for Thurston county.

Any person or government agency who fails to comply with the provisions of this section is guilty of a gross misdemeanor and each day that such person or government agency carries on construction work on such dam or hydraulic work or operates any such dam or hydraulic work without complying with the provisions of this section constitutes a separate offense.

Sec. 5. Section 77.16.210, chapter 36, Laws of 1955 and RCW 77.16.210 are each amended to read as follows:

Any person or governmental agency managing, controlling, or owning any dam or other obstruction across any river or stream (~~shall~~) may be required to construct and maintain in good condition and repair in connection with such dam or other obstruction durable fishways and fish protective devices in such shape and size that the free passage of all game fish inhabiting such waters will not be obstructed. Such fishways and fish protective devices shall be provided at all times with sufficient water to insure maximum efficiency for the free passage of fish. In determining whether fishways and fish protective devices shall be required, the director shall consider the impact, if any, on game fish and other beneficial uses of water as described in section 1 of this 1980 act. However, fishways and fish protective devices shall not be required at a location where game fish were not present at the time the dam or obstruction was constructed.

Any person violating any of the provisions of this section shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than ninety days and not more than one year or by both such fine or imprisonment.

In addition to the penalty above provided, if any such person be convicted of violating any of the provisions of this title, the dam or other obstruction managed, controlled or owned by such person is hereby declared a public nuisance and shall be subject to abatement as such.

Sec. 6. Section 77.16.210, chapter 36, Laws of 1955 as amended by section 88, chapter ___ (REHB 1447), Laws of 1980 and RCW 77.16.210 are each amended to read as follows:

Persons or government agencies managing, controlling, or owning a dam or other obstruction across a river or stream (~~shall~~) may be required to construct, maintain, and repair durable fishways and fish protective devices that allow the free passage of game fish around the obstruction. The fishways and fish protective devices shall be provided with sufficient water to insure the free passage of fish. In determining whether fishways and fish protective devices shall be required, the director shall consider the impact, if any, on game fish and other beneficial uses of water as described in section 1 of this 1980 act. However, fishways and fish protective devices shall not be required at a location where game fish were not present at the time the dam or obstruction was constructed.

Sec. 7. Section 77.16.220, chapter 36, Laws of 1955 and RCW 77.16.220 are each amended to read as follows:

It shall be unlawful for any person to divert any water from any lake, river, or stream containing game fish unless the ditch, channel, canal, or water pipe conducting such water is equipped at or near its entrance or intake with a fish guard or screen capable of preventing the passage of game fish into such ditch, channel, or water pipe, and also equipped, if necessary, with a bypass to permit the passage of game fish from immediately in front of the fish guard or screen back to the waters from which said fish are diverted if the director determines fish guards or screens are required. In determining whether fish guards and screens shall be required, the director shall consider the impact, if any, on game fish and other beneficial uses of

water as described in section 1 of this 1980 act. However, fish guards and screens shall not be required at any project where game fish were not present at the time the project was constructed: PROVIDED, That no person who is now otherwise lawfully diverting water from any lake, river, or stream shall be deemed guilty of a violation of this section.

It shall also be unlawful for any person who is not now diverting water from any lake, river, or stream to divert any water therefrom where a fish guard or screen is required until he has first submitted plans for the fish guard, fish screen, or bypass to the director, obtained his approval thereof, installed such fish guard, screen, or bypass, and obtained the director's approval of such installation. It shall be unlawful for any person to construct any such fish guard, fish screen, or bypass without first submitting plans therefor to the director and obtaining his approval thereof as herein provided.

The director may summarily close any ditch, canal, channel, or water pipe owned or operated by any person convicted of any violation of this section and keep the same closed until it is properly equipped with a fish guard, screen, or bypass, in accordance with the provisions herein.

Sec. 8. Section 77.16.220, chapter 36, Laws of 1955 as amended by section 89, chapter ... (REHB 1447), Laws of 1980 and RCW 77.16.220 are each amended to read as follows:

It is unlawful to divert water from a lake, river, or stream containing game fish unless the water diversion device is equipped at or near its intake with a fish guard or screen to prevent the passage of game fish into the device and, if necessary, with a means of returning game fish from immediately in front of the fish guard or screen to the waters of origin if the director determines fish guards or screens are required. In determining whether fish guards and screens shall be required, the director shall consider the impact, if any, on game fish and other beneficial uses of water as described in section 1 of this 1980 act. However, fish guards and screens shall not be required at any project where game fish were not present at the time the project was constructed. A person who is now otherwise lawfully diverting water from a lake, river or stream shall not be deemed guilty of a violation of this section.

Plans for the fish guard, screen, and bypass shall be approved by the director prior to construction. The installation shall be approved by the director prior to the diversion of water where a fish guard or screen is required.

The director may close a water diversion device operated in violation of this section and keep it closed until it is properly equipped with a fish guard, screen, or bypass.

NEW SECTION. Sec. 9. The amendments to section 77.16.210, chapter 36, Laws of 1955 and RCW 77.16.210 made by section 5 of this 1980 act and the amendments to section 77.16.220, chapter 36, Laws of 1955 and RCW 77.16.220 made by section 7 of this 1980 act shall expire June 30, 1981.

NEW SECTION. Sec. 10. The amendments to section 77.16.210, chapter 36, Laws of 1955 as amended by section 88, chapter ... (REHB 1447), Laws of 1980 and RCW 77.16.210 made by section 6 of this 1980 act and the amendments to section 77.16.220, chapter 36, Laws of 1955 as amended by section 89, chapter ... (REHB 1477), Laws of 1980 and RCW 77.16.220 made by section 8 of this 1980 act shall take effect July 1, 1981."

Senator Lee moved the following amendments to the amendment by Senators Hansen, Bottiger and Gallagher be considered and adopted simultaneously:

On page 2, line 32, after "constructed" insert: "unless the director determines that a significant number of anadromous food fish may be reestablished"

On page 4, line 14, after "constructed" insert: "unless the director determines that a significant number of anadromous food fish may be reestablished"

On page 7, line 39, after "constructed" insert: "unless the director determines that a significant number of game fish may be reestablished"

On page 9, line 7, after "constructed" insert: "unless the director determines that a significant number of game fish may be reestablished"

On page 9, line 38, after "constructed" insert: "unless the director determines that a significant number of game fish may be reestablished"

On page 11, line 20, after "constructed" insert: "unless the director determines that a significant number of game fish may be reestablished"

Debate ensued.

The motion by Senator Lee failed and the amendments to the amendment by Senators Hansen, Bottiger and Gallagher were not adopted.

The motion by Senator Hansen carried and the amendment was adopted.

On motion of Senator Peterson, the following amendment by Senator Bottiger to the title was adopted:

On page 1, line 1 of the title, after "Relating to hydroelectric and water supply projects;" strike the remainder of the title and insert "amending section 75.20.040, chapter 12, Laws of 1955 and RCW 75.20.040; amending section 75.20.060, chapter 12, Laws of 1955 and RCW 75.20.060; amending section 75.20.090, chapter 12, Laws of 1955 and RCW 75.20.090; amending section 77.16.210, chapter 36, Laws of 1955 and RCW 77.16.210; amending section 77.16.210, chapter 36, Laws of 1955 as amended by section 88, chapter ... (REHB 1447), Laws of 1980 and RCW 77.16.210; amending section 77.16.220, chapter 36, Laws of 1955 and RCW 77.16.220; amending section 77.16.220, chapter 36, Laws of 1955 as amended by section 89, chapter ... (REHB 1447), Laws of 1980 and RCW 77.16.220; creating a new section; providing an expiration date; and providing an effective date."

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 3425 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Senator Bottiger, you have been involved in the development of this amendment and are familiar with its contents. Is that not true?"

Senator Bottiger: "Yes, Senator."

Senator Wilson: "I would like to ask you a couple of questions if I may which are simply designed to clarify two points in the amendment. The first is as follows: with respect to lines 20 to 33 on page 1 of the amendment, is it the intent to establish a legislative policy which says in effect that 'a mandated installation of fish ladders must be justified by good economic sense in relation to overall costs and benefits to the entire project'?"

Senator Bottiger: "That is correct, Senator Wilson."

Senator Wilson: "Second question is, is it the intent of this amendment to provide that fish guards and screens and fish ladders will not be required on renovation projects where a viable fish run was not present at the time the project was originally constructed?"

Senator Bottiger: "That is also correct, Senator Wilson."

Senator Wilson: "Thank you."

POINT OF INQUIRY

Senator Quigg: "Senator Bottiger, I have received quite a number of calls from people along the coast concerned about the impact of this bill on the availability of water for fish runs. Do you see any impeding of the flow or cutting down of the availability of water to the detriment of fish runs? Would this be taken into consideration by the director under this measure?"

Senator Bottiger: "Senator Quigg, I see an enhancement of the availability of water because irrigation districts working with the department of fisheries as well as utilities, are going to keep the level of water in the river at a more constant regulated basis and avoid floods, which sometimes occur in washout spawning grounds. So I have told the fishermen friends of mine that this bill should help the fish run system and not hurt it."

Senator Quigg: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3425, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Lee, Pullen—2.

Excused: Senators Fleming, Goltz, Haley—3.

ENGROSSED SENATE BILL NO. 3425, having received the 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. 646, by Representatives Valle, Barr, Gruger, Scott, Granlund, Jovanovich and Lux:

Revising the law on waste management.

The bill was read the second time by sections.

The Secretary commenced reading the following amendments:

On page 1, line 11, after "(a)" strike all of the material down to the colon on line 12, and insert: "Establish a permit system for owners or operators of facilities which treat, store, dispose of or recover energy from dangerous wastes"

On page 1, line 17, after "(b)" strike all of the material down to the semicolon on line 19, and insert: "Establish standards for the safe transport, treatment, storage, disposal of, and/or energy resource recovery from, dangerous wastes as may be necessary to protect human health and the environment"

PARLIAMENTARY INQUIRY

Senator Guess: "Mr. President, I would like to ask a question. The bill as it presently is, does not have anything to do with the recovery of energy or energy. The amendment is trying to place the bill in the position of becoming an energy bill. Now, is now the time to raise the scope and object on the amendment?"

REPLY BY THE PRESIDENT

President Cherberg: "Scope and object can be raised at any time while the amendment is being considered."

POINT OF ORDER

Senator Guess: "Mr. President, then I raise the question of scope and object on the amendment that has just been offered."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator McDermott, I have a five-, six-, or seven-page amendment that has your name on it that is going to be amended to 646. Is it your intention to withdraw that amendment?"

Senator McDermott: "That amendment is the nuclear waste bill which was killed by your motion in the ecology committee and I was intending to have it on this bill so that we could have a discussion of this issue; but I have the assurance of the majority leader that this will be brought up on a bill that is coming out of the rules committee and so I intend to withdraw that amendment."

Senator Guess: "Mr. President, with the consent of the body I would withdraw my question of scope and object on the first amendment."

There being no objection, on motion of Senator Guess, the Point of Order was withdrawn.

Senator Bottiger moved the amendments to page 1, lines 11 and 17 be considered and adopted simultaneously.

The motion by Senator Bottiger carried. The amendments were adopted.

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "With the approval of the body, I would like the record to show that this following amendment was introduced and withdrawn by motion. You never called it up even though it was laying on the desk and I did not have the opportunity of formally withdrawing."

President Cherberg: "If there are no objections, the journal will so show."

On page 2, after line 9, insert the following:

"NEW SECTION. Sec. 4. There is added to chapter 70.98 RCW a new section to read as follows:

The legislature finds that:

(1) The very act of transporting, handling, disposing of, or otherwise caring for radioactive wastes poses a hazard to health, safety, and welfare because of the ever-present risk that an accident or incident will occur while the wastes are being cared for; and

(2) The likelihood that an accident or incident will occur in this state involving the release of radioactive wastes into the environment becomes greater as the volume of the wastes transported, handled, disposed of, or otherwise cared for in this state increases.

The legislature acknowledges that the citizens of this state may be asked to accept the burdens and hazards posed by the transportation, handling, storage, and disposal of radioactive wastes generated by activities occurring within this state. Therefore, the legislature finds that the hazards posed by significantly increasing the volume of radioactive wastes transported, handled, disposed of, or otherwise cared for in this state through the importation of such wastes for disposal from areas outside of the state requires the protection of the health, safety, and welfare of its citizens.

NEW SECTION. Sec. 5. There is added to chapter 70.98 RCW a new section to read as follows:

A license issued pursuant to this chapter to dispose of radioactive waste shall continue in effect and the responsibility and authority for possession of buried radioactive waste shall continue until the department finds that the plan established for preparation of the site for transfer to another person has been satisfactorily implemented in a manner to reasonably assure protection of the public health and safety and the department takes action to terminate the licensee's responsibility and

authority under such license. The expiration date on a license to dispose of radioactive waste shall apply only to the above ground activities of the licensee and to the authority to bury radioactive wastes. Material buried under such license may not be transferred by abandonment or otherwise in the absence of specific authorization by the department.

Sec. 6. Section 3, chapter 207, Laws of 1961 as last amended by section 125, chapter 141, Laws of 1979 and RCW 70.98.030 are each amended to read as follows:

(1) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(2) "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(3) (a) "General license" means a license effective pursuant to regulations promulgated by the state radiation control agency, without the filing of an application, to transfer, acquire, own, possess, or use quantities of, or devices or equipment utilizing, byproduct, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.

(b) "Specific license" means a license, issued after application to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing byproduct, source, special nuclear materials, or other radioactive materials occurring naturally or produced artificially.

(4) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal government agencies licensed by the United States Atomic Energy Commission, or any successor thereto.

(5) "Source material" means (a) uranium, thorium, or any other material which the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (b) ores containing one or more of the foregoing materials, in such concentration as the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.

(6) "Special nuclear material" means (a) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the governor declares by order to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (b) any material artificially enriched by any of the foregoing, but does not include source material.

(7) "Registration" means registration with the state department of social and health services by any person possessing a source of ionizing radiation in accordance with rules, regulations and standards adopted by the department of social and health services.

(8) "Radiation source" means any type of device or substance which is capable of producing or emitting ionizing radiation.

(9) "Medical waste" means radioactive waste from all therapy, diagnosis or research in medical fields and radioactive waste which results from the production and manufacture of radioactive material used for therapy, diagnosis or research in medical fields if such wastes would otherwise be defined as low-level radioactive

waste under the provisions of RCW 70.98.030(12)(a)(i) and (b). "Medical waste" does not include spent fuel or waste from the fuel of an isotope production reactor.

(10) (a) "Low-level radioactive wastes" means (i) radioactive materials having little or no economic value that are in concentrations and/or quantities such that the potential impact, after one hundred fifty years, on the environment or to the casual intruder on the surface will not exceed Title 10 Code of Federal Regulations Part 20 Appendix B table II limits as they exist on the effective date of this 1980 act; or (ii) medical wastes.

(b) "Low-level radioactive wastes" does not include: (i) Wastes containing more than ten nanocuries of transuranic contaminants per gram of material, except whole smoke detectors containing transuranic contaminants; or (ii) wastes whose radioactive contaminants or constituents have concentrations similar to those in "high-level liquid radioactive wastes" as that term is defined in Title 10 Code of Federal Regulations Part 50 Appendix F on the effective date of this 1980 act.

The agency shall designate by rule the radionuclides and concentrations of those radionuclides which fall within this definition of "low-level radioactive wastes." The rules shall be adopted in conformance with chapter 34.04 RCW.

(11) "State licensed disposal site" or "disposal site licensed pursuant to this chapter" means a radioactive waste disposal site whose operation is licensed and otherwise regulated by the agency under the provisions of this chapter.

NEW SECTION. Sec. 7. There is added to chapter 70.98 RCW a new section to read as follows:

The use of any disposal site for radioactive wastes licensed pursuant to this chapter is restricted to the disposal of low-level radioactive wastes.

NEW SECTION. Sec. 8. There is added to chapter 70.98 RCW a new section to read as follows:

After July 1, 1981, no area within the external boundaries of the state of Washington may be utilized by any person or entity as a temporary, interim, or permanent disposal site for radioactive waste generated outside of the state of Washington and no person or entity may transport to a radioactive waste disposal site located in this state any radioactive waste generated outside of the state of Washington: PROVIDED, That this section shall not apply to medical waste received at such site prior to January 1, 1984: PROVIDED FURTHER, That radioactive waste generated outside of the state of Washington does not include low-level radioactive waste generated in a state which is a party to an interstate compact which includes the state of Washington and provides for regional storage of such radioactive waste.

NEW SECTION. Sec. 9. There is added to chapter 70.98 RCW a new section to read as follows:

A violation of sections 4 or 5 of this act is a misdemeanor punishable by a fine not exceeding ten thousand dollars or by confinement in the county jail not exceeding six months, or by both such fine and imprisonment.

NEW SECTION. Sec. 10. 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. 11. This act shall be liberally construed to effect its purposes and shall not be limited by any rule of strict construction."

Renumber the remaining sections consecutively and correct internal references accordingly.

On motion of Senator Williams, the rules were suspended, Engrossed House Bill No. 646, 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 Engrossed House Bill No. 646, as amended by Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Fleming, Goltz, Haley—3.

ENGROSSED HOUSE BILL NO. 646, as amended by 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. 3273, by Senators Bottiger and Woody:
 Requiring use of renewable energy sources to heat new swimming pools.

REPORT OF STANDING COMMITTEE

January 30, 1980.

SENATE BILL NO. 3273, requiring use of renewable energy sources to heat new swimming pools (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after the enacting clause insert a new section 1 that reads as follows and renumber the remaining sections consecutively:

"NEW SECTION. Section 1. The legislature finds that in order to protect the public health, safety, and welfare there is a need to reduce the rate of growth in demand for electricity. This may be accomplished, in part, by requiring that swimming pools be heated by renewable energy."

On page 1, line 8, strike "Swimming" and insert "Outdoor swimming"

On page 1, line 10, after "from" insert "active and passive"

On page 1, line 11, after "sources" and before the period insert "and waste heat from heating systems or other heat sources"

Signed by: Senators Bottiger, Chairman; Gould, Hayner, Hurley, Lewis, Williams, Wilson.

The bill was read the second time by sections.

On motion of Senator Bottiger, the committee amendment to page 1 inserting a new section 1 was adopted.

Senator Bottiger moved adoption of the committee amendment to page 1, line 8.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, obviously we are going to exclude indoor swimming pools. Everybody is going to put an indoor swimming pool with a movable roof and heat that pool. Fact of the matter is, I have been looking at two or three houses to see how they are installed, they have been advertised for sale. Why would you exclude indoor pools from the heating requirements?"

Senator Bottiger: "Well Senator, it is one step at a time. An indoor pool generally would run all year long and there was testimony that we may not be able to get from solar, enough heat in the middle of a snow storm in January to be able to heat

that pool. So rather than do it all at once and therefore make some indoor pools not usable, we agreed that we would start with outdoor swimming pools."

Senator Rasmussen: "I do not see a termination date on this legislation."

Senator Bottiger: "I would hope it would have no termination date."

Senator Rasmussen: "Well, I cannot agree, but thank you."

The motion by Senator Bottiger carried and the committee amendment to page 1, line 8 was adopted.

Senator Bottiger moved adoption of the committee amendment to page 1, line 10.

On motion of Senator Bottiger, the following amendment by Senators Walgren and Bottiger to the committee amendment was adopted:

Amend the committee amendment to page 1, line 10, as follows: After "active" strike "and" and insert "or"

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

On motion of Senator Bottiger, the committee amendment to page 1, line 11 was adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 3273 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: "Senator Bottiger, would you be so kind as to elucidate for us as to how much of the energy used in heating these pools you think will be biomass or photovoltaic?"

Senator Bottiger: "Senator, I do not have any idea but I am surely glad that people are learning those words."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3273, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Morrison, Odegaard, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Moore, Pullen, Rasmussen—3.

Excused: Senators Fleming, Goltz—2.

ENGROSSED SENATE BILL NO. 3273, having received the 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. 3376, by Senators Walgren, Van Hollebeke and Rasmussen:

Directing OFM to report to the legislature on permits, licenses, and inspection requirements by state agencies.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 3376 was substituted for Senate Bill No. 3376 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Walgren, the following amendments by Senators Walgren, Odegaard, Clarke, Rasmussen and Matson were considered and adopted simultaneously:

On page 2, after line 3, insert the following additional sections:

"NEW SECTION. Sec. 5. There is added to chapter 34.04 RCW a new section to read as follows:

(1) At the time an agency files notice of intent to adopt, amend, or repeal a rule with the code reviser pursuant to RCW 34.04.025(1)(a), it shall file a duplicate of the notice, including the text of the proposed rule, with the attorney general.

(2) No later than fourteen days prior to the date upon which any proceeding may be held for consideration or adoption of the proposed rule, the attorney general shall review the proposed rule and issue to the agency a written opinion, advisory in nature, in such form as the attorney general may prescribe, stating whether or not the attorney general finds that the proposed rule:

(a) Properly cites the statutory authority for the rule as required by RCW 34.04.025(1)(a)(i) and 34.04.026, as now or hereafter amended;

(b) Is within the powers and authority delegated by the legislature in enacting the statutes cited pursuant to RCW 34.04.026, as now or hereafter amended.

(3) The agency shall file the applicable attorney general's opinion with the code reviser simultaneously with the filing of any new or amendatory rule permanently adopted and filed.

(4) Upon filing the rule with the code reviser, the adopting agency shall have copies of the applicable opinion on file and available for public inspection and shall forward three copies each of the opinion to the secretary of the senate and the chief clerk of the house of representatives.

(5) The attorney general may delegate to an assistant or assistants any of the duties imposed by this section.

Sec. 6. Section 2, chapter 19, Laws of 1977 and RCW 34.04.026 are each amended to read as follows:

(1) In ~~((addition))~~ order to comply with the provisions of RCW 34.04.025(1)(a)(i), every agency shall incorporate into the notice the most specific, but in no case omit all, of the following language alternatives ~~((when adopting or amending rules))~~:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."

(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority—either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW"

(2) The code reviser (~~is directed to develop a format for placing such specific language in each rule, and agencies shall then comply with the code reviser's direction, and shall include the same in~~) shall incorporate the statutory authority cited by the agency into the final adopted rule.

(3) During the promulgation hearings process the public may question whether such rule should have a more specific reference, and the agency shall, pursuant to RCW 34.04.025(1)(b), give consideration to such requests.

NEW SECTION. Sec. 7. There is added to chapter 34.08 RCW a new section to read as follows:

The code reviser shall include in a preface to each register a statement to the effect that all agency rules are reviewed by the office of the attorney general and that a copy of the opinion may be obtained either from the agency adopting the rule or from the office of the attorney general.

NEW SECTION. Sec. 8. There is added to chapter 57, Laws of 1971 ex. sess. and to chapter 28B.19 RCW a new section to read as follows:

(1) At the time an institution of higher education files notice of intent to adopt, amend, or repeal a rule with the code reviser pursuant to RCW 28B.19.030(1)(a), it shall file a duplicate of the notice, including the text of the proposed rule, with the attorney general.

(2) No later than fourteen days prior to the date upon which any proceeding may be held for consideration or adoption of the proposed rule, the attorney general shall review the proposed rule and issue to the institution a written opinion, advisory in nature, in such form as the attorney general may prescribe, stating whether or not the attorney general finds that the proposed rule:

(a) Properly cites the statutory authority for the rule as required by RCW 28B.19.030(1)(a)(i) and section 9 of this 1980 act;

(b) Is within the powers and authority delegated by the legislature in enacting the statutes cited pursuant to section 9 of this 1980 act.

(3) The institution shall file the applicable attorney general's opinion with the code reviser simultaneously with the filing of any new or amendatory rule permanently adopted and filed.

(4) Upon filing the rule with the code reviser, the adopting institution shall have copies of the applicable opinion on file and available for public inspection and shall forward three copies each of the opinion to the secretary of the senate and the chief clerk of the house of representatives.

(5) The attorney general may delegate to an assistant or assistants any of the duties imposed by this section.

NEW SECTION. Sec. 9. There is added to chapter 57, Laws of 1971 ex. sess. and to chapter 28B.19 RCW a new section to read as follows:

(1) In order to comply with the provisions of RCW 28B.19.030(1)(a)(i), every institution of higher education shall incorporate into the notice the most specific, but in no case omit all, of the following language alternatives:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an institution of higher education to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW which directs that the (institution of higher education) has authority to implement the provisions of (name of act or RCW citation)."

(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the institution's broad rule-making authority—either in the

institution's enabling legislation or chapter 28B.19 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (institution of higher education) as authorized in RCW"

(2) The code reviser shall incorporate the statutory authority cited by the institution into the final adopted rule.

(3) During the promulgation hearings process the public may question whether such rule should have a more specific reference, and the institution shall, pursuant to RCW 28B.19.030(1)(c), give consideration to such requests.

Sec. 10. Section 43.10.030, chapter 8, Laws of 1965 as last amended by section 5, chapter 40, Laws of 1975 and RCW 43.10.030 are each amended to read as follows:

The attorney general shall:

(1) Appear for and represent the state before the supreme court or the court of appeals in all cases in which the state is interested;

(2) Institute and prosecute all actions and proceedings for, or for the use of the state, which may be necessary in the execution of the duties of any state officer;

(3) Defend all actions and proceedings against any state officer or employee acting in his official capacity, in any of the courts of this state or the United States;

(4) Consult with and advise the several prosecuting attorneys in matters relating to the duties of their office, and when the interests of the state require, he shall attend the trial of any person accused of a crime, and assist in the prosecution;

(5) Consult with and advise the governor, members of the legislature, and other state officers, and when requested, give written opinions upon all constitutional or legal questions relating to the duties of such officers;

(6) Prepare proper drafts of contracts and other instruments relating to subjects in which the state is interested;

(7) Give written opinions, when requested by either branch of the legislature, or any committee thereof, upon constitutional or legal questions;

(8) Enforce the proper application of funds appropriated for the public institutions of the state, and prosecute corporations for failure or refusal to make the reports required by law;

(9) Keep in proper books a record of all cases prosecuted or defended by him, on behalf of the state or its officers, and of all proceedings had in relation thereto, and deliver the same to his successor in office;

(10) Keep books in which he shall record all the official opinions given by him during his term of office, and deliver the same to his successor in office;

(11) Pay into the state treasury all moneys received by him for the use of the state;

(12) Give written opinions pursuant to sections 5 and 8 of this 1980 act, on proposed rule-making actions of state agencies and institutions of higher education.

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."

Renumber the sections following consecutively, and correct internal references accordingly.

On page 2, line 7, after "provisions of" insert "sections 1 through 4 of"

On page 2, line 8, after "Sec. 6." strike "This act is" and insert "Sections 1 through 4 and 12 of this 1980 act are"

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

In line 1 of the title, after "government;" insert "amending section 2, chapter 19, Laws of 1977 and RCW 34.04.026; amending section 43.10.030, chapter 8, Laws of 1965 as last amended by section 5, chapter 40, Laws of 1975 and RCW 43.10.030; adding new sections to chapter 57, Laws of 1971 ex. sess. and to chapter

28B.19 RCW; adding a new section to chapter 34.04 RCW; adding a new section to chapter 34.08 RCW;"

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 3376 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. 3376, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Fleming, Goltz—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3376, having received the 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 2:55 p.m., on motion of Senator Marsh, the Senate adjourned until 9:30 a.m., Friday, February 29, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 29, 1980.

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Donohue, Fleming, Matson, Ridder, Sellar, Williams and Woody.

The Color Guard, consisting of Pages Lynette Shaw and Holly Abel, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"OUR FATHER, THIS COLLECTION OF WOMEN AND MEN MUST SURELY BE AMONG THE MOST CAPABLE, MOST DIVERSE, AND MOST COMMITTED THAT COULD BE ASSEMBLED IN THE ENTIRE STATE. WE THANK YOU, THE GOD OF THEIR CREATION AND OURS, FOR THESE QUALITIES. AT THE SAME TIME, WE PRAY TODAY THAT YOU WILL HELP THEM NOT TO LET THEIR CAPABILITY BE CAUSE FOR CALOUSNESS, THEIR SPLENDID DIVERSITY SLIP INTO PERVERSITY, NOR THEIR COMMITMENT TO ANY ONE CAUSE OR PROGRAM LEAD THEM INTO FANATICAL BLINDNESS.

"AS THIS IMPORTANT WEEK DRAWS TOWARD A CLOSE, BLESS EACH SENATOR WITH A STALWART BACKBONE CONNECTED TO A FUNNYBONE, WITH A BATHROOM MIRROR THAT CAN REFLECT A GRACEFUL GRIN AS WELL AS TRUE GRIT, AND WITH A COMMITTED DETERMINATION ALWAYS MODIFIED TO ALLOW MOTION TOWARD THE COMMON GOOD. BLESS THE EFFORTS OF THIS DAY THAT THEY MAY BE FRUITFUL, WE PRAY IN THE MASTER'S NAME. SO BE IT."

MOTION

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, February 28, 1980.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on February 28, 1980, Governor Ray approved the following Senate Bills entitled:

SUBSTITUTE SENATE BILL NO. 2616: An act relating to Alcoholic Beverages.

SUBSTITUTE SENATE BILL NO. 2748: An act relating to Special Purpose Districts.

SENATE BILL NO. 3011: An act relating to Game.

SENATE BILL NO. 3140: An act relating to Housing.

SENATE BILL NO. 3202: An act relating to Basic Science.

SENATE BILL NO. 3235: An act relating to Fire Protection Districts.

SUBSTITUTE SENATE BILL NO. 3237: An act relating to Franchises on State Highways.

SENATE BILL NO. 3245: An act relating to Public Retirement Systems.

SENATE BILL NO. 3320: An act relating to Contested Cases.

SENATE BILL NO. 3404: An act relating to State Government.

SUBSTITUTE SENATE BILL NO. 3405: An act relating to State Government.

SUBSTITUTE SENATE BILL NO. 3611: An act relating to Investment of Pension Funds.

Sincerely,
H. B. HANNA
Legal Counsel.

MESSAGES FROM THE HOUSE

February 28, 1980.

Mr. President: The House has receded from its amendments to SENATE BILL NO. 3244 and has passed the bill without the amendments, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 28, 1980.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1418 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 28, 1980.

Mr. President: The House has passed:
SUBSTITUTED HOUSE BILL NO. 1715,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1763, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 28, 1980.

Mr. President: The House has receded from its amendments to SUBSTITUTE SENATE BILL NO. 3169 by Representative Tilly on page 3, line 6, and the title amendment on page 1, line 1, and has passed the bill, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

The President declared the question before the Senate to be the roll call on Substitute Senate Bill No. 3169 with the remaining House amendments.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3169 with the remaining House amendments and the bill passed the Senate by the following vote: Yeas, 38; nays, 1; absent or not voting, 10.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Scott, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn—38.

Voting nay: Senator Pullen—1.

Absent or not voting: Senators Bottiger, Donohue, Fleming, Lysen, Matson, Ridder, Sellar, Talley, Williams, Woody—10.

SUBSTITUTE SENATE BILL NO. 3169, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1520, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Whiteside, Mitchell, Galloway, Gallagher, Hughes, Erak and Stratton)(by Department of Social and Health Services request):

Granting DSHS personnel access to criminal records when investigating applicants for child care agency licenses.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 1520 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Wilson, Senators Donohue, Lysen and Matson were excused.

POINT OF INQUIRY

Senator Rasmussen: "Senator Day, could you advise us how is this, is this random access that they go into the state patrol computer or they just merely send a request?"

Senator Day: "No, it has safeguards in it and it is upon request that they will provide information relative to specific cases and it is only for the purposes of the license application. In other words, it cannot be used in any other way."

Senator Rasmussen: "Well, it will not be the DSH computer going right into the files, that they will just sent the message over and get a report back?"

Senator Day: "Right; that is correct."

Senator Rasmussen: "That is what I want to make certain. Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1520 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Donohue, Lysen, Matson—3.

SUBSTITUTE HOUSE BILL NO. 1520, having received the 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 9:50 a.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Marsh, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 28, 1980.

SENATE BILL NO. 2970, relating to legislative ethics (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2970 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Pullen, Ridder.

Passed to Committee on Rules for second reading.

February 28, 1980.

SENATE BILL NO. 3537, relating to appropriations (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3537 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Gaspard, Goltz, Morrison, Odegaard, Ridder, Shinpoch, Walgren.

Passed to Committee on Rules for second reading.

February 28, 1980.

SENATE JOINT RESOLUTION NO. 122, amending the state Constitution (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 122 be substituted therefor, and the substitute joint resolution do pass.

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Peterson, Pullen, Ridder.

Passed to Committee on Rules for second reading.

February 28, 1980.

ENGROSSED HOUSE BILL NO. 1483, appropriating moneys to implement Referendum 37 (facilities for the handicapped) (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Gaspard, Goltz, Jones, Morrison, Ridder, Scott, Sellar.

Passed to Committee on Rules for second reading.

February 25, 1980.

Mr. President: The House concurred in the Senate amendments to HOUSE BILL NO. 1841 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 25, 1980.

Mr. President: The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1729 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MESSAGES FROM THE HOUSE

February 26, 1980.

Mr. President: The Speakers have signed:
 SUBSTITUTE HOUSE BILL NO. 19,
 HOUSE BILL NO. 209,
 HOUSE BILL NO. 783,
 HOUSE BILL NO. 1447,
 SUBSTITUTE HOUSE BILL NO. 1480,
 HOUSE BILL NO. 1495,
 SUBSTITUTE HOUSE BILL NO. 1729,
 HOUSE BILL NO. 1841, and the same are

herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 25, 1980.

Mr. President: The Speakers have signed:
 HOUSE BILL NO. 1458,
 HOUSE BILL NO. 1486,
 HOUSE BILL NO. 1521, and the same are

herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 27, 1980.

Mr. President: The Speakers have signed: HOUSE BILL NO. 1475, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 28, 1980.

Mr. President: The Speakers have signed:
 SENATE BILL NO. 3190,
 SUBSTITUTE SENATE BILL NO. 3297,
 SENATE BILL NO. 3415, and the same are

herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 27, 1980.

Mr. President: The Speakers have signed:
 SUBSTITUTE SENATE BILL NO. 3133,
 SUBSTITUTE SENATE BILL NO. 3164,
 SUBSTITUTE SENATE BILL NO. 3184,
 SENATE BILL NO. 3211,
 SENATE BILL NO. 3214,
 SENATE BILL NO. 3220,
 SUBSTITUTE SENATE BILL NO. 3224,
 SENATE BILL NO. 3236,
 SENATE BILL NO. 3241,
 SUBSTITUTE SENATE BILL NO. 3256,
 SENATE BILL NO. 3282,
 SUBSTITUTE SENATE BILL NO. 3309,
 SENATE BILL NO. 3318,
 SUBSTITUTE SENATE BILL NO. 3330,
 SENATE BILL NO. 3331,
 SENATE BILL NO. 3334,
 SENATE BILL NO. 3362,
 SENATE BILL NO. 3378,

SENATE BILL NO. 3422,
 SENATE BILL NO. 3474,
 SENATE BILL NO. 3487,
 SUBSTITUTE SENATE BILL NO. 3558,
 SENATE BILL NO. 3565,
 SUBSTITUTE SENATE BILL NO. 3581,
 SENATE BILL NO. 3593, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 25, 1980.

Mr. President: The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 440 and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator McDermott, the Senate receded from its amendments to Substitute House Bill No. 440.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 440 and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 9, excused, 3.

Voting yea: Senators Bausch, Bluechel, Clarke, Conner, Day, Fleming, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Wilson, Wojahn, Woody—37.

Absent or not voting: Senators Benitz, Bottiger, Gaspard, Lee, Pullen, Scott, Talley, Walgren, Williams—9.

Excused: Senators Donohue, Lysen, Matson—3.

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.

MESSAGE FROM THE HOUSE

February 21, 1980.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 714 on page 2, line 19 and page 2, line 28, and refuses to concur in the Senate amendment on page 3, line 5, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Peterson, the Senate adhered to its position on the Senate amendment to page 3, line 5 to Engrossed Substitute House Bill No. 714 and once again asks the House to concur therein.

MESSAGE FROM THE HOUSE

February 25, 1980.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTED HOUSE BILL NO. 1485 on page 15, lines 16 and 21, and refuses to concur in the Senate amendments on page 15, line 23, the section amending 69.50.101 and the title amendment, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Day, the Senate receded from its amendment to page 15, line 23, the section amending 69.50.010 and also the title amendment.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1485, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senators Lee, Scott—2.

Excused: Senators Benitz, Donohue, Matson—3.

SUBSTITUTED HOUSE BILL NO. 1485, 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, Senators Conner, Lee and Scott were excused.

MESSAGE FROM THE HOUSE

February 26, 1980.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTED HOUSE BILL NO. 1515, except with the amendment on page 14, line 33 and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Day, the Senate receded from its amendment to page 14, line 33 of Engrossed Substitute House Bill No. 1515.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1515, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senator Pullen—1.

Excused: Senators Benitz, Conner, Donohue, Lee, Matson, Scott—6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515, 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 advanced to the sixth order of business.

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 1604.

SECOND READING

HOUSE BILL NO. 1604, by Representatives Nelson (G.) and Thompson (by Office of Financial Management request):

Modifying the allocation of funds appropriated to state retirement systems.

The bill was read the second time by sections.

On motion of Senator Shinpoch, the rules were suspended, House Bill No. 1604 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. 1604 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Benitz, Conner, Donohue, Lee, Matson, Scott—6.

HOUSE BILL NO. 1604, having received the 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. 3526, by Senator von Reichbauer:

Relating to parks and recreation.

On motion of Senator von Reichbauer, Substitute Senate Bill No. 3526 was substituted for Senate Bill No. 3526 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 3526 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator von Reichbauer, I was listening with half an ear and the other ear with my other leaders here. You said this was improvement of the pit toilets? Is it restricted that we have to continue to use the pit toilets or can they put more modern facilities in there, would not be called 'pit toilets'?"

Senator von Reichbauer: "Your question is a valid one. It is an improvement over the existing facilities. We found on our tour last summer that rangers who were trained in the job of being rangers that serve our state parks were, in fact, say in ninety percent of their time trying to clean up after the rest of the citizens who utilize them. What the state parks and recreation commission, as well as the state ecology department are trying to do, are develop new systems and this is a pilot program that would be tried in the San Juans, Senator Peterson's districts and Senator Wanamaker's districts, during this year for perhaps application throughout the state. So it will not be just pits."

Senator Rasmussen: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3526 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Conner, Donohue, Lee, Matson—5.

SUBSTITUTE SENATE BILL NO. 3526, having received the 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. 1458,
HOUSE BILL NO. 1475,
HOUSE BILL NO. 1486,
HOUSE BILL NO. 1521.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 19,
HOUSE BILL NO. 209,
HOUSE BILL NO. 783,
HOUSE BILL NO. 1447,
SUBSTITUTE HOUSE BILL NO. 1480,
HOUSE BILL NO. 1495,
SUBSTITUTE HOUSE BILL NO. 1729,
HOUSE BILL NO. 1841.

MOTION

On motion of Senator Marsh, Senate Bill No. 3268 was rereferred to the Committee on Rules, since House Bill 1453 contains the same subject.

MOTION

At 2:00 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Monday, March 3, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 3, 1980.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Bluechel, Bottiger, Donohue, Guess, Lee, Matson, Pullen, Scott and Talley. On motion of Senator Sellar, Senators Benitz, Bluechel, Guess, Lee, Matson, Pullen and Scott were excused. On motion of Senator Wilson, Senators Bottiger, Donohue and Talley were excused.

The Color Guard, consisting of Pages Mary Mallos and John Trapp, presented the Colors. Reverend Edgar E. Boyd, president of Black United Clergy for Action in the Pacific Northwest of Seattle, offered the following prayer:

"O ETERNAL GOD, THOU WHO MADE THE FULLNESS OF THY CREATION, ENDOWED IT WITH THE ETERNAL PRESENCE OF YOUR SPIRIT, AND THEN MADE MANKIND TO HAVE DOMINION OVER ALL OF THIS ABUNDANCE, HEAR OUR PRAYER O LORD, A PETITION OF YOUR PEOPLE.

"WE THANK YOU O GOD FOR THE ELEMENTS THAT SUSTAIN LIFE IN ITS VARIOUS FORMS. WE THANK YOU FOR AN ABUNDANCE OF THOSE THINGS WE NEED AND USE EACH DAY. MAY WE BE INSPIRED TO DEVISE A JUST AND EQUITABLE SYSTEM FOR THE DISTRIBUTION AND SHARING OF THESE GOODS ON A CONTINUOUS BASIS.

"WE THANK YOU O GOD FOR THE COMMUNITIES, CITIES, AND COUNTIES THAT ARE REPRESENTED HERE IN THIS PROMULGATIVE ASSEMBLY. MAY THE DECISIONS AND LAWS DERIVED FROM THIS BODY BE THE RESULT OF AN EFFORT TO SENSITIZE THE NEEDS OF A TOTAL PEOPLE AS DEMOCRATICALLY AND EQUITABLY AS HUMANLY POSSIBLE.

"WE THANK YOU O GOD FOR THIS GREAT STATE OF WASHINGTON. FOR THE SPLendor AND MAGNIFICANCE OF HER EVERGREEN BEAUTY WE THANK YOU. SURELY THIS LAND HAS BEEN TOUCHED BY YOUR POWER AND BLESSED BY YOUR PRESENCE. WE THANK YOU AND WE PRAY FOR YOUR BLESSINGS UPON OUR GOVERNOR, THE HONORABLE DIXY LEE RAY, THE CO-SPEAKERS OF THE HOUSE, THE OFFICERS, DEPARTMENT HEADS, COMMISSIONERS AND STAFF THAT GIVES LEADERSHIP AND DIRECTION TO THESE YOUR PEOPLE.

"AND O CREATOR WE THANK YOU FOR THE SOVEREIGNTY OF THESE UNITED STATES OF AMERICA. WE PETITION YOUR GUIDANCE IN THE AFFAIRS OF PRESIDENT CARTER AND THE NUMEROUS OTHERS WHO KEEP THE DREAMS AND HOPES OF THIS COUNTRY ALIVE. WE THANK YOU FOR THE PROMULGATION OF THOMAS JEFFERSON, WHO SAID IN FRAMING THE DECLARATION FOR OUR INDEPENDENCE AND SUCCESSION FROM THE MOTHER COUNTRY: 'WE HOLD THESE TRUTHS TO BE SELF EVIDENT THAT ALL MEN ARE CREATED EQUAL AND ENDOWED WITH CERTAIN INALIENABLE RIGHTS, WHICH AMONG THEM ARE, LIFE, LIBERTY,

AND THE PURSUIT OF HAPPINESS.' HELP US TO REALIZE THAT IN PRINCIPLE, THERE IS NOTHING WRONG WITH THOSE WORDS, BUT HELP THIS LEGISLATIVE BODY WITH THEIR HEARTS AND HANDS COUPLED IN THE HEARTS AND HANDS OF YOUR PEOPLE TO CARRY OUT EVERY DETAIL OF THE PROMISE CONTAINED IN THOSE WORDS. MAY THOSE WORDS BE A DAILY GUIDE AND RULE FOR THIS LEGISLATURE ACTIVELY, LEST THEY BE CASUALLY LOOKED UPON AS ANTIQUATED AND RHETORICAL PHRASES OUT OF THE DISTANT PAST.

"HEAR US O GOD, THAT THE BLESSINGS OF LIBERTY AND PROVISIONS FOR THE COMMON WELFARE OF ALL YOUR PEOPLE, REGARDLESS OF RACE, CREED, COLOR, SEX, ETHNIC ORIGIN, OR SOCIAL PERSUASION: BECOME THE RULING AGENDA OF THIS BODY. AMEN."

MESSAGES FROM THE HOUSE

February 29, 1980.

Mr. President: The House has concurred in the Senate amendments to REEN-GROSSED HOUSE BILL NO. 829 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 29, 1980.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 1685 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 29, 1980.

Mr. President: The House has concurred in the Senate amendment to REEN-GROSSED HOUSE BILL NO. 542 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February 29, 1980.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 32, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 3169,
SENATE BILL NO. 3244.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 1715, by Committee on State Government (originally sponsored by Representatives Nisbet, King, Polk, Struthers, Whiteside, Hughes, Van Dyken, Schmitten, Smith (C.), Erickson, Bauer, Taylor, Maxie, Williams, Brown, Salatino, Scott, Bender and Addison):

Authorizes the establishment of the Washington state veterans memorial park and cemetery.

Referred to Committee on State Government.

HOUSE CONCURRENT RESOLUTION NO. 32, by Representative Polk:

Providing for the international trade and business policy for the state of Washington.

Referred to Committee on State Government.

SECOND READING

SENATE BILL NO. 3546, by Senators Guess and Talley:

Providing procedure for judicial enforcement of liens for certain utility service charges.

MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 3546 was substituted for Senate Bill No. 3546 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, the rules were suspended, Substitute Senate Bill No. 3546 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Wilson, there have been court decisions that it was improper to cut off services such as water and it could be electricity if that was what was heating the house in the middle of the winter. Would this abrogate all of that?"

Senator Wilson: "No, this does not speak at all to the restrictions the courts have placed on the ability of a municipality to simply cut off the water or the electricity. It does not address that topic. It simply provides the municipality with an alternative means of enforcing the lien and that is through a judicial remedy."

Senator Rasmussen: "Kind of get the impression they are going to make an end run around some of the court decisions; that they have to keep supplying the necessities. There have been several sad cases, Senator Wilson, where people have died because, I do not think primarily with public utilities but with private utilities, they have come in and cut off the services and a few days later they found people dead from cold and exposure and so forth. Have you thoroughly checked this out?"

Senator Wilson: "No, Senator Rasmussen, I have no intention of rushing this bill through the Senate. You will observe that Senator Guess is the prime sponsor and that is because of certain actions that the city of Spokane felt were necessary in this area. Senator Guess right now is attending another meeting and I would have no objection and I so move Mr. President, that further consideration of this bill be held until such time as Senator Guess is available."

MOTION

On motion of Senator Wilson, Substitute Senate Bill No. 3546 was ordered held on the third reading calendar pending arrival of Senator Guess from a meeting.

MOTION

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

MESSAGE FROM THE HOUSE

February 28, 1980.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3629 with the following amendments:

On page 1, on line 1 of the title, after "fuels;" strike the remainder of the title and insert "amending section 82.36.280, chapter 15, Laws of 1961 as last amended by section 1, chapter 138, Laws of 1972 ex. sess. and RCW 82.36.280; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; and providing an expiration date."

On page 1, after line 28, strike all of section 5 and insert:

"Sec. 5. Section 82.36.280, chapter 15, Laws of 1961 as last amended by section 1, chapter 138, Laws of 1972 ex. sess. and RCW 82.36.280 are each amended to read as follows:

Any person who uses any motor vehicle fuel for the purpose of operating any internal combustion engine not used on or in conjunction with any motor vehicle licensed to be operated over and along any of the public highways, and as the motive power thereof, upon which motor vehicle fuel excise tax has been paid, shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel. No refund shall be made for motor vehicle fuel consumed by any motor vehicle as herein defined that is required to be registered and licensed as provided in chapter 46.16 RCW; and is operated over and along any public highway except that a refund shall be allowed for—motor vehicle fuel consumed:

(1) In a motor vehicle owned by the United States that is operated off the public highways for official use;

(2) By auxiliary equipment not used for motive power, provided such consumption is accurately measured by a metering device that has been specifically approved by the department or is established by either of the following formulae:

(a) For fuel used in pumping fuel or heating oils by a power take-off unit on a delivery truck, refund shall be allowed claimant for tax paid on fuel purchased at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered: PROVIDED, That claimant when presenting his claim to the department in accordance with the provisions of this chapter, shall provide to said claim, invoices of fuel oil delivered, or such other appropriate information as may be required by the department to substantiate his claim; or

(b) For fuel used in operating a power take-off unit on a cement mixer truck or load compactor on a garbage truck, claimant shall be allowed a refund of twenty-five percent of the tax paid on all fuel used in such a truck; and

(3) Before December 31, 1986, in a commercial vehicle as defined in RCW 46.04.140 or a farm vehicle as defined in RCW 46.04.181, if the motor vehicle fuel consumed contains nine and one-half percent or more by volume of alcohol and the commercial vehicle or farm vehicle is operated off the public highways of this state.

Renumber section remaining consecutively.

On page 2, on line 5, strike "5" and insert "4", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3629.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3629, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Bausch, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—39.

Excused: Senators Benitz, Bluechel, Bottiger, Donohue, Guess, Lee, Matson, Pullen, Scott, Talley—10.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3629, 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

SENATE BILL NO. 3515, by Senator Morrison:
Relating to cloud seeding.

On motion of Senator Hansen, Substitute Senate Bill No. 3515 was substituted for Senate Bill No. 3515 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3515 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Goltz: "Senator Hansen, I remember through the National Conference of State Legislatures, that the states which border the state of Washington or are beyond the state of Washington to the east, have expressed concern about the right of the state of Washington to seed clouds and in fact, take, perhaps, moisture from those clouds which is properly by nature, belonging to the state of Montana or other states to the east. Has there been any legal question as to whether or not we have the right to do this cloud seeding?"

Senator Hansen: "I do not believe there has been, Senator Goltz. The last time that we seeded clouds Idaho and Montana received more rainfall than they normally did, so that stopped any argument on who had the right to seed the clouds."

POINT OF INQUIRY

Senator Rasmussen: "Senator Morrison, I see your name on here as a sponsor and that is why I am asking you. That new section 3 kind of bothers me. I do not think we have that kind of protection written into the law, and that is 'notwithstanding any other provisions of the law to the contrary, neither the state nor its agents shall be liable for injuries or damages as a result of the emergency cloud seeding program, pursuant to section 2 through 5 of this act'. Well, that refers back to section 2, of course, 'notwithstanding any other provisions of the law to the contrary, section 2 through 5 of this act shall supersede all existing statutes inconsistent herewith' and that is pretty broad, pretty broad position. I am concerned with that new section 3. 'The state or its agents are not liable for any damages'. Why should we give that exclusion? You cannot even sue if one of the state's agents should inadvertently cause a flood by heavy seeding, or in fact, could inadvertently destroy the cherry crop. Do you have any answers to that?"

Senator Morrison: "Senator Rasmussen, the only answer I have is this language is the same as was included in the cloud seeding measure which this legislative body passed in the 1977 session, as I recall—Senator Benitz may need to help me out on timing. But this did remove the question of liability from the state or its agents, that is, those persons who might have contracts with the state, for this cloud seeding program. I suppose without this sort of language and the wisdom of the committee on agriculture, Senator Hansen and others who put this together, that it would be impossible to proceed with this sort of program. Senator Benitz might help us out since he had similar language in his bill a few years ago."

REMARKS BY SENATOR BENITZ

Senator Benitz: "Mr. President, members, and especially Senator Rasmussen. Yes, in '77 when we had this legislation and it was pure emergency at that time as it well may be again. We were warned about lawsuits from not only other states but of our own. We researched at that time. There have been lawsuits filed previously but there has never been a judgment rendered; no court has ever made an award, on a cloud seeding bill, so we felt pretty confident on that. Secondly, we have agreement, and I am sure we will continue to have that agreement with the agricultural interests, department of ecology, and others that no matter how short we may be, we stop cloud seeding ahead of the cherries picking and of the crop far enough ahead of it so we do not cause any possible damage there. Most records, I think Dr. Peter Hobbs says, if we have the clouds we can increase the precipitation some, but it not a cure—all, it is just simply a bandaid that we are trying to help ourselves what might be a very critical situation."

Debate ensued.

MOTIONS

On motion of Senator Odegaard, the rules were suspended and Substitute Senate Bill No. 3515 was returned to second reading.

Senator Odegaard moved adoption of the following amendment:

On page 1, strike all of Section 3 and renumber remaining sections consecutively.

MOTION

On motion of Senator Morrison, Substitute Senate Bill No. 3515, together with the pending amendment by Senator Odegaard, was ordered held on today's second reading calendar for further consideration.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1981, by Committee on Appropriations (originally sponsored by Representatives Zimmerman, Thompson and Struthers) (by Office of Financial Management request):

Modifying provisions relating to jail bonds.

The bill was read the second time by sections.

On motion of Senator Shinpoch, the rules were suspended, Substitute House Bill No. 1981 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. 1981, and the bill passed the Senate by the following vote: Yeas, 45, excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Donohue, Lee, Matson, Scott—4.

SUBSTITUTE HOUSE BILL NO. 1981, having received the 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 Marsh, the Senate recessed until 12:25 p.m.

NOON SESSION

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

MOTION

At 12:25 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

SECOND READING

SENATE BILL NO. 3457, by Senator Rasmussen:
Relating to state government.

MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 3457 was substituted for Senate Bill No. 3457 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, Senator Fleming was excused.

On motion of Senator Donohue, the rules were suspended, Substitute Senate Bill No. 3457 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Day: "Senator McDermott, what does this do relative to the victim's own life insurance that he has been paying the premiums on? Is that deducted from the amount that is awarded or what is the . . . ?"

Senator McDermott: "Senator Day, the problem arose when we put victims of crime legislation under the department of labor and industry's industrial insurance division. It was considered that initially that would be the best place since it is essentially injuries that we are dealing with; and one of the provisions there has been that the state is able to use an offset of any other pension on an industrial injury, for instance, social security offset. Now in this situation where we are trying to take care of people who have been injured by crime, crime victim, we are trying to give the same kind of possibilities in terms of the state picking up the difference so that they can be taken care of, but we do not want them to hit the state plus whatever else. We are really looking for a way to make people capable of taking care of themselves and I think this is a good amendment."

REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President, I would add to the response to Senator Day that part of the redefinition is in the area of the court decision that eliminated this program. The department of labor and industries was offsetting for social security and the court decision changed that. This does redefine social security so it is considered as a public insurance program; and the procedure then that will be applied to victims of crime is precisely the same as the money-saving process we have applied in the area of industrial insurance, that is, that we look at the social security that will be paid and we reduce the amount of the victims of crime compensation by that amount; that way we get to keep that money in the general fund. The actual person receiving the payment does not lose anything because the choice, the change for us is that we are offsetting it first rather than letting the social security administration offset it later on to the benefit of the federal government. We think this will save quite a bit of money. Senator Donohue is right, it will help us balance the budget we are going to have before us in the next few days."

REMARKS BY SENATOR DONOHUE

Senator Donohue: "One additional thing that I think I did not mention and that was when the bill came over from the House, it had taken the money out of the law and justice fund. We felt that was improper so this particular appropriation comes out of the general fund instead of the law and justice."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3457, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Gallagher—1.

Excused: Senators Fleming, Matson—2.

SUBSTITUTE SENATE BILL NO. 3457, having received the 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. 1516, by Committee on Social and Health Services (originally sponsored by Representatives Teutsch, Pruitt, Brekke, Whiteside, Mitchell, Kreidler, Stratton, May, Flint, Lux and Adams):
Establishing requirements for in-home services.

REPORT OF STANDING COMMITTEE

February 22, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516, establishing requirements for in-home services (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 23, after "shall" insert "endeavor to"

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08-.530 are each amended to read as follows:

The legislature finds that it is desirable to provide ((certain)) a coordinated and comprehensive program of in-home services for certain citizens in order that such persons may remain in their own homes, obtain employment if possible, and maintain a closer contact with the community. Such a program will seek to prevent mental and psychological deterioration which our citizens might otherwise experience. The legislature intends that the services will be provided in a fashion which promotes independent living.

Sec. 2. Section 3, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.550 are each amended to read as follows:

(1) The department of social and health services is authorized to develop a program to provide for those services enumerated in RCW 74.08.540.

(2) The department shall endeavor to assure that, for each individual receiving in-home services, a single caseworker is responsible for coordinating the delivery of all necessary in-home services for which the recipient is eligible.

(3) The department may provide assistance in the recruiting of providers of the services enumerated in RCW 74.08.540 and seek to assure the timely provision of services in emergency situations.

(4) The department shall assure that all providers of the services enumerated in RCW 74.08.540 are compensated for the delivery of the services on a prompt and regular basis.

NEW SECTION. Sec. 3. There is added to chapter 74.08 RCW a new section to read as follows:

(1) An otherwise eligible disabled person shall not be deemed ineligible for chore services under this chapter if the person's gross income from employment, adjusted downward by the cost of the chore service to be provided and the disabled person's work expenses, does not exceed the maximum eligibility standard established by the department for such chore services. The department shall establish a sliding scale fee schedule for such disabled persons, taking into consideration the person's ability to pay and work expenses.

(2) If a disabled person arranges for chore services through an individual provider arrangement, the recipient's contribution shall be counted as first dollar toward the total amount owed to the provider for chore services rendered.

(3) As used in this section:

(a) "Gross income" means total earned wages, commissions, salary, and any bonus;

(b) "Work expenses" includes:

(i) Payroll deductions required by law or as a condition of employment, in amounts actually withheld;

(ii) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars; and

(iii) Expenses of employment necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished by the employer, and uniforms and clothing needed on the job and not suitable for wear away from the job;

(c) "Employment" means any work activity for which a recipient receives monetary compensation;

(d) "Disabled" means:

(i) Permanently and totally disabled as defined by the department and as such definition is approved by the federal security agency for federal matching funds;

(ii) Eighteen years of age or older;

(iii) A resident of the state of Washington; and

(iv) Willing to submit to such examinations as are deemed necessary by the department to establish the extent and nature of the disability.

NEW SECTION. Sec. 4. There is appropriated to the department of social and health services from the general fund for the biennium ending June 30, 1981, the sum of two hundred seventy thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act; except that, if federal funds become available to carry out the purposes of this act, then state general fund moneys shall be conserved with federal funds."

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Bluechel, Gaspard, Goltz, Jones, Odegaard, Rasmussen, Ridder, Walgren, Wojahn.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment to page 1, line 23 by the Committee on Social and Health Services was not adopted.

Senator Donohue moved adoption of the committee amendment by the Committee on Ways and Means striking everything after the enacting clause and inserting the amendment.

POINT OF INQUIRY

Senator Moore: "Senator Donohue, will the definition 'disabled' which your committee added to this bill, limit, in any way, the kinds of work that the worker can perform for the disabled?"

Senator Donohue: "It is our intent to encourage these people to do as much work as they were able to and to participate in the costs of their services. We wanted to be sure that only, truly handicapped and impaired individuals were involved in this program because it is a new program."

The motion by Senator Donohue carried and the committee amendment by the Committee on Ways and Means was adopted.

On motion of Senator Marsh, Senator Woody was excused.

On motion of Senator Day, the rules were suspended, Engrossed Substitute House Bill No. 1516, 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. 1516, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn—46.

Excused: Senators Fleming, Matson, Woody—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516, 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. 2963, by Senator Donohue:
Relating to education and making an appropriation.

MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 2963 was substituted for Senate Bill No. 2963 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, Substitute Senate Bill No. 2963 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Odegaard: "Senator McDermott, in transferring the local taxes such as the real estate excise tax and some of the forest taxes, the PUD tax at the state level, is that going to mean at all any lessening of funds to our schools?"

Senator McDermott: "As far as I understand, there will be no change, no loss to the schools. What they get now, they will get next time; and it is merely a matter of figuring and getting it all in one place."

Senator Odegaard: "Would that be the same answer, Senator, for the county governments and the junior taxing districts as well?"

Senator McDermott: "That is my understanding, that it will not make a difference."

POINT OF INQUIRY

Senator Quigg: "Senator McDermott, trying to follow up on Senator Odegaard's question, will all of the funds that would normally have gone from these various revenue sources to the junior taxing districts now go to the state? Will all of those funds go back to those junior taxing districts proportionate to the way they would have in the past, or will we have some kind of an equalization fund set up to redistribute these revenues in another manner?"

Senator McDermott: "There is no equalization formula in this and I would expect everything would go back as it did previously."

Senator Quigg: "Thank you."

POINT OF INQUIRY

Senator Day: "Senator McDermott, in new section, section 7, I notice a number of repealers but I see, at least I have been unable to spot in the digest of the proposed first substitute, anything that tells me what those repealers are. I have seen some pretty good things done with repealers around here; twenty-two years, I would like to know what they are."

Senator McDermott: "You do not think that Senator Donohue and I would do something that would be . . ."

Senator Day: "Earth-shaking?"

Senator McDermott: "The repealers you are referring to are in section 7."

Senator Day: "It says 'Following acts or parts of acts are each repealed'. Section 28A.45.050, chapter 223, Laws of '75, etc. etc. etc., down through subsection 2."

Senator McDermott: "If you are concerned about it we could set the bill down a minute. I am not sure that I can answer your question right off . . ."

Senator Day: "Well, I think that that ought to be clarified before we pass the bill."

Senator McDermott: "Surely."

MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 2963 was ordered held, on third reading, for consideration later today.

SECOND READING

SENATE BILL NO. 3537, by Senator Odegaard:
Relating to appropriations.

MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 3537 was substituted for Senate Bill No. 3537 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Substitute Senate Bill No. 3537 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. 3537 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Lysen, Wanamaker—2.

Excused: Senators Fleming, Matson—2.

SUBSTITUTE SENATE BILL NO. 3537, having received the 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. 1483, by Representatives Whiteside, Adams, Stratton, Schmitt, Mitchell, Pruitt, Lux, Smith (C.), Vrooman, Williams, Maxie, Gallagher, Valle and Salatino (by Department of Social and Health Services request):

Appropriating moneys to implement referendum 37 (facilities for the handicapped).

REPORT OF STANDING COMMITTEE

February 28, 1980.

ENGROSSED HOUSE BILL NO. 1483, appropriating moneys to implement Referendum 37 (facilities for the handicapped) (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 8, chapter 221, Laws of 1979 ex. sess. and RCW 43.99C.-045 (Referendum Bill 37) are each amended to read as follows:

Subject to legislative appropriation, all principal proceeds of the bonds and bond anticipation notes authorized in this chapter shall be administered by the state department of social and health services exclusively for the purposes specified in this chapter and for the payment of expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

In carrying out the purposes of this chapter all counties of the state shall be eligible to participate in the distribution of the bond proceeds. The share coming to each county shall be determined by a division among all counties according to the relation which the population of each county, as shown by the last federal or official state census, whichever is the later, bears to the total combined population of all counties, as shown by such census; except that, each sixth, seventh, or eighth class county shall receive an aggregate amount of up to seventy-five thousand dollars if, through a procedure established in rule, the department has determined there is a demonstrated need and the share determined for such county is less than seventy-five thousand dollars. No single project in a class AA county shall be eligible for more than fifteen percent of such county's total distribution of bond proceeds.

In carrying out the purposes specified in this chapter, the department may use or permit the use of the proceeds by direct expenditures, grants, or loans to any public body, including but not limited to grants to a public body as matching funds in any case where federal, local, or other funds are made available on a matching basis for purposes specified in this chapter.

NEW SECTION. Sec. 2. There is added to chapter 43.99C RCW a new section to read as follows:

(1) No expenditure of funds shall be allowed for facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps which have not been submitted to the legislature in a budget document or schedule as specified in RCW 43.88.030(3), and have been approved through a capital appropriation; except that, the fiscal committees of the legislature may approve such facilities which have been, not later than December 1, 1980, verified by the department of social and health services as meeting the assessed need of a county and being ready to proceed.

(2) In order to assure compliance with RCW 43.99C.045, such document or schedule shall indicate the population of each county, all requests submitted from each county for participation in the distribution of the bond proceeds, the requests which are proposed to be accepted, and the basis for acceptance.

NEW SECTION. Sec. 3. There is hereby appropriated to the department of social and health services from the 1979 handicapped facilities construction account in the general fund the sum of twenty-five million dollars for the purposes of chapter 43.99C RCW. This appropriation shall be limited by the conditions contained in section 2 of this act.

NEW SECTION. Sec. 4. 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. 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."

On page 1, line 1 of the title, after "handicapped;" strike the remainder of the title and insert "amending section 8, chapter 221, Laws of 1979 ex. sess. and RCW 43.99C.045 (Referendum Bill 37); adding a new section to chapter 43.99C RCW; making an appropriation; and declaring an emergency."

Signed by: Senators Donohue, Chairman; Bausch, Bluechel, Clarke, Gaspard, Goltz, Jones, Morrison, Ridder, Scott, Sellar.

The bill was read the second time by sections.

Senator Shinpoch moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Walgren: "Senator Shinpoch, there has been some concern expressed by many people who were very actively involved in the passage of referendum 37 with regard to the action taken by the legislature in making the necessary implementing legislation. Their concerns appear to be directed primarily to the question of delay that might occur in this process. I have heard that explained in the Senate ways and means committee but I am concerned about that and I wondered if you might direct yourself and address yourself to that question."

Senator Shinpoch: "Thank you, Senator Walgren. There are two things to the question. Number one, in the last hour of the last day of the last session, we passed the referendum 37. A portion of the agreement that allowed that to be passed was that the legislature would have an opportunity to review the projects prior to the time that we were required to appropriate money. That is in the referendum 37 bill; it says 'subject to legislative appropriation'. That was the agreement. We have modified that agreement and backed off from that to the extent that we are willing to take projects and let the fiscal committees pass on those projects that are ready to go which accelerate the finding that was expected in the last bill. And I know that we have heard testimony that inflation is costing us seventeen hundred dollars a week or a month or a day or something and, but I guess the commend would be to the lobbyist that made that, that very simply inflation is not new—it was here last year and the year before and the year before that, and that anyone that was expecting it not to be here this year was probably not being very realistic.

"The other thing is that we have had before us, we have had a similar project, referendum 29, that went through a similar process. It took about eighteen months for the money from the time that the money was first approved by the people before it got out there. So we have a process that we have evolved in this that reduces that markedly."

The motion by Senator Shinpoch carried and the committee amendment was adopted.

On motion of Senator Shinpoch, the committee amendment to the title was adopted.

On motion of Senator Shinpoch, the rules were suspended, Engrossed House Bill No. 1483, 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: "Senator Donohue, the funds that will be expended from the twenty-five million dollar bond issue for the construction of facilities for the handicapped; no portion of this money may be used for maintenance and operation, only for capital outlays?"

Senator Donohue: "It is my understanding, Senator, that this is true, that it is, I am not so sure that there isn't a portion of this fund that can be used for such things as equipping a building and that type of thing; but I do not think this money can be used for the continual operation. . . capital construction."

Senator Rasmussen: "Another question. These grants are being made to the counties?"

Senator Donohue: "That is true."

Senator Rasmussen: "This, then, will entail, under initiative 62, that the counties assume the operation cost of these facilities?"

Senator Donohue: "I cannot answer that question, Senator."

Senator Rasmussen: "I wonder if anybody can. Where is Senator Shinpoch?"

POINT OF INQUIRY

Senator Shinpoch: "Senator Rasmussen, I did not hear the question—would you repeat. . ."

Senator Rasmussen: "The first question was, the referendum 37 funds that were voted on the people, the twenty-five million was to be only for capital outlay. Senator Donohue thought it was modified to the extent they could be equipped. That was the first question."

Senator Shinpoch: "In the original, in HJR 37 could be construed not only to equip these facilities but could be construed to equip facilities built with referendum 29 money, in my judgment. It does not provide operating funds."

Senator Rasmussen: "That was part of the question I asked him, there are no maintenance and operation monies coming out of this twenty-five million dollar bond issue? Is that your understanding?"

Senator Shinpoch: "I am certain that there are administrative funds from the department and I guess that I am not certain. I do not recall that any of these, this twenty-five million is appropriated for administration in the department."

Senator Rasmussen: "And the other question was, under these, grants will be made to the counties in providing for facilities for the handicapped?"

Senator Shinpoch: "That is correct."

Senator Rasmussen: "And under initiative 62 it is assumed that the counties will take care of the maintenance and operation costs, and that the state will not be obligated?"

Senator Shinpoch: "Well, I certainly would not think that we are under any obligation because we grant them funds to build facilities if they want. I would not, I could not construe where that would put us under any obligation to maintain nor operate those funds."

Senator Rasmussen: "Well, there was a lot of gray area in there and I just wanted to get a clear understanding of it, Senator. Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1483, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison,

Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Fleming, Matson—2.

ENGROSSED HOUSE BILL NO. 1483, 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 SENATE BILL NO. 2963, by Committee on Ways and Means (originally sponsored by Senator Donohue):

Providing funds for the common schools.

The Senate resumed consideration of Substitute Senate Bill No. 2963 on third reading from earlier today.

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, in answer to Senator Day's question, he asked about the 'repealers'. Presently the real estate excise tax is a local tax which is collected locally and then distributed. This bill makes the local excise tax a state tax. We are doing it for two reasons. The repealers which you see before you are repealing it as a local tax then later in the bill we institute it as a state tax. It is partly a matter of paper work. Local districts, local school districts have to keep all kinds of records which they will not be relieved of. And the second reason is that with it being brought in at the state level we will have a clear picture of what the full cost of basic education is. Right now there is this mix of local money and state money and it is not clear, so we are going to have it all collected at the state level."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2963, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—46.

Voting nay: Senators Odegaard, Wilson—2.

Excused: Senator Matson—1.

SUBSTITUTE SENATE BILL NO. 2963, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

HOUSE BILL NO. 1643, by Representatives Thompson, Chandler, Heck and Taylor:

Authorizing bonds for common school construction.

The bill was read the second time by sections.

Senator Pullen moved adoption of the following amendment:

On page 4, beginning on line 21, insert the following new section to read as follows:

"NEW SECTION. Sec. 11. There is appropriated to the parks and recreation commission from the state general fund the sum of \$25,000 to be used for a study of the feasibility of acquiring from the department of natural resources approximately 200 acres of real property containing timber for common school trust purposes in the Mt. Peak area of King County. As much of this appropriation as may be necessary shall be used to study the feasibility of acquiring replacement timber land of comparable acreage and value for the common school trust."

Renumber remaining sections consecutively.

POINT OF ORDER

Senator Donohue: "I raise the question of scope and object on the bill. Mr. President, the bill before us is 1643, is in fact, just an authorization for thirty-million dollar general obligation bonds for school construction. The amendment by Senator Pullen requires a study relating to the possibility of acquiring property. I think it is purely out of the context of the bill before us."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "The President, in ruling upon the Point of Order raised by Senator Donohue pertaining to House Bill Number 1643, finds that House Bill 1643 is a single-purpose bill authorizing the sale of bonds for common school construction, whereas the amendment proposed by Senator Pullen provides for an appropriation of twenty-five thousand dollars to be used for a study of the feasibility for acquiring from the department of natural resources approximately two hundred acres of real property containing timber for common school, trust purposes to the Mount Peak area of King county.

The President believes that the proposed amendment is clearly beyond the scope and object and thus so rules."

The amendment by Senator Pullen was ruled out of order.

On motion of Senator Donohue, the rules were suspended, House Bill No. 1643 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. 1643, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Matson—1.

HOUSE BILL NO. 1643, having received the 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. 1610, by Committee on State Government (originally sponsored by Representatives McDonald, Sommers, Taller, Nelson (G.), Thompson, Becker, Nisbet, McGinnis, Garrett, Schmitt, Taylor, Williams,

Struthers, Addison, Granlund, Hughes, Dunlap, Greengo, Sanders, Nelson (D.) and Hastings):

Creating the state investment board.

MOTION

Senator Rasmussen moved that Substitute House Bill No. 1610 be rereferred to the Committee on State Government.

Debate ensued.

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

The President declared the question before the Senate to be the motion by Senator Rasmussen that Substitute House Bill No. 1610 be rereferred to the Committee on State Government.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed by the following vote: Yeas, 19; nays, 29; excused, 1.

Voting yea: Senators Bausch, Conner, Day, Donohue, Fleming, Henry, Hurley, Moore, Odegaard, Peterson, Rasmussen, Talley, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—19.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Morrison, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, von Reichbauer—29.

Excused: Senator Matson—1.

MOTION

On motion of Senator Vognild, Substitute House Bill No. 1610 was ordered to hold its place on the second reading calendar for March 4, 1980.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3515, by Committee on Agriculture (originally sponsored by Senator Morrison):

Regulating cloud seeding.

The Senate resumed consideration of Substitute Senate Bill No. 3515 from earlier today.

The following amendment by Senator Odegaard was pending at that time:

On page 1, strike all of Section 3, and renumber remaining sections consecutively.

POINT OF INQUIRY

Senator Benitz: "Senator Morrison, do you find any place in the statute other than the proposal we have here which covers this topic?"

Senator Morrison: "Senator Benitz, as I understand, if we strike, and it is not section 5, it is section 3, Senator Odegaard, we strike this section relating to liability that it would leave, in effect, the existing liability section under the weather modification law and that that would be the provision that would apply to this particular program.

"Mr. President, could we make sure that Senator Odegaard is striking section 3 and not section 5?"

Senator Odegaard: "Mr. President, I am sorry, Senator Morrison. Section 3, you are right."

MOTION

On motion of Senator Marsh, Substitute Senate Bill No. 3515, together with the pending amendment by Senator Odegaard, was ordered held following consideration of House Bill No. 1658.

SECOND READING

HOUSE BILL NO. 1658, by Representatives Thompson, Nelson (G.) and King (by Employment Security Department request):

Modifying provisions of the administrative contingency fund.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, House Bill No. 1658 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: "Senator Donohue, I did not get a chance to go through the bill quickly. You said it removes a hundred thousand dollar ceiling and I am not arguing with it, I am agreeing with it. It is probably for the best; but it substitutes no other ceiling, is that correct? It substitutes no other ceiling, just removes any ceiling. Is that correct?"

Senator Donohue: "Yes."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1658, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Matson—1.

HOUSE BILL NO. 1658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3515, by Committee on Agriculture (originally sponsored by Senator Morrison):

Regulating cloud seeding.

The Senate resumed consideration of Substitute Senate Bill No. 3515 and the following pending amendment by Senator Odegaard which had been moved for adoption earlier today:

On page 1, strike all of Section 3, and renumber remaining sections consecutively.

The motion by Senator Odegaard carried and the amendment was adopted.

Senator Williams moved the following amendments by Senators Williams and Morrison be considered and adopted simultaneously:

On page 1, line 18, after "to" insert "individual"

On page 1, line 20, after "act" insert ": PROVIDED, That an environmental impact statement shall be required in relation to regulations adopted pursuant to the

formulation of a general program of emergency cloud seeding promulgated pursuant to section 4 of this 1980 act."

POINT OF INQUIRY

Senator Morrison: "Senator Williams, it is the intent of this amendment that the environmental impact statement apply to the overall program and not be required for any individual licenses that were required under this particular emergency cloud seeding program?"

Senator Williams: "That is my understanding."

POINT OF INQUIRY

Senator Hayner: "Senator Williams, there is a hundred thousand dollars appropriated in this bill. Would that be sufficient to take care of the environmental impact statement as well?"

Senator Williams: "I guess I cannot answer that."

The motion by Senator Williams carried and the amendments were adopted.

On motion of Senator Morrison, the rules were suspended, Engrossed Substitute Senate Bill No. 3515 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. 3515, and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Fleming, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Morrison, Peterson, Quigg, Ridder, Scott, Sellar, Vognild, Walgren, Wanamaker, Wilson, Wojahn, Woody—32.

Voting nay: Senators Conner, Gallagher, Goltz, Lysen, McDermott, Moore, Odegaard, Pullen, Rasmussen, Shinpoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Williams—15.

Absent or not voting: Senator Donohue—1.

Excused: Senator Matson—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3515, having received the 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1763, by Committee on State Government (originally sponsored by Representatives O'Brien, Dunlap, North, Bender, Barnes, Nelson (D.) and Wilson):

Creating the Joint Legislative Art Committee.

MOTION

Senator McDermott moved the rules be suspended and Engrossed Substitute House Bill No. 1763 be advanced to second reading.

PARLIAMENTARY INQUIRY

Senator Hayner: "Mr. President, this is a suspension of the rules and therefore takes a two-thirds vote."

REPLY BY THE PRESIDENT

President Cherberg: "This is a suspension of the rules but the President is going to check. It may only take a majority because of its being the fiftieth day of the legislature."

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, rule 56 says that after the 49th day of every regular session, the rule may be suspended by a majority vote. Today is the fiftieth day."

REPLY BY THE PRESIDENT

President Cherberg: "It will take a simple majority."

The motion by Senator McDermott carried on a rising vote. Engrossed Substitute House Bill No. 1763 was placed on the second reading calendar for March 4, 1980.

MOTION

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

MESSAGES FROM THE HOUSE

February 28, 1980.

Mr. President: The Speakers have signed:
 SUBSTITUTE HOUSE BILL NO. 38,
 SUBSTITUTE HOUSE BILL NO. 1492,
 HOUSE BILL NO. 1620,
 SUBSTITUTE HOUSE BILL NO. 1778,
 SUBSTITUTE HOUSE BILL NO. 1983, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

February 29, 1980.

Mr. President: The Speakers have signed: SENATE BILL NO. 3499, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 38,
 SUBSTITUTE HOUSE BILL NO. 1492,
 HOUSE BILL NO. 1620,
 SUBSTITUTE HOUSE BILL NO. 1778,
 SUBSTITUTE HOUSE BILL NO. 1983.

MOTION

At 3:02 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Tuesday, March 4, 1980.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 4, 1979.

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.

The Color Guard, consisting of Pages Laurie Jones, and Chris Engle, presented the Colors. Reverend George Smith, pastor of the Evergreen Christian Center of Olympia, offered the following prayer:

"O GOD, OUR HEAVENLY FATHER, WE TAKE THIS MOMENT TO REFLECT UPON THE MANY BLESSINGS YOU HAVE GIVEN TO US. WE ARE MOST GRATEFUL FOR THE OPPORTUNITY TO LIVE IN THIS GREAT LAND. WE THINK OF THOSE WHO ARE LESS FORTUNATE. WHILE TODAY IS ANOTHER DAY OF HOPE AND CHALLENGE FOR US, IT BRINGS POVERTY, SORROW, PAIN AND OPPRESSION TO MANY. HELP US TO BE MEN AND WOMEN OF THANKSGIVING.

"TODAY WE WOULD PRAY FOR THOSE IN THE LEADERSHIP OF THIS STATE. WE PRAY FOR OUR GOVERNOR, THE MEMBERS OF THE HOUSE OF REPRESENTATIVES, AND THE MEMBERS OF THE SENATE. WE WOULD ALSO PRAY FOR THE PEOPLE OF THIS STATE. WE THINK OF THOSE WHO SERVE THE PUBLIC SUCH AS WAITRESSES, BUS DRIVERS, SERVICE STATION ATTENDANTS, CLERKS AND OTHERS, WITHOUT WHOM LIFE FOR US WOULD BE MOST DIFFICULT. TOO OFTEN, LIFE FOR THEM CAN SEEM ROUTINE. MAY THEY ALONG WITH ALL OF US REALIZE THE IMPORTANCE OF RENDERING SERVICE TO OTHERS AND MAY THEY RECEIVE THE EMOTIONAL REWARDS THAT COME FROM A SENSE OF ACCOMPLISHMENT.

"O GOD, MAY THE MEMBERS OF THIS SENATE HAVE DEEP CONCERN FOR THE WELFARE OF THE PEOPLE IN THIS STATE. IN JESUS' NAME 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.

REPORTS OF STANDING COMMITTEES

March 3, 1980.

SUBSTITUTE HOUSE BILL NO. 1989, regulating the manufacture, installation, sale, transportation, and repair of manufactured homes (reported by Committee on Commerce):

Recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

March 3, 1980.

ROBERT C. ANDERSON, to the position of Director of the Department of Commerce and Economic Development, appointed by the Governor on February 27, 1979 for the term ending at the pleasure of the Governor, succeeding Kazuo Watanabe (reported by the Committee on Commerce):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Hurley, Morrison, Quigg, Williams.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

March 3, 1980.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 1397,

HOUSE BILL NO. 1465,

SUBSTITUTE HOUSE BILL NO. 1688, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 3, 1980.

Mr. President: The Speakers have signed:

SUBSTITUTE HOUSE BILL NO. 440,

HOUSE BILL NO. 542,

HOUSE BILL NO. 829,

SUBSTITUTE HOUSE BILL NO. 1520,

HOUSE BILL NO. 1604,

HOUSE BILL NO. 1685, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 3, 1980.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 1485 with the Senate amendments (except the Senate amendments to page 1, after the enacting clause inserting a new section 1; on page 1, line 1, the corresponding title amendments; and on page 15, line 23, from which the Senate receded).

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 3, 1980.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515 with the Senate amendments (except the Senate amendment to page 14, line 33, from which the Senate receded).

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 3, 1980.

Mr. President: The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1870 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 440,
 HOUSE BILL NO. 542,
 HOUSE BILL NO. 829,
 SUBSTITUTE HOUSE BILL NO. 1520,
 HOUSE BILL NO. 1604,
 HOUSE BILL NO. 1685.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 3629.

MESSAGE FROM THE HOUSE

March 3, 1980

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3551 with the following amendments:

On page 1, line of the title, after "fuels;" insert "adding a new section to chapter 82.01 RCW;"

On page 1, line 16, strike "the manufacturing facility" and insert "such property".

On page 1, line 19, after "crops" strike "is" and insert "are".

On page 1, line 19, after "crops" insert "which together comprise a new alcohol manufacturing facility or an addition to an existing alcohol manufacturing facility,".

On page 1, line 21, before "becomes" insert "or the addition to the existing facility".

On page 1, line 25, after "upon" strike "the" and insert "an annually determined".

On page 2, beginning on line 17, strike "the manufacturing facility" and insert "such property".

On page 2, line 20, after "crops" strike "is" and insert "are".

On page 2, line 20, after "crops," insert "which together comprise a new alcohol manufacturing facility or an addition to an existing alcohol manufacturing facility,".

On page 2, line 22, before "becomes" insert "or the addition to the existing facility".

On page 2, line 26, after "upon" strike "the" and insert "an annually determined".

On page 3, line 12, after "This" insert "RCW".

After the last line of the bill, insert:

"NEW SECTION. Sec. 4. There is added to chapter 82.01 RCW a new section to read as follows:

Prior to the start of the regular session each year, the director shall submit a tax exemption impact report to the legislature estimating the revenue foregone as a result of the exemptions under RCW 82.04.325, section 1 of this act, and section 2 of this act."

ReNUMBER sections and correct internal references as necessary., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3551, except for the amendments to page 1,

line 1 and the amendment adding a new section 4, and asks the House to recede therefrom.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3546, by Committee on Local Government (originally sponsored by Senators Guess and Talley):

Providing procedure for judicial enforcement of liens for certain utility service charges.

The Senate resumed consideration of Substitute Senate Bill No. 3546 from March 3, 1980.

MOTIONS

On motion of Senator Guess, the rules were suspended and Substitute Senate Bill No. 3546 was returned to second reading.

On motion of Senator Guess, the following amendments were adopted:

On page 1, line 17, after "owner" insert "and the occupant."

On page 1, beginning on line 20, after "furnished." strike all material through "receive the notice." on line 22.

On page 1, after line 23, strike the remainder of the material through "dollars." on line 28.

On motion of Senator Guess, the rules were suspended, Engrossed Substitute Senate Bill No. 3546 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 Bottiger: "Senator Day, the problem I have is that the landlord is currently, has another effective lien applied against him and that is that he cannot get the lights turned back on until the bill has been paid. Now I, too, have a couple of rental units and I have to be very careful because if the tenant is under our agreement charged with paying the utility bill and he does not, currently the light company sends me a notice that he has not paid and if it gets delinquent, they cut off the electricity, the tenant moves out and I cannot get it turned back on until I have paid it up. As I understand this bill, the bill creates another remedy which is a collection of a lien against the landlord, as you have described and provides the cost of attorney fees that might be necessary in doing that for the landlord who simply never turns it back on, just abandons the property. What other solution would you recommend for that situation?"

Senator Day: "Well, I think that what we have to do is devise some kind of a means of collecting the bill from the person who made it. Now in practice, in businesses if you have bad debts you might turn them over to a collector for substantial fees, usually fifty percent of the bill, and you are reluctant to do that maybe, but in the final analysis those bad bills are collected at the rate of about thirty-five to forty cents on the dollars, so you end up with twenty cents on your dollar. Now I think that cities, if they go into the utility business, are going to have to be subjected to the rules of business; and I do not think the application of the law should be different just because they happen to be an entity of government. I think that what we are doing here is we are establishing a new system which says that government has a right to collect what is owed it regardless of who they collect it from, and I am opposed to that."

MOTION

Senator Bottiger moved Engrossed Substitute Senate Bill No. 3546 be held on the third reading calendar for March 5, 1980.

REMARKS BY SENATOR GUESS

Senator Guess: "I would like to clarify the statement made by Senator Bottiger. Senator Bottiger, the supreme court ruling says that the lights cannot be turned off as a method of enforcing collection of a bill. This is the reason the bill is here. If the supreme court had not ruled in the instances that they did, there would be no reason for the bill. They would still have the means of collection by going to the house and shutting the services off. So this is the alternative. The only other way is to go through and permit them to use the judicial process.

"Now some that have raised the question as to whether or not they even needed to pass the bill because they think that they already have the judicial process. So I would like to work with you; but I would also like to tell Senator Day that I was recently at a meeting where Eliot Janeway was talking and he asked the question, rhetorical as it was, in the meeting, did the audience know who were the best credit customers in the United States today? And very few people said 'yes', and they did not know, and he said it was the welfare recipients. The welfare recipient knows he is going to get his check from the state on the first day of every month, there is no question about it. And in order to continue getting his check, he usually pays his bills, and so he is a good credit risk; so let us do not impugn the motive of the welfare recipient."

The motion by Senator Bottiger carried. Engrossed Substitute Senate Bill No. 3546 was ordered held on the third reading calendar for March 5, 1980.

MOTION

On motion of Senator Marsh, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 1397, by Committee on Revenue (originally sponsored by Representatives May, Fuller, Gallagher, Sanders, Salatino, Owen, Scott, Bond, Brekke, Maxie, Stratton, McCormick, Knowles, Hughes, Heck and Burns):

Exempting motor vehicle fuel used by urban transportation systems from the sales and use tax.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1465, by Representatives Pruitt, Fuller, Van Dyken, Erickson, Gallagher, Granlund, Gruger, Salatino, Sanders and Smith (R.):

Specifying disciplinary action that may be taken by the legislative ethics boards.

Referred to Committee on Constitutions and Elections.

SUBSTITUTE HOUSE BILL NO. 1688, by Committee on Energy and Utilities (originally sponsored by Representatives McCormick, Nisbet, Williams, Charnley, Tupper, Scott, Sherman, Sprague, Monohon, Bond, Nelson (D.), Erickson, Lux, Burns, Maxie, Salatino, Sanders, Brekke, Granlund, Addison, King, Galloway, Erak, Owen and Becker):

Providing for efficient energy use by state government.

Referred to Committee on Energy and Utilities.

MOTIONS

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

On motion of Senator Marsh, the following Senate Resolutions were referred to the Committees on Rules:

1980-186	Program management, study
1980-190	Community service, developmentally disabled, study
1980-191	Educational quality, study

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1980-192.

On motion of Senator Odegaard, the following resolution was unanimously adopted:

SENATE RESOLUTION 1980-192

By Senator Odegaard:

WHEREAS, Gracie Hansen has served the people of our State of Washington in many capacities since the 1930's; and

WHEREAS, Gracie Hansen, born in Shreveport, Louisiana, migrated to the great forests of Washington State, cutting her "show biz" teeth on the Morton P.T.A. Follies; and

WHEREAS, Gracie Hansen's Morton P.T.A. Follies, with a cast of over a hundred, became a little "too rich" for Lewis County; and

WHEREAS, Explaining, "I shook the mud of Morton from my feet," Gracie Hansen left the mountains for Seattle where she became a legend of the 1962 World's Fair; and

WHEREAS, Gracie's Paradise International big time show was the hit of the Fair and was recognized internationally; and

WHEREAS, Gracie has served as the Grand Marshal of the Morton Loggers Jubilee; and

WHEREAS, Gracie was the chairman of "Porky" Amundson's successful campaign for Sheriff of Lewis County; and

WHEREAS, Gracie's "Roaring Twenties" show took the city of Portland, Oregon, as a great success; and

WHEREAS, Gracie established a large following of supporters in her run for Governorship of our sister state of Oregon; and

WHEREAS, Gracie has spent her life entertaining and helping people;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes and honors Gracie Hansen as a Distinguished Citizen for her achievements in the public limelight and for the pleasure and joy she has brought to millions; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to Gracie Hansen and her family.

MOTIONS

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1980-193.

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

SENATE RESOLUTION 1980-193

By Senators Morrison, Hansen, Benitz, Gaspard and Bottiger:

WHEREAS, The Yakima River System provides a vital supply of water for one of the state's most productive agricultural areas; and

WHEREAS, Changing weather patterns, expanding populations, and the development of additional irrigated acres have resulted in water shortages as well as water of poor quality; and

WHEREAS, This shortage has not only caused the loss of crops but also numerous costly lawsuits over the rights to the use of water of the river system, all of which are detrimental to the social and economic well-being of the Yakima Valley; and

WHEREAS, The Department of Ecology of the State of Washington, working with the Yakima Indian Nation and others, has developed a proposed Yakima River Basin Water Enhancement Project for resolving the conflicts and suffering arising from water shortages by providing more water for agricultural uses as well as fishery, recreational, and other instream uses; and

WHEREAS, The Legislature of the State of Washington has supported this meritorious project by submitting to the state's voters a \$50 million bond issue, and has appropriated funding to facilitate an immediate study; and

WHEREAS, On December 28, 1979, President Jimmy Carter signed Public Law 96-162 which authorizes the Secretary of the Department of the Interior to conduct a feasibility study of the Yakima River Basin Water Enhancement Project; and

WHEREAS, The Department of Ecology of the State of Washington, by authority of Chapter 263, Laws of 1979 ex. sess., stands ready to transfer the sum of Five Hundred Thousand Dollars to the Secretary of the Department of the Interior for the purpose of financing the initial portion of that study;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Senators urge the Honorable Cecil B. Andrus, Secretary of the United States Department of the Interior, to exercise the authority provided him in Public Law 96-162 by initiating immediately a feasibility study of the Yakima River Basin Water Enhancement Project by processing the study to completion as quickly as is reasonably possible; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Jimmy Carter, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Secretary of the Interior, and to each member of Congress from the State of Washington.

MOTION

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

SENATE RESOLUTION 1980-194

By Senators Hansen, Fleming, Bluechel, Haley, Bottiger, Hurley, Lysen, Williams, Wilson, Woody, Benitz, Gould, Hayner and Lewis:

WHEREAS, The Northwest will be faced with a grave situation from power shortages and potential curtailments and there is an urgent and compelling need for energy conservation and the development of renewable energy resources to prevent the severe economic effects of a disruption in power supply; and

WHEREAS, The state should take a lead in promoting energy conservation and the development of renewable energy sources and solar energy represents a non-polluting and renewable resource; and

WHEREAS, The Overlake School in Redmond makes use of an active solar system to provide 50% - 60% of the space heating needs in a school unit; and

WHEREAS, Steilacoom High School is architecturally designed for climatic considerations, incorporates recycled internal building heat, makes use of waste heat

obtained from a nearby Boise Cascade manufacturing plant, and possesses solar heating and cooling capability, all to reduce energy needs and costs; and

WHEREAS, Soap Lake High School, the Bush School in Seattle, and the Overlake School in Redmond have all incorporated passive solar designs in their respective greenhouses to provide supplemental heat to adjacent classrooms;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognizes, commends, and praises the administrators of Bush School, the Overlake School, the Soap Lake School District, and the Steilacoom Historical School District for their efforts to develop solar and other renewable energy systems; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the administrators of the Bush School, the Overlake School, the Soap Lake School District, and the Steilacoom Historical School District.

MOTION

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

SENATE RESOLUTION 1980-195

By Senators Lewis, Bottiger, Hurley, Lysen, Williams, Wilson, Woody, Benitz, Gould and Hayner:

WHEREAS, The Northwest will be faced with a grave situation from power shortages and potential curtailments and there is an urgent and compelling need for energy conservation and the development of renewable energy resources to prevent the severe economic effects of a disruption in power supply; and

WHEREAS, The state should take a lead in promoting energy conservation and the development of renewable energy sources and solar energy represents a non-polluting and renewable resource; and

WHEREAS, A passive solar greenhouse has been constructed adjacent to the Highline Senior Citizens Center and this community project is expected to reduce by 70% the Center's heating costs; and

WHEREAS, The residents of the West Central Spokane community actively promoted and participated in the planning and development of a passive solar heating system in the new West Central Area Community Center and when completed this system will supply 30% of the Center's heating needs;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognizes, commends, and praises the members of the Highline Senior Citizens Center and the residents of the West Central Spokane Community for their interest and leadership and examples in the development of passive solar energy systems; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Highline Senior Citizens Center and to the West Central Area Community Center.

MOTION

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

SENATE RESOLUTION 1980-196

By Senators Conner, Bottiger, Hurley, Lysen, Williams, Wilson, Woody, Benitz, Gould, Hayner and Lewis:

WHEREAS, The Northwest will be faced with a grave situation from power shortages and potential curtailments and there is an urgent and compelling need for

energy conservation and the development of renewable energy resources to prevent the severe economic effects of a disruption in power supply; and

WHEREAS, The state should take a lead in promoting energy conservation and the development of renewable energy sources and solar energy represents a non-polluting and renewable resource; and

WHEREAS, Clallam County has applied solar technology to its new courthouse and has incorporated solar panels and a heat rejection system to provide space heating and preheated water;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognizes, commends, and praises the members of the Board of Commissioners of Clallam County for their wisdom and creative vision in their decision to pursue alternate energy technology and implement a passive solar heating system in the Clallam County Court house; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to the Board of Commissioners of Clallam County.

MOTION

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

SENATE RESOLUTION 1980-197

By Senators Morrison, Benitz, Hansen, Wilson and Hayner:

WHEREAS, Rodeos are an important and exciting part of the cultural heritage of this state and this nation; and

WHEREAS, The citizens of the State of Washington are honored that the city of Yakima, Washington has been chosen as the host city for the 1980 National High School Rodeo Finals by the National High School Rodeo Association; and

WHEREAS, The National High School Rodeo Finals will be held at the Central Washington State Fairgrounds during the week of July 28 through August 3 of this year with over twelve hundred high school girls and boys from thirty-one states and two Canadian provinces competing in thirteen performances during the week-long event; and

WHEREAS, The rodeo will be conducted at no expense to the state since the Central Washington Rodeo Association - 1980 National High School Rodeo Committee, a nonprofit corporation, has been formed to conduct the rodeo with expenses being underwritten by local businesses and individuals; and

WHEREAS, Over one hundred thousand people from all across the United States and Canada will be involved in the rodeo bringing a substantial boost to the entire tourism industry of not only the Yakima area but the entire state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the citizens of the State of Washington are honored to have the National High School Rodeo Finals in our state, and that the week of July 28 through August 3 be declared National High School Rodeo Finals Week in the State of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the city of Yakima, the Central Washington State Fair, and to the National High School Rodeo Association.

MOTION

On motion of Senator Marsh, the following Senate Resolutions were referred to the Committee on Rules.

1980-198

Denture services, study

1980-199

Surplus school property, study

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1980-200.

MOTION

On motion of Senator Fleming, the following resolution was unanimously adopted:

SENATE RESOLUTION 1980-200

By Senators Fleming, Walgren, Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn and Woody; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Charlie Johnson, Sergeant at Arms:

WHEREAS, Gabe McManus was considered a legend in the City of Seattle and throughout the State of Washington for over thirty years, as he worked diligently to bring to our state the best of entertainment as featured by the vast collection of black ethnic and root jazz—both rhythm and blues—which he compiled over a twenty-five year collection period; and

WHEREAS, Gabe, as he was fondly referred to by those who knew him and appreciated his infectious humor and all-round personality, generated a spectrum of fans; and

WHEREAS, Gabe spent his life entertaining people at various taverns he had throughout the Puget Sound region. Featured always was Gabe's personal collection of black music, which Gabe was not afraid to play at a time when this music was considered second rate and was in fact banned from the air waves; and

WHEREAS, Gabe was thus keeping alive some missing chapters of black awareness history, chapters that were written by thousands of obscure and now deceased artists who composed and performed this ethnic and roots music principally during the forties and fifties in our country; and

WHEREAS, Shortly before Gabe's untimely death about a year ago, his son, Mike, together with other key individuals, most notable Robert E. Hardwick, Danny Niles, and Overton Berry, put together an anthology which represented Gabe's lifelong dream. This anthology was compiled in a two-record album entitled "Gabe's Dirty Blues," and with the help of Hardwick this anthology has sold over 10,000 albums principally in our state, is considered a hit record by professionals in the musical field; and

WHEREAS, Though Gabe is now gone, his Archive of Sounds remains alive and intact in well over 15,000 records carefully selected by him through most of his life, and it will be from this vast collection of mostly black roots music that future anthologies will be developed and released; and

WHEREAS, Because of Gabe and his dream, many Washington state residents who savor these kinds of sounds will be able to hear previously unavailable cuts and some missing chapters of black awareness history will be able to be chronicled; and

WHEREAS, Senator George Fleming, sponsor of this resolution honoring Gabe, his music, his entertainment and his philosophy, personally knew Gabe while he was attending the University of Washington and participating on the football team, as Gabe always made it a special occasion to host the Husky football team and the Husky Alumni team on the eve of the annual varsity alumni football game.

in the spring (partially accounting for the alumni winning very few of these contests the next day); and

WHEREAS, Gabe is gone but his music and the memories of his life are ongoing. He will be remembered for the quality with which he entertained his public, his down-to-earth philosophy, and for the utter simplicity with which he reduced problems and dilemmas. Here was a man who was a professor, even though he barely entered college, a man who was acclaimed as one of the most knowledgeable in the field of alcoholism, being a reformed alcoholic and member in good standing of Alcoholics Anonymous for over thirty-two years; a man, who in death learned how to live, and who brought his family together, and who was able to give them the love, affection and commitment which he was unable to do in life;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby declares Tuesday, March 4th, as "GABE'S DAY," in memory of Gabe, the man and his music.

MOTION

Senator Marsh moved that Senate Resolution 1980-201 regarding mini-ferries be referred to the Committee on Transportation.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Guess: "Point of parliamentary inquiry, what is the Senator speaking on? What motion is before us that he is speaking to?"

REPLY BY THE PRESIDENT

President Cherberg: "The question before the Senate is the motion by Senator Marsh that the resolution be referred to the Senate committee on transportation."

MOTION

Senator Guess moved the previous question.

The President declared the question before the Senate to be the motion by Senator Marsh that Senate Resolution 1980-201 be referred to the Committee on Transportation.

The motion by Senator Marsh carried. Senate Resolution 1980-201 was referred to the Committee on Transportation.

Senator Henry announced there would be a meeting of the Committee on Transportation on Friday, March 7, 1980 at 4:00 p.m.

MOTION

At 11:00 a.m., on motion of Senator Marsh, the Senate recessed until 12:24 p.m.

NOON SESSION

The President called the Senate to order at 12:24 p.m.

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.

MOTION

On motion of Senator Marsh, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

March 3, 1980.

SENATE BILL NO. 3385, an act relating to criminal justice (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3385 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Hurley, Jones, Pullen.

MOTION

On motion of Senator Marsh, the rules were suspended, and Senate Bill No. 3385 was advanced to second reading and placed on the second reading calendar for today.

REPORTS OF STANDING COMMITTEES

March 3, 1980.

SUBSTITUTE HOUSE BILL NO. 1419, encouraging the use of renewable energy resources by gas and electric companies (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hayner, Lewis, Williams, Wilson.

Passed to Committee on Rules for second reading.

February 3, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1499, defining low income senior citizen for reduced utility rates of public utility districts (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hayner, Lewis, Williams, Wilson.

Passed to Committee on Rules for second reading.

March 3, 1980.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 31, requesting the President to designate one federal agency to process complicated energy licensing applications (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hayner, Lewis, Williams, Wilson.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 4, 1980.

Mr. President: The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1630 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 4, 1980.

Mr. President: The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 810 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 4, 1980.

Mr. President: The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1483 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

At 1:40 p.m., on motion of Senator Marsh, the Senate recessed until 4:45 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 4:45 p.m.

MOTION

At 4:45 p.m., on motion of Senator Walgren, the Senate adjourned until 9:00 a.m., Wednesday, March 5, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 5, 1979.

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 Bottiger, Haley, Jones and Matson. On motion of Senator Wilson, Senator Bottiger was excused. On motion of Senator Lewis, Senator Haley was excused. On motion of Senator Sellar, Senators Jones and Matson were excused.

The Color Guard, consisting of Pages Donna Gann and Jackie Jury, presented the Colors. Reverend George Smith, pastor of the Evergreen Christian Center of Olympia, offered the following prayer:

"O GOD, OUR HEAVENLY FATHER, WE BOW BEFORE YOU AT THE BEGINNING OF TODAY'S SESSION TO ASK FOR BLESSING AND GUIDANCE. THE UNCERTAIN INTERNATIONAL AND ECONOMIC CLIMATE IS CAUSING DEEP CONCERN AND A SENSE OF UNEASINESS IN OUR NATION. OUR LEADERS AT ALL LEVELS OF GOVERNMENT NEED YOUR WISDOM IN DECISION MAKING. IT SEEMS AS THOUGH WISDOM WHICH SURPASSES OUR OWN HUMAN LIMITATIONS IS NEEDED.

"HOW THANKFUL WE ARE FOR THE ENCOURAGING WORDS IN YOUR WORD CONCERNING WISDOM. YOUR WORD WOULD REMIND US TODAY, 'IF ANY OF YOU LACK WISDOM, LET HIM ASK OF GOD, THAT GIVETH TO ALL MEN LIBERALLY, AND UNBRAIDETH NOT: AND IT SHALL BE GIVEN HIM'. YOUR WORD ALSO REMINDS US OF A 'WORD OF WISDOM' WHICH COMES AS A GIFT FROM GOD. THIS WISDOM SUPERSEDES OUR OWN WISDOM. IT HAS GODLY QUALITIES AND THAT MAKES IT GOOD. MAY THERE BE A SIMPLE AND HUMBLE FAITH AMONG OUR GOVERNMENT LEADERS TO REACH OUT TO YOU AND RECEIVE IT.

"NOW WE OFFER THANKSGIVING AS WE MAKE OUR REQUESTS KNOWN TO YOU. HOW BLESSED WE ARE TO BE A PART OF THIS GREAT NATION. MAY THE WORDS 'IN GOD WE TRUST' BE MORE THAN A COINED PHRASE. MAY IT BE A DEEP AND LIVING FAITH. WE PRAY IN THE NAME OF JESUS CHRIST, OUR SAVIOR. AMEN."

MOTION

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, March 4, 1980.

THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON:

LADIES AND GENTLEMEN:

I have the honor to advise that on March 4, 1980, Governor Ray approved the following Senate Bills entitled:

SECOND SUBSTITUTE SENATE BILL NO. 2381, relating to Superior Court Clerks' Fees.

SUBSTITUTE SENATE BILL NO. 3226, relating to the prescribing of legend drugs and controlled substances.

SENATE BILL NO. 3280, relating to real estate brokers and salesmen.

Very truly yours,
H.B. HANNA
Legal Counsel.

MESSAGES FROM THE HOUSE

March 4, 1980.

Mr. President: The House has passed:
SUBSTITUTE HOUSE BILL NO. 1413,
HOUSE BILL NO. 1508,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1746, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 4, 1980.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 714 on page 3, line 5 and has passed the bill with all the Senate amendments.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 4, 1980.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 4, 1980.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 3257, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

February , 1980.

Mr. President: The Speakers have signed: HOUSE BILL NO. 1418, and the same is herewith transmitted.

Dean R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 4, 1980.

Mr. President: The Speakers have signed:
SUBSTITUTE SENATE BILL NO. 3169,
SENATE BILL NO. 3244, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 1413, by Committee on Energy and Utilities (originally sponsored by Representatives Isaacson, Oliver, Nisbet, Hastings and Williams):

Providing for a state energy fair in 1983.

Referred to Committee on Energy and Utilities.

HOUSE BILL NO. 1508, by Representatives Sherman, Chandler, Sommers, Wilson, Charnley, Craswell, Martinis, Smith (R.), Rinehart, Heck, Granlund, Lux, Hughes, Salatino, Erak, Stratton, Pruitt, Monohon, Van Dyken, Maxie, Gallagher, Bauer, Brekke, Burns, Nisbet, Williams, Teutsch and Taylor:

Exempting ride-sharing vans from sales, use and motor vehicle excise taxation.

Referred to Committee on Transportation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1746, by Committee on Appropriations (originally sponsored by Representatives Salatino, Martinis, Winsley, Granlund, Walk, Grimm, Mitchell, Erickson, Ehlers, Thompson, Heck, Wilson, Adams, King, Gallagher and Brown):

Appropriating funds for the Treatment Alternatives to Street Crime Programs.

Referred to Committee on Ways and Means.

SIGNED BY THE PRESIDENT

The President signed: HOUSE BILL NO. 1418.

SECOND READING

SENATE BILL NO. 3385, by Senators Walgren and Donohue:

Relating to criminal justice.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3385 was substituted for Senate Bill No. 3385 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 3385 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. 3385, 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, Bluechel, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—43.

Voting nay: Senator Wilson—1.

Absent or not voting: Senator Benitz—1.

Excused: Senators Bottiger, Haley, Jones, Matson—4.

SUBSTITUTE SENATE BILL NO. 3385, having received the 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 eighth order of business.

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1980-205.

On motion of Senator Day, the following resolution was unanimously adopted:

SENATE RESOLUTION 1980-205

By Senators Day, Hurley, Guess, Lewis, Vognild, Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Henry, Jones, Lee, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate and Charlie Johnson, Sergeant at Arms:

WHEREAS, Firefighters are essential for the protection of life and property in the State of Washington; and

WHEREAS, Firefighters, in offering the public this protection, accept grave personal risks; and

WHEREAS, Captain Bob G. Hanna, after serving his country in the U. S. Air Force during the Korean War, displayed skill, courage, and devotion in service to the public as a member of the Spokane City Fire Department for twenty-three years; and

WHEREAS, On March 2, 1980, Captain Hanna gave his life in the line of duty as a firefighter in the City Spokane;

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the State of Washington, That the members of the Senate are indebted to Captain Bob G. Hanna for his lengthy and courageous service to the public; and that members of the Senate wish to offer their deepest sympathy and condolences to Captain Hanna's wife, Carolyn, and members of his family; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Captain Hanna's wife, Carolyn, and other surviving members of this family.

MOTION

At 9:25 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.

MOTION

At 11:55 a.m., on motion of Senator Marsh, the Senate recessed until 1:35 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:35 p.m.

MOTION

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

MESSAGE FROM THE HOUSE

February 25, 1980.

Mr. President: The House refuses to concur in the Senate amendments to REENGROSSED SUBSTITUTE HOUSE BILL NO. 1676 and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

Senator McDermott moved the Senate recede from its amendment to page 1, line 26 of Reengrossed Substitute House Bill No. 1676.

Debate ensued.

POINT OF INQUIRY

Senator Day: "Senator McDermott, when you read that document a minute ago, did I understand that to read that if the student were expelled for more than one day that the parent would be notified? Would that indicate that the student could be expelled for a day and the parent would not be notified? Would you read it again, please?"

Senator McDermott: "'The state board rules already assure that parents are notified of any serious disciplinary action resulting in a youngster's exclusion from school for more than one day'".

Senator Day: "In other words he could be excluded from school for a day and the parent would not be notified?"

Senator McDermott: "That is correct. You see there are two words here. I think you have to talk about 'exclusion' and 'expulsion'. 'Expulsion' means kicked out of the school. 'Exclusion' means kicked out of the classroom where the situation, the gym class, whatever situation it is in which he is creating problems; so that we are not throwing him out into the street, that is not what this is talking about; this is talking about if he is taken out of the school for more than one day, something will be done about it and his parents will be notified."

Senator Day: "You know I realize that we do not want to lose this bill if possible; but I think, that language is like the language in the amendment that says 'the same day'. I think it is, the way I interpret what was read to me there, is that the student could be excluded from school for a day, would not be kicked out apparently, but could be excluded for a whole day and the parent would not be notified and that causes me quite a bit of concern."

POINT OF INQUIRY

Senator von Reichbauer: "Senator McDermott, when you say a student is going to be 'excluded' from a classroom, where in your studies is he or she put? Does he or she stay on the campus?"

Senator McDermott: "Senator von Reichbauer, I think you are raising a very pertinent question. There are three hundred and six school districts in this state in which there are about ten thousand different schools in which there are ten thousand different answers to that question; and that is precisely the problem with us trying at the state level, to decide what should be done with a child who is excluded from a class for fifteen minutes. In some places they sit in the hall, in other places they go to the teacher's or to the principal's office, in other places they have a specific room set aside. There are ten thousand different answers to that question."

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

The President declared the question before the Senate to be the roll call on the motion by Senator McDermott that the Senate recede from its amendment to page 1, line 26 to Reengrossed Substitute House Bill No. 1676.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Bausch, Bluechel, Clarke, Donohue, Fleming, Gaspard, Goltz, Gould, Haley, Hayner, Henry, Jones, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Ridder, Scott, Talmadge, Van Hollebeke, Walgren, Wanamaker, Williams, Wojahn, Woody—29.

Voting nay: Senators Benitz, Bradburn, Conner, Day, Gallagher, Guess, Hansen, Hurley, Lee, Lewis, Lysen, Pullen, Rasmussen, Sellar, Shipoch, Talley, Vognild, von Reichbauer, Wilson—19.

Excused: Senator Bottiger—1.

MOTION

Senator Hayner moved the Senate recede from its amendment to page 2, section 2 of Reengrossed Substitute House Bill No. 1676.

Debate ensued.

The motion by Senator Hayner failed on a rising vote.

The Senate refused to recede in its amendment to page 2, section 2 to Reengrossed Substitute House Bill No. 1676 and once again asks the House to concur therein.

MOTION

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

Senators Marsh, Rasmussen and Odegaard 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 Senator Bottiger who had previously been excused.

MOTION

On motion of Senator Walgren, the Senate proceeded under the Call of the Senate.

MOTION

On motion of Senator Walgren, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

March 3, 1980.

HOUSE BILL NO. 1526, making an appropriation to the state treasurer (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. A supplemental budget as set forth in this 1980 act is hereby adopted and, subject to the provisions set forth in this 1980 act, the several amounts specified in this 1980 act, or so much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated to the state treasurer for disbursement to the designated agencies and offices of the state for salaries, wages, expenses, and other specified purposes, including operations and capital improvements, for the fiscal biennium beginning July 1, 1979, and ending June 30, 1981, except as otherwise provided, out of the several specified funds of the state treasury.

NEW SECTION. Sec. 2. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	309,000
Judicial Information System Account Appropriation	\$	220,000
Total Appropriation	\$	529,000

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

(1) Not more than \$309,000 shall be expended for the purpose of funding salaries and fringe benefits for nine superior court judges authorized in chapter 202, Laws of 1979 ex. sess.: PROVIDED, That social security costs for judges shall be paid one-half from state funds and one-half from local funds.

(2) The \$220,000 judicial information system account appropriation is contingent upon chapter ... (2nd SSB 2381), Laws of 1980 becoming law. This appropriation reflects maximum anticipated revenues and further assumes that no expenditures shall be made above actual accrued revenues. In recognition of the cost-sharing provisions of the judicial information system authorized in chapter ... (2nd SSB 2381), Laws of 1980, the administrator for the courts shall report on actual and estimated long term receipt and expenditure activity of the judicial information system account to the senate ways and means committee and the house appropriations committee by January 1, 1981.

NEW SECTION. Sec. 3. FOR THE STATE TREASURER

State Treasurer's Service Fund Appropriation	\$	96,000
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The appropriation contained in this section shall be subject to the following condition or limitation: The funds appropriated in this section shall be used to complete the acquisition and installation of a new computer system; proceeds from the sale of the old equipment will be deposited in the state treasurer's service fund.

NEW SECTION. Sec. 4. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund—Motor Transport Account Appropriation	\$	610,000
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NEW SECTION. Sec. 5. FOR THE MILITARY DEPARTMENT

General Fund Appropriation	\$	36,000
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The appropriation contained in this section shall be subject to the following condition or limitation: The military department is authorized to employ one FTE staff year for the purpose of coordinating and managing the Washington state guard.

NEW SECTION. Sec. 6. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation	\$	15,000
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The appropriation contained in this section shall be subject to the following condition or limitation: The funds shall be expended solely for the boundary review board.

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Accident Fund Appropriation—State	\$	145,812
Medical Aid Fund Appropriation—State	\$	145,812
Total Appropriation	\$	291,624

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

(1) Not more than \$271,624 (of which \$135,812 shall be from each of the two appropriations contained in this section) shall be used for the necessary permanent and temporary positions needed to handle the growing backlog and the significant workload growth in the self-insurance division of the industrial insurance program.

(2) \$20,000, (of which \$10,000 shall be from each of the two appropriations contained in this section) or as much thereof as may be necessary, shall be expended to carry out the purposes of section 4, chapter ... (SSB 3169), Laws of 1980.

NEW SECTION. Sec. 8. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Accident Fund Appropriation	\$	144,000
Medical Aid Fund Appropriation	\$	116,000
Total Appropriation	\$	260,000

NEW SECTION. Sec. 9. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—Criminal Justice Training Account		
Appropriation	\$	1,181,000

NEW SECTION. Sec. 10. FOR THE STATE ENERGY OFFICE

General Fund Appropriation	\$	142,000
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The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) This appropriation shall be used to meet increased state set-aside caseloads in the state fuel allocation program.

(2) If chapter ... (SB 3503), Laws of 1980 or chapter ... (HB 1675), Laws of 1980 becomes law, the appropriation contained in this section shall be placed in reserve and lapsed at the end of the biennium.

Sec. 11. Section 2, chapter 158, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated to the state energy office from the general fund, the sum of two hundred fifty-one thousand dollars or so much thereof as shall be necessary for the biennium ending June 30, 1981. The appropriation provided for in this section shall be expended exclusively for the additional staff which may be needed to handle fuel allocation requirements. ~~((If federal funds are received for this purpose an equal amount of this appropriation shall be placed in reserve.))~~

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—Federal	\$	2,381,000
General Fund Appropriation—State	\$	70,000
General Fund—State and Local Improvements		
Revolving Account—Waste Disposal Facilities:		
Appropriated pursuant to chapter 127, Laws of		
1972 ex. sess. (Referendum 26)	\$	106,000
Total Appropriation	\$	2,557,000

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

(1) The general fund appropriation—federal shall be expended exclusively to meet increased workloads associated with the receipt of federal waste and water management grants.

(2) The general fund appropriation—state shall be expended exclusively for the purpose of establishing an estuarine sanctuary in Padilla Bay, Skagit county. The department of ecology may use such funds for the acquisition of tidelands within Padilla Bay, Skagit county, either through direct expenditures or through grants to a federal, state, or local agency. No moneys appropriated under this section may be expended by the department of ecology for acquisition of tidelands unless made in combination with an equal match of moneys from other public or private sources. Prior to acquiring any tidelands, the department of ecology shall determine that the use of the property to be acquired will be consistent with chapter 90.58 RCW, the shoreline management act, and guideline and master programs adopted thereunder.

(3) The general fund—state and local improvements revolving account appropriation shall be allocated to the parks and recreation commission to construct sewage disposal systems at several marine state parks located in the San Juan archipelago: PROVIDED, That the appropriation shall be null and void and of no effect if chapter ... (SSB 3526), Laws of 1980 becomes law.

(4) If chapter ... (SB 3371), Laws of 1980 becomes law, the \$70,000 general fund appropriation—state contained in this section shall be null and void and of no effect.

Sec. 13. Section 85, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	24,749,000
General Fund Appropriation—Federal	\$	100,000
General Fund Appropriation—Private/Local	\$	258,000
General Fund—Trust Land Purchase Account Appropriation	\$	2,522,000
General Fund—Winter Recreation Parking Account Appropriation	\$	64,000
General Fund—Outdoor Recreation Account Approp- riation	\$	70,000
Motor Vehicle Fund Appropriation	\$	800,000
Total Appropriation	\$	28,563,000

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

(1) No currently operating state park will be closed due to budgetary constraints.

(3) \$155,000 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.

(4) Not more than \$900,000 of the trust land purchase account appropriation shall be expended to purchase the state-owned Heart Lake property located in section 36, township 35 north, range 1 east W.M. located in Skagit county if such amount is equal to or more than the fair market value of the property.

(5) Not more than \$15,000 shall be expended for the purpose of making a grant to the port of Skagit county for the operation of the historical railway from Sedro Woolley to Concrete. Any portion of the grant not spent ending June 30, 1981, shall be returned to the general fund of the state of Washington. Any net profit, up to the amount expended in the grant to the port of Skagit county for the operation of the historical railway, but not to exceed \$15,000, earned by the railway

ending June 30, 1981, shall be reimbursed to the general fund of the state of Washington.

(6) Not more than \$228,000 shall be expended for an experimental campsite reservation system (~~(for Washington residents)~~).

(7) Not more than \$80,000 shall be expended for operation of the Goldendale observatory.

NEW SECTION. Sec. 14. There is appropriated to the parks and recreation commission from the general fund—outdoor recreation account (HJR 52), the sum of one hundred thousand dollars, or so much thereof as may be necessary, for the purpose of transfer to the department of natural resources to acquire replacement forest lands in Cowlitz county. These lands shall replace approximately ninety acres of state forest lands, including timber, adjacent to Sequest state park which shall be transferred to the commission.

NEW SECTION. Sec. 15. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation	\$	1,930,000
General Fund—Resource Management Cost Account		
Appropriation	\$	1,350,000
Total Appropriation	\$	3,280,000

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

(1) \$1,350,000 of the general fund—resource management cost account appropriation shall be expended for reforestation of state-owned lands.

(2) \$1,530,000 of the general fund appropriation shall be expended for the emergency forest fire suppression program.

(3) \$400,000 of the general fund appropriation shall be expended for a forest tree seedlings program. The department shall reimburse the state general fund \$400,000 from proceeds of the sale of forest tree seedlings. Repayment shall take place before June 30, 1983.

NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation	\$	161,000
Grain and Hay Inspection Fund Appropriation	\$	5,788,000
Total Appropriation	\$	5,949,000

The appropriations contained in this section shall be subject to the following condition or limitation: \$100,000 of the general fund appropriation shall be expended solely for grasshopper control. These funds shall be used for purposes of matching federal and landowner contributions on a ratio of one-third state general fund moneys, one-third landowner funds, and one-third federal government grant funds. Before any grasshopper control program commences, the responsible or cooperating agency or agencies must receive approval from the directors of the departments of ecology, fisheries, and game.

NEW SECTION. Sec. 17. FOR THE STATE PATROL

General Fund Appropriation	\$	1,147,000
Motor Vehicle Fund Appropriation	\$	1,068,000
Total Appropriation	\$	2,215,000

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	893,000
Motor Vehicle Fund Appropriation	\$	352,000
Motor Vehicle Fund—Vehicle Title Guarantee		
Account Appropriation	\$	25,000
Highway Safety Fund Appropriation	\$	671,000
Total Appropriation	\$	1,941,000

The appropriations contained in this section shall be subject to the following condition or limitation: If chapter ... (SHB 1778), Laws of 1980 becomes law, \$351,000 of the highway safety fund appropriation shall be placed in reserve and lapsed at the end of the biennium.

NEW SECTION. Sec. 19. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation \$ 1,800,000

NEW SECTION. Sec. 20. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation \$ 57,000

The appropriation contained in this section shall be subject to the following condition or limitation: This appropriation shall be expended solely to develop an international trade data bank, in cooperation with the department of commerce and economic development, containing statistical information on Washington imports and exports.

NEW SECTION. Sec. 21. FOR WASHINGTON STATE UNIVERSITY—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation \$ 300,000

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

(1) \$100,000 shall be expended solely to research the protection and growing of grapes and wine production.

(2) \$125,000 shall be expended solely to research health-related problems, including chronic pharyngitis, of racing and performing horses.

(3) \$75,000 shall be expended for research, collection and dissemination of data, design curriculum, and conduct seminars to promote the technology of farm fuel production.

NEW SECTION. Sec. 22. FOR THE EVERGREEN STATE COLLEGE—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation \$ 108,000

The appropriation contained in this section shall be subject to the following condition or limitation: The appropriation shall be held in allotment reserve pending review of enrollments by the office of financial management and such review shall be completed by April 25, 1980: PROVIDED, That reversion of these funds shall be required if the enrollment is less than the revised 1980-81 contract enrollment level.

NEW SECTION. Sec. 23. FOR THE STATE LIBRARY

General Fund Appropriation \$ 266,000

The appropriation contained in this section shall be subject to the following condition or limitation: This appropriation shall be used to replace federal funds, to the extent such funding is not available, in order to maintain current service levels in the Washington regional library for the blind and physically handicapped, for the radio reading service, and for the braille and taping programs.

NEW SECTION. Sec. 24. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation \$ 85,000

NEW SECTION. Sec. 25. FOR BELATED CLAIMS

The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated for the period from the effective date of this 1980 act to June 30, 1981, except as otherwise indicated.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

General Fund—Criminal Justice Training Account	\$	7,310.53
General Fund—Hospital Commission Account	\$	43.69
General Fund—Forest Development Account	\$	11,413.08
General Fund—Investment Reserve Account	\$	35.00
General Fund—State Timber Tax Reserve Account	\$	675.20
General Fund—Professional Engineers Account	\$	37.81
General Fund—Real Estate Commission Account	\$	3,683.00
General Fund—Sanitarians' Licensing Account	\$	150.00
General Fund—Motor Transport Account	\$	6,150.74
General Fund—Resource Management Cost Account	\$	2,023.54
General Fund—Litter Control Account	\$	7,954.20
General Fund—State Board of Psychological Examiners Account	\$	1,200.00
General Fund—Outdoor Recreation Account	\$	2,196.33
General Fund—State and Local Improvements Revolving Account Public Recreation Facilities	\$	1,449.48
Fertilizer, Agriculture, Mineral and Lime Fund	\$	421.00
Commercial Feed Fund	\$	37.00
Seed Fund	\$	4,198.00
Electrical License Fund	\$	1,058.16
State Game Fund	\$	39,250.72
Grain and Hay Inspection Fund	\$	6,605.00
Highway Safety Fund	\$	6,150.28
Motor Vehicle Fund	\$	39,055.02
Public Service Revolving Fund	\$	3,101.89
Unemployment Compensation Administration Fund	\$	1,029.21
State Treasurer's Service Fund	\$	2,724.06
Legal Services Revolving Fund	\$	789.22
General Administration Facilities and Services Revolving Fund	\$	7,060.79
Department of Personnel Service Fund	\$	2,201.75
Higher Education Personnel Board Service Fund	\$	420.00
Liquor Revolving Fund	\$	4,552.70
Department of Retirement Systems Expense Fund	\$	320.25
Accident Fund	\$	14,223.18
Medical Aid Fund	\$	900.71
Plumbing Certificate Fund	\$	2.85
Washington Library Network Computer System Revolving Fund	\$	56.09
Total Appropriation	\$	178,480.48

Sec. 26. Section 173, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

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, 1979, to June 30, 1981.

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) HAROLD GIVENS, CARL KASZYCKI, Judgment against the state in Residents for a Planned Peninsula et al. vs. DSHS	\$	15,770.00
(2) ARCHITECTURAL WOODS, INC., Judgment against the state in Architectural Woods vs. the State: 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 Architectural Woods, Inc. or by its directors 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((-except that the state may become liable for interest payment accruing from October 27, 1977, if, and only if, it is so ordered by the Supreme Court of Washington))."	\$	((36,615.23)) <u>57,371.08</u>
(3) DAVID PARKER AND DENTON P. ANDREWS, Payment of writ of mandate for costs assessed against the state in State vs. David C. Parker	\$	616.23
(4) EVERGREEN PLAZA INVESTORS AND EVERGREEN DEVELOPMENT CORP., Judgment against the state in Evergreen Plaza Investors vs. Washington State Higher Education Assistance Authority, et al., for breach of contract	\$	7,937.70
(5) LLOYD STEWART AND JOE McADAMS, Payment of costs assessed against the state in State vs. Lloyd Paul Stewart	\$	24.74
(6) THOMAS M. WRIGHT, Payment of costs assessed against the state in State ex rel. Seeze vs. Thomas Marion Wright	\$	92.00
(7) MOE BIRNBAUM, Payment of guardian ad litem services performed for the state: PROVIDED, That the state shall have subrogation rights to payment of such services against the defendant in State ex rel. Evon vs. David S. F. Fijalka	\$	200.00
(8) GRACIE BROCK AND JOHN A. BARLOW, Payment of costs assessed against the state in dismissal of murder charge	\$	774.70
(9) CHRISTIANSEN BROTHERS, INC., Judgment on settlement agreement, together with accrual of interest at 8% per annum from June 6, 1977: PROVIDED, That payment come from the State Higher Education Construction Account	\$	204,120.00
(10) STEVE TROUTMAN, Payment of cost bill and remittitur No. 44748 from Washington Supreme Court in State vs. Troutman	\$	522.94
(11) UNION PACIFIC RAILROAD, Payment of settled amount for demurrage charges	\$	33,940.00
(12) PHYLLIS ALM, Payment of retirement contributions: PROVIDED, That payment shall come from		

	the Retirement Systems Fund	\$	211.27
(13)	EUGENIA STOWE, Payment of retirement contributions: PROVIDED, That payment shall come from the Retirement Systems Fund.....	\$	90.39
(14)	NARAMORE, BAIN, BRADY AND JOHÁNSON, ARCHITECTS, Final payment due on contract: PROVIDED, That payment shall come from the State Higher Education Construction Account: PROVIDED FURTHER, That the chief fiscal officer of the executive branch is directed and authorized to draw up a separate voucher, such voucher to be presigned by Naramore, et al., or its directors, 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 contract for services upon the physical sciences building at WSU."	\$	44,771.68
(15)	DAVID WEBB, Payment for unjust imprisonment: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher to be presigned by David Webb prior to the release of the warrant, which voucher shall state: "By the acceptance of this amount the undersigned releases the state of Washington and all political subdivisions thereof, and their agents, from any further claims with regard to payment of relief for unjust imprisonment."	\$	20,000.00
(16)	DAVID ABRAHAM BLOCH, Judgment for costs of dismissal of felony charge in State vs. Bloch	\$	110.00
(17)	RUTH PALMER, Payment pursuant to order of mandamus for costs assessed against the state in Palmer et al. vs. State Personnel Board	\$	107.00
(18)	BURRELL FINDLAY, Payment of claim for damage to certain heavy machinery incurred while performing voluntary emergency services for the highway department: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher to be presigned by Mr. Burrell Findlay prior to the release of the warrant, which voucher shall state: "By the receipt of this amount, the undersigned releases the state of Washington and all political subdivisions thereof, and their agents, from any further claim with regard to property damage incurred while performing volunteer services for the highway department.....	\$	13,000.00
(19)	DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Payment for claims outstanding submitted to the department after the 60-day statutory limit: PROVIDED, That such claims shall be paid at fifty percent of their approved value: PROVIDED		

FURTHER, That \$90,000 shall be from federal sources	\$ ((+100,000.00))
	<u>1,700,000.00</u>
(20) EDMOND WARD, Payment for loss of personal tools while such were under security protection of department of transportation	\$ 167.84
(21) RUSSELL E. JOHNSON, Payment for loss of personal tools while such were under security protection of department of transportation	\$ 421.77
(22) ((MRS. HARRY FOSTER, Payment of balance of deceased husband's retirement contributions: PROVIDED, That such payment shall represent full and complete satisfaction of this obligation by the state: PROVIDED FURTHER, That payment shall come from the Judges' Retirement Systems Fund	\$ 1,488.99
((23) MRS. DEL CARY SMITH, Payment in full of deceased husband's retirement contributions, such payment to come from the Judges' Retirement Systems Fund	\$ 15,836.36
(24)) WILLIAM VAN KLAVEREN, Payment of retirement contributions: PROVIDED, That payment shall come from the Retirement Systems Fund	\$ 550.72
((25)) (23) FLORENCE R. STANDING, Payment for relief, plus interest, for death of the husband of Florence Standing in the amount which would have been payable under the Victims of Crimes Act if section 8, chapter 302, Laws of 1977 ex. sess. had been made retroactive to apply to Florence Standing's claim: PROVIDED, That this retroactive payment of relief measured by the Victims of Crimes Act does not preclude the claimant from seeking additional judicial relief	\$ 10,290.00
((26)) (24) VIRGIL PRICE, Payment for watch stolen during holdup of state liquor store: PROVIDED, That payment shall come from the Liquor Revolving Fund—State	\$ 150.00
((27)) (25) GRACE AND GEORGE BURTON, For relief of the death of their daughter, payment of the amount provided for under the Victims of Crimes Act: PROVIDED, That this retroactive payment of relief does not preclude the claimant from seeking additional judicial relief	\$ 1,182.00
((28)) (26) UNITED NURSING HOMES, ET AL., Plaintiffs in Thurston County Superior Court cases 55007 and 55613, to be disbursed by the court upon recommendation of the settlement reviewer pursuant to agreed judgment entered on December 28, 1978: PROVIDED, That the department shall seek reimbursement of not less than \$4,100,000 from federal matching funds	\$ 8,200,000.00
(27) GERALD B. COBURN, Payment for crop damage by game during 1978: PROVIDED, That the chief fiscal officer of the executive branch shall draw up a separate voucher, such voucher to be presigned by	

Gerald B. Coburn prior to the release of the voucher, which voucher shall state: "By acceptance of this amount, the undersigned releases the state of Washington and all political subdivisions thereof, and their agents, from any further claims with regard to payment for crop damage by game during 1978": PROVIDED FURTHER, That payment shall be made from the game fund \$ 1,000.00

(28) RUDOLFO GUTTIERRIZ, Payment of expenses in State v. Gutierrez, pursuant to RCW 9.01.200 \$ 1,230.00

(29) FOSTER, PEPPER AND RIVIERA TRUST ACCOUNT, Payment of costs in Seattle School District v. State \$ 5,346.71

(30) RUTH HAMMOND, Reimbursement for advance payment of motor vehicle license fee on automobile rendered unusable prior to the effective date of the license \$ 39.58

(31) DON G. HENDRICKSON, Payment for crop damage by game during 1978: PROVIDED, That payment shall be made from the game fund \$ 1,739.20

(32) LINDA LOGAN, VERNA SUTTON, and DELORES WOLFF, Payment pursuant to stipulation, agreement, and covenant in United States District Court, Western District of Washington, cause No. C78-424V: PROVIDED, That the chief fiscal officer of the executive branch shall draw up a separate voucher, such voucher presigned by each of the claimants 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 in connection with this lawsuit; except that payment not to exceed an additional \$21,000 shall be made in full settlement of attorneys fees and costs in connection with this case," said payment to be made from the tort claims revolving fund: PROVIDED FURTHER, That the state printing plant revolving fund in the amount of \$75,000 by June 30, 1981 \$ 75,000.00

NEW SECTION. Sec. 27. FOR THE UNIVERSITY OF WASHINGTON.

To complete the biological sciences facility as set forth in section 189(15), chapter 270, Laws of 1979 ex. sess.

	Reappropriation	Appropriation
UW Bldg Acct	-0-	1,855,000

NEW SECTION. Sec. 28. FOR WASHINGTON STATE UNIVERSITY
To renovate and equip Fulmer Hall, Phase II.

	Reappropriation	Appropriation
WSU Bldg Acct	-0-	1,691,000

NEW SECTION. Sec. 29. FOR CENTRAL WASHINGTON UNIVERSITY

For abatement of hazardous asbestos.

	Reappropriation	Appropriation
CWU Cap Proj Acct	-0-	191,000

NEW SECTION. Sec. 30. FOR THE EVERGREEN STATE COLLEGE
 For replacement of roofs on the library and seminar buildings.

	Reappropriation	Appropriation
St H Ed Constr Acct	-0-	416,000

NEW SECTION. Sec. 31. As used in this act, the following phrases have the following meanings:

- (1) "WSU Bldg Acct" means Washington State University Building Account;
- (2) "St H Ed Constr Acct" means State Higher Education Construction Account;
- (3) "CWU Cap Proj Acct" means Central Washington University Capital Projects Account; and
- (4) "UW Bldg Acct" means University of Washington Building Account.

NEW SECTION. Sec. 32. In addition to the amount appropriated by chapter ... (HB 1658), Laws of 1980, there is hereby appropriated to the department of employment security the sum of \$111,000 from the administrative contingency fund to continue the work orientation program. From the amount appropriated in chapter ... (HB 1658), Laws of 1980, the director of employment security may transfer an additional amount of \$400,000 for the work orientation program from any balance remaining in the administrative contingency fund after completion of the tasks set forth in section 2, chapter ... (HB 1658), Laws of 1980. In no event shall the total expenditures authorized in section 2, chapter ... (HB 1658), Laws of 1980, exceed the revenues accruing to the administrative contingency fund for the period ending June 30, 1981.

NEW SECTION. Sec. 33. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE

In accordance with RCW 43.17.200, all state agencies or departments shall expend, as a nondeductible item, out of any moneys appropriated for the original construction of any state building, an amount of one-half of one percent of the appropriation for the acquisition of works of art which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited by the agency in other public facilities. In case the amount shall not be required in toto or in part for any project, such unrequired amounts may be accumulated and expended for art in other projects of the agency. For the purpose of this section, "building" does not include highway construction sheds, warehouses, or other buildings of a temporary nature.

NEW SECTION. Sec. 34. 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 means 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 does not include those boards, commissions, or committees on which one or more of the above-mentioned officials serve.

NEW SECTION. Sec. 35. The appropriations contained in this act, or so much thereof as may be necessary, are for the salaries, wages, expenses, operations, and other specified purposes of the designated agencies for the biennium ending June 30, 1981. In order to carry out the provisions of these appropriations and the state

budget, the director of the office of financial 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 financial management shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Any agricultural commodity commission created under chapter 15.66 RCW; the legislative branch of state government including 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 and regulations 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; and

(3) Prescribe procedures and forms to carry out the above.

NEW SECTION. Sec. 36. There is added to chapter 270, Laws of 1979 ex. sess. a new section to read as follows:

In addition to provisions for the payment of belated claims as provided for in section 23(4), chapter 270, Laws of 1979 ex. sess., agencies with outstanding claims for the payment of supplies and services furnished in previous biennia shall pay such claims from each agency's appropriations as set forth in chapter 270, Laws of 1979 ex. sess.

NEW SECTION. Sec. 37. In the event that receipts are less than those appropriated in the budget from any source, expenditures shall be limited to the amount received and allotments made as provided in section 35 of this act. Receipts for purposes of this section 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. 38. 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. 39. Unless otherwise provided for by this act with respect to any specific agency, program, or revenue source, any receipts from federal or other sources, or from gifts or grants, in excess of estimates for the budget expenditures as approved by the legislature and which are not otherwise available for general governmental purposes, may be received and allotted by the governor in accordance with RCW 43.79.260 through 43.79.282.

NEW SECTION. Sec. 40. 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 financial 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. 41. 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. 42. 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 financial 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. 43. 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. 44. 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. 45. Any rate increases proposed for the legal services revolving fund or the general administration facilities and services revolving fund, or any change in the method of calculating changes from those funds, shall be subject to approval by the director of the office of financial management prior to implementation.

NEW SECTION. Sec. 46. 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. 47. The governor, through the director of the office of financial 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 financial 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. 48. 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. 49. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "treasurer;" strike the remainder of the title and insert "making appropriations from the state treasury for the fiscal biennium

beginning July 1, 1979 and ending June 30, 1981; authorizing expenditures for salaries, wages, expenses, and other specified purposes of state agencies; amending section 2, chapter 158, Laws of 1979 ex. sess. (uncodified); amending section 85, chapter 270, Laws of 1979 ex. sess. (uncodified); amending section 173, chapter 270, Laws of 1979 ex. sess. (uncodified); adding a new section to chapter 270, Laws of 1979 ex. sess.; making other appropriations; and declaring an emergency."

Signed by: Senator Donohue, Chairman; McDermott, Vice Chairman; Bausch, Fleming, Gaspard, Goltz, Marsh, Odegaard, Rasmussen, Ridder, Shinpoch, Walgren, Wojahn.

MOTIONS

On motion of Senator Walgren, the rules were suspended and House Bill No. 1526 was advanced to second reading and placed on the second reading calendar for today.

On motion of Senator Walgren, the Senate resolved itself into a Committee of the Whole, President Pro Tempore Henry in the Chair, for the purpose of considering House Bill No. 1526.

COMMITTEE OF THE WHOLE

House Bill No. 1526 was considered in the Committee of the Whole and reported back to the Senate, President Pro Tempore Henry presiding, with the recommendation that it do pass as amended.

On motion of Senator Walgren, the report of the committee was adopted.

On motion of Senator Donohue, the reading had in the Committee of the Whole was considered the second reading of the bill.

On motion of Senator Donohue, the committee amendments to House Bill No. 1526 adopted in the Committee of the Whole were adopted by the Senate.

On motion of Senator Donohue, the following amendments to the committee amendment to House Bill No. 1526 adopted in the Committee of the Whole were adopted by the Senate:

On page 2, beginning on line 28 insert the following new section to read as follows:

NEW SECTION. Sec. 5. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation \$ 79,000

The appropriation contained in this section shall be subject to the following condition or limitation: This appropriation shall be used for implementation of the continuing education program for insurance agents and brokers (Chapter 269, Laws of 1979 ex. sess.)."

Renumber remaining sections consecutively and correct internal references accordingly.

On page 3, line 5, strike "board" and insert "boards"

On page 3, line 18, after "program" insert"

" : PROVIDED, That the director shall insure that the administrative charges collected from self-insurers are adequate to cover the additional claims handling and audit authorization included in this appropriation to the extent that those additional charges are attributable to self-insurers"

On page 7, after line 4 insert:

"NEW SECTION. Sec. 15. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT General Fund Appropriation . . . \$425,000

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

\$425,000, or so much thereof as may be necessary may be expended for the design, planning, and development of a new theater for the performing arts to be located on the grounds of the Seattle Center."

Renumber the remaining sections consecutively and change internal references accordingly.

On page 9, line 4, after "growing of" insert "wine"

On page 20, after line 29, insert:

"NEW SECTION. Sec. 32. There is appropriated from the general fund, for the biennium ending June 30, 1981, to the department of commerce and economic development the sum of one hundred eighty-eight thousand three hundred thirty-six dollars, or so much thereof as may be necessary, to provide for the participation by the state of Washington in international expositions, including the Portopia '81 exhibition in Kobe, Japan.

NEW SECTION. Sec. 33. Pursuant to RCW 43.31.832, the director of commerce and economic development, with the advice of the state treasurer, shall transfer from the state trade fair fund established by RCW 67.16.100 to the general fund the sum of two hundred thousand dollars."

Renumber remaining sections consecutively and correct internal references accordingly.

REPORT OF STANDING COMMITTEE

March 3, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533, making an appropriation to the department of social and health services (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 52, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State Funding Sources	\$	((1,239,677,000))
		<u>1,239,227,000</u>
Federal Funding Sources	\$	848,298,000
Other Funding Sources	\$	13,433,000
Total of all Funding Sources	\$	((2,101,408,000))
		<u>2,100,958,000</u>
Total FTE Staff Years		28,435

The appropriations contained in sections 53 through 65 of this act shall be subject to the following conditions and limitations:

(1) The department shall not initiate any new services beyond those authorized by appropriation in this act without approval of the office of financial management. The senate ways and means committee and the house appropriations committee of the legislature shall be advised of any approvals.

(2) Funds appropriated to programs in sections 53 through 65 of this act shall be initially allotted reflecting the fiscal assumptions and legislative intent of this act. Transfers between programs may occur ~~((only))~~ to the extent required to meet obligations deriving from federal matching requirements and legislative intent regarding federal programs as expressed in this appropriations act. However, after the initial allotment, funds may be shifted from one fiscal year to the other fiscal year within the adult corrections program; except that the shift shall not exceed eight percent, in the aggregate, of the biennial appropriation for the program. Analysis of the programmatic impacts and justification of approved amendments to this plan will be

conveyed by the office of financial management to the senate ways and means committee and the house appropriations committee of the legislature.

(3) The department of social and health services will cooperate with the state energy office and participate in the programs established by Title III of the National Energy Conservation Policy Act.

(4) During the 1979-1981 biennium, the delinquency prevention services program shall be maintained without any significant changes.

Sec. 2. Section 53, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADULT CORRECTIONS PROGRAM**

General Fund Appropriation	\$	((114,004,000))
		<u>113,554,000</u>
Total FTE Staff Years		4,299

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

(1) Not more than \$1,702,000 from the general fund shall be expended for community services.

(2) Not more than \$1,716,000 from the general fund and 76.0 FTE's shall be expended for intensive parole.

(3) Not more than \$15,679,000 from the general fund and 731 FTE's shall be expended for probation and parole.

(4) Not more than \$7,002,000 from the general fund and 152 FTE's shall be expended for work/training release.

(5) Not more than \$81,663,000 from the general fund and 3,259 FTE's shall be expended for institutional staffing.

(6) ~~((920,000))~~ \$123,000 from the general fund shall be expended to contract with a nonprofit corporation to provide a diversionary program for convicted felons with prior conviction records and prior incarcerations. No felon may participate in the program if: (a) he or she has a prior conviction for any violent or inherently dangerous felony, or (b) the crime for which he or she is being diverted into the program is a violent or inherently dangerous felony. For the purposes of this section, "violent or inherently dangerous felony" means rape in the first or second degree, robbery in the first or second degree, kidnapping in the first or second degree, assault in the first or second degree, or arson in the first or second degree. Prior to entering into the contract, the secretary of the department of social and health services must have assurance of the cooperation of the superior court bench of the county in which the program will be implemented. The program shall include the following:

(a) A contractual agreement between such nonprofit corporation and the felon with approval of the sentencing judge. Such agreement will describe work performance and restitution expectations, and judicial conditions and review;

(b) A fully controlled residential component;

(c) Supervision by a probation officer of the department of social and health services;

(d) Coordination of all activities by a case manager employed by such nonprofit corporation;

(e) Job development and placement services which will guarantee each participant regular employment;

(f) Specialized alcohol, drug, and counseling services; and

(g) Participation of community and corporate entities which will provide \$1,212,000 in direct and in-kind support.

(7) Not more than \$25,000 from the general fund will be expended for a program evaluation by an independent third party of the diversionary program set forth

in subsection (6) of this section. Such evaluation will commence with the initiation of the contract and shall include the following:

- (a) Evaluation of the intake procedures, including initial screening, final screening, the contract between the nonprofit organization and the convicted felon, and the participant selection process;
- (b) Evaluation of the program elements;
- (c) Evaluation of the program impact on recidivism using the measures of rearrest, type of rearrest offense, reconviction, revocation and recommitment;
- (d) Evaluation of the control group;
- (e) Data collection and analysis; and
- (f) A cost benefit analysis.

(8) In the event chapter ... (Substitute House Bill No. 144), Laws of 1979 1st ex. sess. fails to pass, \$100,000 will be reverted to the general fund.

(9) \$347,000 shall be expended for the funding of private nonprofit diversion programs for persons convicted of alcohol and substance abuse related crimes and who are placed on probation, parole, or work training release.

Sec. 3. Section 58, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
NURSING HOMES PROGRAM**

General Fund Appropriation—State	\$	122,273,000
General Fund Appropriation—Federal	\$	121,595,000
Total Appropriation	\$	243,868,000

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

(1) The wages for nursing service personnel shall be the sum of the product of ninety percent of the prevailing wages for the categories of nursing assistants, licensed practical nurses, registered nurses, and noncontractual therapists and related restorative employees, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours determined by the department of social and health services.

(2) The wages for all employees, other than those specified in subsection (1) of this section and administrators and assistant administrators, shall be the sum of the product of ninety percent of the prevailing wages, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours for such employees developed by the department of social and health services.

(3) Food reimbursement shall be one hundred fifteen percent of the average of all costs for bulk and raw foods and beverages purchased for dietary needs, expressed as a per patient per day amount.

(4) Reimbursement for administration and operations will include all items not specified in subsections (1), (2), (3), (5), and (6) of this section and shall not exceed the eighty-fifth percentile of all reporting facilities, except that the nursing home facilities may be grouped by factors, other than ownership or legal organizational characteristics, which could reasonably influence cost requirements for administration and operations.

(5) Property reimbursement for both leased and owner-operated facilities shall not exceed the predicted cost plus one standard deviation of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the department of social and health services, recognizing factors which may be significant, including location, age, and type of facility. For July 1980 rate setting, rental costs of leased facilities other than those operating as intermediate care facilities for the mentally retarded, and depreciation and interest costs of owner-operated facilities, for leases or mortgages entered into

prior to July 1, 1979, shall be reimbursed to the extent they do not exceed the ((upper limit of the multiple regression formula for comparable owner-operated facilities)) reimbursement rate payable for the property cost center as of June 30, 1979, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state medicaid plan, and adjusted for any approved capitalized additions or replacements; except that, any leased facility which has operated as an intermediate care facility for the mentally retarded prior to July 1, 1979, shall be reimbursed to the extent that the property costs exceed the upper limit of the multiple regression formula.

(6) The return of net invested equity for each facility will be determined by utilizing Medicare rules and regulations.

(7) Patient personal needs allowance limitation will be extended to \$32.50 per month.

(8) \$500,000, or so much thereof as may be necessary, shall be expended by the department of social and health services for purposes of retaining special private counsel, subject to the concurrence of the governor, to defend the department against law suits challenging the cost reimbursement system of the department of social and health services.

(9) \$810,000, of which \$404,000 shall be from federal funds, shall be used to implement a program which will enable short-term placement in nursing homes.

(10) \$1,800,000 (of which \$900,000 shall be from federal funds) may be used for reimbursement of costs incurred from the training of nurses' assistants.

~~((11) The funds contained in this section shall revert immediately to the general fund if ESSB 2335 is enacted.))~~

Sec. 4. Section 177, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
FOR THE ADULT CORRECTIONS PROGRAM**

(1) To construct and equip one 100-bed honor camp.

		Reappropriation	Appropriation
DSHS Constr Acct		3,260,000	—0—
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
40,000	—0—	3,300,000	7/80

(2) To renovate and repair roofs, Washington Corrections Center.

		Reappropriation	Appropriation
DSHS Constr Acct		255,000	—0—
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
521,000	—0—	776,000	10/79

(3) To remodel food service area and replace obsolete equipment, Washington State Penitentiary; except that, if construction has not begun by 3/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		1,993,000	—0—

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	1,993,000	1/81

(4) For remodeling of dental areas, Washington State Penitentiary; except that, if construction has not begun by 2/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
CEP & RI Acct		145,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	145,000	6/80

(5) To improve security, facilities, and utilities, Washington State Penitentiary; except that, if construction has not begun by 9/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	5,924,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
101,000	6,966,000	12,991,000	6/84

(6) To construct and equip 120-bed medium security unit, Washington Corrections Center; except that, if construction has not begun by 5/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		42,000	3,361,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
25,000	-0-	3,427,000	9/81

(7) To convert 300-bed minimum security building at Walla Walla to medium security facility; except that, if construction has not begun by 8/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		100,000	5,275,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
53,000	1,690,000	7,118,000	6/83

(8) To convert former women's quarters to 100-bed minimum custody unit, Washington State Penitentiary; except that, if construction has not begun by 5/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		321,000	1,073,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
19,000	-0-	1,412,000	3/81

(9) To construct and equip maximum security facility, Washington State Reformatory.

		Reappropriation	Appropriation
DSHS Constr Acct		8,342,000	1,654,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,058,000	-0-	12,054,000	7/81

(10) To provide fire and safety improvements, Washington State Penitentiary; except that, if construction has not begun by 5/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
General Fund—State		23,000	-0-
DSHS Constr Acct		-0-	749,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
128,000	-0-	900,000	1/81

(11) To provide fire and safety improvements, Washington State Reformatory; except that, if construction has not begun by 11/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	1,304,000
CEP & RI Acct		350,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
27,000	-0-	1,681,000	9/81

(12) To renovate and expand visiting/dining/recreation facilities, Washington State Reformatory; except that, if construction has not begun by 12/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

Reappropriation	Appropriation
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DSHS Constr Acct		-0-	1,524,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	1,524,000	2/82

(13) To renovate and convert gang showers to individual showers, Washington State Penitentiary; except that, if construction has not begun by 6/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	402,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	402,000	3/81

(14) To provide three prefabricated steel buildings, Washington State Reformatory; except that, if construction has not begun by 3/15/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	386,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	386,000	8/80

(15) To construct and equip multipurpose building, Pine Lodge Correction Center; except that, if construction has not begun by 9/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	248,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	248,000	4/81

(16) To renovate and expand Industries Building, Washington State Penitentiary; except that, if construction has not begun by 5/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
((General Fund - Federal		0	414,000))
DSHS Constr Acct		-0-	((305,000))
			<u>719,000</u>
Project Costs Through	Estimated Costs 7/1/81 and	Estimated Total Costs	Estimated Completion Date

6/30/79	Thereafter		
-0-	-0-	719,000	11/80

(17) To renovate and repair roofs, Washington Corrections Center; except that, if construction has not begun by 11/1/79, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		273,000	346,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
503,000	-0-	1,122,000	8/80

(18) To repair perimeter walls, Washington State Reformatory; except that, if construction has not begun by 7/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	617,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	617,000	11/80

(19) To purchase and install an electronic perimeter security system, Washington Corrections Center.

		Reappropriation	Appropriation
DSHS Constr Acct		300,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
76,000	-0-	376,000	7/79

(20) To renovate and open work training release facility, Geiger Field.

		Reappropriation	Appropriation
DSHS Constr Acct		600,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
20,000	-0-	620,000	1/80

(21) To renovate and repair roofs, Women's Treatment Center; except that, if construction has not begun by 6/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	112,000

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	112,000	10/80

(22) To provide preliminary design, site preparation, and steam plant for new 500-bed medium security facility: PROVIDED, That such facility shall be located on public lands as hereinafter provided:

(a) On the site of an existing state adult correction facility; or

(b) On the site of an existing federal adult correction facility acquired by the state after the effective date of this 1980 act.

Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Reappropriation Estimated Total Costs	Appropriation Estimated Completion Date
-0-	27,126,000	-0-	5,429,000
		32,555,000	6/83

NEW SECTION. Sec. 5. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—NURSING HOME PROGRAM

There is appropriated to the department of social and health services for the nursing home program for the biennium ending June 30, 1981, the following amounts, or so much thereof as may be necessary, from the following funds:

General Fund Appropriation—State	\$ 8,500,000
General Fund Appropriation—Federal	\$ 8,500,000
Total Appropriation	\$ 17,000,000

The appropriations contained in this section shall be expended for the reasonable cost-related reimbursement of patient care and property costs.

NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

There is appropriated to the department of social and health services for the public health program for the biennium ending June 30, 1981, the following amount, or so much thereof as may be necessary, from the following fund:

General Fund Appropriation	\$ 200,000
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The appropriation contained in this section shall be expended for crippled children's services.

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

There is appropriated to the department of social and health services for the vocational rehabilitation program for the biennium ending June 30, 1981, the following amount, or so much thereof as may be necessary, from the following fund:

General Fund Appropriation	\$ 250,000
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The appropriation contained in this section shall be expended for additional funding of the extended sheltered employment program.

NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORT SERVICES

There is appropriated, or so much thereof as may be necessary, for the biennium ending June 30, 1981, to the department of social and health services, for the purpose of funding adult corrections and juvenile rehabilitation programs:

General Fund Appropriation	\$ 500,000
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The appropriation contained in this section shall be subject to the following condition or limitation: Such funds shall be expended for reimbursement through the institutional impact account pursuant to chapter 72.72 RCW.

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation \$ 120,000

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

(1) The funds appropriated in this section, or so much as may be necessary, shall be expended to conduct a two-year demonstration project to provide special needs children with adoptive services through contract with licensed child-placing agencies.

(2) If chapter ... (SB 3366), Laws of 1980 is enacted, the appropriation contained in this section shall revert to the general fund.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending section 52, chapter 270, Laws of 1979 ex. sess. (uncodified); amending section 53, chapter 270, Laws of 1979 ex. sess. (uncodified); amending section 58, chapter 270, Laws of 1979 ex. sess. (uncodified); amending section 177, chapter 270, Laws of 1979 ex. sess. (uncodified); making appropriations; and declaring an emergency."

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Fleming, Gaspard, Goltz, Marsh, Odegaard, Rasmussen, Ridder, Shinpoch, Walgren, Wojahn.

MOTIONS

On motion of Senator Walgren, the rules were suspended and Engrossed Substitute House Bill No. 1533 was advanced to second reading and placed on the second reading calendar for today.

On motion of Senator Walgren, the Senate resolved itself into a Committee of the Whole, President Pro Tempore Henry in the Chair, for the purpose of considering Engrossed Substitute House Bill No. 1533.

COMMITTEE OF THE WHOLE

Engrossed Substitute House Bill No. 1533 was considered in the Committee of the Whole and reported back to the Senate, President Pro Tempore Henry presiding, with the recommendation that it do pass as amended.

On motion of Senator Walgren, the report of the committee was adopted.

On motion of Senator Donohue, the reading had in the Committee of the Whole was considered the second reading of the bill.

On motion of Senator Donohue, the committee amendments to Engrossed Substitute House Bill No. 1533 adopted in the Committee of the Whole were adopted by the Senate,

On motion of Senator Donohue, the following amendments to the committee amendments to Engrossed Substitute House Bill No. 1533 adopted in the Committee of the Whole were adopted by the Senate:

On page 2, after line 17 of the amendment, insert the following:

"(5) Funds appropriated to programs during the 1979-81 biennium may be expended to operate the Cedar Creek facility as an adult correctional facility.

Sec. 2. Section 72.05.010, chapter 28, Laws of 1959 as last amended by section 7, chapter 217, Laws of 1979 ex. sess. and RCW 72.05.010 are each amended to read as follows:

The purposes of RCW 72.05.010 through 72.05.210 are: To provide for every child with behavior problems, mentally and physically handicapped persons, and deaf and blind children, within the purview of RCW 72.05.010 through 72.05.210, as now or hereafter amended, such care, guidance and instruction, control and treatment as will best serve the welfare of the child or person and society; to insure nonpolitical and qualified operation, supervision, management, and control of the Green Hill school, the Maple Lane school, the Naselle Youth Camp, (~~the Cedar Creek Youth Camp;~~) the Mission Creek Youth Camp, Echo Glen, the Cascadia Diagnostic Center, Lakeland Village, Rainier school, the Yakima Valley school, Interlake school, Fircrest school, the Francis Haddon Morgan Center, the Child Study and Treatment Center and Secondary School of Western State Hospital, the state school for the blind, the state school for the deaf, and like residential state schools, camps and centers hereafter established, and to place them under the department of social and health services; and to provide for the persons committed or admitted to those schools that type of care, instruction, and treatment most likely to accomplish their rehabilitation and restoration to normal citizenship."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 6, line 33, after "camp" insert "PROVIDED, That any moneys appropriated under this section of this 1980 act to the department of social and health services shall be expended only to develop at least one hundred minimum security beds to be distributed at one or more of the existing minimum security adult correctional facilities within the State of Washington"

On page 12, line 2, after "\$" delete "8,500,000" and insert "6,029,000"

On page 12, line 3, after "\$" delete "8,500,000" and insert "6,029,000"

On page 12, line 4, after "\$" delete "17,000,000" and insert "12,058,000"

On page 12, following line 7, add a new section to read as follows:

"NEW SECTION Sec. 6. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME MAINTENANCE PROGRAM.

There is appropriated to the department of social and health services for the income maintenance program for the purpose of implementing a 1% grant increase for all public assistance recipients effective July 1, 1980, the following amount from the following funds:

General Fund Appropriation—State	2,471,000
General Fund Appropriation—Federal	1,218,000
Total Appropriation	3,689,000"

Renumber the remaining sections accordingly.

On page 13, on line 25, before "amending" insert "amending section 72.05.010, chapter 28, Laws of 1959 as last amended by section 7, chapter 217, Laws of 1979 ex. sess. and RCW 72.05.010;"

MOTION

On motion of Senator Donohue, the rules were suspended, House Bill No. 1526, 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. 1526, as amended by the Senate, and the passed the Senate by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Bausch, Benitz, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—29.

Voting nay: Senators Bluechel, Bradburn, Clarke, Gallagher, Gould, Guess, Haley, Hayner, Hurley, Jones, Lee, Lewis, Matson, Morrison, Pullen, Quigg, Scott, Sellar, Wanamaker, Wilson—20.

HOUSE BILL NO. 1526, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Donohue, Engrossed Substitute House Bill No. 1533, 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. 1533, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Hurley, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—30.

Voting nay: Senators Benitz, Bluechel, Bradburn, Clarke, Gallagher, Gould, Guess, Haley, Hayner, Jones, Lee, Lewis, Matson, Morrison, Pullen, Quigg, Scott, Sellar, Wanamaker—19.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Walgren, the Senate dispensed with the Call of the Senate.

At 5:00 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, March 6, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia, Thursday, March 6, 1980.

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.

The Color Guard, consisting of Pages Anita Besco and Debbie Patterson, presented the Colors. Reverend George Smith, pastor of the Evergreen Christian Center of Olympia, offered the following prayer:

"O GOD, OUR HEAVENLY FATHER, WE BOW BEFORE YOU IN DEEP REVERENCE AND WOULD SIMPLY ASK IN FAITH THAT YOU WOULD MEET OUR NEEDS THIS DAY. AS WE COME BLUNDERING INTO YOUR PRESENCE IN PRAYER, WE ARE HAUNTED BY MEMORIES OF DUTIES UNPERFORMED, PROMPTINGS DISOBEYED, AND BECKONINGS IGNORED.

"OPPORTUNITIES TO BE KIND KNOCKED ON THE DOOR OF OUR HEARTS AND WENT AWAY WEeping. WE ARE ASHAMED, O LORD, AND TIRED OF FAILURE. YET HELP US TO SEE THAT IT IS BETTER TO FAIL IN A CAUSE THAT WILL ULTIMATELY SUCCEED THAN TO SUCCEED IN A CAUSE THAT WILL ULTIMATELY FAIL.

"MAY YOUR WILL BE DONE HERE, AND MAY YOUR PROGRAM BE CARRIED OUT, ABOVE PARTY AND PERSONALITY, BEYOND TIME AND CIRCUMSTANCE, FOR THE GOOD OF THIS STATE, AND THIS NATION, AND FOR THE PEACE OF THE WORLD.

"IF YOU ARE DRAWING CLOSE TO US NOW, COME NEARER STILL, UNTIL SELFISHNESS IS BURNED OUT WITHIN US AND OUR WILLS LOSE THEIR WEAKNESS IN UNION WITH YOUR OWN WILL. WE PRAY THROUGH JESUS CHRIST OUR SAVIOR AND LORD. 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**PARTIAL VETO SENATE BILL 3253**

Office of the Governor, February 28, 1980.

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 3253 entitled:

"AN ACT Relating to electricians";

Section 14 of this bill was originally included in the bill as a vehicle for changing the composition of the board of Electrical Examiners. In subsequent action the amendment was dropped, leaving RCW 19.28.123 unchanged.

If this section becomes law the Code Reviser will have to make a reference to a 1980 legislative action that really didn't accomplish anything. I have, therefore, vetoed this section to avoid confusion on the part of future users of the code.

With the exception of Section 14, which I have vetoed, Senate Bill 3253 is approved.

Respectfully submitted,
DIXY LEE RAY
Governor.

MESSAGES FROM THE HOUSE

March 5, 1980.

Mr. President: The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1471 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 5, 1980.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 1073 and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 4, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE SENATE BILL NO. 3629, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 5, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE HOUSE BILL NO. 1630, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 4, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE HOUSE BILL NO. 1485, SUBSTITUTE HOUSE BILL NO. 1515, HOUSE BILL NO. 1643, HOUSE BILL NO. 1658, HOUSE BILL NO. 1870, SUBSTITUTE HOUSE BILL NO. 1981, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 5, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE HOUSE BILL NO. 810, HOUSE BILL NO. 1483, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE SENATE BILL NO. 3257.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 810,

HOUSE BILL NO. 1483,
 SUBSTITUTE HOUSE BILL NO. 1485,
 SUBSTITUTE HOUSE BILL NO. 1515,
 SUBSTITUTE HOUSE BILL NO. 1630,
 HOUSE BILL NO. 1643,
 HOUSE BILL NO. 1658,
 HOUSE BILL NO. 1870,
 SUBSTITUTE HOUSE BILL NO. 1981.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1073, by Committee on Energy and Utilities (originally sponsored by Representative McCormick):
 Establishing an energy commission.
 Referred to Committee on Energy and Utilities.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1763, by Committee on State Government (originally sponsored by Representatives O'Brien, Dunlap, North, Bender, Barnes, Nelson (D.) and Wilson):

Establishing a fund to support the addition of works of art for the legislative building.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the following amendments were adopted:

On page 3, line 2, after "committee" insert "and the legislature"

On page 3, line 9, after "committee" and before "appropriate" strike "deems" and insert "and legislature deem"

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

On page 3, line 15, after "building" insert "subject to the approval of the legislature"

On page 3, line 20, after "contract" insert ", subject to legislative approval,"

POINT OF INQUIRY

Senator Goltz: "Senator Rasmussen, I am just curious as to when you refer to legislative approval, what form would that legislative approval take? Would it be a concurrent resolution by the two houses of the legislature, would it be a committee review, a vote of a bill, or exactly what form would that legislative approval take?"

Senator Rasmussen: "Well, if it entails the spending of money it would have to be a concurrent resolution between the two houses. When the legislature spends money, that is the way we have to handle it."

Senator Goltz: "But I think there is more involved here than the expenditure of money. There seems to be an approval here of the works of arts themselves; and I am curious as to whether or not that the majority vote on a resolution describing the art works to be approved or is it a committee action, or what exactly does legislative approval mean?"

Senator Rasmussen: "Would mean the approval of the committee action. As the bill is drafted it authorizes the creation of a committee, authorizes the committee to hire experts to make a determination what would be appropriate. And then this would be the final review by the legislature; and you are asking how we would review it? Probably be handled with a concurrent resolution, yes, it would have to be."

POINT OF INQUIRY

Senator Shinpoch: "Senator Rasmussen, if I understood you correctly, under your amendments it would be necessary that the legislature be in session, pass a concurrent resolution before the art work could be approved by the committee?"

Senator Rasmussen: "Before the final approval as to what would go on the building walls in the chamber here. Yes. As I read the bill it would authorize the committee to go ahead without the legislature approval. I wanted to make sure we had the final say."

Senator Shinpoch: "Well Senator Rasmussen, the committee, that is the joint legislative committee, is made up of members of the legislature. Are you saying that the full legislature has to take action before the committee that is made up of legislators can approve the art?"

Senator Rasmussen: "Yes, Senator Shinpoch. I do not know whether you have seen the monstrosities that we have stored around here in the building that if it had not been for the legislature disagreeing, we would have upon the walls now."

Senator Shinpoch: "Well, you are correct, however Senator Rasmussen, I have not seen that."

Debate ensued.

Senator Rasmussen: "In answer to the question by Senator Shinpoch, it is my understanding that we will be back here every year and, having been here many years, and survived without those monstrosities some people thought of as art on the wall, I would hate to come back into a session, I have no intention of being called back into any special session whatsoever to decide on art. We have more important things . . . but I do think it is important that we have opportunity, the legislature as a whole rather than a small committee. Our regular practice in the legislature is we refer matters to the committee and then bring them back before the whole body to make the decision. I do not know of any committee that has a right to make its decision purely on its own. That is all I am asking in these amendments, that we have the final word by legislative action; and I think that is the way it should be."

Senator Shinpoch: "Senator Rasmussen, we have a number of committees that the legislature created that does not require it to come back. The legislative budget committee is one of those, the LEAP committee is one of those, the state actuary is one of those; we have a great number that legislate, that has legislators on it that are not required to come back to the full body in order to take action. I would not think that this is any different and certainly they are working in a less area except, you know, one person's art might be another person's monstrosity and it could very well be that if you went over to my office and looked at the walls you might feel that those are monstrosities. But it happens to be that I like the art that is on my wall."

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Senator Rasmussen, Senator Jones and myself are serving on this committee. Are you saying that we are not doing a good job, not capable of doing a good job?"

Senator Rasmussen: "Senator Talley, I think you have been doing a good job and as a result we have a very sedate atmosphere to work in; but I am not so sure that when you appoint a committee and as this says, you get a group 'To contract for the services of a jury of professionals in the arts to be selected by the committee. The jury of professionals shall consist of persons of impeccable stature and qualifications and represent the various appropriate art media. The jury of professionals shall make recommendations to the committee regarding matters' and so forth and so on. There are certain people that say art is a 'Campbell soup can' and it was quite the rage in New York and it had big pictures all over. There are other people that

like nude art. I do not know what this committee likes especially, but I think it is very important that the legislature that will be sitting here during the session needs a calm atmosphere and we could have the type of art in here that would not give us that atmosphere."

Debate ensued.

Senator Talley: "I think I can speak for myself and Senator Jones. We would be glad to have your advice on any selection. We need expert advice and we are willing to receive it."

MOTIONS

On motion of Senator Marsh, Engrossed Substitute House Bill No. 1763, as amended, together with the pending amendments by Senator Rasmussen, was ordered held for consideration later today.

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 1988.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1988, by Committee on Judiciary (originally sponsored by Representatives King, Warnke, Nisbet, Greengo, May, Salatino, Bauer, Mitchell, McGinnis, Oliver, Erickson, Kreidler, Ehlers, McCormick, Sherman, Scott, Bender, North, Maxie, Heck, Gruger, Knowles, O'Brien and Winsley) (by Select Committee on Mobile Homes request):

Regulating movement of mobile homes and renewal of rental agreements.

REPORT OF STANDING COMMITTEE

February 22, 1980.

SUBSTITUTE HOUSE BILL NO. 1988, regulating movement of mobile homes and renewal of rental agreements (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, after line 13 insert the following:

"Sec. 3. Section 3, chapter 279, Laws of 1977 ex. sess. as amended by section 1, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.030 are each amended to read as follows:

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 as a primary residence by 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, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy;

(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 for purposes other than as a primary residence.

Sec. 4. Section 5, chapter 279, Laws of 1977 ex. sess. as amended by section 3, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.050 are each amended to read as follows:

(1) (~~On and after September 21, 1977;~~) No landlord may offer a mobile home lot for rent to anyone without offering (~~to a prospective tenant~~) a written

rental agreement for a term of one year or more. No landlord may offer to (~~a tenant or prospective tenant~~) anyone any rental agreement for a term of one year or more for which the monthly rental is greater, or the terms of payment or other material conditions more burdensome to the tenant, than any month-to-month rental agreement also offered to such tenant or prospective tenant. (~~A prospective tenant~~) Anyone 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: **PROVIDED, That no waiver shall be valid for a period of more than one year and upon the expiration of any waiver the landlord shall again offer the tenant a term of one year or more.** (~~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~~) and is in the possession of the parties: **PROVIDED, That if the landlord allows the tenant to move a mobile home into a mobile home park without obtaining a written rental agreement for a term of one year or more, or a written waiver of the right to a one-year term or more, the term of the tenancy shall be deemed to be for one year from the date of occupancy of the mobile home lot;**

(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 September 21, 1977,~~) upon expiration of the term of any oral or written rental agreement governing such tenancy.

Sec. 5. Section 7, chapter 279, Laws of 1977 ex. sess. as amended by section 5, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.070 are each amended to read as follows:

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)~~) Any 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;

(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;**

(3) Prohibit meetings by tenants of the mobile home park to discuss mobile home living and affairs, conducted at reasonable times and in an orderly manner on the premises, nor penalize any tenant for participation in such activities;

(4) (~~(fa)~~) Evict a tenant, terminate a rental agreement, decline to renew a rental agreement, increase rental or other tenant obligations, decrease services, or modify park rules in retaliation for any of the following actions on the part of a tenant taken in good faith:

((†)) (a) Filing a complaint with any state, county, or municipal governmental authority relating to any alleged violation by the landlord of an applicable statute, regulation, or ordinance;

((‡)) (b) Requesting the landlord to comply with the provision of this chapter or other applicable statute, regulation, or ordinance of the state, county, or municipality;

((§)) (c) Filing suit against the landlord for any reason;

((¶)) (d) Participation or membership in any homeowners association or group;

~~((b) In determining whether an action by a landlord is retaliatory, the presumptions set forth in RCW 59.18.250 shall apply;)) or~~

(5) Charge to any tenant a utility fee in excess of actual utility costs.

NEW SECTION. Sec. 6. There is added to chapter 59.20 RCW a new section to read as follows:

Initiation by the landlord of any action listed in RCW 59.20.070(4) within one hundred twenty days after a good faith and lawful act by the tenant or within one hundred twenty days after any inspection or proceeding of a governmental agency resulting from such act, shall create a rebuttable presumption affecting the burden of proof, that the action is a reprisal or retaliatory action against the tenant: **PROVIDED**, That if the court finds that the tenant made a complaint or report to a governmental authority within one hundred twenty days after notice of a proposed increase in rent or other action in good faith by the landlord, there is a rebuttable presumption that the complaint or report was not made in good faith: **PROVIDED FURTHER**, That no presumption against the landlord shall arise under this section, with respect to an increase in rent, if the landlord, in a notice to the tenant of increase in rent, specifies reasonable grounds for said increase, which grounds may include a substantial increase in market value due to remedial action under this chapter. In any action or eviction proceeding where the tenant prevails upon his claim or defense that the landlord has violated this section, the tenant shall be entitled to recover his costs of suit, including a reasonable attorney's fee, and where the landlord prevails upon his claim he shall be entitled to recover his costs of suit, including a reasonable attorney's fee: **PROVIDED FURTHER**, That neither party may recover attorney's fees to the extent that their legal services are provided at no cost to them.

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 immediately."

Renumber the remaining section consecutively.

On page 1, line 5 of the title, after "59.20.090;" strike the remainder of the title and insert "amending section 3, chapter 279, Laws of 1977 ex. sess. as amended by section 1, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.030; amending section 5, chapter 279, Laws of 1977 ex. sess. as amended by section 3, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.050; amending section 7, chapter 279, Laws of 1977 ex. sess. as amended by section 5, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.070; adding a new section to chapter 59.20 RCW; making an appropriation; and declaring an emergency."

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hurley, Van Hollebeke, Woody.

The bill was read the second time by sections.

MOTIONS

Senator Talmadge moved adoption of the committee amendment.

On motion of Senator Pullen, Substitute House Bill No. 1988, together with the pending committee amendment, was ordered held for consideration following the next measure.

MOTION

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

President Pro Tempore Henry called the Senate to order at 11:46 a.m.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 1901.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1901, by Committee on Revenue (originally sponsored by Representatives Kreidler, Craswell and Sommers):

Redefining life estate for purposes of the residential property tax exemption.

On February 19, 1980, Substitute House Bill No. 1901, as amended by the Senate, passed the Senate.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side on final passage of Substitute House Bill No. 1901, as amended by the Senate, the rules were suspended and on motion of Senator Odegaard, the Senate moved to reconsider the vote by which the measure passed the Senate.

The motion for reconsideration carried.

On motion of Senator Odegaard, the rules were suspended and Substitute House Bill No. 1901, as amended by the Senate, was returned to second reading.

On motion of Senator Odegaard, the amendment by Senators Odegaard and Day that was adopted by the Senate on February 19, 1980 was not adopted on reconsideration.

Senator Odegaard moved adoption of the following amendment by Senators Odegaard, Day, Rasmussen, Morrison and Bausch:

On page 1, beginning on line 8, strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter 214, Laws of 1979 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:

(1) 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: 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: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if the residence is temporarily unoccupied or if the residence is occupied by a spouse and/or a person financially dependent on the claimant for support;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, 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 or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must have been sixty-one 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: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(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, his or her spouse, and any cotenant occupying the residence for the preceding calendar year. If the person claiming the exemption was retired for two months or more of the preceding year, the combined income of such person, his or her spouse, and any cotenant occupying the residence shall be calculated by multiplying the average monthly income of such person, his or her spouse, and any cotenant occupying the residence during the months such person was retired by twelve. 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. 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.

(5) (a) A person who otherwise qualifies under this section and is within the income range of eleven thousand dollars or less shall be exempt from all excess property taxes(~~(-and in addition))~~ and shall be exempt from regular property taxes on up to ten thousand dollars of valuation of the residence.

(b) A person who otherwise qualifies under this section and is within the income range of seven thousand dollars or less shall be exempt from all excess property taxes and shall be exempt from all regular property taxes on up to (~~fifteen~~) twenty thousand dollars of valuation of his or her residence.

(6) For the purposes of this section, cotenants mean two or more individuals who reside together, who jointly own the residence, and who otherwise meet the requirements of this section.

Sec. 2. Section 4, chapter 182, Laws of 1974 ex. sess. as amended by section 16, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.387 are each amended to read as follows:

(1) All claims for exemption shall be made and signed by the person entitled to the exemption, by his or her attorney in fact or in the event the residence of such person is under mortgage or purchase contract requiring accumulation of reserves out of which the holder of the mortgage or contract is required to pay real estate taxes, by such holder or by the owner, either before two witnesses or the county assessor or his deputy in the county where the real property is located: PROVIDED, That if a claim for exemption is made by a person living in a cooperative housing association, corporation, or partnership, such claim shall be made and signed by the person entitled to the exemption and by the authorized agent of such cooperative.

(2) If the taxpayer is unable to submit his own claim, the claim shall be submitted by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such taxpayer.

(3) Any person signing a false claim with the intent to defraud or evade the payment of any tax shall be guilty of the offense of perjury.

(4) The tax liability of a cooperative housing association, corporation, or partnership shall be reduced by the amount of tax exemption to which a claimant residing therein is entitled and such cooperative shall reduce any amount owed by the claimant to the cooperative by such exact amount of tax exemption or, if no amount be owed, the cooperative shall make payment to the claimant of such exact amount of exemption.

(5) A remainderman or other person who would have otherwise paid the tax on real property that is the subject of an exemption granted under RCW 84.36.381 for an estate for life shall reduce the amount which would have been payable by the life tenant to the remainderman or other person to the extent of the exemption. If no amount is owed or separately stated as an obligation between these persons, the remainderman or other person shall make payment to the life tenant in the exact amount of the exemption.

NEW SECTION. Sec. 3. There is added to chapter 84.36 RCW a new section to read as follows:

The legislature finds that the property tax exemption authorized by Article VII, section 10 of the state Constitution should be made available on the basis of a retired person's ability to pay property taxes. The legislature further finds that the best measure of a retired person's ability to pay taxes is that person's disposable income as defined in RCW 84.36.383(6).

Sec. 4. Section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter ... (SHB 1901), Laws of 1980 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:

(1) 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: 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: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if the residence is temporarily unoccupied or if the residence is occupied by a spouse and/or a person financially dependent on the claimant for support;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, 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 or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must have been sixty-one 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: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated(;) on the basis of ((the)) combined disposable income, ((from all sources whatsoever, of the person claiming the exemption, his or her spouse, and any

~~cotenant occupying the residence for the preceding calendar year)) as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person(~~(, his or her spouse, and any cotenant occupying the residence))~~) shall be calculated by multiplying the average monthly combined disposable income of such person(~~(, his or her spouse, and any cotenant occupying the residence))~~) during the months such person was retired by twelve. (~~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. 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.~~)~~

(5) (a) A person who otherwise qualifies under this section and (~~is within the income range~~) has a combined disposable income of ((eleven)) fourteen thousand dollars or less shall be exempt from all excess property taxes and shall be exempt from regular property taxes on up to ten thousand dollars of valuation of the residence.

(b) In addition, a person who otherwise qualifies under this section and (~~is within the income range~~) has a combined disposable income of ((seven)) ten thousand dollars or less shall be exempt from all regular property taxes on up to twenty thousand dollars of valuation of his or her residence.

~~((6) For the purposes of this section, cotenants mean two or more individuals who reside together, who jointly own the residence, and who otherwise meet the requirements of this section.))~~

Sec. 5. Section 2, chapter 182, Laws of 1974 ex. sess. as last amended by section 2, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.383 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04.090 or 84.40.250, such a residence shall be deemed real property.

(2) The term "real property" except for the purposes of chapters 84.56 and 84.60 RCW, shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities.

(3) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) "Department" shall mean the state department of revenue.

(5) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the preceding calendar year.

(6) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1980, plus all of the following

items to the extent they are not included in or have been deducted from adjusted gross income:

- (a) Capital gains;
- (b) Amounts deducted for loss;
- (c) Amounts deducted for depreciation;
- (d) Pension and annuity receipts;
- (e) Military pay and benefits;
- (f) Veterans benefits;
- (g) Federal social security act and railroad retirement benefits;
- (h) Dividend receipts; and
- (i) Interest received on state and municipal bonds.

(7) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

NEW SECTION. Sec. 6. Sections 3 through 5 of this 1980 act are effective for property taxes due in 1982 and thereafter.

NEW SECTION. Sec. 7. Sections 1 and 2 of this 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. 8. Sections 3 through 5 of this act shall take effect on January 1, 1981."

POINT OF INQUIRY

Senator Gaspard: "Senator Bausch, the intent of this amendment is to give those who have a lease for life to be deemed as a life estate for senior citizens' property tax exemptions. We have run across a situation where senior citizens have signed a lease for ninety-nine years. Would it be the intent of this amendment and legislation, that that be deemed also as a life estate for property tax exemption for senior citizens?"

Senator Bausch: "It is not the intent of the amendment but surely of the bill. The original intent of the bill is to deem that at least for life, be the same as a life estate and I am sure that your people that you are talking about are the same as the Panorama City situation. It is a lease for life but it has to be deemed as a life estate before they can be eligible for the property tax exemption. And I am sure that as far as I am concerned that is the intent of the legislation and the legislature."

The motion by Senator Odegaard carried and the amendment was adopted.

On motion of Senator Odegaard, the title amendment by Senators Odegaard and Day adopted on February 19, 1980 was not adopted on reconsideration.

On motion of Senator Odegaard, the following amendment by Senators Odegaard, Day, Rasmussen, Morrison and Bausch to the title was adopted.

On page 1, on line 4 of the title, strike "and" and on line 6 of the title, after "84.36.387" insert "; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter ... (SHB 1901), Laws of 1980 and RCW 84.36.381; amending section 2, chapter 182, Laws of 1974 ex. sess. as last amended by section 2, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.383; adding a new section to chapter 84.36 RCW; creating a new section; providing an effective date; and declaring an emergency"

On motion of Senator Odegaard, the rules were suspended, Substitute House Bill No. 1901, 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. 1901, as amended by the Senate, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Absent or not voting: Senator Matson—1.

SUBSTITUTE HOUSE BILL NO. 1901, 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 advanced to the eighth order of business.

On motion of Senator Marsh, the Committee on Ways and Means was relieved from further consideration of House Bill No. 1546.

On motion of Senator Marsh, House Bill No. 1546 was rereferred to the Committee on Energy and Utilities.

At 12:00 noon, 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.

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 Substitute House Bill No. 1988.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1988, by Committee on Judiciary (originally sponsored by Representatives King, Warnke, Nisbet, Greengo, May, Salatino, Bauer, Mitchell, McGinnis, Oliver, Erickson, Kreidler, Ehlers, McCormick, Sherman, Scott, Bender, North, Maxie, Heck, Gruger, Knowles, O'Brien and Winsley) (by Select Committee on Mobile Homes request):

Regulating movement of mobile homes and renewal of rental agreements.

The Senate resumed consideration of Substitute House Bill No. 1988. Earlier today Senator Talmadge had moved adoption of the committee amendment.

The motion by Senator Talmadge carried and the committee amendment was adopted.

On motion of Senator Talmadge, the following amendments were adopted:

On page 3, line 15, strike "licensing" and insert "transportation"

On page 3, line 16, strike "fifty" and insert "five"

On motion of Senator Talmadge, the committee amendment to the title was adopted.

MOTIONS

On motion of Senator Wilson, Senator Fleming was excused.

On motion of Senator Jones, Senator Matson was excused.

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1988, 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. 1988, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43, nays, 4; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Clarke, Hayner, Pullen, Scott—4.

Excused: Senators Fleming, Matson—2.

SUBSTITUTE HOUSE BILL NO. 1988, 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. 1763, by Committee on State Government (originally sponsored by Representatives O'Brien, Dunlap, North, Bender, Barnes, Nelson (D.) and Wilson):

Establishing a fund to support the addition of works of art for the legislative building.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1763 from earlier today. The following amendments by Senator Rasmussen had been adopted:

On page 3, line 2, after "committee" insert "and the legislature"

On page 3, line 9, after "committee" and before "appropriate" strike "deems" and insert "and legislature deem"

Senator Rasmussen had moved the following amendments be considered and adopted simultaneously earlier today:

On page 3, line 15, after "building" insert "subject to the approval of the legislature"

On page 3, line 20, after "contract" insert ", subject to legislative approval,"

There being no objection, on motion of Senator Rasmussen, the amendment to page 3, line 20 was withdrawn.

The President declared the question before the Senate to be the amendment to page 3, line 15 by Senator Rasmussen.

Debate ensued.

The motion by Senator Rasmussen failed and the amendment was not adopted.

Senator Wilson moved adoption of the following amendment by Senators Wilson and Rasmussen:

On page 3, after line 32, insert a new section to read as follows:

"NEW SECTION. Sec. 6. Notwithstanding any other provision of this chapter, the Senate shall retain exclusive jurisdiction over the placement of murals and/or other art objects within the Senate chamber and the hallway surrounding the chamber on the north, south and east sides and the House of Representatives shall retain

exclusive jurisdiction over the placement of murals and/or other art objects within the House chamber and the hallway surrounding the chamber on the north, south and west sides."

Renumber the remaining sections consecutively and change internal references accordingly.

Debate ensued.

On motion of Senator Wilson, the following amendments to the amendment by Senators Wilson and Rasmussen were adopted:

After "Senate" and before "shall" insert "or an appropriate committee" and after "Representatives" and before "shall" insert "or an appropriate committee"

Further debate ensued.

The motion by Senator Wilson failed and the amendment, as amended, was not adopted on a rising vote.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 1763, 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. 1763, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Goltz, Gould, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—42.

Voting nay: Senators Gaspard, Guess, Quigg, Scott, Wanamaker, Wilson—6.

Excused: Senator Matson—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1763, 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 Jones: "Do you think this would be the appropriate time for me to submit my resignation from the committee? I do not think you could win on this one."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1610, by Committee on State Government (originally sponsored by Representatives McDonald, Sommers, Taller, Nelson (G.), Thompson, Becker, Nisbet, McGinnis, Garrett, Schmitten, Taylor, Williams, Struthers, Addison, Granlund, Hughes, Dunlap, Greengo, Sanders, Nelson (D.) and Hastings):

Creating the state investment board.

The Senate resumed consideration of Substitute House Bill No. 1610. On March 4, 1980 a motion by Senator Rasmussen to rerefer the bill to the Committee on State Government failed and on motion of Senator Vognild the bill was held for consideration to March 5, 1980.

REPORT OF STANDING COMMITTEE

February 11, 1980.

SUBSTITUTE HOUSE BILL NO. 1610, creating the state investment board (reported by Committee on State Government):

Recommendation: Do pass with the following amendments:

On page 4, line 7, after "member" insert "who is a retired member of a state retirement system"

On page 4, beginning on line 8, after "senate" strike ", to represent the public at large"

On page 4, after line 16, strike all material down to and including line 27 and insert the following:

"The legislative members shall serve terms of two years. The initial legislative members appointed to the board shall be appointed no sooner than January 12, 1981. The position of a legislative member on the board shall become vacant at the end of that member's term on the board or whenever the member ceases to be a member of the senate or house of representatives from which the member was appointed.

After the initial term of appointment, all other members of the state investment board, except ex officio members, shall serve terms of three years and shall hold office until successors are appointed. Members' terms, except for ex officio members, shall commence on January 1 of the year in which the appointments are made.

Members may be reappointed for additional terms. Appointments for vacancies shall be made for the unexpired terms in the same manner as the original appointments. Any member may be removed from the board for cause by the member's respective appointing authority."

On page 5, line 6, after "annually" and before the period insert ": PROVIDED, That the legislative members are not eligible to serve as chairperson or vice chairperson"

On page 16, line 8, strike "in the duties of" and insert "for"

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendments were adopted.

Senator Shinpoch moved adoption of the following amendment by Senators Shinpoch and Scott:

On page 6, line 16 after "41.06 RCW" insert:

"Employment of the executive director by the board shall be for a term of three years, and such employment shall be subject to confirmation of the state finance committee: PROVIDED, That nothing shall prevent the board from dismissing the director for cause before the expiration of the term nor shall anything prohibit the board, with the confirmation of the state finance committee, from employing the same individual as director in succeeding terms."

Debate ensued.

POINT OF INQUIRY

Senator Lysen: "Senator Shinpoch, in your amendment when it says 'with cause' does that mean some kind of a conviction or legal proceeding or is that to be served at the pleasure of the finance committee when the finance committee confirms them and then sometimes later they feel that the job has not been satisfactory or adequate, can they be dismissed, and when you say 'with cause' it is not clear to me just what that means."

Senator Shinpoch: "It was the intent when it was put in here that if he was not performing satisfactorily, once he had been appointed to the three-year term with

the approval of the three elected officials, it was the intent then that if he was not performing satisfactorily for any reason, the state investment board, for whatever cause that they determine. There is no definition in the bill of 'cause' so whatever cause they determine, they could dismiss him before the end of that three years."

Senator Lysen: "So essentially he is serving at the pleasure of the state investment board?"

Senator Shinpoch: "The state investment board."

Senator Lysen: "And what would be the state finance committee's powers in regard to that same matter?"

Senator Shinpoch: "Once they have approved the appointment, they would have no powers other than the power that they normally exert on appointed members. And they obviously exert considerable power upon appointed members."

The motion by Senator Shinpoch carried and the amendment was adopted.

Senator Rasmussen moved adoption of the following amendment:

On page 6, line 12, after "duties" strike all of the material down to and including "41.06 RCW" on line 16 and insert ": PROVIDED, That the executive secretary of the state finance committee shall serve as the director of the state investment board"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendment by Senator Rasmussen.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; nays, 30; excused, 1.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Henry, Hurley, McDermott, Odegaard, Peterson, Rasmussen, Talley, von Reichbauer, Walgren, Wilson, Wojahn—18.

Voting nay: Senators Benitz, Bluechel, Bradburn, Clarke, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, Moore, Morrison, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, Wanamaker, Williams, Woody—30.

Excused: Senator Matson—1.

Senator Vognild moved adoption of the following amendment:

On page 14, beginning on line 13, insert a new subsection as follows:

(17) Mortgages and deeds of trust occupying a first lien position on otherwise unencumbered real and personal property securing loans made subsequent to the effective date of this 1980 act by (a) state or federally chartered commercial banks, state or federally chartered credit unions, state or federally chartered savings and loan associations, and state or federally chartered mutual savings banks authorized to do business in this state; or (b) any lender approved by the secretary of the department of housing and urban development for participation in any mortgage insurance program under the national housing act authorized to do business in this state: PROVIDED, That the named obligor on any loan authorized for investment under this subsection shall be a Washington state resident and that any interest rate, discount, charge or combination thereof on such loan shall not exceed the maximum authorized interest rate under RCW 19.52.020: PROVIDED FURTHER, That investments made under this subsection are deemed to be prudent and reasonable and are deemed to satisfy the requirements of section 14 of this act: PROVIDED FURTHER, That investments made under this subsection shall not exceed fifty percent of state funds available for investment under this section."

POINT OF INQUIRY

Senator Marsh: "Senator Vognild, if the state treasurer were to invest twenty-five percent of state funds available for investment under the section being amended here, what effect would that have on the retirement funds in terms of loss of dollars annually?"

Senator Vognild: "That is the figure, Senator, that we have been trying to come up with and we frankly have not been able to. I have been in touch with representatives of the teachers' retirement system and the LEOFF retirement system. They have both assured me that this will not financially impact their members. The state employees have had a little bit of discussion with; I frankly have no position from them at this time. I might point out one thing—the impact on a pension fund, the worst possible impact you can make is to remove employees from the bottom end of it. And I frankly can see the possibilities in the next year, this might happen if our economy continues to drop."

Senator Marsh: "Well Senator Vognild, how can it fail to have an impact if we receive less money, less interest return on our pension investments when they are invested in state then we would receive if they were invested out of state at rates of fifteen, sixteen percent, which are current in the market today?"

Senator Vognild: "May I yield that question to Senator Moore?"

REMARKS BY SENATOR MOORE

Senator Moore: "When we were here a year ago, were not worried about the then interest rate, you know, which was considerably lower than the one that we are looking at now. We were not worried about whether or not it was going to be able to fund the pension, and this aberration that has taken place in the last year is not forever and I think that what we are seeing here is an opportunity to build up money as a result of these high interest rates in these pension funds. However, if we did not have this, we would be sitting here saying 'Yes, things are going along fine — they are funded properly' and that is my answer to that one, Senator Marsh."

POINT OF INQUIRY

Senator Guess: "Senator Vognild, would you explain the proviso that says that 'the named obligor on any loan authorized for investment under this subsection shall be a Washington state resident and that any interest rate, discount, charge or combination thereof . . . shall not exceed the maximum authorized interest rate under RCW 19.52.020.'"

Senator Vognild: "Yes. The intent here is that the loan from the bank be made to a Washington state resident for the purposes of purchasing material within the state of Washington. As you go further through this, it stresses that the lending institutions must abide by the usury law of the state of Washington."

Senator Guess: "In other words what you are saying is that the funds of the state of Washington are going to be put out to loan at no more than twelve percent, including the cost of doing business, to any and all residents of the state of Washington. On what basis then, will those people be selected?"

Senator Vognild: "On what basis will they be selected? They would be selected by their application to the lending institutions for a loan to purchase real estate, for a loan to purchase an automobile, for loans which would stimulate the economy of the state. I can only make the assumption that a lending institution will use the prudent rules they always have to qualify people for loans."

Senator Guess: "If I may continue, Mr. President. Senator Vognild, then I would ask the next question: how is the treasurer going to determine which state and federally chartered commercial banks or savings and loans institutions he is going to let have the money?"

Senator Vognild: "He presently has a formula which is used for the investment of the roughly one billion dollars state rollover or, I guess in the trade they call it 'hot money', that is, very short term. The same formula can be used to distribute the additional funds made available."

Senator Guess: "Senator Vognild, I see no provisions in here that are going to keep a favored-bank situation from occurring and the right people with the right type of smile on their face will be being the conduit for this money; and don't you think there ought to be an amendment to this amendment so that there will be an orderly procedure for banks applying for and obtaining these funds to loan?"

Senator Vognild: "Well Senator Guess, we are not using that type of language in our law now; and I believe that the state treasurer is doing an equitable job, at least from what I hear from the lending institutions, that his formulas are, in fact, equitable in how the money is presently deposited that is available. All this does is to make more money available through the present procedures. So I fail to see the problem you are raising. I think we will all spot it in a hurry if one lending institution or another starts to be favored here, as we would have in the past."

Senator Guess: "Well Senator, this is an entirely different situation. The money is going there now under a law that was passed by this legislature previously with safeguards for that type of an investment; but I see none of those types of safeguards in this because this money is going to be used in an entirely different way. You are going to put money into real estate transactions, now what is a guarantee that the state retirement funds and the state of Washington is going to be guaranteed that those are not soft loans, especially in the declining market that we are getting into?"

Senator Vognild: "I, again Senator, can only say that I believe that the present lending institutions are very thorough in putting their money out and I have no reason to believe that they would be less thorough under this amendment."

POINT OF ORDER

Senator Hayner: "Mr. President, I raise the question of scope and object of this amendment. It appears that the context of this bill has to do with the duties and obligations of the investment board. The amendment which has been proposed by Senator Vognild deals with the various kinds of investments that the board can make. Now I think that is beyond the scope and object of this bill."

At 2:45 p.m., the President declared the Senate to be at ease.

The President called the Senate to order at 2:59 p.m.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Hayner, the President finds that Substitute House Bill No. 1610 is a measure which transfers the responsibility to invest state trust and retirement funds from various retirement system boards and the State Finance Committee to the newly created State Investment Board. That portion of the bill dealing with the actual investment of state funds is unchanged except for technical amendments to reflect this transfer.

"The amendment proposed by Senator Vognild substantively amends the law dealing with the investment of state funds by authorizing investment in first mortgages where the obligor is a Washington State resident and also establishes a limit on the maximum interest rate of twelve percent that can be achieved on up to fifty percent of the total pension and other investment funds.

"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 Vognild was ruled out of order.

There being no objection, on motion of Senator Quigg, an amendment to page 14, line 12 on the desk of the Secretary of the Senate, was withdrawn.

There being no objection, on motion of Senator Vognild, an amendment striking everything after the enacting clause and inserting, on the desk of the Secretary of the Senate, was withdrawn.

MOTIONS

On motion of Senator Jones, Senator Pullen was excused.

On motion of Senator Shinpoch, the rules were suspended, Substitute House Bill No. 1610, 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. 1610, 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, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hurley, Jones, Lee, Lewis, Marsh, Morrison, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talmadge, Wanamaker, Woody—27.

Voting nay: Senators Day, Donohue, Fleming, Gaspard, Henry, Lysen, McDermott, Moore, Odegaard, Peterson, Ridder, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn—19.

Absent or not voting: Senator Conner—1.

Excused: Senators Matson, Pullen—2.

SUBSTITUTE HOUSE BILL NO. 1610, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Rasmussen served notice that he would, on the next working day, move for reconsideration of the vote by which Substitute House Bill No. 1610, as amended by the Senate, passed the Senate.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Shinpoch moved the Senate immediately reconsider the vote by which Substitute House Bill No. 1610, as amended by the Senate, passed the Senate.

RULING BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, Senator Shinpoch. Rule 31 of the Senate rules states 'After the final vote on any resolution or bill, before the adjournment of that day's session . . . any member who voted with the prevailing side may give notice of reconsideration. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side . . . On and after the fiftieth day of the session a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day . . .'"

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Rasmussen moved the Senate immediately reconsider the vote by which Substitute House Bill No. 1610, as amended by the Senate, passed the Senate.

Debate ensued.

MOTION

At 3:18 p.m., on motion of Senator Walgren, the Senate recessed until 4:35 p.m.

SECOND AFTERNOON SESSION

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

MOTION

On motion of Senator Scott, Senator Pullen was excused.

Senators Walgren, Rasmussen and Shinpoch 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 Matson and Pullen who were previously excused.

MOTION

On motion of Senator Walgren, the Senate proceeded under the Call of the Senate.

MOTIONS

On motion of Senator Henry, the Committee on Transportation was relieved from further consideration of House Bill No. 1508.

On motion of Senator Henry, House Bill No. 1508 was rereferred to the Committee on Energy and Utilities.

QUESTION . . . RECONSIDERATION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate immediately reconsider the vote by which Substitute House Bill No. 1610, as amended by the Senate, passed the Senate.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator Rasmussen that the Senate immediately reconsider the vote by which Substitute House Bill No. 1610, as amended by the Senate, passed the Senate.

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion by Senator Rasmussen failed by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bausch, Conner, Day, Donohue, Fleming, Gaspard, Hansen, Henry, Lysen, Moore, Odegaard, Peterson, Rasmussen, Ridder, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn—22.

Voting nay: Senators Benitz, Bluechel, Bottiger, Bradburn, Clarke, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hurley, Jones, Lee, Lewis, Marsh, Matson,

McDermott, Morrison, Quigg, Scott, Sellar, Shinpoch, Talmadge, Wanamaker, Woody—26.

Excused: Senator Pullen—1.

MOTION

On motion of Senator Shinpoch, Substitute House Bill No. 1610, as amended by the Senate, was ordered immediately transmitted to the House.

MOTIONS

On motion of Senator Walgren, the Senate dispensed with the Call of the Senate.

On motion of Senator Walgren, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 5, 1980.

HOUSE BILL NO. 1518, modifying minimum rental requirements for oil and gas leases on state lands (reported by Committee on Natural Resources):

Recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Gallagher, Haley, Lee, Lysen, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

March 5, 1980.

SUBSTITUTE HOUSE BILL NO. 1688, providing for efficient energy use by state governments (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Lewis, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 6, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE HOUSE BILL NO. 1471, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 5, 1980.

Mr. President: The Speakers have signed:

SUBSTITUTE HOUSE BILL NO. 714,

SUBSTITUTE HOUSE BILL NO. 1516, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 714,

SUBSTITUTE HOUSE BILL NO. 1471,

SUBSTITUTE HOUSE BILL NO. 1516.

MOTION

At 4:50 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, March 7, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 7, 1980.

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, Bluechel, Donohue, Guess, Haley, Matson, Morrison, Ridder, Williams and Wojahn. On motion of Senator Wilson, Senators Bausch, Donohue, Ridder, Williams and Wojahn were excused. On motion of Senator Jones, Senators Benitz, Bluechel, Guess, Haley, Matson and Morrison were excused.

The Color Guard, consisting of Pages Tresa Hofmeister and Ron Miller, presented the Colors. Reverend George C. Smith, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"O GOD, OUR HEAVENLY FATHER, WE BOW IN PRAYER AT THE BEGINNING OF TODAY'S SESSION, NOT ONLY TO ACKNOWLEDGE YOUR SUPREMACY, BUT TO ASK FOR HELP AND GUIDANCE. IT SEEMS AS THOUGH THE SOPHISTICATION OF OUR AGE ACCOMPANIED BY THE SKEPTICISM OF OUR TIMES HAS DULLED OUR FAITH, MADE US WEAK AND CYNICAL. WE WOULD ASK YOU, THAT WE MIGHT BE BROUGHT BACK TO THE FAITH WHICH WOULD MAKE US GREAT AND STRONG, A FAITH THAT WOULD ENABLE US TO LOVE AND TO LIVE. WE PRAY FOR A RETURN OF THAT SIMPLE FAITH, THAT OLD-FASHIONED TRUST IN GOD, THAT MADE STRONG AND GREAT THE HOMES OF OUR ANCESTORS WHO BUILT THIS GOOD LAND AND WHO, IN BUILDING, LEFT US OUR HERITAGE.

"WE WOULD ALSO PRAY FOR PEACE. WE KNOW THAT PEACE IS MUCH MORE THAN ABSENCE OF WAR. THERE IS A PEACE WHICH WE CAN PERSONALLY EXPERIENCE THROUGH OUR FAITH IN GOD AND HIS SON JESUS CHRIST. GUIDE IN ALL DECISIONS OF THIS SENATE TODAY. 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

March 6, 1980.

Mr. President: The House has passed:
 SUBSTITUTE HOUSE BILL NO. 1424,
 SUBSTITUTE HOUSE BILL NO. 1428, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

March 6, 1980.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 34, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 6, 1980.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 33, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 1424, by Committee on Appropriations (originally sponsored by Representatives Taller, Sommers and Charnley):

Authorizing bonds to provide matching funds for the Seattle center resident theater facility.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1428, by Committee on Appropriations (originally sponsored by Representatives Scott, Newhouse, King, Patterson, Keller, Bauer, Thompson, Adams, Williams, Lux, Warnke, Grimm, Fancher, Erak, Clayton, Martinis, May, Deccio, Zimmerman, Bender, Sherman, Wilson, Heck, Amen, Granlund, Salatino and Stratton):

Authorizing equine research and stallion awards.

Referred to Committee on Ways and Means.

HOUSE CONCURRENT RESOLUTION NO. 33, by Representatives Bagnariol, Berentson, Valle, Isaacson and Bond:

Creating a 1980 Joint Ad Hoc Committee on Science and Technology.

Referred to Committee on Rules.

HOUSE CONCURRENT RESOLUTION NO. 34, by Representative Berentson:

Establishing a joint economic committee.

Referred to Committee on Rules.

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

MESSAGE FROM THE HOUSE

March 4, 1980.

Mr. President: The House has passed SENATE BILL NO. 3574 with the following amendment:

On page 1, line 15, after "prevention" strike "~~((and crisis intervention intake))~~" and insert "and crisis intervention intake", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Odegaard, the Senate concurred in the House amendment to Senate Bill No. 3574.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3574, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Bottiger, Bradburn, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—38.

Excused: Senators Bausch, Benitz, Bluechel, Donohue, Guess, Haley, Matson, Morrison, Ridder, Williams, Wojahn—11.

SENATE BILL NO. 3574, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1420, by Committee on Revenue (originally sponsored by Representatives Nelson (D.), Nisbet, McCormick, Williams, Rinehart, Martinis, Scott, Grimm, Sherman and Monohon):
Exempting energy conservation materials from the sales and use tax.

REPORT OF STANDING COMMITTEE

February 26, 1980.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1420, exempting energy conservation materials from the sales and use tax (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 19, after "pumps" strike "(10) wood burning stoves, fireplace and furnace inserts, and (11)" and insert, "and (10)"

On page 2, line 30, after "effect" strike "immediately" and insert "July 1, 1980"

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Bluechel, Fleming, Gaspard, Goltz, Marsh, Morrison, Ridder, Scott, Sellar, Wojahn.

The bill was read the second time by sections.

On motion of Senator Bottiger, the committee amendments were adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed Second Substitute House Bill No. 1420, 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 Second Substitute House Bill No. 1420, as amended by the Senate; and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Scott—1.

Excused: Senators Benitz, Donohue, Haley, Matson—4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1420, 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. 1444, by Representatives Amen, Charnley, Patterson, Vrooman and Winsley:

Requiring ordinances for reduced utility fees for low income persons.

The bill was read the second time by sections.

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

On page 1, after line 14, add a new section to read as follows:

"NEW SECTION. Sec. 2. There is added to chapter 36.94 RCW a new section to read as follows:

Whenever a county waives or delays collection of tap-in charges, connection fees or hookup fees for low income persons, or class of low income persons, to connect to a system of sewerage or a system of water, the waiver or delay shall be pursuant to a program established by ordinance."

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, I know cities use ordinances, but do not counties use resolutions? Or do they adopt by ordinance?"

Senator Bottiger: "I believe it is an ordinance of the county, Senator. It is their wording so I would presume that it . . ."

Senator Rasmussen: "I was not sure. Okay, thank you."

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

On page 1, line 2 after "RCW" insert "and chapter 36.94 RCW"

On motion of Senator Bottiger, the rules were suspended, House Bill No. 1444, 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 Guess: "Senator Bottiger, I had a call this morning from one of the small towns in my area. It has its own utility distribution system. Will this, in any way, mandate that the small utility systems charge less for a senior citizen than they charge for anybody else?"

Senator Bottiger: "No."

Senator Guess: "Would it in any way affect the ability of the small cities to operate in the same manner that they have been operating now?"

Senator Bottiger: "Senator Guess, this bill applies to a deferral of hookup charges. Now, if the city wishes to grant to senior citizens a deferral of the hookup charge, this bill permits them . . . gives them the legislative authority to adopt such an ordinance in response to the auditor's challenge that they had no such legislative authority. If they do not wish to do it, there is nothing here that makes them."

Senator Guess: "Thank you very much."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1444, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Scott—1.

Excused: Senators Benitz, Donohue, Matson—3.

HOUSE BILL NO. 1444, 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. 1597, by Representatives Williams, Nisbet, Dunlap, McCormick, Bond, Scott, Mitchell, Smith (C.) and Oliver:

Authorizing issuance of certain school district bonds for energy efficiency purposes.

REPORT OF STANDING COMMITTEE

February 27, 1980.

HOUSE BILL NO. 1597, authorizing issuance of certain school district bonds for energy efficiency purposes (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 27, after "(5)" insert "For major and minor structural changes and structural additions to buildings, structures, facilities and sites necessary or proper to carrying out the functions of the school district; or

(6)"

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hurley, Wilson, Woody.

MOTION

On motion of Senator Jones, Senator Scott was excused.

The bill was read the second time by sections.

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

On motion of Senator Bottiger, the rules were suspended, House Bill No. 1597, 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. 1597, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odgaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Donohue, Matson, Scott—4.

HOUSE BILL NO. 1597, 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. 1843, by Representatives Heck, Chandler and Maxie (by Superintendent of Public Instruction request):

Providing for an inventory and energy efficiency and safety audit of existing school facilities.

The bill was read the second time by sections.

Senator Gaspard moved adoption of the following amendment:

On page 1, line 20, after "needs" insert ": PROVIDED, That for purposes of the energy efficiency and safety audits, the state board of education shall utilize

existing local organizations which are qualified to provide a comprehensive and consistent, statewide, computerized inventory and energy audit system suitable for state acquisition and management to the extent that local organizations are available"

POINT OF INQUIRY

Senator Lewis: "Senator Gaspard, I am just a little confused about whether or not the word 'local' and the word 'statewide' are contradictory. . . . what is a local firm if it works statewide?"

Senator Gaspard: "We are looking for in this audit, that the information system would be on a statewide basis; so that when we do have the computer capabilities, that is the printout and the information that goes into the computer system, the printout would be of like comparisons rather than having a number of separate firms doing the audits and putting in different information into the system. So I guess when we say 'local' firms we are looking at something local, statewide."

Senator Lewis: "Then what you are simply saying, a firm that is within the state of Washington?"

Senator Gaspard: "It could be; it also could be, of course this contract would have to go to bid; it could be that they would bid the computer, the software system and then contract out with a number of local firms within the state that would have the basis, the comparison to go off of the . . . in other words the software package would be developed."

POINT OF INQUIRY

Senator Guess: "Senator Gaspard, I notice that this amendment is a little bit different from what I had asked for originally and the word in there is 'qualified'; it did not say it twice as it did before in one of the amendments that we had; and I want to know from you, does this mean 'qualified' engineers?"

Senator Gaspard: "If I remember correctly this is the identical amendment that we adopted on the Senate bill."

Senator Guess: "Well, it was not what I wanted before."

Senator Gaspard: "I do recall that we did have a floor debate on your amendment and the amendment that I am proposing. This is the identical form of it to my knowledge that did pass the Senate."

Senator Guess: "But Senator, how is the SPI going to know that the legislature intends that he use qualified engineering staff or qualified engineering firms to make this type of a survey; because it is an engineering job to do an audit."

Senator Gaspard: "First of all it would be to the state board of education who had let the contract. Of course the superintendent of public instruction is the chairman of that board. I just have faith in that. It will be on a bid procedure and certainly they are not going to hire anybody off the street who is not qualified in performing these types of audits. I would assume they would have some consultation with engineers."

Senator Guess: "Thank you very much."

POINT OF INQUIRY

Senator Gallagher: "Senator Gaspard, do you happen to have a fiscal note on this program?"

Senator Gaspard: "Yes, I do. This program would be in conjunction with the program that we now require from the state board and that is the, I am trying to think of the name of it; the cost stabilization program; and this program would cost an additional, I believe it is seven hundred and thirty thousand dollars."

The motion by Senator Gaspard carried and the amendment was adopted.

On motion of Senator McDermott, the rules were suspended, House Bill No. 1843, 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: "Senator Hayner, are your concerns related to the fact that they raised the prime rate today to 17¼ percent or 17¾ and they figure it is going up to 20; that the inflation rate is now 1½ percent a month? Would this be part of your concerns?"

Senator Hayner: "Certainly."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1843, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 15; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gaspard, Goltz, Hansen, Henry, Hurley, Jones, Marsh, McDermott, Morrison, Odegaard, Peterson, Quigg, Ridder, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—29.

Voting nay: Senators Bradburn, Gallagher, Gould, Guess, Haley, Hayner, Lee, Lewis, Lysen, Moore, Rasmussen, Sellar, Van Hollebeke, Wanamaker, Wilson—15.

Absent or not voting: Senator Pullen—1.

Excused: Senators Benitz, Donohue, Matson, Scott—4.

HOUSE BILL NO. 1843, 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 JOINT MEMORIAL NO. 25, by Representatives Zimmerman, Heck, Williams, Galloway, Nisbet, Monohon, Keller, Mitchell and Bauer:

Requesting federal help in promoting development of geothermal resources.

The memorial was read the second time in full.

On motion of Senator Bottiger, the rules were suspended, House Joint Memorial No. 25 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, I am in accord with you on the geothermal resources, and I think that we should make use of all of them that we can. My question would have to do with the Secretary of the Interior Andrus who does not appear to be in favor of exploration for energy purposes. He has locked up better than two-thirds of the sites in Alaska under the antiquities act and I presume that he will probably lock up these sites under the antiquities act if they change it so we could explore park lands. What do you think of the chances of him being reasonable on that?"

Senator Bottiger: "Senator, as the energy problem gets more and more severe a lot of formerly held ideas and opinions and policies are going to have to be rereviewed. And this memorial asks Congress, and the President, to rereview them. Mr. Andrus' position is following existing policies and that is what we are asking to change."

Senator Rasmussen: "You are aware that our land commissioner, Bert Cole, has been exploring extensively and has his staff working on these geothermal sites in the state?"

Senator Bottiger: "Not only geothermal but wood waste, low head hydro, we've had a lot of cooperation from Mr. Cole on changing. He is looking at existing policies with the idea of changing them."

POINT OF INQUIRY

Senator Guess: "Senator Bottiger, I wonder if, not only the geothermal but there are large areas of coal lands in the state of Washington that have been locked up. Could we include the coal reserves or the coal areas in this state as well as the geothermal?"

Senator Bottiger: "Senator, this resolution as it came from the House, was restricted to geothermal. We had, in the past, asked for review, not specifying any energy source, but asking to look at all of them. And if you would like to introduce in the next session one specifying coal I would be glad to co-sponsor it with you."

Senator Guess: "Well, I have a resolution in the rules committee now, addressing the state coal, but I would certainly like to include federal coal lands at the same time."

Senator Bottiger: "Would be glad to join you."

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 25, and the memorial passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Benitz, Donohue, Matson—3.

HOUSE JOINT MEMORIAL NO. 25, having received the constitutional majority, was declared passed.

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 1980.

Mr. President: The House has passed REENGROSSED SENATE BILL NO. 2433 with the following amendments:

On page 2, Section 1, line 7, after "assistance" insert ": PROVIDED, That general assistance shall be granted temporarily to any person eligible for and receiving supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse"

On page 6, strike section 2 and insert a new section as follows:

"NEW SECTION. Sec. 2. (1) Not later than September 1, 1980, the secretary and the commissioner of the employment security department shall jointly submit proposed rules regarding unemployable persons, as set forth in subsection (3) of this section, to the standing committees on social and health services and appropriations in the house of representatives and social and health services and ways and means in

the senate for review. Proposed rules shall be reviewed by the legislative committees by February 1, 1981 and shall subsequently be adopted pursuant to chapter 34.04 RCW and will become effective July 1, 1981.

(2) The secretary and the commissioner of the employment security department shall make periodic reports to the committees of the legislature referred to in subsection (1) as to the progress in the development of such rules.

(3) The rules required by subsection (1) of this section shall include the following:

(a) A uniform definition of unemployable persons, which definition shall include physical, mental, or other personal obstacle or obstacles to any (i) employment or (ii) work training opportunity: PROVIDED, That any definition shall discourage the continued classification of an individual as unemployable if incapacity or infirmity is correctable through treatment or use of corrective aids unless such disqualifying condition or conditions shall persist beyond a reasonable period of time as determined pursuant to the rules adopted hereunder.

(b) a system of review of such unemployable persons for the purpose of determining the continuing existence of such condition or conditions serving as obstacles to any (i) employment or (ii) work training opportunity.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Day, the Senate concurred in the House amendments to Reengrossed Senate Bill No. 2433.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2433, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Benitz, Donohue, Matson—3.

REENGROSSED SENATE BILL NO. 2433, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1980.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 646 and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Williams, the Senate receded from its amendments to Engrossed House Bill No. 646.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 646 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Benitz, Donohue, Matson—3.

ENGROSSED HOUSE BILL NO. 646, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

March 6, 1980.

HOUSE BILL NO. 1465, specifying disciplinary action that may be taken by the legislative ethics boards (reported by Committee on Constitution and Elections):

Recommendation: Do pass as amended.

Signed by: Woody, Chairman; Bottiger, Haley, Henry, Lewis, Marsh, Peterson, Pullen, Ridder.

Passed to Committee on Rules for second reading.

MOTIONS

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

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION 1980-202

By Senators Conner, Rasmussen and Talley:

WHEREAS, the majority of Americans have historically believed in seeking God's protection and guidance through prayer; and

WHEREAS, The value of expressing spiritual convictions through public prayer has been recognized as a firm basis on which to conduct public proceedings; and

WHEREAS, Supreme Court decisions during the early 1960's have had the effect of severely restricting the practice of any manner of public prayer, although these decisions simply addressed prescribed or compulsory prayer;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that we urge the Congress of the United States to express its belief in the value of voluntary prayer in public schools and at other public gatherings; and

BE IT FURTHER RESOLVED, That Congress propose an amendment to the Constitution of the United States to insure that our nation's public school children and participants in other public gatherings be permitted to voluntarily participate in prayer; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted to the Honorable Jimmy Carter, President of the United States, the Secretary of Education, the President of the United States Senate, the Speaker

of the House of Representatives, and each member of Congress from the state of Washington.

Debate ensued.

Senator Van Hollebeke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on Senate Resolution 1980-202.

ROLL CALL

The Secretary called the roll and the resolution was adopted by the following vote: Yeas, 40; nays, 7; excused, 2.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—40.

Voting nay: Senators Clarke, Gould, Haley, Moore, Scott, Shinpoch, Williams—7.

Excused: Senators Benitz, Matson—2.

MOTION

On motion of Senator Marsh, the following Senate Resolutions were referred to the Committee on Rules:

1980-204	Juvenile court legislation—study
1980-206	Sewage disposal problems, Lake Chelan—study
1980-207	Gubernatorial appointment confirmations—study

MOTIONS

On motion of Senator Walgren, any amendments on the desk of the Secretary of the Senate to Senate Resolution 1980-207 were also referred to the Committee on Rules.

On motion of Senator Marsh, the following Senate Resolutions were referred to the Committee on Rules:

1980-208	Growth/development small business—study
1980-209	Polygraphs—study

MOTION

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

SENATE RESOLUTION 1980-210

By Senator Quigg:

WHEREAS, Bob Hoonan has most competently and enthusiastically served as a play-by-play sportscaster in the Grays Harbor community for the past forty years; and

WHEREAS, On February 22, 1980, Bob Hoonan broadcast his final regular season basketball game, most fittingly a game between Aberdeen and Hoquiam high schools, the two schools he has primarily covered since 1939; and

WHEREAS, Now that Bob Hoonan has chosen to retire from his broadcasting hobby of forty years, the sports fans of Grays harbor will sorely miss his crackling delivery and his remarkable memory for names and dates;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate conveys its congratulations and its appreciation to Bob Hoonan for his forty years of excellent service to the citizens of the Grays Harbor community.

MOTION

On motion of Senator Marsh, the following Senate Resolutions were referred to the Committee on Rules:

1980-211	LEOFF investigation—study
1980-212	Agency rules—study
1980-213	Trade principles—study

MOTION

On motion of Senator Marsh, the following Senate Resolution was referred to the Committee on Transportation:

1980-214	Heavy rail rapid transit—Bellingham/Olympia—study
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MOTION

Senator Marsh moved adoption of the following resolution:

SENATE RESOLUTION 1980-203

By Senators Marsh, Woody, Bottiger, Talmadge, Van Hollebeke, Hurley, Hayner and Clarke:

WHEREAS, The Committee realizes the importance of the Judicial Information system to the efficient operation of the Washington State courts; and

WHEREAS, The Committee recognizes the requirement for security, privacy, and confidentiality of judicial information; and

WHEREAS, The Committee endorses the promulgation of the Judicial Information System to all counties in accordance with the approved Washington State Data Processing Authority Plan;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate Judiciary Committee supports and encourages the prompt implementation of the Judicial Information System to the Washington State judiciary.

POINT OF INQUIRY

Senator Rasmussen: "Senator Marsh, it is your intention that this service is extended to the counties, would be paid for by the counties?"

Senator Marsh: "Yes."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Donohue: "Senator Marsh, the way I read this, Senator, it would indicate that we are, in fact, sanctioning the removal of the data processing portion that is now being done at Washington State University and whether we are, I think inadvertently recognizing that the demands of the courts to have their own system, are we not more or less endorsing that here?"

Senator Marsh: "We are endorsing the courts having their own judicial information system. There are many good reasons for that, Senator . . ."

Senator Donohue: "Well, I understand that; I am thinking about the dollars, Senator, that are involved here. And I am just concerned about a resolution that actually forces, in a sense, the legislature and the ways and means committee to, I imagine this will come up later, is what I am saying as a forceful item and I want the Senate to be aware of that."

POINT OF INQUIRY

Senator Guess: "Senator Donohue, do you mean that this mandates them establishing their own computer system and not using the one down at WSU?"

Senator Donohue: "Well, Senator Guess, where it says 'the committee recognizes the requirement for security, privacy and confidentiality,' those were the drivers that we heard in the ways and means committee as for the necessity of having their own system and moving out of Washington State University. This is on record in testimony before the ways and means committee and I wanted the Senate to just be aware of this."

Debate ensued.

POINT OF INQUIRY

Senator Lewis: "Senator Marsh, is there any estimate of the dollar figure we are looking at in the future on this program?"

Senator Marsh: "I do not have such an estimate."

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

MOTION

At 11:45 a.m., on motion of Senator Marsh, the Senate recessed until 12:40 p.m.

AFTERNOON SESSION

The President called the Senate to order at 12:40 p.m.

MOTIONS

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

On motion of Senator Wilson, Senator Hurley was excused.

On motion of Senator Quigg, Senators Bluechel, Gould and Jones were excused.

MESSAGE FROM THE HOUSE

February 28, 1980.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1453 on page 2, line 18, but does not concur with the Senate amendment on page 2, line 20 and the title amendment, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Bottiger, the Senate receded from its amendment to page 2, line 20 and the title amendment to Engrossed House Bill No. 1453.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1453, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bausch, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senator Rasmussen—1.

Excused: Senators Benitz, Bluechel, Gould, Hurley, Jones, Matson—6.

ENGROSSED HOUSE BILL NO. 1453, 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 12:47 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Monday, March 10, 1980.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 10, 1980.

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 Conner, Lysen, Matson and Moore.

The Color Guard, consisting of Pages Cheri Fitz and Jess Richartz, presented the Colors. President Cherberg presented the following prayer and remarks:

"HONORED MEMBERS OF THE SENATE, LADIES AND GENTLEMEN, FOLLOWING IS A PRAYER GIVEN IN THE SENATE CHAMBER SEVERAL YEARS AGO BY THE REVEREND CHARLES LOYER, PASTOR OF WESTMINSTER PRESBYTERIAN CHURCH OF OLYMPIA:

"OUR HEAVENLY FATHER, WE ARE GRATEFUL FOR THE EXCELLENT RATING OUR LEGISLATORS HAVE EARNED THROUGH THE YEARS. BLESS THEM AND THEIR WORK TODAY. GIVE THEM A PRIDE OF OFFICE AND A WORKMANSHIP THAT IS SENSITIVE TO POPULAR OPINION BUT REFUSES TO BE ENSLAVED BY IT. LET THEM BE MEN AND WOMEN OF COURAGE, PRESERVING THE BEST OF THE PAST, YET BOLDLY CREATIVE IN THOSE AREAS WHERE PAST SOLUTIONS NO LONGER SERVE PRESENT NEEDS. AND DELIVER THEM FROM THE HARASSMENT OF ALL MONDAY MORNING QUARTERBACKS WHO, HAVING NEVER PLAYED THE GAME, STILL REGARD THEMSELVES AS OF ALL-AMERICAN CALIBER. AMEN."

MOTION

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

REMARKS BY THE PRESIDENT

President Cherberg: "Ladies and gentlemen, our very capable and courageous and stalwart Secretary of the Senate, the Honorable Sid Snyder, has called attention to the fact that today, the 57th legislative day, is also the anniversary of the fifty-seventh day of the use of this particular building in 1927. The Senate was called to order at 9:30 a.m. by President Johnson pursuant to adjournment. The legislature met at the old capitol building, and then after a session there, they all walked up to this present chamber. Secretary Snyder expressed the thought that he doubted seriously if the members of today could walk that far. At any rate, they held a joint session, the Reverend Franklin Hart, rector of St. John's Episcopal Church of Olympia offered the prayer. President Johnson announced the purpose of the joint session was to formally open the session of the legislature in the new legislative building, etc., etc., etc. This was 1927. This is the fifty-third anniversary."

REPORTS OF STANDING COMMITTEES

March 7, 1980.

SUBSTITUTE HOUSE BILL NO. 1413, providing for a state energy fair in 1983 (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Gould, Hayner, Hurley, Lewis, Williams, Wilson.

Passed to Committee on Rules for second reading.

March 7, 1980.

HOUSE BILL NO. 1508, exempting ride-sharing vans from sales, use and motor vehicle excise taxation (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Gould, Hayner, Hurley, Lewis, Lysen, Williams, Wilson.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 7, 1980.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1610 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 7, 1980.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 2963, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2433,

SUBSTITUTE SENATE BILL NO. 2963,

SENATE BILL NO. 3574.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1980-220.

Senator Hurley moved adoption of the following resolution:

SENATE RESOLUTION 1980-220

By Senators Hurley, Pullen, Day, Van Hollebeke, Hayner, Quigg, Rasmussen, Lysen, Guess and Gallagher:

WHEREAS, The moral issues raised by the judicially created constitutional right of abortion continue to deeply divide our citizens; and

WHEREAS, A great number of abortions are performed in this state with approximately 30,000 abortions performed here in 1978; or stated another way, in this state in 1978 for every two live births there was approximately one abortion; and

WHEREAS, Our courts have determined that young girls may obtain an abortion without the knowledge and consent of their parents based on their constitutional right to privacy; and

WHEREAS, This right of privacy often leaves the young girl without the counsel and advice of her parents and family and without adequate information upon which to base her decision; and

WHEREAS, Medical histories show that frequently the decisions of women and young girls to have abortions continue to haunt them throughout their later lives and can cause them to experience great psychological harm; and

WHEREAS, The proliferation of abortion has resulted in a scarcity of children available for adoption; and

WHEREAS, Adoption can be a viable alternative to abortion as witnessed by the many responsible and capable persons desiring to adopt children;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, That all family planning clinics in this state, both public and private, are requested to provide available no-cost materials to women and young girls desiring to have or considering having abortions with information, including written material, informing them of the medical and psychological risks posed by abortion and the alternatives thereto, including special emphasis on the alternative of adoption; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate provide a copy of this resolution to the Secretary of the Department of Social and Health Services and to each family planning clinic operating in this state.

MOTION

At 11:15 a.m., on motion of Senator Walgren, the Senate recessed until 12:15 p.m.

NOON SESSION

The President called the Senate to order at 12:15 p.m.

MOTION

On motion of Senator Marsh, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

MOTIONS

On motion of Senator Wilson, Senators Conner, Lysen, Moore and Talley were excused.

On motion of Senator Marsh, the Senate returned to the sixth order of business.

On motion of Senator Marsh, Senate Bill No. 3636 will be considered following consideration of House Concurrent Resolution No. 33.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 33, by Representatives Bagnariol, Berentson, Valle, Isaacson and Bond:

Creating a 1980 Joint Ad Hoc Committee on Science and Technology.

The resolution was read the second time in full.

On motion of Senator Goltz, the rules were suspended, House Concurrent Resolution No. 33 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

MOTION

On motion of Senator Jones, Senator Matson was excused.

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 33 and the resolution passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Conner, Matson, Moore, Talley—4.

HOUSE CONCURRENT RESOLUTION NO. 33, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3636, by Senator Fleming:
Relating to nursing homes.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 3636 was substituted for Senate Bill No. 3636 and the substitute bill was placed on second reading and read the second time in full.

Senator Sellar moved adoption of the following amendment:

On page 1, after line 28, insert:

"Section 1. Section 63, chapter 211, Laws of 1979 ex. sess. and RCW 18.51-.091 are each amended to read as follows:

The department shall make or cause to be made at least a yearly inspection of all nursing homes. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply: PROVIDED, That private patients or the patient's guardian may execute a written denial of access to their person, their comprehensive plan of care, and their medical records for the purposes of such inspection: PROVIDED FURTHER, That such written denial shall not prohibit access in those instances where the department is investigating an alleged violation of chapter 18.51, 74.09, or 74.42 RCW. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given the applicant or licensee and the department. The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized."

Renumber remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Fleming, if a nursing home operator wanted to operate a home for private patients only, is that nursing home required to have a state license?"

Senator Fleming: "Yes, they are."

Senator Goltz: "If that kind of nursing home is licensed then by the state of Washington for private patients only and there are no federal dollars involved, does the state go in and inspect those records of those private nursing home patients the same as they would in a nursing home which has both public and private patients?"

Senator Fleming: "I do not know that many homes that we have in that position. I might let one of the doctors . . . Senator McDermott might be able to answer that question for you. But the question is is that they are licensed and once they are licensed and have gone through certain requirements whether they have public or private, public patients or not, they have the ability to serve public or private patients. And I guess the question is, and with this state being the contracting agency, there are certain kinds of standards that should take place in terms of the kinds of care, in terms of the health and safety and welfare of those patients and because you do not have public patients in there does not mean that you should allow a nursing home, if there is such, to give substandard care to a patient. There are certain kinds of standards of care that should be adhered to whether it is a private or public patient."

Further debate ensued.

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

On line 11 of the Sellar amendment to page 1, after line 28, after "RCW" on line 11, insert "PROVIDED FURTHER, That no health care facility shall make such objection as a condition for admittance"

Further debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Sellar, as I read this amendment that you have written, it says 'the guardian may execute a written denial of access to their person'. Would it be your interpretation of that that nobody could even walk down the hall and look in the room, see if the person was there?"

Senator Sellar: "No, I do not believe so. You know what that is saying as well as I do. That is saying that they cannot come and lift the bed sheets up and take a look at the individual, that is what it is saying."

Senator McDermott: "That is not the words here, though, and I wanted to have it clearly in the record that you are talking about some kind of physical examination or inspection of the room itself, or what exactly are you talking about here?"

Senator Sellar: "I am not talking about a head count, Senator, I am talking about a physical examination."

Senator McDermott: "I see. I think that when you read this amendment carefully, it could be used to prevent a, if there happened to be a private patient down a particular hallway, you could interpret this very narrowly if you did not want the inspector to walk down the hallway, to say you cannot go down there because you might see so-and-so. That, the access to the person, it is not defined in law any place that I know and this looks like practically prohibiting an inspector from going into a part of a nursing home where there are patients who are paying privately."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Haley, I am rather curious. I just talked with a party that has their mother as Senator Jones spoke of, in a nursing home and she asked that we not vote for this amendment because she did not have ability to be there daily and to contact her mother and find out what sort of care she was receiving. What do you see, without this amendment, in effect you are saying that nobody may examine the patient's physical surroundings whether they are laying there in

urine or whether they are covered with bed sores, you would not prohibit that, would you?"

Senator Haley: "Well, I personally would not force the patient, whether the patient wanted it or not, to have an inspection of that patient's bed and body; but as I read the amendments here, that patient, according to these amendments would be able to deny that that should happen, otherwise it will happen. Believe that is the interpretation that is correct that Senator Sellar has in mind here. But if a patient wanted to deny privacy and somehow the nursing home, which would be very doubtful if it made all other standards, allowed bedsores to develop and the patient would be lying in a pool of his or her own urine, I think that that patient should not be denied the privacy that patient wants if that is the way the patient wants to have it. But I think it is very unlikely that that would happen."

Senator Rasmussen: "Even though the patient was out of this world and knew not what was going on, yet clung to life, do you still think there should not be this inspection?"

Senator Haley: "Well, first of all, there are going to be very few patients who are going to sign the note that says that their records and their persons are not to be inspected. But those who do, likely will have guardians or relatives who will be visiting them from time to time and will be aware of bedsores developing and for hygienic conditions with that patient. So I do not think there is anything to worry about; and I think whoever spoke to you about this amendment did not have the updated version of Senator Sellar's amendment right now."

Senator Rasmussen: "Well, they did; I was in contact with them myself. Well, thank you Mr. President, thank you Senator Haley."

Further debate ensued.

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

Senator Sellar moved adoption of the following amendment:

On page 2, line 5, after "chapter" insert: "PROVIDED, That private patients or the patient's guardian may execute a written denial of access to their person, their comprehensive plan of care, and their medical records for the purpose of such inspection: PROVIDED, FURTHER, That such written denial shall not prohibit access in those instances where the department is investigating an alleged violation of chapter 18.51, 74.09, or 74.42 RCW."

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

The President declared the question before the Senate to be the roll call on the amendment by Senator Sellar to page 2, line 5.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 24; nays, 20; absent or not voting, 1; excused, 4.

Voting yea: Senators Benitz, Bradburn, Clarke, Day, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Morrison, Pullen, Quigg, Scott, Sellar, Van Hollebeke, von Reichbauer, Waigren, Wanamaker, Woody—24.

Voting nay: Senators Bausch, Bluechel, Donohue, Fleming, Gaspard, Goltz, Jones, Lysen, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn—20.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Conner, Matson, Moore, Talley—4.

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

On page 3, line 30, strike section 4 and renumber the remaining sections consecutively.

There being no objection, on motion of Senator Day, an amendment to page 4, line 25 on the desk of the Secretary of the Senate was withdrawn.

Senator Haley moved adoption of the following amendment:

On page 5, line 1, after "a physician" insert: "PROVIDED, That a resident of a facility licensed pursuant to Chapter 18.51 RCW shall not be required to receive the continuing supervision of a health care practitioner licensed pursuant to Chapter 18.22, 18.25, 18.32, 18.57, 18.71, and 18.83 RCW, nor shall the state of Washington require such continuing supervision as a condition of licensing"

Debate ensued.

The motion by Senator Haley failed and the amendment was not adopted on a rising vote.

Senator Day moved adoption of the following amendment:

On page 8, line 10 after "74.42.570" strike ". Each day of failure or refusal to comply, after the scheduled date of correction, may constitute a new violation"

Debate ensued.

The motion by Senator Day carried and the amendment was adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDermott moved the Senate immediately reconsider the vote by which the amendment by Senator Day on page 8, line 10 was adopted.

Debate ensued.

The motion for reconsideration by Senator McDermott failed on a rising vote.

On motion of Senator Sellar, the following amendment by Senators Sellar and Haley was adopted:

On page 9, section 17, line 35 after "physicians" insert: "and patients"

Senator Fleming moved adoption of the following amendment:

On page 10, line 2, strike section 18 and renumber the remaining sections accordingly.

POINT OF INQUIRY

Senator Day: "Senator Fleming, a while ago here, we said that the patient could not, the argument was, deny himself medical care but now we say we are going to strike the language that says that the department is prohibited from denying him medical care. Is that correct? I do not quite follow that rationale there."

Senator Fleming: "Well, it is not a question of rationale, Senator Day. The feds have already, as you are well aware of the rules, and the nursing home industry themselves have indicated that that is the basis on which they have in the past had some of their concerns about that (1) we could not determine the care that the people got out there in terms of our budgetary concerns and I guess the attorney general with that in there has indicated that that could also be construed, having that in there that we could not even set reasonable limits in our laws based on setting reasonable limits."

The motion by Senator Fleming carried and the amendment was adopted.

Senator Pullen moved adoption of the following amendment:

On page 10, after line 12, insert the following sections:

"NEW SECTION. Sec. 20. It is the legislature's intent that the state of Washington have the sole authority to set nursing home policy. The setting of this policy is the inherent right of the state pursuant to the Tenth Amendment and Article I, section 8 of the Constitution of the United States. It is not the responsibility of congress or the federal government to set nursing home policy for the state of Washington.

NEW SECTION. Sec. 21. All nursing homes in the state shall be exempt from federal requirements. This does not exempt nursing homes from state licensing rules and regulations.

NEW SECTION. Sec. 22. The attorney general shall represent the state against any attempt to withhold federal social service funds from the state if such attempt to withhold funds is based in part or in whole on any provision of sections 20 or 21 of this act.

NEW SECTION. Sec. 23. Sections 20 through 22 of this act shall be added to chapter 74.42 RCW."

Renumber remaining sections consecutively.

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

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

On page 1, line 1 of the title after "homes;" insert:

"amending section 63, chapter 211, Laws of 1979, 1st ex. sess. and RCW 18.51.091;"

On motion of Senator Fleming, the rules were suspended, Engrossed Substitute Senate Bill No. 3636 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. 3636, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lysen, Marsh, McDermott, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Haley, Pullen—2.

Absent or not voting: Senator Lewis—1.

Excused: Senators Conner, Matson, Moore—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3636, having received the 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.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of John O. Jensen, Jan L. Brekke and Leif Eie, the area manager of SAS Airlines and appointed Senators Odegaard, Gould, Hansen, Bradburn, Rasmussen, Bottiger and Pullen to escort the honored guests to the Senate rostrum.

With permission of the Senate, business was suspended to permit Mr. Jensen and Mr. Brekke to address the Senate. Mr. Jensen is director of I.M. Skaugen Management Company of Oslo, Norway and Mr. Brekke is Administrative Director of the company.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

MOTION

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 House Bill No. 1568.

MESSAGE FROM THE HOUSE

February 27, 1980.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1568 on page 1, line 26, but does not concur in the Senate amendment on page 1, line 25 and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Bottiger, the Senate insists on its position on the Senate amendment on page 1, line 25 of Engrossed House Bill No. 1568 and once again asks the House to concur therein.

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. 3290.

SECOND READING

SENATE BILL NO. 3290, by Senators Day, Jones, Moore and Hurley:
Providing a special program for naive criminals.

REPORT OF STANDING COMMITTEE

January 29, 1980.

SENATE BILL NO. 3290, providing a special program for naive criminals (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 10, before "to" strike "at Eastern State Hospital" and insert "in Eastern Washington"

On page 1, line 15, after "Sec. 3." strike the section and insert "For the purposes of this chapter naive offender means a person convicted of a class "c" felony who meets the developmental disabilities criteria and who has been referred by a court as a condition of probation to the program and accepted therein for such services: PROVIDED, That the provisions of chapter 71.05 RCW shall not apply to such participant."

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Bradburn, Talmadge, Vognild.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment to page 1, line 10 was adopted.

Senator Day moved adoption of the committee amendment to page 1, line 15.

On motion of Senator Pullen, the following amendment to the committee amendment was adopted:

On line 10 of the committee amendment to page 1, line 15 of the bill, after "71.05 RCW" insert "or 71.06 RCW"

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

Senator Pullen moved adoption of the following amendment:

On page 1, on line 4, after "Section 1." delete "The" and insert:

"The legislature believes that the most important function of government is to protect the life, liberty, and property of the citizenry. The legislature further believes that the surest way to deter criminal conduct is to confine violent and dangerous criminals so that such criminals will not be free to commit further crimes against innocent citizens. However, the"

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Day moved the rules be suspended and the Senate reconsider the vote by which the committee amendment to page 1, line 15, as amended by Senator Pullen, was adopted earlier today.

PARLIAMENTARY INQUIRY

Senator Pullen: "Senator Day moved that the rules be suspended. My point of parliamentary is, does his motion take a suspension of the rules and therefore a two-thirds vote?"

REPLY BY THE PRESIDENT

President Cherberg: "No, Senator, the motion does not necessitate the suspension of the rules."

PARLIAMENTARY INQUIRY

Senator Pullen: "Then his motion is fully debatable, is that not correct?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, that is true, Senator."

POINT OF ORDER

Senator Pullen: "Senator Day did not vote on the prevailing side."

REPLY BY THE PRESIDENT

President Cherberg: "The President does not recall any negative votes on the adoption of the committee amendment."

Debate ensued.

The President declared the question before the Senate to be the motion for reconsideration by Senator Day.

The motion for reconsideration carried.

MOTION FOR RECONSIDERATION

On motion of Senator Day, the Senate moved to reconsider the vote by which the amendment by Senator Pullen to the committee amendment to page 1, line 15 was adopted.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen, on reconsideration, to the committee amendment to page 1, line 15.

The amendment by Senator Pullen, to the committee amendment, on reconsideration, was not adopted.

On motion of Senator Day, the committee amendment to page 1, line 15, on reconsideration, was adopted.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 3290 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Goltz: "Senator Pullen, what is the cost of maintaining a person at Walla Walla for one year?"

Senator Pullen: "It is somewhere around ten thousand dollars."

Senator Goltz: "The information I have is that it is substantially more than that but I guess if you multiply that times the number of years that the average inmate is in Walla Walla, I would like to know what is the cost of maintaining the average prisoner at Walla Walla during the total time of his incarceration there."

Senator Pullen: "Well, the average term of incarceration is about two years now, two and one-half years, so you are talking about twenty to twenty-five thousand dollars."

POINT OF INQUIRY

Senator Haley: "Senator Day, we did not, in this bill, as we have in other bills, take monies that are presently appropriated out of DSHS because of the, say fifteen naive criminals presently in the system; but is that, I do not believe we did that and if we did not, why didn't we and does this mean that the total cost would be fifteen thousand per each plus several thousand more of presently appropriated monies?"

Senator Day: "It is my understanding that in Walla Walla, it is closer to twenty thousand dollars a year per prisoner and this appropriation says 'up to that amount and so much thereof as may be necessary' so that is the maximum amount that the department can use and it would be hoped that they won't use half of that if they do not have to. So it is an appropriation that is there if it is needed with the project but it is not just a flat appropriation that they are going to dissipate."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3290, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 3; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Hurley, Jones, Lee, Lysen, Marsh, McDermott, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Voting nay: Senators Haley, Pullen—2.

Absent or not voting: Senators Donohue, Hayner, Lewis—3.

Excused: Senators Conner, Matson, Moore—3.

ENGROSSED SENATE BILL NO. 3290, having received the 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, Engrossed Senate Bill No. 3290 was ordered immediately transmitted to the House.

MOTIONS

On motion of Senator Marsh, the following Senate Resolutions were referred to the Committee on Rules:

1980-215	Judicial retirement system, study
1980-216	Nuclear power plant emergency, response plan, study
1980-217	Privacy rights, study
1980-218	Power eminent domain, study
1980-219	Elections laws, study
1980-220	Family planning clinics, abortion
1980-221	Organized crime, study

On motion of Senator Marsh, the Senate commenced consideration of Senate Resolution 1980-227.

Senator Day moved adoption of the following resolution:

SENATE RESOLUTION 1980-227

By Senators Hurley, Pullen, Day, Van Hollebeke, Gallagher, Marsh, Hayner, Rasmussen, Quigg, Lysen and Guess:

WHEREAS, Adoption can be a viable alternative to abortion as witnessed by the many responsible and capable persons desiring to adopt children;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That all family planning clinics in this state, both public and private, are requested to provide available no-cost materials to women and young girls desiring to have or considering having abortions with information, including written material, informing them of the medical and psychological risks posed by abortion and the alternatives thereto, including special emphasis on the alternative of adoption; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate provide a copy of this resolution to the Secretary of the Department of Social and Health Services and to each family planning clinic operating in this state.

Senator Wojahn moved adoption of an amendment to line 6, second paragraph of the resolution.

There being no objection, Senator Wojahn withdrew the amendment in favor of an amendment by Senator Gould.

Senator Gould moved adoption of the following amendment:

On page 1, strike "medical and psychological risks posed by abortion and the alternatives thereto, including special emphasis on the alternative of adoption" and after "informing them of the" insert:

"availability of adoption as a viable alternative to abortion and emphasizing the potential benefit to the future well-being of the mother-to-be as well as the benefits to prospective adoptive parents when a child is placed with parents who actively seek a child of their own"

Debate ensued.

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

There being no objection, on motion of Senator Hurley, an amendment to the first paragraph of the resolution following "children" was withdrawn.

The motion by Senator Day carried and the resolution, as amended, was adopted.

Senator Walgren moved adoption of the following resolution:

SENATE RESOLUTION 1980-224

By Senators Walgren, Odegaard, Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Matson, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn and Woody, Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Charlie Johnson, Sergeant at Arms:

WHEREAS, Dan Marsh began his legal career after graduation from the University of Oregon Law School; and

WHEREAS, He has combined his legal career with service to the people of the state of Washington as a legislator; and

WHEREAS, He was first elected to the House of Representatives in 1964; and

WHEREAS, His service in that august legislative body was with high honor and distinction throughout his four terms; and

WHEREAS, Dan was elected to the Senate in 1972; and

WHEREAS, His Senate service has been marked by his serving on the Judiciary, Ways and Means, and Constitutions and Elections committees; and

WHEREAS, He has served with distinction as chairman of the Judiciary Committee; and

WHEREAS, His service as chairman has been praised by members of the bar and bench as well as his colleagues; and

WHEREAS, His chairmanship has been marked by a successful series of important legislation enacted under his guidance; and

WHEREAS, His parliamentary skills resulted in his election as Assistant Majority Leader; and

WHEREAS, His service in that post has brought him accolades by friend and foe alike; and

WHEREAS, Dan has indicated that he will not continue his legislative service; and

WHEREAS, Sixteen years of dedicated public service to the people of this state and especially the people of the 49th Legislative District in Clark County will end in January, 1981;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, That Dan Marsh be congratulated and commended for his outstanding legislative service; and

BE IT FURTHER RESOLVED, That Dan be extended the very best wishes of this body as he returns to the full-time pursuit of his legal career; and

BE IT FURTHER RESOLVED, That this body extend its sincere appreciation for a "job well done;" and

BE IT FURTHER RESOLVED, That the Secretary of the Senate present a suitably inscribed copy of this resolution to the Honorable Daniel G. Marsh, Senator, 49th Legislative District.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Henry, Hayner, Walgren, Morrison, Talmadge, Van Hollebeke, Clarke and Bottiger to escort the Honorable Dan Marsh to the Senate rostrum.

MOTION

Senator Walgren: "Mr. President, I would suspect that all members of the Senate would like to join on this resolution for Senator Marsh and would so move that they be allowed to do so."

President Cherberg: "It has been moved that the names of each of the forty-nine Senators be designated as sponsors of the measure. With the unanimous approval of the members, it is so ordered."

REMARKS BY SENATOR WALGREN

Senator Walgren: "Dan, as you could tell, there were no objections to that. I think that that certainly is evidence of the esteem in which we all hold you as a member of this body and of the fine job that you have done, and I want to say for myself personally, that I am so very pleased to have been able to have you as back-up man here in the Senate as far as handling the measures that come before us here on this floor.

"I had the privilege of serving with Dan Marsh in the House of Representatives and I guess it was at that time I first learned the terminology of a 'bum' bill. I think all of you have heard that and that Dan used to present that very quietly over there on the floor of the House of Representatives; and of course you all know that here in the Senate he was a very quiet but very effective member of this body. He does, indeed, present his views very forcefully and I think very effectively. He has been an outstanding member of this body, certainly as the term 'State Senator' means all of that, that he has indeed represented the people of the state of Washington; and more particularly in his work as chairman of the judiciary committee of this body, because it is that committee that considers a good bit of the very, very important legislation that all of us are going to have to work under and could carry out our daily lives under that legislation. He has been very careful to see that that legislation has been worked very carefully. And more particularly I suppose, you can say that he indeed, is a State Senator in the best of that term as it relates to his own particular district. I know that for years he has carefully nurtured the files up there in his office, sometimes a little secretly; the very good mailing lists that he has; the careful concern that he shows to make sure that his constituents know exactly what is going on in this body and over on the other side. He has done an excellent job; he is a credit to this Senate; he is a credit to the legislature; and he is a credit to the people of the state of Washington. And I am very proud to have worked with him."

REMARKS BY SENATOR MORRISON

Senator Morrison: "Senator Marsh, I have just given this resolution to the chairman of the House judiciary committee who is here in the wings, my good seat-mate Representative Newhouse; and while he said 'Well, Dan did kill a few of my bills, he passed the best ones'. And so from the House of Representatives I bring you congratulations and best wishes, and from myself personally, Dan, an appreciation of an ability to work with you through the years in a variety of interests and areas; and Godspeed you on your journey."

REMARKS BY SENATOR SCOTT

Senator Scott: "Well, Senator Walgren, I am not so sure this isn't a day of quiet mourning down Vancouver way too; all those people in the public institutions in the forty-ninth district that just do not know where those little tidbits are going to be in next year's budget. Dan, your career has been characterized by a high-energy level, some would say a little bit of bombast, but we did not mind that a bit.

I think you have communicated well with all of us; you have certainly had the facility for working with and creating friends on both sides of the aisle; and I am sure that after all of us are gone from this place, the things that we will remember are the friendships we made and those that endure, and speaking for myself in particular and the other members on this side, you do not have to worry about your relationship with us not lasting."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President, and members of the Senate. Many of you know I share an office up here at 408 in the legislative building with Dan Marsh, so I can observe him day by day as he goes about his legislative business. And I can say he is a model of decorum as a member of that office suite. He is model of a legislator who treats his constituents and his visitors courteously, and makes them feel very welcome when they come to Olympia. He is a model for informing his district of not only his accomplishments, but the accomplishments of the rest of us as well. And he is a model assistant majority leader. I only hope that the next majority leader has the same skill and dedication and ability that Dan Marsh has shown to our present majority leader. And I am looking around to see where that kind of leadership might come from. So Dan, we are going to miss you and we wish you well."

REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President and members of the Senate. Senator Goltz is always hard to follow. When I was first elected to the Senate and started here in 1969, I remember one of the first visitors who came over from the House was Senator Marsh. He said 'I just have a little bill, Senator Odegaard, one of those little bills I could use your help on'. It had to do with, I've forgotten now, it was either the blind school, I believe, or the deaf school. But Dan was right here asking for us to help where he thought it was needed most, concerns of his district and concerns of the state, concerns of the unfortunate throughout the state. It is hard to find anyone, I believe, on this floor, who works harder than Dan Marsh; one of the most conscientious people I have ever had the pleasure to meet. Whenever we need someone to do the tough job, to lead the way, it is always Dan that can be called on and he takes the hard knocks, he has taken those hard knocks for us in the past.

"Dan, we are going to miss your pep talks in our caucus; will have to try to find someone else to replace that, because at times when we need the certain pep talks, it is Dan who has been there to give them to us. And I think those who will miss you the most are your constituents in Clark county. We wish you well in your ventures in the furtherance of your practice in Clark county."

REMARKS BY SENATOR DAY

Senator Day: "Well, I was one of those fortunate few that is still around here that happened to be in the House when Dan Marsh came to the House and he was young and he was energetic then and he also happened to be from a district that had three House members. And we were doing a thing called 'redistricting' and suddenly they decided there should only be two House members from Clark county. And so Senator Marsh came over and discussed it a little bit with me and we had some talks and he went back to Clark county and when he got through there were only two came back from Clark county, but I submit to you that he was not only one of them but he was the leader of the ticket. And he remained that way. He has not only been a man of integrity and a real friend, but in addition, he has been a man that had a lot of backbone and a lot of energy to go with it, and that, as far as I am concerned, makes a darned good legislator and is going to be sorely missed here.

"I think as we come down through the years and we have seen the things that occur here that have occurred in the last twenty years or so, that one of the things that has evolved is that it is more difficult all the time for people of his caliber to decide to serve the state of Washington as a legislator and I think that is sad, and it is sad that we are losing a man today of the caliber of Dan Marsh."

REMARKS BY SENATOR BAUSCH

Senator Bausch: "Just briefly, Senator Marsh, I want to thank you for all the help you have given me here on the floor and it has been considerable through the years that we have been here together.. I do want to make one other point. Last session we had a disagreement over an issue on this floor of which, supposedly, he lost and I won. But I want to tell you, after the abuse that came after that, I wish you had won the argument because as it turned out, you surely did. The subject was 'product liability' and I wish you had gotten it, but you did win the argument."

REMARKS BY SENATOR VAN HOLLEBEKE

Senator Van Hollebeke: "Mr. President and members. Senator Dan, I just want to join in, in wishing you well in whatever path you choose from here, and I have only two other things to say. There is one thing I particularly noted about you and one thing that I admire most in a Senator and that is your ability to take a hard vote. Really like that. The other thing, Dan, I would like to personally thank you for the many times you gave me personal counseling here in political or legislative matters. Very much appreciate it."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, members of the Senate. I am very sorry to see Dan leave. He is not leaving yet; of course he will be working for his people right up until January 1981; after that it is going to cost him money. Now they can ask him all kinds of questions and as a Senator, he answer them and solves their problems and it is no fee attached; but from after 1981 they had better be careful what kind of questions they ask. He will do a good job in answering them anyway. And I have seen your co-conspirator in crime over there, the House judiciary chairman and I just wondered what we were going to do with that remonstrance that he has filed and I was hoping you would have a good legal answer for that. Nobody has ever heard of that before and I thought maybe that is what he was over here to get an opinion just before you left.

"But we appreciate all of your hard work and you have been here promptly and on time. Many of us were not able to get here in time for the prayer and the flag salute; we tried to make the first roll call and you started whether we were here or not. And that is the type of discipline that we need. So you will have to come up and visit with us some time and see how we are operating without you. We do appreciate all the time we have had the opportunity to serve with you."

REMARKS BY SENATOR GOULD

Senator Gould: "Mr. President, just two brief comments. First of all, Senator Goltz, I am very surprised at you, I always thought you were a man of vision; I think of you as being able to look very far and I do not think you looked far enough for those qualities of leadership . . . you should look over the aisle. My second comment in regard to Senator Marsh, just briefly, he has also been, he can be a great ally I know, because at times we have been allies. He can even be a stronger adversary—I know that because we have been adversaries. To you Dan, may all your dog bites be little ones."

REMARKS BY SENATOR DONOHUE

Senator Donohue: "Mr. President, I have worked with Dan over the years, I guess you would have to say Dan has been a great help many times in holding the line. And I think as we look forward to the future, thank God he was here. I know this, that when I add up all the dollars in the deaf school, we have rebuilt it about three times, Dan, in the last several years. And I think it is probably one of the finest in the nation. But I think that, something that I always remember about Dan when he really is interested in something, that he really wants something, he sort of comes up and towers over you. And then when he gets ready to say something on the floor, sitting here watching him the last session especially, I have noticed that when he is ready to move he starts, his chair begins to work back and forth and he is just ready to leap. And once in a while he does jump up and most of the time, wins the argument. I think that, one thing I remember more than anything else is the fact that over the years, I do not think that Senator Marsh and myself have had any really unfriendly arguments. We do not agree all the time but I do not believe Dan and I have ever been head to head or whatever the proposal might be and really be very unfriendly; and I think that is a great thing that, to admire about somebody with Dan's ability and his stature. He is a man's man; we are going to miss you very much, Dan. And I will think of you every time that we are ready to beat down those taxes."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President and members of the Senate. I guess, speaking about Dan Marsh, and the relationship he and I have developed over the last two or three years or four years since we have been working together in the leadership, it is probably personification of many of the kinds of things that happen between individual members or groups of members on the floor of the Senate. All too many times we take for granted that one of us respects the other, or the other respects us, or we respect one's opinion or what they stand for. And I am pretty sure that I could probably be right-on in my saying, if I were to say, that the respect I have for Dan Marsh at this present time and the respect Dan Marsh has for me, is not what it was when he and I first were working together in the House or even when he first came over in the Senate. All too many times we take things for granted when we sit across these aisles and we see people at a distance and we all have different constituents and sometimes it is difficult for us to understand and relate to the problems of that other individual's district. I think the thing that has happened more with Dan, and I commend him for that, is that we have had a chance to work a little closer together; we have had a chance to develop and demand the respect of one another; and I think most of all as Senator Donohue has talked about, we have learned to sit down to agree to disagree, and sometimes that is pretty difficult to do. Dan, we are going to miss you."

REMARKS BY SENATOR HENRY

Senator Henry: "Well, you know I used to have an awful time getting through Senator Marsh's district. He is one of the greatest campaigners I have ever seen and every time you stick out your hand to make a left turn, he was on the corner to shake it. So I told him I was going to go through the outskirts of the city. Dan and I represent neighboring districts, along with my other learned friend here, Senator Talley; and I think we have held down that corner of the state pretty well and certainly with the cooperation of men who learned how to disagree without being disagreeable. We will miss you, Dan."

REMARKS BY SENATOR WILSON

Senator Wilson: "Mr. President, I must say I am more hopeful than I was fifteen minutes ago, that is, when the resolution was first distributed. There was quite a question in this area of the chamber as to whether there would be enough votes to pass it and did anyone survey the membership? But I guess in view of the comments we are at least going to get twenty-five, Dan, and we may do better than that.

"I would like to say very briefly that sitting directly behind Senator Marsh, I probably had a more intense opportunity than anyone to observe his performance as the assistant majority leader. And I have been very impressed by him. I found that always he has taken care to keep in close touch with the majority leader, to make sure that the floor was being run in the way the majority leader wished it to; and on the other side of the fence before he called up the various measures, he has made sure that whoever was going to try to handle the matter on the floor, was aware that it was coming up so that the person would not be taken unawares and be unprepared. I would like to say to you Dan, along with the many other thoughts that have been expressed, that I think you have done simply an excellent job as the assistant majority leader in this chamber."

REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "Thank you, Mr. President. Dan, I suspect that, other than being known for honesty and integrity and certainly effectiveness, probably the thing that I, at least, will remember the longest about you is your dedication to attempting to always get a dollar's worth for the taxpayer's dollar; that you were always there when we were attempting to hold the line when we were taking those hard votes relative to reforming the pension systems, doing some of the fundings that we would all like to do and there are no dollars to do them, you were there. And I suspect that that is probably what I will remember the longest about you is your dedication to the taxpayers and seeing that they get their dollar's worth."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I could not let this opportunity go by without mentioning some old war stories. Dan and I started out together away back in the Y.D.'s. before either one of us had been elected and somehow we just seemed to go together. We came to the Senate at the same time, we were elected to the House at the same time. You know there is an old saying, when you have been down here for sixteen years that it, as my wife describes it, it is called 'the illness'. You get it in your blood and you cannot get it out and somehow I think that rather than the state Senate the people of Clark county have acquired a new leader."

REMARKS BY SENATOR RIDDER

Senator Ridder: "Mr. President, Senator Marsh. All these words might lead folks to think this is a eulogy. I think you will have to agree there is a great deal of life left in Dan Marsh yet and we are looking forward to seeing it. I thank you for all your courtesies, especially this year as assistant majority leader. Peace to you on our differences and I have to say, in examining the resolution, it must have been written about an attorney and I suspect by an attorney if you count the 'whereases'."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. I am one of the few who had the privilege of serving with Dan over in the House. And over there he was in the minority. And you know what really brings out the ability of a good lawyer is when

he has got an uphill row to hoe. And Dan, over there in the minority, was equally as effective as he has been over here in the majority. So he got his training over there on the tough side when some of the Republicans, I think, gave you a little bit of a tough opposition and I think it sharpened him up, so when he came over here and got in the majority, why he knew all the answers. That is one of the difficult things. So he has been a most effective legislator, and Dan, I certainly enjoyed the long association both in the House and in the Senate."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, ladies and gentlemen of the Senate. Dan is a team player. I know that, because he tried to keep me out of the Senate. He worked very hard, came into my district and campaigned for my opponent. But I have had the pleasure of serving with Dan in this body and on the judiciary committee. I have great respect for him. He has, and I think the word that has come up most frequently in this group, is that he is very courteous to everyone. That is such a great quality, Dan. I know that you are going to go back to your own district and find other ways to affect the future of this state and I am looking forward to that because I think that you should do that. And even though Senator Day said you were young and energetic when you came to the House, I think you are still young and energetic, and I wish you the best in your practice of the law in the future. Thank you."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President and members of the Senate. I have had the great pleasure to serve as the vice-chairman of the judiciary committee over the last fourteen months while Dan was chairman and I can tell you, as a freshman in this body, that I learned a great deal from Dan. He extended to me what I consider unusual courtesies in the Senate and he was, I think, a gentleman in the best sense of the word in extending those courtesies to the members of the committee and the people from the bar and the lay public who came before the judiciary committee. Dan will be sorely missed and I wish him the best in his law practice."

REMARKS BY SENATOR GALLAGHAN

Senator Gallagher: "Thank you, Mr. President. I thought the freshmen were always going to get a time to be heard and I want to express my appreciation for Dan, too. And the little dog bite bill that came up last year which we went through and my wife had been injured on a campaign, and he said 'Sign this bill, it is a good one—it will take care of all those people.' Now I would certainly recommend Dan, now that he is going into private practice, to anyone who has a dog bite problem during the campaign can go to Dan and he would take care of it. I thank you Dan, and I have learned a great deal under your leadership."

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, Senator Marsh. I have spent a lot of time sharing book titles with you and discussing books; and as I sit here thinking about some of the books we have talked about, I cannot help but thinking of the story about the Irish politician who died. This is very much like a eulogy today. And they all went out to the graveyard to see the casket into the grave. And somebody asked one of the politicians who was there, 'Why are you here?' He said, 'Well, I just want to be sure he has gone.' Now I am not sure that you are really gone from public life—you are not very straight-forward about what you are going to do next. But I wish you the very best in whatever you do because I do not think you are gone."

REMARKS BY SENATOR JONES

Senator Jones: "Mr. President and Dan. I want to thank you for the tough votes and that two-year session we spent on pension reform. You were, and are, still one tough guy and you should be remembered for that billion dollar gift you have given to the state of Washington."

REMARKS BY SENATOR BRADBURN

Senator Bradburn: "Thank you Mr. President. I have only known Dan for approximately eight, nine weeks now. I have not served as long as some of you have with him. I probably served as often with him since we play racquetball occasionally in the morning. Dan, I am going to miss that, and I am going to miss you."

REMARKS BY SENATOR WOJAHN

Senator Wojahn: "Mr. President and members of the Senate, and especially to Dan. I served with Dan in the House also and I remember him jumping up and really loudly proclaiming 'This is a bum bill' and it became the password over there to those of us who did not like particular pieces of legislation. It was Dan's own statement and it also got us a few votes once in a while because people did remember that. I am pleased to have served with you in the Senate and the thing that I remember the most when I first arrived here, just weeks after I came here in '77, was your gracious approach to me as you slapped a picture of Mother Joseph down in front of me and said 'Don't you think that this is a neat lady?' He knew he could get me with that one. And he said 'She developed the Mothers of Providence; she did all these neat things; she was a carpenter, she was a healer and she could do anything' and this appealed to me, of course; and before I knew what had happened I had agreed to vote for Mother Joseph as the person being, as the statue being placed in Statuary Hall which was rather shattering, because I really kind of like George Bush. . . Yes, he was. He was one of the first persons to cross the Columbia River, he actually had the money. . . was his name George? Yes, it was. He was a black; he was the first black settler in the state of Washington and he was the one who financed the Lewis and Clark expedition as I remember, to cross the Columbia River, otherwise Washington may not even have been a state. But I congratulate you, you got my vote and you have got lots of my other votes although I have not always agreed with you. Thank you."

REMARKS BY SENATOR MATSON

Senator Matson: "Thank you, Mr. President. Dan, I would be worried if I were you, there are so many happy people around here about the fact that you are leaving. As far as I am concerned there are some people in the legislature that the legislature would not particularly miss. You do not fit that category."

REMARKS BY THE PRESIDENT

President Cherberg: "Dan and other honored members of the Senate, ladies and gentlemen. Dan, I am sure that you are aware that everybody that knows you has joined in congratulating and complimenting you upon your splendid, remarkable record in representing your constituents and the people of the state of Washington. I would like to add a personal note that I am deeply grateful to you for the wonderful cooperation that you have always extended to me. You are a man who has looked upon public service as a public trust and we are indeed proud of you. And I am sure that everyone joins in hoping and wishing that the future holds all kind things for you. If Dan were practicing law in Germany, he would be introduced as 'Dr. Dan

Marsh'. I think we sometimes forget the significance of the degree that Dan has earned 'Doctor of Jurisprudence'. He is truly a Doctor of Jurisprudence. Dr. Dan Marsh."

REMARKS BY SENATOR MARSH

Senator Marsh: "Thank you very much, Governor and friends. You know that really was a bum deal that was read here this afternoon. There have been a lot of bum remarks made; they have been so overly generous that the colleagues sitting around me are afraid that I am going to change my mind and run for reelection. You know maybe I will just take a sabbatical. But I have truly enjoyed knowing each one of you and serving with each one of you. It has really been a very, very great experience for me and I never will forget it. I want to thank those who have helped me and I see my loyal secretary of many, many years, Muriel Staley, up in the gallery; and I want to recognize what she has done to make it possible for me to return these many times. I want to recognize my intern this time, is also in the gallery; and all of the staff and all of you who have made the experience so enjoyable. It has truly been the highlight of my life to have been a member of the legislature. I truly will value today. You know I am reminded of Governor Cherberg's remarks on several occasions 'It is nice to smell the roses while you are still alive' and I certainly enjoyed smelling them today. Thank you very much from the bottom of my heart."

REMARKS BY THE PRESIDENT

President Cherberg: "Thank you very much, Dan. Would the committee please escort our distinguished Senator to his place on the Senate floor?"

The committee of honor escorted the Honorable Dan Marsh to his seat on the Senate floor and the committee was discharged.

The motion by Senator Walgren carried and the resolution was unanimously adopted.

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

GUBERNATORIAL APPOINTMENT

March 10, 1980.

ROBERT J. WILLIAMS, to the position of Member of the Public Employment Relations Commission, appointed by the Governor on November 2, 1979 for the term ending September 8, 1984, succeeding Paul Roberts (reported by the Committee on Labor):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Morrison, Sellar.

Passed to Committee on Rules.

MOTION

At 5:05 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, March 11, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 11, 1980.

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 Gould and Matson. On motion of Senator Jones, Senator Gould was excused.

The Color Guard, consisting of Pages Margaret Vandervert and Brad Jackson, presented the Colors. Reverend Paul F. McCann, pastor of United Churches of Olympia, offered the following prayer:

"AUTHOR OF LIFE, WE THANK YOU TODAY FOR THE GIFT OF LIFE, FOR MINDS, BODIES, AND SPIRITS THROUGH WHICH TO BE ATTUNED TO YOU, TO ANOTHER, AND TO THE WORLD AROUND US. GIVER OF LOVE, WE THANK YOU FOR THE GIFT OF LOVE, FOR HEARTS WARMED BY THE CARING OF FAMILY MEMBERS AND FRIENDS, AND FOR THE CAPACITY TO CARE FOR THEM AND FOR THE WHOLE CREATED ORDER. BESTOWER OF HOPE, WE THANK YOU TODAY FOR THE LIVELY AND DURABLE HOPE FOR A BETTER, MORE HUMANE LIFE IN OUR WORLD, OUR NATION, AND OUR STATE, AND THE PROMISE AND THE POSSIBILITY OF CONTRIBUTING TO THAT HOPE'S FULFILLMENT THROUGH WORK DONE HERE, SENSITIVELY AND RESPONSIBLY.

"ENLIVEN US TODAY, O GOD, FOR WHAT WE HAVE TO DO. REFRESH US WITH YOUR LOVE AND SUPPORT. INSTILL A STRONG AND DURABLE HOPE IN US, GIVING LIFE TO OUR IMAGINATIONS AND ENERGY TO OUR DELIBERATIONS. FOR YOUR LOVING PURPOSE'S SAKE 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.

GUBERNATORIAL APPOINTMENT

January 21, 1980.

BERNIE WHITEBEAR, to the position of Member of the State Jail Commission, appointed by the Governor on August 27, 1979 for the term ending October 7, 1980, succeeding Joe Haussler (reported by the Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Wilson, Chairman; Bluechel, Bradburn, Fleming, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR

Office of the Governor, March 10, 1980.

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

I have the honor to advise that on March 10, 1980, Governor Ray approved the following Senate Bills entitled:

SUBSTITUTE SENATE BILL NO. 3133, relating to licensing of motor vehicles.

SUBSTITUTE SENATE BILL NO. 3184, relating to the disposal of county lands.

SENATE BILL NO. 3190, relating to school districts.

SENATE BILL NO. 3211, relating to special purpose districts.

SENATE BILL NO. 3214, relating to county roads & bridges.

SENATE BILL NO. 3220, relating to civil procedure.

SUBSTITUTE SENATE BILL NO. 3224, relating to county noxious weed control.

SENATE BILL NO. 3236, relating to motor vehicle offenses.

SENATE BILL NO. 3241, relating to education.

SUBSTITUTE SENATE BILL NO. 3256, relating to revenue and taxation.

SENATE BILL NO. 3282, relating to business corporations.

SUBSTITUTE SENATE BILL NO. 3297, relating to local government financing.

SUBSTITUTE SENATE BILL NO. 3309, relating to ophthalmologists.

SENATE BILL NO. 3318, relating to insurance.

SUBSTITUTE SENATE BILL NO. 3330, relating to University Hospital purchasing authority.

SENATE BILL NO. 3331, relating to motor vehicles.

SENATE BILL NO. 3334, relating to civil procedure.

SENATE BILL NO. 3362, relating to precincts.

SENATE BILL NO. 3378, relating to civil service in the sheriff's office.

SENATE BILL NO. 3415, relating to the White Cane Law

SENATE BILL NO. 3422, relating to port districts.

SENATE BILL NO. 3474, relating to natural resources.

SENATE BILL NO. 3487, relating to retirement.

SENATE BILL NO. 3499, relating to medically fragile children.

SUBSTITUTE SENATE BILL NO. 3558, relating to herring.

SENATE BILL NO. 3565, relating to motor vehicles.

SUBSTITUTE SENATE BILL NO. 3581, relating to school districts.

SENATE BILL NO. 3593, relating to unappropriated lands.

Very truly yours,

H.B. Hanna

Legal Counsel.

MESSAGE FROM THE GOVERNOR

REGARDING SIGNING OF ENGROSSED SENATE BILL NO. 3499

Office of the Governor, March 10, 1980.

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

LADIES AND GENTLEMEN:

I have signed ENGROSSED SENATE BILL NO. 3499, because I support the admirable intent of this bill to provide for a new alternative service system for children with multiple handicaps. However, it is unwise to assume that a new service can simply be funded by a like amount of savings in existing programs. Everyone can support the concept of a new program for handicapped children, but we should recognize that the quality of all state programs depend on a realistic assessment of need and available funding.

I believe that this pilot project should have carried its own appropriation because of the unknown costs and savings of this new program. The transfer of

funds from the Medical Assistance budget is very likely to contribute to a shortfall which will need adjustment with a supplemental appropriation in 1981.

Respectfully submitted,
DIXY LEE RAY
Governor.

MESSAGES FROM THE HOUSE

March 10, 1980.

Mr. President: The House has passed HOUSE BILL NO. 1453 with the Senate amendment to page 2, line 18 and without the Senate amendments on page 1, line 2 and page 2, line 20 from which the Senate receded.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 10, 1980.

Mr. President: The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1422 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 7, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE SENATE BILL NO. 3257, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 10, 1980.

Mr. President: The Speakers have signed:
HOUSE BILL NO. 646,
HOUSE JOINT MEMORIAL NO. 25, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 7, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE HOUSE BILL NO. 1610, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 646,
SUBSTITUTE HOUSE BILL NO. 1610,
HOUSE JOINT MEMORIAL NO. 25.

MESSAGE FROM THE HOUSE

March 4, 1980.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3181, with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:
"NEW SECTION. Section 1. The legislature finds that certain residences have been subjected to excessive property taxes solely because the residences are utilizing energy saving systems. It is the intent of the legislature to prevent homeowners who

install energy saving heat pumps, heating, cooling, domestic water heating and electrical systems, including active and passive solar energy systems, from being subjected to unfair property tax burdens.

The legislature further finds that the use of solar and other renewable energy resources can make a useful contribution to meeting future energy needs and that encouragement of the use of these energy resources is in the best interests of the people of the state.

Sec. 2. Section 84.40.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 187, Laws of 1973 1st ex. sess. and by section 96, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.40.030 are each amended and reenacted to read as follows:

All property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid. Notwithstanding any other provisions of this section or of any other statute, when the value of any taxable leasehold estate created prior to January 1, 1971 is being determined for assessment years prior to the assessment year 1973, there shall be deducted from what would otherwise be the value thereof the present worth of the rentals and other consideration which may be required of the lessee by the lessor for the unexpired term thereof: PROVIDED, That the foregoing provisions of this sentence shall not apply to any extension or renewal, made after December 31, 1970 of the term of any such estate, or to any such estate after the date, if any, provided for in the agreement for rental renegotiation.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) ~~((a))~~ Any sales of the property being appraised or similar property with respect to sales made within the past five years. The appraisal shall take into consideration political restrictions such as zoning as well as physical and environmental influences. The appraisal shall also take into account, ~~((i))~~ (a) in the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and ~~((ii))~~ (b) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

~~((b))~~ (2) In addition to sales as defined in subsection ~~((i)(a))~~ (1), consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection ~~((i)(b))~~ (2) shall be the dominant factors in valuation. When provisions of this subsection ~~((i)(b))~~ (2) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

~~((c))~~ (3) In valuing any tract or parcel of real property, the value of the land, exclusive of structures thereon shall be determined; also the value of structures thereon, but the valuation shall not exceed the value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded.

~~((PROVIDED, That the provisions of this subsection (1) shall be applicable to all values for use in computing property taxes for the assessment year 1972 for taxes payable in 1973 and subsequent years.))~~

(4) In valuing any building with an unconventional heating, cooling, domestic water heating or electrical system before December 31, 1987, the value placed on the building shall not exceed the value which would be placed on the building if it had a conventional system.

NEW SECTION. Sec. 3. There is added to chapter 84.40 RCW a new section to read as follows:

Notice of the assessment rule provided in section 2(4) of this 1980 act shall be included on or with all property tax statements and revaluation notices. This section shall expire December 31, 1987.

Sec. 4. Section 6, chapter 91, Laws of 1947 as last amended by section 43, chapter 195, Laws of 1973 1st ex. sess. and RCW 41.16.060 are each amended to read as follows:

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy, to levy and place in the fund a tax of twenty-two and one-half cents per thousand dollars of assessed value against all the taxable property of such municipality: PROVIDED, That if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of said dollar rate is not necessary to maintain the actuarial soundness of the fund, the levy of said twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of said dollar rate may be levied and used for any other municipal purpose.

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy and in addition to the city levy limit set forth in RCW 84.52.050, as now or hereafter amended, to levy and place in the fund an additional tax of twenty-two and one-half cents per thousand dollars of assessed value against all taxable property of such municipality: PROVIDED, That if a report by a qualified actuary establishes that all or any part of the additional twenty-two and one-half cents per thousand dollars of assessed value levy is unnecessary to meet the estimated demands on the fund under this chapter for the ensuing budget year, the levy of said additional twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of such dollar rate may be levied and used for any other municipal purpose.

The amount of a levy under this section allocated to the pension fund may be reduced in the same proportion as the regular property tax levy of the municipality is reduced by chapter 84.55 RCW.

Sec. 5. Section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 8, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.110 are each amended to read as follows:

In order to provide additional funds for the coordination of community mental retardation and other developmental disability services and to provide community mental retardation, other developmental disability, or mental health services, the board of county commissioners of each county in the state shall budget and levy annually a tax in a sum equal to the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property in the county to be used for such purposes: PROVIDED, That all or part of the funds collected from the tax levied for the purposes of this section may be transferred to the state of Washington, department of social and health services, for the purpose of obtaining federal matching funds to provide and coordinate community mental retardation, other developmental disability, and mental health services. In the event a county elects to transfer such tax funds to the state for this purpose, the state shall grant these moneys and the additional funds received as matching funds:

to service-providing community agencies or community boards in the county which has made such transfer, pursuant to the plan approved by the county, as provided by chapters 71.16, 71.20, 71.24, and 71.28 RCW, all as now or hereafter amended.

The amount of a levy allocated to the purposes specified in this section may be reduced in the same proportion as the regular property tax levy of the county is reduced by chapter 84.55 RCW.

Sec. 6. Section 7, page 210, Laws of 1888 as last amended by section 5, chapter 4, Laws of 1973 2nd ex. sess. and RCW 73.08.080 are each amended to read as follows:

The boards of county commissioners of the several counties in this state shall levy, in addition to the taxes now levied by law, a tax in a sum equal to the amount which would be raised by not less than one and one-eighth cents per thousand dollars of assessed value, and not greater than twenty-seven cents per thousand dollars of assessed value against the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating the veteran's relief fund for the relief of honorably discharged veterans who served in the armed forces of the United States in the Civil War, in the war of Mexico or in any of the Indian wars, or the Spanish-American war or the Philippine insurrection, in the First World War, or Second World War or Korean conflict, or Viet Nam conflict, and the indigent wives, husbands, widows, widowers and minor children of such indigent or deceased veterans, to be disbursed for such relief by such board of county commissioners: PROVIDED, That if the funds on deposit, less outstanding warrants, residing in the veteran's relief fund on the first Tuesday in September exceed the expected yield of one and one-eighth cents per thousand dollars of assessed value against the taxable property of the county, the county commissioners may levy a lesser amount: PROVIDED FURTHER, That the costs incurred in the administration of said veteran's relief fund shall be computed by the county treasurer not less than annually and such amount may then be transferred from the veteran's relief fund as herein provided for to the county current expense fund.

The amount of a levy allocated to the purposes specified in this section may be reduced in the same proportion as the regular property tax levy of the county is reduced by chapter 84.55 RCW.

NEW SECTION. Sec. 7. Section 1, chapter 364, Laws of 1977 ex. sess. and RCW 84.36.410 are each repealed.

NEW SECTION. Sec. 8. 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 shall be effective for assessments made in 1980 and years thereafter."

On page 1, on line 1 of the title, after "Relating to" strike the remainder of the title and insert "revenue and taxation; amending and reenacting section 84.40.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 187, Laws of 1973 1st ex. sess. and by section 96, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.40.030; amending section 6, chapter 91, Laws of 1947 as last amended by section 43, chapter 195, Laws of 1973 1st ex. sess. and RCW 41.16.060; amending section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 8, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.110; amending section 7, page 210, Laws of 1888 as last amended by section 5, chapter 4, Laws of 1973 2nd ex. sess. and RCW 73.08.080; adding a new section to chapter 84.40 RCW; creating a new section; repealing section 1, chapter 364, Laws of 1977 ex. sess. and RCW 84.36.410; and declaring an emergency.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Bottiger, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3181.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3181, 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, Benitz, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Bluechel, Matson—2.

Excused: Senator Gould—1.

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

MESSAGE FROM THE HOUSE

February 18, 1980.

Mr. President: The House has passed SENATE BILL NO. 3240 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 234, Laws of 1959 as amended by section 1, chapter 237, Laws of 1967 and RCW 34.04.010 are each amended to read as follows:

~~((For the purpose of this chapter:))~~ The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Agency" means any state board, commission, department, or officer, authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches.

(2) "Rule" means any agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.04.080, as now or hereafter amended, or (iii) speed restrictions for motor vehicles established by the state highway commission.

(3) "Contested case" means a proceeding before an agency in which an opportunity for a hearing before such agency is required by law or constitutional right prior or subsequent to the determination by the agency of the legal rights, duties, or privileges of specific parties. Contested cases shall also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in

which the granting of an application is contested by a person having standing to contest under the law or agency rules.

(4) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or any form of permission required by law, including agency rule, to engage in any activity, but does not include a license required solely for revenue purposes.

(5) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or modification of a license.

(6) "Rules review committee" or "committee" means either of the administrative rules review committees created pursuant to section 4 of this 1980 act for the purpose of selectively reviewing existing and proposed rules of state agencies.

Sec. 2. Section 3, chapter 237, Laws of 1967 as last amended by section 7, chapter 240, Laws of 1977 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) File notice thereof with the code reviser in accordance with RCW 34.08.020(1) for publication in the state register, and with the secretary of the senate, the chief clerk of the house of representatives, and the rules review committees, and mail such notice to all persons who have made timely request of the agency 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) Furnish to the legislature, along with the notice required by subsection (1)(a) of this section, a statement of the reasons supporting the proposed action;

(c) 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, by the rules review committees, or by an association having not less than twenty-five members.

(2) The agency shall make every effort to insure that the information on the proposed rule circulated pursuant to subsection (1)(a) of this section accurately reflects the rule to be presented and discussed at any oral hearing on such rule. Where substantial changes in the draft of the proposed rule are made after publication of notice in the register which would render it difficult for interested persons to properly comment on the rule without further notice, new notice of the agency's intended action as provided in subsection (1)(a) of this section shall be required.

(3) The agency shall consider fully all written and oral submissions respecting the proposed rule including those addressing the question of whether the proposed rule is within the intent of the legislature as expressed by the statute which the rule implements, and may amend the proposed rule at the oral hearing or adopt the proposed rule, if there are no substantial changes, without refileing the notice required by this section. 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))~~ (4) No proceeding ~~((shall))~~ may 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))~~ (5) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, ~~((or, if))~~ unless it is an emergency rule designated as

such((;)) and is 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 RCW 34.08.020(1), 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. 3. Section 3, chapter 234, Laws of 1959 as amended by section 8, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.030 are each amended to read as follows:

((+)) 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)) concise 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 and with the rules review committees. An emergency rule or amendment ((shall)) may 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 permanent 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).))~~

NEW SECTION. Sec. 4. There is added to chapter 34.04 RCW a new section to read as follows:

(1) In each house of the legislature there shall be a rules review committee. Each committee shall be bipartisan and shall consist of four members. The members of the senate committee shall be appointed by the majority leader of the senate, and the members of the house 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. Each appointment to a committee shall be subject to approval by the caucus to which the appointed member belongs.

(2) The initial members of each committee shall be appointed as soon as possible after the effective date of this 1980 act, and shall serve until the next regular session of the legislature convenes. Thereafter members shall be appointed as soon as possible after the legislature convenes in a one hundred five day regular session, and their terms shall extend until the legislature next convenes in a one hundred five day regular session or until such members no longer serve in the legislature, whichever occurs first. Members may be reappointed to a committee.

(3) The president of the senate shall appoint the chairperson of the senate committee from among committee membership. The speaker of the house shall appoint the chairperson of the house committee from among committee membership. Such appointments shall be made in January of each year as soon as possible after a legislative session convenes.

(4) Vacancies on the committee shall be filled as soon as possible from the same political party as original appointments.

(5) Whenever the committees meet jointly pursuant to sections 5 through 7 of this 1980 act, the chairperson of the senate rules review committee shall preside over such joint meetings in odd-numbered years, and the chairperson of the house rules review committee shall preside over such joint meetings in even-numbered years.

(6) The committees shall adopt rules governing the conduct of their business, not in conflict with joint rules of the legislature or rules of the house and senate.

NEW SECTION. Sec. 5. There is added to chapter 34.04 RCW a new section to read as follows:

Whenever a majority of the members of each review committee, meeting jointly, determine that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, the review committees shall give the affected agency written notice of their decision. The notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to RCW 34.04.025(1)(a)(iii) as now or hereafter amended. The notice shall include a statement of the review committees' joint findings and the reasons therefor.

NEW SECTION. Sec. 6. There is added to chapter 34.04 RCW a new section to read as follows:

(1) All rules required to be filed pursuant to RCW 34.04.040, and emergency rules adopted pursuant to RCW 34.04.030 as now or hereafter amended, are subject to selective review by the legislature.

(2) If each rules review committee finds by a majority vote of its members in a joint meeting: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, or (b) that the rule has not been adopted in accordance with all applicable provisions of law, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committees' notice the agency shall file notice of a hearing on the rule in question with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in RCW 34.04.025, as now or hereafter amended. The agency's notice shall include the rules review committees' findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

(3) The agency shall consider fully all written and oral submissions respecting whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements and whether the rule was adopted in accordance with all applicable provisions of law.

NEW SECTION. Sec. 7. There is added to chapter 34.04 RCW a new section to read as follows:

(1) Within seven days of an agency hearing held after notification of the agency by the rules review committees pursuant to section 5 or 6 of this 1980 act, the affected agency shall notify the committees of its action regarding a proposed or existing rule to which the committees objected. If the rules review committees determine, by a majority vote of their members in a joint meeting, that the agency has failed to provide for the required hearings or notice of its action to the committees, the committees may file notice of their objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the rules review committees find, by a majority vote of their members in a joint meeting, that the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, the rules review committees may, within thirty days from notification by the agency of its action, file with the code reviser notice of their objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the rules review committees.

(3) The code reviser shall publish the rules review committees' notice of objection and statement of the reasons therefor issued pursuant to subsection (1) or (2) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the

committees' objection and to the issue of the Washington state register in which the full text thereof appears.

(4) Such notice shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committees.

NEW SECTION. Sec. 8. There is added to chapter 34.04 RCW a new section to read as follows:

(1) The committees may recommend to the legislature that the original enabling legislation serving as authority for the promulgation of any rule reviewed by the committees be amended or repealed in such manner as the committees deem advisable.

(2) The creation of the rules review committees does not preclude any standing committee of the legislature from conducting studies of agency rules, holding hearings on rules, providing staff assistance to the rules review committees, referring questionable rules to the rules review committees, or making recommendations to the legislature that the original enabling legislation for an agency be amended or repealed.

(3) The rules review committees shall report on their activities, including findings and recommendations with respect to rule-making procedures of state agencies and institutions of higher education, thirty days prior to the convening of the regular session of the legislature in 1983.

NEW SECTION. Sec. 9. There is added to chapter 34.04 RCW a new section to read as follows:

It is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of nonconformance required by sections 6(2) and 7(2) of this 1980 act in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

Sec. 10. Section 1, chapter 84, Laws of 1977 ex. sess. and RCW 34.04.045 are each amended to read as follows:

(1) For the purpose of legislative review of agency rules filed pursuant to this chapter, any new or amendatory rule (~~(promulgated)~~) proposed after (~~(September 21, 1977)~~) the effective date of this 1980 act, shall be accompanied by a statement prepared by the adopting agency which generally describes the rule's purpose and how the rule is to be implemented. Such statement shall be on the agency's stationery or a form bearing the agency's name and shall contain, but is not limited to, the following:

(a) A title, containing a description of the rule's purpose, (~~(the name of the agency)~~) the statutory authority for the rule, and any other information which may be of assistance in identifying the rule or its purpose;

(b) A summary of the rule and a statement of the reasons supporting the proposed action;

(c) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(d) The name(s) of the (~~(proponents and opponents of)~~) person or organization, whether private, public, or governmental, proposing the rule(, if any, and);

(e) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(f) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the statement on file and available for public inspection

and shall forward three copies each of the statement to the secretary of the senate and the chief clerk of the house of representatives, who will in turn forward the statement to the majority and minority caucuses and to the appropriate legislative committees.

NEW SECTION. Sec. 11. There is added to chapter 34.04 RCW a new section to read as follows:

(1) A proposed rule may be withdrawn by the proposing agency at any time before adoption. A withdrawn rule may not be adopted unless it is again proposed in accordance with RCW 34.04.025 as now or hereafter amended.

(2) Rules not adopted within one year after publication of the text as last proposed in the register shall be regarded as withdrawn. An agency may not thereafter adopt the text of the rules without filing the text in accordance with RCW 34.04.025 as now or hereafter amended. The code reviser shall give notice of the withdrawal in the register.

Sec. 12. Section 5, chapter 234, Laws of 1959 as amended by section 9, chapter 240, Laws of 1977 ex. sess. 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)~~) register in which he shall set forth the text of all rules filed during the (~~(preceding month)~~) appropriate register publication period, excluding rules in effect upon the adoption of this chapter.

(3) The code reviser may, in his discretion, omit from the 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 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) The code reviser may edit and revise rules for publication, codification, and compilation, without changing the meaning of any such rule, in accordance with the provisions of section 13 of this 1980 act.

(5) When a rule, in whole or in part, is declared invalid and unconstitutional by a court of final appeal, the adopting agency shall give notice to that effect in the register. With the consent of the attorney general, the code reviser may remove obsolete rules or parts of rules from the Washington Administrative Code when:

(a) The rules are declared unconstitutional by a court of final appeal; or

(b) The adopting agency ceases to exist and the rules are not transferred by statute to a successor agency.

(6) Registers and compilations shall be made available, in written form to state elected officials whose offices are created by Article II or III of the state Constitution or by RCW 48.02.010, upon request, 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.

~~((5))~~ (7) The board of law library trustees of each county shall keep and maintain a complete and current set of registers and compilations for use and inspection as provided in RCW 27.24.060.

~~((6))~~ (8) Judicial notice shall be taken of rules filed and published as provided in RCW 34.04.040 and this section.

NEW SECTION. Sec. 13. There is added to chapter 34.04 RCW a new section to read as follows:

Subject to such general policies as may be promulgated by the statute law committee and to the general supervision of the committee, the code reviser shall edit and revise agency rules for consolidation into the Washington Administrative Code, to the extent deemed necessary and desirable by the reviser and without changing the meaning of any such rule, in the following respects only:

(1) Make capitalization uniform with that followed generally in the Washington Administrative Code;

(2) Make chapter or section division and subdivision designations uniform with that followed in the Washington Administrative Code;

(3) Rearrange any misplaced material, incorporate any omitted material as well as correct manifest errors in spelling, manifest clerical or typographical errors, or errors by way of additions or omissions;

(4) Correct manifest errors in references, by chapter or section number, to other laws or rules;

(5) Correct manifest errors or omissions in numbering or renumbering sections of the Washington Administrative Code;

(6) Strike provisions manifestly obsolete.

Sec. 14. Section 1, chapter 19, Laws of 1977 and RCW 34.04.058 are each amended to read as follows:

(1) Rules promulgated by an agency pursuant to RCW 34.04.025 or 34.04.030, as now or hereafter amended, which amend existing sections of the administrative code shall have the words which are amendatory to such existing sections underlined. Any matter to be deleted from an existing section shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. In the case of a new section, such shall be designated "NEW SECTION" in upper case type and such designation shall be underlined, but the complete text of the section shall not be underlined. No rule (~~shall~~) may be forwarded by any agency to the code reviser, nor (~~shall~~) may the code reviser accept for filing any rule unless the format of such rule is in compliance with the provisions of this section.

(2) Once the rule has been formally adopted by the agency the code reviser need not, except with regard to the (~~bulletin~~) register published pursuant to RCW 34.04.050(2), include the items enumerated in subsection (1) of this section in the official code.

(3) Any addition to or deletion from an existing code section not filed by the agency in the style prescribed by subsection (1) of this section shall in all respects be ineffectual, and shall not be shown in subsequent publications or codifications of that section unless the ineffectual portion of the rule is clearly distinguished and an explanatory note is appended thereto by the code reviser in accordance with RCW 34.04.050, as now or hereafter amended, and section 13 of this 1980 act.

Sec. 15. Section 3, chapter 240, Laws of 1977 ex. sess. and RCW 34.08.020 are each amended to read as follows:

There is hereby created a state publication to be called the Washington State Register, which shall be published on no less than 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~~) may 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; and

(6) Summaries of attorney general opinions and letter opinions, noting the number, date, subject, and other information, and prepared by the attorney general for inclusion in the register.

Sec. 16. Section 2, chapter 57, Laws of 1971 ex. sess. as amended by section 42, chapter 169, Laws of 1977 ex. sess. and RCW 28B.19.020 are each amended to read as follows:

The words used in this chapter shall have the meaning given in this section, unless the context clearly indicates otherwise(:):

(1) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions." The various state community colleges are sometimes referred to in this chapter as "community colleges."

(2) "Rule" means any order, directive, or regulation of any institution of higher education which affects the relationship of the general public with the institution, or the relationship of particular segments of the particular educational community such as students, faculty, or other employees, with the institution or with each other, (a) the violation of which subjects a person to a penalty or administrative sanction; or (b) which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional hearings; or (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law. The term includes the amendment or repeal of a prior rule but does not include rules, regulations, orders, statements, or policies relating primarily to the following: Standards for admission; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aids, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under this chapter unless otherwise required by law.

(3) "Contested case" means a formal or informal proceeding before an institution of higher education, division, department, office, or designated official or representative thereof in which an opportunity for hearing is required by law, constitutional rights, or institutional policy, prior or subsequent to the determination by the institution of the legal rights, duties, or privileges of specific parties.

(4) "Rules review committee" or "committee" means either of the administrative rules review committees created pursuant to section 4 of this 1980 act for the purpose of selectively reviewing existing and proposed rules of institutions of higher education.

Sec. 17. Section 3, chapter 57, Laws of 1971 ex. sess. as amended by section 10, chapter 240, Laws of 1977 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) File notice thereof with the code reviser in accordance with RCW 34.08.020(1) for publication in the state register, and with the secretary of the senate, the chief clerk of the house of representatives, and the rules review committees, 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) Furnish to the legislature, along with the notice required by subsection (1)(a) of this section, a statement of the reasons supporting the proposed action;

(c) 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))~~ (d) 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 or by the rules review committees.

(2) The institution shall make every effort to insure that the information on the proposed rule circulated pursuant to subsection (1)(a) of this section accurately reflects the rule to be presented and discussed at any oral hearing on such rule. Where substantial changes in the draft of the proposed rule are made after publication of notice in the register which would render it difficult for interested persons to properly comment on the rule without further notice, new notice of the institution's intended action as provided in subsection (1)(a) of this section shall be required.

(3) The institution shall consider fully all written and oral statements respecting the proposed rule including those addressing the question of whether the proposed rule is within the intent of the legislature as expressed by the statute which the rule implements and may amend the proposed rule at the oral hearing or adopt the proposed rule, if there are no substantial changes, without refileing the notice required by this section.

~~((2))~~ (4) No proceeding ~~((shall))~~ may 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))~~ (5) No rule adopted under this chapter is valid unless adopted in substantial compliance with this section, ~~((or, if))~~ unless it is an emergency rule designated as such ~~((:))~~ and is 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 RCW 34.08.020(1), 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))~~ (6) 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))~~ (4) of this section, the code reviser ~~((shall))~~ may not publish such rule, and such rule ~~((shall))~~ may not be effective for any purpose.

Sec. 18. Section 4, chapter 57, Laws of 1971 ex. sess. as last amended by section 11, chapter 240, Laws of 1977 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))~~ concise statement of the reasons for its finding shall accompany the emergency rule or amendment as filed with the code reviser and with the rules review committees. An emergency rule or amendment ~~((shall))~~ may 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. 19. There is added to chapter 28B.19 RCW a new section to read as follows:

Whenever a majority of the members of each review committee, meeting jointly, determine that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, the review committees shall give the affected institution written notice of their decision. Such notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to RCW 28B.19.030(1)(a)(iii) as now or hereafter amended. The notice shall include a statement of the review committees' findings and the reasons therefor.

NEW SECTION. Sec. 20. There is added to chapter 28B.19 RCW a new section to read as follows:

(1) All rules required to be filed pursuant to RCW 28B.19.050, and emergency rules adopted pursuant to RCW 28B.19.040 as now or hereafter amended, are subject to selective review by the legislature.

(2) If each rules review committee finds by a majority vote of its members in a joint meeting: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, or (b) that the rule has not been adopted in accordance with all applicable provisions of law, the institution affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committees' notice the institution shall file notice of a hearing on the rule in question with the code reviser and mail notice to all persons who have made timely request of the institution for advance notice of its rule-making proceedings as provided in RCW 28B.19.030 as now or hereafter amended. The institution's notice shall include the rules review committees' findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

(3) The institution shall consider fully all written and oral submissions respecting whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements and whether the rule was adopted in accordance with all applicable provisions of law.

NEW SECTION. Sec. 21. There is added to chapter 28B.19 RCW a new section to read as follows:

(1) Within seven days of an institution hearing held after notification of the institution by the rules review committees pursuant to section 19 or 20 of this 1980 act, the affected institution shall notify the committees of its action regarding a proposed or existing rule to which the committees objected. If the rules review committees determine, by a majority vote of their members in a joint meeting, that the institution has failed to provide for the required hearings or notice of its action to

the committees, the committees may file notice of their objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the rules review committees find, by a majority vote of their members in a joint meeting, that the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the institution so as to conform with the intent of the legislature, the rules review committees may, within thirty days from notification by the institution of its action, file with the code reviser notice of their objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the institution by the rules review committees.

(3) The code reviser shall publish the rules review committees' notice of objection and statement of the reasons therefor issued pursuant to subsection (1) or (2) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committees' objection and to the issue of the Washington state register in which the full text thereof appears.

(4) Such notice shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committees.

NEW SECTION. Sec. 22. There is added to chapter 28B.19 RCW a new section to read as follows:

It is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of nonconformance required by sections 20(2) and 21(2) of this 1980 act in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

NEW SECTION. Sec. 23. There is added to chapter 28B.19 RCW a new section to read as follows:

(1) For the purpose of legislative review of institution rules filed pursuant to this chapter, any new or amendatory rule proposed after the effective date of this 1980 act, shall be accompanied by a statement prepared by the adopting institution which generally describes the rule's purpose and how the rule is to be implemented. Such statement shall be on the institution's stationery or a form bearing the institution's name and shall contain, but is not limited to, the following:

(a) A title, containing a description of the rule's purpose, the statutory authority for the rule, and any other information which may be of assistance in identifying the rule or its purpose;

(b) A summary of the rule and a statement of the reasons supporting the proposed action;

(c) The institution personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(d) The name of the person or organization, whether private, public, or governmental, proposing the rule, if any;

(e) Institution comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(f) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting institution shall have copies of the statement on file and available for public inspection and shall forward three copies each of the statement to the secretary of the senate and the chief clerk of the house of representatives, who will in turn forward

the statement to the majority and minority caucuses and to the appropriate legislative committees.

NEW SECTION. Sec. 24. There is added to chapter 28B.19 RCW a new section to read as follows:

(1) A proposed rule may be withdrawn by the proposing institution at any time before adoption. A withdrawn rule may not be adopted unless it is again proposed in accordance with RCW 28B.19.030.

(2) Rules not adopted within one year after publication of the text as last proposed in the register shall be regarded as withdrawn. An institution may not thereafter adopt the text of the rules without filing the text in accordance with RCW 28B.19.030 as now or hereafter amended. The code reviser shall give notice of the withdrawal in the register.

Sec. 25. Section 7, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.070 are each amended to read as follows:

(1) The code reviser shall as soon as practicable compile, index, and publish in the Washington administrative code all rules adopted pursuant to this chapter by each institution of higher education and remaining in effect.

(2) The code reviser shall publish a register in which he shall set forth the text of all rules filed during the appropriate register publication period.

(3) The code reviser, in his discretion, may omit from publication in the Washington administrative code or the state register those 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 institution of higher education and if the Washington administrative code states the general subject matter of the rules so omitted and states how copies thereof may be obtained.

(4) The code reviser may edit and revise rules for publication, codification, and compilation, without changing the meaning of any such rule, in accordance with the provisions of section 26 of this 1980 act.

(5) When a rule, in whole or in part, is declared invalid and unconstitutional by a court of final appeal, the adopting institution shall give notice to that effect in the register. With the consent of the attorney general, the code reviser may remove obsolete rules or parts of rules from the Washington Administrative Code when:

(a) The rules are declared unconstitutional by a court of final appeal; or

(b) The adopting institution ceases to exist and the rules are not transferred by statute to a successor institution.

(6) Judicial notice shall be taken of rules published pursuant to this section.

NEW SECTION. Sec. 26. There is added to chapter 28B.19 RCW a new section to read as follows:

Subject to such general policies as may be promulgated by the statute law committee and to the general supervision of the committee, the code reviser shall edit and revise institution rules for consolidation into the Washington Administrative Code, to the extent deemed necessary and desirable by the reviser and without changing the meaning of any such rule, in the following respects only:

(1) Make capitalization uniform with that followed generally in the Washington Administrative Code;

(2) Make chapter or section division and subdivision designations uniform with that followed in the Washington Administrative Code;

(3) Rearrange any misplaced material, incorporate any omitted material as well as correct manifest errors in spelling, manifest clerical or typographical errors, or errors by way of additions or omissions;

(4) Correct manifest errors in references, by chapter or section number, to other laws or rules;

(5) Correct manifest errors or omissions in numbering or renumbering sections of the Washington Administrative Code;

(6) Strike provisions manifestly obsolete.

NEW SECTION. Sec. 27. There is added to chapter 28B.19 RCW a new section to read as follows:

(1) Rules promulgated by an institution pursuant to RCW 28B.19.030 or 28B.19.040, as now or hereafter amended, which amend existing sections of the administrative code shall have the words which are amendatory to such existing sections underlined. Any matter to be deleted from an existing section shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. In the case of a new section, such shall be designated "NEW SECTION" in upper case type and such designation shall be underlined, but the complete text of the section shall not be underlined. No rule may be forwarded by any institution to the code reviser, nor may the code reviser accept for filing any rule unless the format of such rule is in compliance with the provisions of this section.

(2) Once the rule has been formally adopted by the institution the code reviser need not, except with regard to the register published pursuant to RCW 28B.19.070(2), as now or hereafter amended, include the items enumerated in subsection (1) of this section in the official code.

(3) Any addition to or deletion from an existing code section not filed by the institution in the style prescribed by subsection (1) of this section shall in all respects be ineffectual, and shall not be shown in subsequent publications or codifications of that section unless the ineffectual portion of the rule is clearly distinguished and an explanatory note is appended thereto by the code reviser in accordance with RCW 28B.19.070, as now or hereafter amended, and section 26 of this 1980 act.

NEW SECTION. Sec. 28. Section 1, chapter 186, Laws of 1963 and RCW 34.04.160 are each hereby repealed.

NEW SECTION. Sec. 29. If any provision of this 1980 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

In line 1 of the title, after "state government;" strike the remainder of the title, and insert "amending section 1, chapter 234, Laws of 1959 as amended by section 1, chapter 237, Laws of 1967 and RCW 34.04.010; amending section 3, chapter 237, Laws of 1967 as last amended by section 7, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.025; amending section 3, chapter 234, Laws of 1959 as amended by section 8, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.030; amending section 1, chapter 84, Laws of 1977 ex. sess. and RCW 34.04.045; amending section 5, chapter 234, Laws of 1959 as amended by section 9, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.050; amending section 1, chapter 19, Laws of 1977 and RCW 34.04.058; amending section 3, chapter 240, Laws of 1977 ex. sess. and RCW 34.08.020; amending section 2, chapter 57, Laws of 1971 ex. sess. as amended by section 42, chapter 169, Laws of 1977 ex. sess. and RCW 28B.19.020; amending section 3, chapter 57, Laws of 1971 ex. sess. as amended by section 10, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.030; amending section 4, chapter 57, Laws of 1971 ex. sess. as last amended by section 11, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.040; amending section 7, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.070; adding new sections to chapter 28B.19 RCW; adding new sections to chapter 34.04 RCW; creating new sections; and repealing section 1, chapter 186, Laws of 1963 and RCW 34.04.160.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Walgren moved the Senate concur in the House amendments to Senate Bill No. 3240.

Debate ensued.

The motion by Senator Walgren carried.

The Senate concurred in the House amendments to Senate Bill No. 3240.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3240, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Fleming, Gallagher, Gaspard, Goltz, Haley, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Morrison, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shipoch, Talley, von Reichbauer, Walgren, Wilson, Wojahn—32.

Voting nay: Senators Conner, Day, Donohue, Guess, Hansen, Lysen, Matson, Moore, Odegaard, Rasmussen, Talmadge, Van Hollebeke, Vognild, Wanamaker, Williams, Woody—16.

Excused: Senator Gould—1.

SENATE BILL NO. 3240, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION BY THE PRESIDENT

President Cherberg announced the presence on the Senate rostrum of former Senator David E. McMillan. Business was suspended to permit Senator McMillan to address the Senate.

SECOND READING

HOUSE BILL NO. 1465, by Representatives Pruitt, Fuller, Van Dyken, Erickson, Gallagher, Granlund, Gruger, Salatino, Sanders and Smith (R.):

Specifying disciplinary action that may be taken by the legislative ethics boards.

REPORT OF STANDING COMMITTEE

March 6, 1980.

HOUSE BILL NO. 1465, specifying disciplinary action that may be taken by the legislative ethics boards (reported by Committee on Constitution and Elections):

Recommendation: Do pass with the following amendments:

Strike everything after the enacting clause, and insert the following:

"Section 1. Section 6, chapter 150, Laws of 1967 ex. sess. as amended by section 5, chapter 218, Laws of 1977 ex. sess. and RCW 44.60.070 are each amended to read as follows:

The joint board shall have the following powers, duties, and functions:

(1) Propose joint rules relating to legislative ethics and revisions or amendments thereto, which when adopted shall be referred to as the legislative code of ethics.

The code, and revisions or amendments thereto, shall be prepared in the form of joint rules of the senate and the house of representatives and shall be submitted in the form of a concurrent resolution at the next session of the legislature following its preparation. Such code, or revision or amendment thereof, when adopted, shall

become effective as standards of conduct for the members and employees of the legislature and shall continue in effect except to the extent revised by subsequent joint rules.

The code submitted to the legislature for adoption shall be approved by a majority of the members of the joint board.

(2) To recommend other legislation and other action relating to legislative ethics.

(3) To develop advisory opinions to systematically establish criteria on which subsequent decisions can be based.

(4) Investigate possible unethical conduct of employees of legislative interim committees in the same manner as hereafter specified for employees of one house.

Sec. 2. Section 8, chapter 218, Laws of 1977 ex. sess. and RCW 44.60.110 are each amended to read as follows:

Each board shall have the following powers, duties, and functions:

(1) Issue advisory opinions pursuant to RCW 44.60.100.

(2) To provide a continuing program of education, assistance, and information to legislators with regard to legislative ethics.

(3) To make such rules for its own functioning and exercise such powers as may be appropriate for the discharge of the responsibilities of the board not in conflict with this chapter or the joint rules of the legislature.

(4) Investigate possible unethical conduct by legislators or legislative employees of its own house. Any such investigation shall be conducted in accordance with the following procedures:

(a) A complaint may be filed by a legislator, legislative employee, member of the public, a board, or member of a board. Complaints must be written, signed under oath, and directed to the chairman of the appropriate board. The board shall determine if the complaint is within its jurisdiction and whether there are sufficient facts alleged which if true may support a finding of unethical conduct.

(b) If the board finds that the complaint is not within its jurisdiction, or is frivolous, or is made for the purpose of harassment, or that there are insufficient facts alleged which if true may support a finding of unethical conduct, it shall dismiss the complaint, so notify the complainant, the person charged, and the public with a copy of the complaint and the board's reasons for dismissal.

(c) If the board finds that a complaint is within its jurisdiction and there are sufficient facts alleged which if true may support a finding of unethical conduct, such board shall hold an investigative hearing and send a notice to the complainant and the person charged which shall include a copy of the complaint. The person charged shall receive at least thirty days' written notice of such hearing. The notice shall provide that the person charged shall be entitled to request the board to set an earlier hearing date, present evidence, cross-examine witnesses, be represented by counsel, and file an affidavit of prejudice within ten days of receipt of the notice as provided in subsection (4)(f) of this section.

(d) Investigative hearings shall be closed to the public unless, at least seventy-two hours prior to the hearing, the chairman receives from the person charged a written request that the hearing be open to the public.

(e) A board may designate a subcommittee composed of at least two members of the board, at least half of whom shall be lay members, to conduct investigative hearings. The board, or if designated thereby, any member or subcommittee of the board, may issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing, administer oaths or affirmations, examine witnesses, and receive evidence. In case of disobedience to a subpoena, the board may invoke the aid of any superior court of the state. Such court may, in case of refusal to obey a subpoena issued to such person, issue an order requiring such person to

appear before the board, to produce documentary evidence, and/or to give evidence, and any failure to obey such order may be punished by that court as contempt. Notwithstanding any other provision of law, every public official, state agency, and local governmental unit shall furnish to the board any documents, records, data, statements, or information which the board designates as being necessary for the exercise of its functions, powers or duties.

(f) Members of a board shall be disqualified in 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. Whenever a member of the board is disqualified, the appropriate caucus chairman shall appoint pro tem, a replacement legislator or lay member as appropriate. Such appointment shall be subject to the consent of the caucus wherein the appointment is made.

(g) At the conclusion of the investigative hearings, a statement of findings of fact shall be prepared based upon evidence presented at the hearings. A copy of this statement shall be sent to the person charged who shall have at least ten days to offer a written rebuttal to the board. The board, on the basis of the findings of fact, any written rebuttal, and applicable standards of ethical conduct shall make a preliminary report which shall be subject to review and the rendering of a decision at the final hearing. Copies of the findings of fact, preliminary report, and notice of the date for a final hearing shall be sent by registered mail to the person charged. Such person may rebut the report not later than one week prior to the final hearing date, but shall in any event have a period of not less than two weeks in which to respond.

(h) The final hearing shall be open to the public. There shall be available at the hearing copies of the board's findings of fact, preliminary report, and any written rebuttal received by the board from the person charged. The board shall, on the basis of these documents and any final statement made by the person charged, render a final decision as to whether the facts justify a finding of unethical conduct. A final decision must be agreed upon by at least six members of the board. The board shall notify the appropriate law enforcement agency directly if the board makes a finding that it has reasonable grounds to believe that a criminal violation has occurred.

(i) If the board in its final decision determines that the facts support a finding of unethical conduct, it shall include in its decision a specific recommendation for disciplinary action which may include but is not limited to: (i) In the case of a legislator, reprimand, censure, or expulsion, and when applicable, restitution; and (ii) in the case of a legislative employee, reprimand, suspension, or dismissal, and when applicable, restitution. Such decision shall be transmitted to the chief clerk of the house or the secretary of the senate as appropriate. Such officer shall deliver the report to his house at such time as that house is in session, for such action as that house deems appropriate.

(j) Upon receipt, complaints shall be assigned a reference number. Each board shall maintain and keep current for public inspection a status sheet which shall contain with respect to each complaint: Its reference number, the date received by the board, and its present status, including the date of any hearings scheduled. The name of the complainant and the person charged shall be entered on the status sheet following the notification provided for in subsection (4)(c) of this section.

The secretary of the senate and the chief clerk of the house of representatives shall make available to the public copies of the status sheets, findings of fact, written rebuttals, preliminary reports, and final decisions issued by their respective boards."

In line 1 of the title, after "ethics;" insert "amending section 6, chapter 150, Laws of 1967 ex. sess. as amended by section 5, chapter 218, Laws of 1977 ex. sess. and RCW 44.60.070;"

Signed by: Senators Woody, Chairman; Bottiger, Haley, Henry, Lewis, Marsh, Peterson, Pullen, Ridder.

The bill was read the second time by sections.

Senator Woody moved adoption of the committee amendment.

On motion of Senator Pullen, the following amendment to the committee amendment was adopted:

On page 7, line 8 of the amendment, after "not" and before "limited" insert "necessarily"

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

On motion of Senator Woody, the committee amendment to the title was adopted.

On motion of Senator Woody, the rules were suspended, House Bill No. 1465, 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. 1465, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Gould—1.

HOUSE BILL NO. 1465, 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 JOINT MEMORIAL NO. 31, by Committee on Energy and Utilities (originally sponsored by Representatives Williams, Eberle, Addison, Tupper, Zimmerman, Sprague, Dunlap and Isaacson):

Requesting the President to designate one federal agency to process complicated energy licensing applications.

The memorial was read the second time in full.

On motion of Senator Bottiger, the rules were suspended, Substitute House Joint Memorial No. 31 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 Substitute House Joint Memorial No. 31, and the memorial passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott,

Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Gould—1.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 31, having received the constitutional majority, was declared passed.

MOTION

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

MESSAGE FROM THE HOUSE

March 7, 1980.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2977 with the following amendments:

On page 1, line 15, after "conservation" delete "and renewable energy"

On page 1, line 28, after "consumption." insert new subsection as follows:

"(5) That the use of energy systems in these facilities which utilize renewable resources such as solar energy, wood or wood waste, or other nonconventional fuels should be considered in the design of all publicly owned or leased facilities."

On page 2, line 2, after "conservation" delete "and renewable energy"

On page 2, line 4, after "facilities" delete "." and insert "and that at least one renewable energy resource is considered for use in these facilities."

On page 2, line 29, after "(7)" strike all the material down through "years." on page 2, line 1, and insert:

"Life-cycle cost" means the cost of acquisition and operation of a major facility ((including its initial cost, the cost of the energy consumed)) over its economic life (, and the energy consumption related cost of its operation and maintenance)). This shall be calculated as the acquisition cost plus the operation, maintenance, and energy costs over its economic life, reflecting anticipated increases in such costs discounted to present value at the current rate for borrowing public funds, as determined by the state finance committee. The energy costs used shall be those projected by the state energy office. The office shall update the projection of energy costs at least every two years."

On page 2, line 35, after "as" strike "forecast" and insert "projected"

On page 3, line 2, after "update the" strike "forecasts" and insert "projections"

On page 3, line 27, after "include" insert "one or more"

On page 3, line 27, after "energy" delete "practices or devices" and insert "systems or components"

On page 4, line 2, delete the entire subsection and insert a new subsection as follows:

"(11) Renewable energy systems and components" means methods of facility design and construction and types of equipment for the utilization of renewable energy sources including, but not limited to, active or passive solar space heating or cooling, domestic solar water heating, windmills, waste heat, biomass and/or refuse-derived fuels, cogenerated energy, photovoltaic devices and geothermal energy."

On page 4, line 24, after "energy" delete "practices and devices" and insert "systems and components"

On page 4, line 26, insert a new section as follows:

"NEW SECTION. Sec. 5. There is added to chapter 177, Laws of 1975 1st ex. sess. and to chapter 39.35 RCW a new section to read as follows:

The state auditor, pursuant to the authority granted by RCW 43.09.260, shall include compliance with the provisions of this chapter in his regular financial examinations."

Renumber the remaining sections consecutively.

On page 4, line 34, after "by" delete "September 1" and insert "October 31", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Bottiger, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2977.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2977, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Lysen, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Matson—1.

Excused: Senator Gould—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2977, 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 eighth order of business.

On motion of Senator Marsh, the following Senate Resolutions were referred to the Committee on Rules:

1980-223	Revenue bonds, study
1980-225	Consumer protection legislation, study
1980-226	Intercollegiate athletic programs, study
1980-228	Local water quality improvement, study
1980-229	Governmental lobbying, study

MOTIONS

On motion of Senator Henry, all members will be added as additional sponsors with the exception of Senators McDermott, Lysen, Williams, Shinpoch and Woody at their request to Senate Resolution 1980-222.

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

SENATE RESOLUTION 1980-222

By Senators Henry, Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hurley, Jones, Lee, Lewis, Marsh, Matson, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson and Wojahn:

WHEREAS, Equality of constitutional right and power is the condition of all the State of the Union, old and new; and

WHEREAS, Every new State admitted into the Union is entitled to exercise all of the powers of government which belong to the original States of the Union; and

WHEREAS, The citizens of each State are entitled to all of the privileges and immunities of citizens in the several States; and

WHEREAS, The power of Congress to admit new States into the Union under article IV, section 3 of the Constitution of the United States was not designed to impair the equal power, dignity and authority of the States; and

WHEREAS, As a condition of admission into the Union, Congress has, on occasion, imposed burdens upon new States that are not shared by the States equally; and

WHEREAS, The original thirteen States, and States formed from the territories thereof, owned all public lands within their borders; and

WHEREAS, Title in the Federal Government to public lands within the borders of the thirteen States, and States formed from the territories thereof, rest only on deeds of cession voluntarily consented to by the legislature of these States; and

WHEREAS, As a condition of admission into the Union, Congress retained in the Federal Government ownership over substantial amounts of territory located within the borders of States west of the one-hundredth meridian, this occurring despite the Treaty of Guadalupe Hidalgo which specified that the lands which eventually became all or part of seven Western States of the union were to be formed into "free, sovereign, and independent" States; and

WHEREAS, In the absence of such conditions of admission the legislative authority of the states would have extended over federally owned lands within these States to the same extent as over similar property held by private owners; and

WHEREAS, During the course of the deliberations that resulted in the drafting of the Constitution of the United States, Founding Fathers, such as James Madison, recognized that the Western States neither would nor ought to submit to a Union which degraded them from an equal rank with the other States; and

WHEREAS, Article I, section 8, clause 17 of the Constitution of the United States authorizes the Federal Government to exercise dominion over public lands only to the extent necessary to create a seat of government, and to administer places, purchased by the consent of the State legislatures, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, and in the absence of some express or implied legislative authority to perform some further function, Congress is limited by, and the rights of the States are protected by, the tenth amendment to the Constitution of the United States; and

WHEREAS, The enabling Acts admitting the Western States into the Union expressly recognize that the Federal Government may some day choose to extinguish title to public lands held by it within the borders of these States; and

WHEREAS, Article IV, section 3 of the Constitution expressly provides Congress with the power to "dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States", and this provision has been interpreted to invest in Congress plenary authority to dispose of lands held in Federal ownership, through sale, grant, or any other means of disposition; and

WHEREAS, There is precedent for large transfers of federally owned public lands designed to place new States on par with the original thirteen States of the Union; and

WHEREAS, The States of the Union and their citizens are at least as well equipped as the central government to make the often difficult policy decisions that are necessary with respect to the use to which lands within their States shall be put;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the 46th Legislature that the bill S. 1680, heretofore introduced in the Senate of the United States, which provides for the cession and conveyance to the States of federally owned

unreserved, unappropriated lands, and the establishment of policy, methods, procedures, schedules, and criteria for such transfers, is hereby endorsed, and passage into law of S. 1680 is hereby urged; and

BE IT FURTHER RESOLVED, That the state legislative bodies of the States of Hawaii, Montana, New Mexico, Colorado, California, Arizona, Wyoming, Oregon, Idaho, Nevada, and Alaska, which states are affected by the bill S. 1680, are hereby urged likewise to endorse S. 1680 and urge its passage into law; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate forward copies of this resolution to each member of the Congressional delegation from the State of Washington, the Speaker of the United States House of Representatives, President pro tempore of the United States Senate, the Secretary of the Interior, and the President of the United States; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate forward copies of this resolution to each member of the legislative bodies of the States of Hawaii, Montana, New Mexico, Colorado, California, Arizona, Wyoming, Oregon, Idaho, Nevada, and Alaska.

MOTION

At 12:00 noon, on motion of Senator Marsh, the Senate recessed until 12:35 p.m.

NOON SESSION

The President called the Senate to order at 12:35 p.m.

MOTION

At 12:35 p.m., on motion of Senator Marsh, the Senate adjourned until 9:00 a.m., Wednesday, March 12, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 12, 1980.

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 Bottiger, Donohue, Lee, Sellar, Walgren and Woody. On motion of Senator Wilson, Senators Bottiger, Donohue, Sellar, Walgren and Woody were excused.

The Color Guard, consisting of Pages Jennifer Backschies and Hugo Gardner presented the Colors. Reverend Paul F. McCann, pastor of United Churches of Olympia, offered the following prayer:

"ALMIGHTY GOD, OUR TIMES ARE IN YOUR HANDS—OUR DAYS AND DOINGS ARE UNDER YOUR CONTROL. TODAY, AS WE DO OUR WORK, WE SEEK TO BE MINDFUL OF THE FACT THAT WE DO IT UNDER YOUR GUIDANCE AND IN CONFORMITY WITH YOUR WILL.

"LORD OF THE NATIONS, OUR WORLD IS YOUR WORLD, YOU HAVE CALLED IT INTO BEING AND DESTINED IT TO BE YOUR KINGDOM PLACE. TODAY, AS WE DO OUR WORK, WE SEEK TO DECIDE AND ACT IN CONFORMITY WITH YOUR DESIRE FOR A LIFE OF JUSTICE AND PEACE FOR ALL YOUR PEOPLE.

"GOD OF OUR LIVES, OUR OWN LIVES ARE IN YOUR HANDS. YOU HAVE FASHIONED EACH OF US AFTER YOUR IMAGE AND LIKENESS AND CALLED US INTO BEING TO DO YOUR WILL. TODAY, AS WE DO OUR WORK, MAY YOUR IMAGE SHINE THROUGH WHAT WE SAY AND HOW WE SAY IT; HOW WE RELATE TO ONE ANOTHER; WHAT WE ADVOCATE AND HOW WE MAKE DECISIONS.

"GOD OF ALL LIFE, GUIDE US IN YOUR WILL AND WAY THIS DAY. IN THE NAME OF CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 11, 1980.

SENATE BILL NO. 3475, providing for independent service stations (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Hurley, Lysen, Williams, Wilson, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senators Benitz, Hayner.

Passed to Committee on Rules for second reading.

March 12, 1980.

SUBSTITUTE HOUSE BILL NO. 1397, exempting motor vehicle fuel used by urban transportation systems from the sales and use tax (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bluechel, Clarke, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Ridder, Scott, Shipoch.

Passed to Committee on Rules for second reading.

March 12, 1980.

HOUSE BILL NO. 1427, increasing the municipal public transit motor vehicle excise tax authorization (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bluechel, Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Ridder, Scott, Sellar, Shipoch, Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1980.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1546, changing the valuation of unconventional heating and cooling systems for property taxation (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Hurley, Lysen, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 11, 1980.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1988 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 11, 1980.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 1843 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 11, 1980.

Mr. President: The House concurred in the Senate amendment to HOUSE BILL NO. 1597 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 11, 1980.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1568 on page 1, line 25 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 11, 1980.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 1444 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 2977,
 SENATE BILL NO. 3181,
 SENATE BILL NO. 3240.

MESSAGE FROM THE HOUSE

February 19, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3321 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 28A.04.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.010 are each amended to read as follows:

The state board of education shall be comprised of two members from each congressional district of the state, not including any congressional district at large, elected by the members of the boards of directors of school districts thereof, as hereinafter in this chapter provided, and one nonvoting member elected at large, as hereinafter in this chapter provided, by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.02.201, as now or hereafter amended.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

The superintendent of public instruction, at the time of calling the election for state board membership under RCW 28A.04.020, if there be a state board member representative of the private schools within the state whose term of membership will end on the second Monday of January next following, shall call an election to be held throughout the state in those private schools referred to in RCW 28A.04.010 and shall give written notice thereof to each member of the board of directors of each such private school. Such notice shall include such instructions, rules and regulations as provided for in RCW 28A.04.020, as now or hereafter amended.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

Not later than the twenty-fifth day of August of the year in which this amendatory act becomes effective and, subsequently, not later than the twenty-fifth day of August in any year in which there will be a vacancy in the nonvoting position on the state board on the second Monday of January next following, the superintendent of public instruction shall call an election to be held in those private schools referred to in RCW 28A.04.010, to select the nonvoting member of the state board of education to represent the private schools of the state. Not earlier than the first day of September, nor later than the sixteenth day of September, candidates for this position on the board shall file declarations of candidacy in person or by mail with the superintendent of public instruction on forms prepared by the superintendent. The superintendent of public instruction may not accept any declaration of candidacy that is not on file in his office or is not received by mail before the seventeenth day of September. Not later than the first day of October, the superintendent of public instruction shall send ballots to the chairperson of each private school referred to in RCW 28A.04.010 enclosing therewith biographical data on each candidate for such membership on the board. Each member of the board of directors of each private school in the state qualified under RCW 28A.04.010 shall be eligible to vote for the candidate for the state board of education representative of the private schools as provided in this section. Each member of the private school board shall obtain a ballot and biographical data from the chairperson of the board and shall cast his or her vote for one candidate whose name appears on the ballot. The ballot shall then

be returned to the chairperson of the board who shall compile the votes of the individual board members and declare the candidate who receives a majority of the members' votes to be the candidate of the board. No votes shall be accepted for counting if received by mail after the sixteenth day of October. The superintendent of public instruction, along with three persons appointed by the state board of education, shall count and tally the votes from each private school not later than the twenty-fifth day of October, computing electoral points by multiplying each vote for a candidate by the number of enrolled students in the respective school as determined by enrollment reports forwarded to the superintendent of public instruction for the last previous month of September. Within ten days of such computation the superintendent of public instruction shall immediately notify by certified mail the candidate who received a majority of electoral points in the election, and the private schools so voting, of the results of such election. If no candidate receives a majority of the electoral points cast, then, not later than the first day of November, the superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of electoral points accruing from such votes cast. No vote cast at such second election shall be received for counting if received by mail after the sixteenth day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of electoral points accruing from the votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the superintendent of public instruction. Within ten days following the count of votes in an election at which a member of the state board of education representative of the private schools in the state is elected, the superintendent of public instruction shall certify to the secretary of state the name of the person elected to be a member of the state board of education.

Sec. 4. Section 28A.04.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 49, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.04.040 are each amended to read as follows:

Candidates for membership on the state board of education shall file declarations of candidacy with the superintendent of public instruction on forms prepared by the superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, or later than the sixteenth day of September. The superintendent of public instruction may not accept any declaration of candidacy that is not on file in his office or is not postmarked before the seventeenth day of September, or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of september. No person employed in any school, college, university, or other educational institution or any educational service district superintendent's office or in the office of superintendent of public instruction shall be eligible for membership on the state board of education and each member elected who is not representative of the private schools in this state and thus not running-at-large must be a resident of the congressional district from which he was elected. No member of a board of directors of a local school district or private school shall continue to serve in that capacity after having been elected to the state board.

Sec. 5. Section 28A.04.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 19, Laws of 1975 and RCW 28A.04.060 are each amended to read as follows:

Each member of the state board of education shall be elected by a majority of the electoral points accruing from all the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October, or if not postmarked or the postmark is not legible, if

received by mail after the twenty-first day of October following the call of the election. The superintendent of public instruction and an election board comprised of three persons appointed by the state board of education shall count and tally the votes and the electoral points accruing therefrom not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director shall be accorded as many electoral points as there are enrolled students in that director's school district as determined by the enrollment reports forwarded to the state superintendent of public instruction for apportionment purposes for the month of September of the year of election: PROVIDED, That school directors from a school district which has more than five directors shall have their electoral points based upon enrollment recomputed by multiplying such number by a fraction, the denominator of which shall be the number of directors in such district, and the numerator of which shall be five; the electoral points shall then be tallied for each candidate as the votes are counted; and it shall be the majority of electoral points which determines the winning candidate. If no candidate receives a majority of the electoral points cast, then, not later than the first day of November, the superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of electoral points accruing from such votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November, or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of electoral points accruing from the votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the superintendent of public instruction. Within ten days following the count of votes in an election at which a member of the state board of education is elected, the superintendent of public instruction shall certify to the secretary of state the name or names of the persons elected to be members of the state board of education.

Sec. 6. Section 1, chapter 19, Laws of 1975 and RCW 28A.04.065 are each amended to read as follows:

Any common school district board member or any private school board member eligible to vote for a candidate for membership on the state board of education or any candidate for the position, within ten days after the state superintendent of public instruction's certification of election, may contest the election of the candidate for any of the following causes:

(1) For malconduct on the part of the state superintendent of public instruction or any member of the election board with respect to such election;

(2) Because the person whose right is being contested was not eligible for membership on the state board of education at the time the person was certified as elected;

(3) Because the person whose right is being contested gave a bribe or reward to a voter or to an inspector, judge or clerk of the election for the purpose of procuring the person's election, or offered to do so;

(4) On account of illegal votes.

An action contesting an election pursuant to this section shall be conducted in compliance with RCW 29.65.020 and 29.65.040 through 29.65.120, as now or hereafter amended.

Sec. 7. Section 17, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.033 are each amended to read as follows:

Each member of an educational service district board shall be elected by a majority of the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the secretary to the state board of education and

no votes shall be accepted for counting if postmarked after the sixteenth day of October or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of October following the call of the election. The secretary to the state board of education and an election board comprised of three persons appointed by the state board of education shall count and tally the votes not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director shall be accorded as one vote. If no candidate receives a majority of the votes cast, then, not later than the first day of November, the secretary to the state board of education shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the secretary to the state board of education. Within ten days following the count of votes in an election at which a member of an educational service district board is elected, the secretary to the state board of education shall certify to the county auditor of the headquarters county of the educational service district the name or names of the persons elected to be members of the educational service district board.

NEW SECTION. Sec. 8. If any provision of this 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, line 1 of the title, after "education;" strike the remainder of the title and insert "amending section 28A.04.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.010; amending section 28A.04.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 49, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.04.040; amending section 28A.04.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 19, Laws of 1975 and RCW 28A.04.060; amending section 1, chapter 19, Laws of 1975 and RCW 28A.04.065; amending section 17, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.033; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Ridder moved the Senate concur in the House amendments to Substitute Senate Bill No. 3321.

Debate ensued.

The motion by Senator Ridder carried.

The Senate concurred in the House amendments to Substitute Senate Bill No. 3321.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3321, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Bradburn, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Henry,

Hurley, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognil, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn—42.

Absent or not voting: Senators Hansen, Lee—2.

Excused: Senators Bottiger, Donohue, Sellar, Walgren, Woody—5.

SUBSTITUTE SENATE BILL NO. 3321, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3457 with the following amendment:

On page 4, after line 35, insert the following:

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

(1) Of the total appropriation, an amount necessary to implement the provisions of section 4, chapter . . . (SSB 3169), Laws of 1980 shall be used for such implementation.

(2) The department shall report to the appropriate committees of the legislature on the status of the employer group rating structure, as provided in chapter . . . (SSB 3169), Laws of 1980, no later than October 1, 1980.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator McDermott, the Senate refused to concur in the House amendment to Substitute Senate Bill No. 3457 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 1980.

Mr. President: The House refuses to recede from its amendments to SENATE BILL NO. 2566 and once again asks the Senate to concur therewith.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Scott, the Senate refused to concur in the House amendments to Senate Bill No. 2566 and insists on its position and once again asks the House to recede therefrom.

MOTIONS

On motion of Senator Marsh, all messages concerning measures considered this morning were ordered immediately transmitted to the House.

At 9:30 a.m., on motion of Senator Marsh, the Senate recessed until 12:17 a.m.

NOON SESSION

President Pro Tempore Henry called the Senate to order at 12:17 p.m.

MOTION

At 12:17 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

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

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Wilson, the appointment of Bernie Whitebear as a member of the State Jail Commission was confirmed.

APPOINTMENT OF BERNIE WHITEBEAR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senators Benitz, Conner, Fleming, Gallagher, Matson—5.

MOTION

On motion of Senator Wilson, Senators Conner and Fleming were excused.

MOTION

On motion of Senator Lysen, the appointment of Robert J. Williams as a member of the Public Employment Relations Commission was confirmed.

APPOINTMENT OF ROBERT J. WILLIAMS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senators Benitz, Gallagher, Matson—3.

Excused: Senators Conner, Fleming—2.

SECOND READING

SENATE BILL NO. 3080, by Senators Bottiger, Goltz and North:

Directing the UTC to develop policies which will minimize the cost of utility service to consumers.

MOTION

On motion of Senator Marsh, Senate Bill No. 3080 was rereferred to the Committee on Energy and Utilities.

SECOND READING

SENATE BILL NO. 2970, by Senator Goltz:
Relating to legislative ethics.

MOTION

On motion of Senator Marsh, Senate Bill No. 2970 was rereferred to the Committee on Constitution and Elections.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 1419.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1419, by Committee on Revenue (originally sponsored by Representatives Scott, Bond, McCormick, Wilson, Nelson (D.), Sprague, Martinis, Mitchell, Charnley, King, Sherman, Grimm, Ehlers, Thompson, Warnke, Burns, Gallagher, Knowles, Rinehart, Brekke, Eng, Erak, Galloway, Granlund, Hughes, Kreidler, Lux, Monohon, Pruitt, Salatino, Smith (R.), Van Dyken and Vrooman):

Encouraging the use of renewable energy resources by gas and electric companies.

REPORT OF STANDING COMMITTEE

March 3, 1980.

SUBSTITUTE HOUSE BILL NO. 1419, encouraging the use of renewable energy resources by gas and electric companies (reported by Committee on Energy and Utilities):

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 and declares that the potential for meeting future energy needs through conservation measures, including energy conservation loans, energy audits, and the use of renewable resources, such as solar energy, wind energy, wood, wood waste, municipal waste, agricultural products and wastes, hydroelectric energy, geothermal energy, and end-use waste heat, may not be realized without incentives to public and private energy utilities. The legislature therefore finds and declares that actions and incentives by state government to promote conservation and the use of renewable resources would be of great benefit to the citizens of this state by encouraging efficient energy use and a reliable supply of energy based upon renewable energy resources.

NEW SECTION. Sec. 2. There is added to chapter 80.28 RCW a new section to read as follows:

In establishing rates for each gas and electric company regulated by this chapter, the commission shall adopt policies to encourage meeting or reducing energy demand through cogeneration as defined in RCW 82.35.020, measures which improve the efficiency of energy end use, and new projects which produce or generate energy from renewable resources, such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood waste, municipal wastes, agricultural

products and wastes, and end-use waste heat. These policies shall include but are not limited to allowing a return on investment in measures to improve the efficiency of energy end use, cogeneration, or projects which produce or generate energy from renewable resources which return is established by adding an increment of two percent to the rate of return on common equity permitted on the company's other investment. Measures or projects encouraged under this section are those for which construction or installation is begun after the effective date of this act and before January 1, 1990, and which, at the time they are placed in the rate base, are reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use which is less than or equal to the incremental system cost per unit of energy delivered to end use from similarly available conventional energy resources which utilize nuclear energy or fossil fuels and which the gas or electric company could acquire to meet energy demand in the same time period. The rate of return increment shall be allowed for a period not to exceed thirty years after the measure or project is first placed in the rate base.

NEW SECTION. Sec. 3. There is added to chapter 82.16 RCW a new section to read as follows:

(1) In computing tax under this chapter there shall be deducted from the gross income:

(a) An amount equal to the cost of production at the plant for consumption within the state of Washington of:

(i) Electrical energy produced or generated from cogeneration as defined in RCW 82.35.020; and

(ii) Electrical energy or gas produced or generated from renewable energy resources such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood wastes, municipal wastes, agricultural products and wastes, and end-use waste heat; and

(b) Those amounts expended to improve consumers' efficiency of energy end use or to otherwise reduce the use of electrical energy or gas by the consumer.

(2) This section applies only to new facilities for the production or generation of energy from cogeneration or renewable energy resources or measures to improve the efficiency of energy end use on which construction or installation is begun after the effective date of this act and before January 1, 1990.

(3) Deductions under subsection (1)(a) of this section shall be allowed for a period not to exceed thirty years after the project is placed in operation.

(4) Measures or projects encouraged under this section shall at the time they are placed in service be reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use which is less than or equal to the incremental system cost per unit of energy delivered to end use from similarly available conventional energy resources which utilize nuclear energy or fossil fuels and which the gas or electric utility could acquire to meet energy demand in the same time period.

(5) The department of revenue, after consultation with the utilities and transportation commission in the case of investor-owned utilities and the governing bodies of locally regulated utilities, shall determine the eligibility of individual projects and measures for deductions under this section."

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hayner, Lewis, Williams, Wilson.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Gould: "Senator Bottiger, there has been a little bit of concern about what is actually meant, as far as finding what conventional resources would cost and

just for the record, would you answer the question, in what instances and to what extent must the utility seek out or be prepared to acquire conventional resources in making cost comparisons to renewable energy resources?"

Senator Bottiger: "Senator Gould, as I understand the utility planning and resource acquisition process, each utility maintains a shopping list of different future generating resources which the utility might acquire to meet the demand in a future time period or which other utilities in the region are planning to acquire in that time period. The alternatives would most certainly include nuclear or fossil fuel generation. The utility will have to perform an engineering assessment of these alternate resources. It is on the basis of this information and the cost derived from this information that the decision to pursue one alternate or another is made. It is the committee's intent that if a conservation or a renewable energy resource can be reasonably expected to be cost competitive with conventional resources on the basis of this kind of assessment, given the lack of operating experience with new energy technologies then it should be eligible for the incentive (sic). We did not feel that it was appropriate to be granting incentives to projects which are clearly going to be more cost effective than alternate available alternatives."

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, the amendment that you have on the bill, provides that they will be allowed two percent additional return on equity."

Senator Bottiger: "That is correct, Senator. On that project."

Senator Rasmussen: "On that particular project that utilities and transportation and the revenue department decides is new generation and not, I guess my question is, not the present techniques but a new technique?"

Senator Bottiger: "Senator, if I might . . ."

Senator Rasmussen: "Let me go a little bit farther. . ."

Senator Bottiger: ". . . I would like to give you an example . . ."

Senator Rasmussen: ". . . especially the turbine generation that they are installing now for peaking would not come under that classification?"

Senator Bottiger: "Definitely not, it is not an alternate energy source."

Senator Rasmussen: "Okay, it would have to be an entirely new technology, something that they have never engaged in?"

Senator Bottiger: "Senator, if I could use an example on Puget Power. The utility and transportation commission currently gives them nine percent return on equity capital. If they went out and spent two million dollars on a wind turbine, then on that two million dollars they would be entitled to the nine plus two, but not on their entire equity investment."

Senator Rasmussen: "So in effect, the people that were in the area that are buying the power, then they will be paying an additional two percent on equity?"

Senator Bottiger: "Senator, the shareholder would be receiving two percent but we then give a credit for that two percent that goes to the shareholder against the generating tax on that particular facility. So that the rate-payer will not pay more; the general fund in a sense out of future revenues coming from that generating facility alone, would be refunding to the company the amount they paid in excess to their shareholders."

Senator Rasmussen: "We would then, be depleting the general fund."

Senator Bottiger: "Senator, I gave the example; I do not believe . . ."

Senator Rasmussen: ". . . the potential general fund, not the general fund that exists . . ."

Senator Bottiger: "All of these materials have been sent through the ways and means committee staff to double check the energy committee staff and because of the greatly increasing cost of electricity, the revenue from the generating tax is going up much faster than the rate of inflation. So we are taking out of that new

money, not present money, and all of this has been run through Senator Donohue so that it does not affect his projections."

Senator Rasmussen: "Thank you."

The motion by Senator Bottiger carried and the committee amendment was adopted.

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 1419, 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, Senators Gallagher and Lewis were excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1419, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognilid, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Pullen—1.

Excused: Senators Conner, Gallagher, Lewis—3.

SUBSTITUTE HOUSE BILL NO. 1419, 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. 1499, by Committee on Energy and Utilities (originally sponsored by Representatives Monohon, Tupper, Erak, McCormick, Burns, Nelson (D.), Nisbet, Williams, Rinehart, Brown, North, Fuller, Charnley, Lux, Knowles, Salatino, May, Brekke, Eng, Vrooman, Sherman, Ellis and Gallagher):

Defining low income senior citizen for reduced utility rates of public utility districts.

REPORT OF STANDING COMMITTEE

March 3, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1499, defining low income senior citizen for reduced utility rates of public utility districts (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 116, Laws of 1979 and RCW 74.38.070 are each amended to read as follows:

(1) Notwithstanding any other provision of law, any county, city, town, municipal corporation, or quasi municipal corporation providing utility services may provide such services at reduced rates for low income senior citizens: PROVIDED, That, for the purposes of this section, "low income senior citizen" shall be defined by appropriate ordinance or resolution adopted by the governing body of the county,

city, town, municipal corporation, or quasi municipal corporation providing the utility services except as provided in subsection (2) of this section. Any reduction in rates granted in whatever manner to low income senior citizens in one part of a service area shall be uniformly extended to low income senior citizens in all other parts of the service area.

(2) For purposes of implementing this section by any public utility district, "low income senior citizen" means a person who is sixty-two years of age or older and whose total income, including that of his or her spouse or cotenant, does not exceed the amount specified in RCW 84.36.381(5)(b), as now or hereafter amended."

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Hayner, Lewis, Williams, Wilson.

The bill was read the second time by sections.

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

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute House Bill No. 1499, 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. 1499, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Lewis—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1499, 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. 1518, by Representatives Sanders, Schmitt, Erickson, Sommers and Owen:

Modifying minimum rental requirements for oil and gas leases on state lands.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, House Bill No. 1518 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. 1518, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

HOUSE BILL NO. 1518, having received the 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. 1688, by Committee on Energy and Utilities (originally sponsored by Representatives McCormick, Nisbet, Williams, Charnley, Tupper, Scott, Sherman, Sprague, Monohon, Bond, Nelson (D.), Erickson, Lux, Burns, Maxie, Salatino, Sanders, Brekke, Granlund, Addison, King, Galloway, Erak, Owen and Becker):

Providing for efficient energy use by state government.

REPORT OF STANDING COMMITTEE

March 5, 1980.

SUBSTITUTE HOUSE BILL NO. 1688, providing for efficient energy use by state governments (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 6, after line 36, insert the following:

"Sec. 8. Section 43.19.1911, chapter 8, Laws of 1965 and RCW 43.19.1911 are each amended to read as follows:

When purchases are made through competitive bidding, the contract shall be let to the lowest responsible bidder, subject to any preferences provided by law to Washington products and vendors, taking into consideration the quality of the articles proposed to be supplied, their conformity with specifications, the purposes for which required, and the times of delivery: PROVIDED, That whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the division of purchasing may call for new bids or enter into direct negotiations to achieve the best possible price. Each bid with the name of the bidder shall be entered of record and each record, with the successful bid indicated, shall, after letting of the contract, be open to public inspection. In determining "lowest responsible bidder", in addition to price, the following elements shall be given consideration:

(1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;

(2) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(3) Whether the bidder can perform the contract within the time specified;

(4) The quality of performance of previous contracts or services;

(5) The previous and existing compliance by the bidder with laws relating to the contract or services;

(6) Such other information as may be secured having a bearing on the decision to award the contract: PROVIDED, That in considering bids for purchase, manufacture, or lease, and in determining the "lowest responsible bidder," whenever there is reason to believe that applying the "life cycle costing" technique to bid evaluation would result in lowest total cost to the state, first consideration shall be given by state purchasing activities to the bid with the lowest life cycle cost which complies with specifications. "Life cycle cost" means the total cost of an item to the state over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life. The "estimated useful life" of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner."

Remember the remaining sections consecutively.

On page 1, on line 3 of the title, after "43.19.1905;" insert "amending section 43.19.1911, chapter 8, Laws of 1965 and RCW 43.19.1911;"

Signed by: Senators Bottiger, Chairman; Benitz, Gould, Lewis, Williams, Wilson, Woody.

The bill was read the second time by sections.

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

On motion of Senator Bottiger, the committee amendment to the title was adopted.

On motion of Senator Goltz, the rules were suspended, Substitute House Bill No. 1688, 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. 1688, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Goltz, Hayner, Lysen, Matson—4.

SUBSTITUTE HOUSE BILL NO. 1688, 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. 1989, by Committee on Commerce (originally sponsored by Representatives Warnke, May, Nisbet, Greengo, Salatino, Bauer, Mitchell, McGinnis, Kreidler, Charnley, Ehlers, McCormick, Sherman, Bender, Scott, North, Maxie, Gruger, Heck, Erickson, Knowles, Smith (R.), O'Brien and Winsley) (by House Select Committee on Mobile Homes request):

Regulating the manufacture, installation, sale, transportation, and repair of manufactured homes.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the rules were suspended, Substitute House Bill No. 1989 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. 1989, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bausch, Benitz, Bottiger, Bradburn, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Bluechel, Donohue, Odegaard, Rasmussen—4.

SUBSTITUTE HOUSE BILL NO. 1989, having received the 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 Wilson, Senator Woody was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1397, by Committee on Revenue (originally sponsored by Representatives May, Fuller, Gallagher, Sanders, Salatino, Owen, Scott, Bond, Brekke, Maxie, Stratton, McCormick, Knowles, Hughes, Heck and Burns):

Exempting motor vehicle fuel used by urban transportation systems from the sales and use tax.

REPORT OF STANDING COMMITTEE

March 12, 1980.

SUBSTITUTE HOUSE BILL NO. 1397, exempting motor vehicle fuel used by urban transportation systems from the sales and use tax (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:

"Section 1. Section 23, chapter 37, Laws of 1980 and RCW 82.08.... are each amended to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of:

(1) Motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes; and ~~((sales of))~~

(2) Motor vehicle and special fuel if:

(a) The fuel is purchased for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(8); or

(b) The fuel is taxable under chapter 82.36 or 82.38 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))~~.

Sec. 2. Section 56, chapter 37, Laws of 1980 and RCW 82.12.... are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of:

(1) Motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes; and

(2) Motor vehicle and special fuel if:

(a) The fuel is used for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(8); or

(b) The fuel is taxable under chapter 82.36 or 82.38 RCW: PROVIDED, That the use of ~~((such))~~ motor vehicle and special fuel upon which a refund of the ~~((motor vehicle))~~ applicable fuel tax is obtained shall not be exempt under this subsection (2)(b), and the director of licensing shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue."

On page 1, on line 1 of the title, after "fuels;" strike the remainder of the title and insert "amending section 23, chapter 37, Laws of 1980 and RCW 82.08....; and amending section 56, chapter 37, Laws of 1980 and RCW 82.12...."

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bluechel, Clarke, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Ridder, Scott, Shipoch.

The bill was read the second time by sections.

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

On motion of Senator Donohue, the committee amendment to the title was adopted.

On motion of Senator Donohue, the rules were suspended, Substitute House Bill No. 1397, 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. 1397, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn—48.

Excused: Senator Woody—1.

SUBSTITUTE HOUSE BILL NO. 1397, 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. 1427, by Representatives Martinis, Wilson, Sherman, Chandler, Nelson (D.), Bauer, Heck, Bender, Brekke, Burns, Charnley, Erak, Galloway, Garrett, Granlund, Gruger, King, Monohon, Pruitt and Vrooman:

Increasing the municipal public transit motor vehicle excise tax authorization.

REPORT OF STANDING COMMITTEE

March 12, 1980.

HOUSE BILL NO. 1427, increasing the municipal public transit motor vehicle excise tax authorization (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:

"Section 1. Section 2, chapter 296, Laws of 1971 ex. sess. as amended by section 6, chapter 270, Laws of 1975 1st ex. sess. and RCW 82.14.045 are each amended to read as follows:

(1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a class AA county pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, as now or hereafter amended, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this

chapter: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of RCW 82.14.047, section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax shall be one-tenth, two-tenths, or three-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax) (~~and shall not exceed the rate authorized in the proposition approved~~) except that in the case of a metropolitan municipal corporation created pursuant to chapter 35.58 RCW within a class AA county, the rate of such tax shall be one-tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-tenths of one percent. The rate of such tax shall not exceed the rate authorized by the voters unless such increase shall be similarly approved.

(2) (a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly within such metropolitan municipal corporation shall be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040 and/or 82.14.045, as now or hereafter amended, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization.

(b) In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045, as now or hereafter amended.

(c) In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040 or 82.14.045, as now or hereafter amended.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273, as now or hereafter amended.

NEW SECTION. Sec. 2. There is appropriated from the general fund to the office of financial management for the biennium ending June 30, 1981, the sum of three million dollars, or so much thereof as may be necessary, for disbursement for public transportation purposes to any local public transportation system: PROVIDED, That no funds may be disbursed to any local public transportation system until the director of financial management determines that the public transportation system requesting financial assistance is, or may soon be, in an emergent situation where demand for critical transit services exceeds the level of service the public transportation system is able to provide within existing revenues. Disbursement of any funds shall be effected only after determination by the director of financial management that the governing body of the public transportation system requesting the funds has exhausted all reasonable alternatives available to meet the service requirements within existing revenues and to generate additional local moneys for maintenance and operation of the public transportation system.

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."

On page 1, on line 1 of the title, after "funding;" strike the remainder of the title and insert "amending section 2, chapter 296, Laws of 1971 ex. sess. as amended by section 6, chapter 270, Laws of 1975 1st ex. sess. and RCW 82.14.045; making an appropriation; and declaring an emergency."

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bluechel, Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Ridder, Scott, Sellar, Shinpoch, Wojahn.

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, House Bill No. 1427, 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: "Senator McDermott, as I read the bill, the amendment provides for an increase of three-tenths of one percent in the sales tax."

Senator McDermott: "Yes, with a vote of the people . . ."

Senator Rasmussen: "How many million would that involve? Two hundred million, that would be state-wide; that would be about two hundred and forty . . ."

Senator McDermott: "You are talking . . ."

Senator Rasmussen: "We are talking about King county only."

Senator McDermott: "Yes, we are talking about double A counties."

Senator Rasmussen: "And that is the only county in the state?"

Senator McDermott: "That is correct."

Senator Rasmussen: "How much will that raise in King county?"

Senator McDermott: "I am not certain of the exact amount, perhaps Senator Shinpoch . . .?"

Senator Rasmussen: "In King county. State-wide it would be about two hundred and forty million."

Senator McDermott: "The figure is somewhere in the area of thirty million. I hear thirty-two and thirty-five million. One of the problems in estimating that is that in this period of inflation, it is a little bit hard to make exact estimates of what the sales tax is going to bring in but it is about thirty million dollars."

Senator Rasmussen: "And that would be thirty-two million dollars that would be taken away from the schools in the event that we have to raise taxes, they would

be able to ride the buses but we would not be able to have the schools adequately funded. Senator McDermott, I am speaking of the short fall in revenues that we are anticipating in 1981 and we may have to raise the sales tax in order to obey the court mandate. We would not be able to raise the sales tax as much in King county then, to support schools if this additional tax is approved."

Senator McDermott: "Senator Rasmussen, in answer to your question, the money we are talking about is additional taxation which is not presently there. If we at the state level and the next session have to raise the taxes, we would raise them uniformly across the state for the support of schools. It would be in addition to this amount of money. This is a decision, locally, that they want to have a transit system and tax themselves for that, and I think it is a good move, gives local control."

Senator Rasmussen: "Thank you, Senator McDermott."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1427, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn—42.

Voting nay: Senators Hayner, Hurley, Morrison, Rasmussen—4.

Absent or not voting: Senators Fleming, Matson—2.

Excused: Senator Woody—1.

HOUSE BILL NO. 1427, 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. 1508, by Representatives Sherman, Chandler, Sommers, Wilson, Charnley, Craswell, Martinis, Smith (R.), Rinehart, Heck, Granlund, Lux, Hughes, Salatino, Erak, Stratton, Pruitt, Monohon, Van Dyken, Maxie, Gallagher, Bauer, Brekke, Burns, Nisbet, Williams, Teutsch and Taylor:

Exempting ride-sharing vans from sales, use and motor vehicle excise taxation.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, House Bill No. 1508 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. 1508, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senators Conner, Fleming—2.

HOUSE BILL NO. 1508, having received the 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. 1546, by Committee on Revenue (originally sponsored by Representatives Nisbet, Sherman, Pruitt, Tupper, Williams, McCormick, Scott, Nelson (D.), Wilson, Charnley, Addison, Bauer, Bender, Brekke, Burns, Erak, Greengo, Van Dyken, Walk, Rinehart, Sanders, Brown, Lux, Monohon, Gallagher, Grimm and McGinnis):

Changing the valuation of unconventional heating and cooling systems for property taxation.

REPORT OF STANDING COMMITTEE

March 11, 1980.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1546, changing the valuation of unconventional heating and cooling systems for property taxation (reported by Committee on Energy and Utilities):

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. There is added to chapter 84.40 RCW a new section to read as follows:

As used in RCW 84.40.030:

(1) "Unconventional heating, cooling, domestic water heating or electrical system" means a heat pump space heating and cooling or water heating system, active or passive solar space or water heating systems, solar photovoltaic or solar-thermal generating systems, and wind-driven electrical generating systems.

(2) "Active solar space or water heating system" means a system of solar collectors, pumps, fans, ducting, piping, controls, and equipment for the storage of thermal energy which are combined so as to provide for the collection, storage, and distribution of solar energy for space or water heating.

(3) "Passive solar space heating or water heating system" means a system of equipment and/or building structural components which are combined so as to provide for the collection, storage, and distribution of solar energy for space or water heating and which rely principally on natural conduction, convection, and radiation for heat transfer. Such equipment or structural components include generally south-facing glazing or attached green houses which are primarily unshaded during the months of November through March; solar collectors; moveable insulation to reduce night heat loss; reflective devices to enhance solar collection; water tanks, rock bins, and walls or floors which also provide thermal storage; and ducting, piping, fans, and controls.

Sec. 2. Section 2, chapter ___ (SB 3181), Laws of 1980 and RCW 84.40.030 are each amended to read as follows:

All property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid. Notwithstanding any other provisions of this section or of any other statute, when the value of any taxable leasehold estate created prior to January 1, 1971 is being determined for assessment years prior to the assessment year 1973, there shall be deducted from what would otherwise be the value thereof the present worth of the rentals and other consideration which may be required of the lessee by the lessor for the unexpired term thereof: PROVIDED, That the foregoing provisions of this sentence shall not apply to any extension or renewal, made after December 31, 1970 of the term of any such estate, or to any such estate after the date, if any, provided for in the agreement for rental renegotiation.

The true and fair value of the real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) Any sales of the property being appraised or similar property with respect to sales made within the past five years. The appraisal shall take into consideration political restrictions such as zoning as well as physical and environmental influences. The appraisal shall also take into account, (a) in the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (b) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(2) In addition to sales as defined in subsection (1), consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (2) shall be the dominant factors in valuation. When provisions of this subsection (2) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(3) In valuing any tract or parcel of real property, the value of the land, exclusive of structures thereon shall be determined; also the value of structures thereon, but the valuation shall not exceed the value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded.

(4) In valuing any building with an unconventional heating, cooling, domestic water heating or electrical system (~~(before December 31, 1987)~~), the value placed on the building shall not exceed the value which would be placed on the building if it had a conventional system.

NEW SECTION. Sec. 3. There is added to chapter 84.40 RCW a new section to read as follows:

The department of revenue shall promulgate such rules, under chapter 34.04 RCW, as are necessary and convenient to properly administer RCW 84.40.030(4) by September 1, 1980, and shall report on these rules to the house and senate energy and utilities committees on or before that date.

Sec. 4. Section 3, chapter ___ (SB 3181), Laws of 1980 and RCW 84.40. ___ are each amended to read as follows:

Notice of the assessment rule provided in RCW 84.40.030(4) shall be included on or with all property tax statements and revaluation notices. (~~This section shall expire December 31, 1987.~~)

NEW SECTION. Sec. 5. Any person who feels the assessed valuation of any building which he or she owns has been increased because it has an unconventional heating, cooling, domestic water heating or electrical system, as defined in section 1 of this act, may appeal the assessment to the county board of equalization under chapter 84.48 RCW as provided by law.

NEW SECTION. Sec. 6. 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 shall be effective for assessments made in 1980 and years thereafter."

On page 1, one line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending section 2, chapter ___ (SB 3181), Laws of 1980 and RCW 84.40.030; amending section 3, chapter ___ (SB 3181), Laws of 1980 and

RCW 84.40.____; adding a new section to chapter 84.40 RCW; creating a new section; and declaring an emergency."

Signed by: Senators Bottiger, Chairman; Hurley, Lysen, Williams, Wilson, Woody.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the committee amendment.

On motion of Senator Wilson, the following amendment to the committee amendment was adopted:

Delete everything from and including "Notice" on page 5, line 23 through "RCW 84.40.030(4)" on line 24 and insert:

The department of revenue shall prepare a brief explanation of the assessment rule provided in RCW 84.40.030(4) in non-technical terms and provide sufficient copies of that explanation to the assessors of each county for distribution to the property owners of the counties. This explanation ((Notice of the assessment rule provided in RCW 84.40.030(4)))

The motion of Senator Bottiger carried and the committee amendment, as amended, was adopted.

On motion of Senator Bottiger, the committee amendment to the title was adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed Second Substitute House Bill No. 1546, 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: "Senator Bottiger, would you please explain for the record what would be classed as 'unconventional' so we have it clear what we are talking about."

Senator Bottiger: "Senator Rasmussen, the bill sets forth a definition and there is no service in just rereading it. What we are after are those kinds of construction programs, devices that are not standard, that do not exist as a state of the art within that particular class of housing. Heat pumps would clearly be an example, the passive solar wall, the shade system that Senator Guess discussed would be clearly classified as non-conventional construction systems. If it is what everybody else is doing, then it is standard, and it should be all taxed alike; but if somebody is spending the extra money to save energy, we are asking the assessor not to increase his taxes for that reason."

Senator Rasmussen: "Thank you. At what stage does it become conventional, Senator Bottiger? I am wondering if fifty percent of the people would suddenly install heat pumps, would it then become conventional?"

Senator Bottiger: "Senator, I think the way the bill is drafted and the definition, would say that when it is a state of the art, it becomes conventional and I am not sure I could put any percentage on it as to when it became conventional. Again, the department of revenue would write the rules and regulations, they are to report to us the rules and regulations that they adopt and if we find that everybody is doing it and there is now no longer any reason to grant a special exemption, then we can repeal the section."

Senator Rasmussen: "Thank you, I was hoping you would have a little bit clearer legislative intent."

REMARKS BY PRESIDENT PRO TEMPORE HENRY

Senator Henry: "Fifty-one percent, Senator Rasmussen."

REMARKS BY SENATOR GUESS

Senator Guess: "If I might answer the question that Senator Rasmussen raises, I designed a heat pump and installed it in a house that I built in Walla Walla in 1949. I actually designed that in my head in a tent in Germany, dreaming about what I was going to do when I built that house when I came home. It is not yet the state of the art. A heat pump was very successful as far the financing of the thing and the cost, Senator Rasmussen.. I can remember the very cold month that we had just after we moved into the house and the bill for all the lighting and cooking and the heat pump was twelve dollars and fifty cents; but I had problems. I had designed it, using some equipment that came off of a liberty ship down at Swan Island Naval Shipyard and we had trouble with that, and I lost four hundred pounds of freon down the creek. And so I have never had a house with a heat pump in it since then. But heat pumps are efficient; they will return to you in the order of about three kilowatts of heat for every kilowatt of electricity that you put into it. I think in a period of time, maybe ten years, that the heat pump will be the normal thing that we will put in. But until then people are going to have to, should be given an incentive because of the efficiency and hopefully the manufacturers now have a better system than I dreamed up."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1546, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 3;

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Matson, Shinpoch, Talley—3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1546, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF GUESTS

President Pro Tempore Henry announced the presence on the Senate rostrum of Yoshio Uchida, director general of Japan External Trade Organization of San Francisco and Shimataro Ohishi also of JETRO who are guests of the Lieutenant Governor.

With permission of the Senate, business was suspended to permit Mr. Uchida to address the Senate.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1413, by Committee on Energy and Utilities (originally sponsored by Representatives Isaacson, Oliver, Nisbet, Hastings and Williams):

Providing for a state energy fair in 1983.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 1413 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Goltz: "Senator Morrison, I have it said, but I would like to see it in the record, that the state will not be required to put up any money to support this particular activity. Is that correct?"

Senator Morrison: "Senator Goltz, the bill contains absolutely no appropriation. It is the intent to utilize existing or facilities that will be built within the tri-cities prior to the 1983 time of the fair. So it certainly is not the intent of this measure to require the appropriation of any state funds for this particular state fair."

POINT OF INQUIRY

Senator Wojahn: "Senator Morrison, I notice that the bill does not contain the appropriation. You say that it does not anticipate, does it anticipate an appropriation from the state in the future?"

Senator Morrison: "The prime sponsor from the House, Representative Isaacson, is right here shaking his head 'no'. This is strictly, we want to give to this celebration the status of being a state fair for the sake of attracting that many more industries from all across the nation to come to the tri-cities area to talk to the citizens of the state and the great northwest about the tremendous advantage, developments that have come along in these last few years. So, no, there is no intent to appropriate state funds at all for this particular state fair."

Senator Wojahn: "In the future?"

Senator Morrison: "As far as I am concerned, no intent for future, I suppose that commerce and economic development came in and requested an appropriation for a state exhibit, that would be something for future sessions to consider. It certainly is not intended by the sponsor of the measure in front of us."

Senator Wojahn: "May I ask a further question? The bill simply lays out the fact that the tri-cities is considering an energy fair. They want to set up a nonprofit organization, as I understand it. Why do you have to have a bill to set up a nonprofit organization? We have them all over the state and I cannot see what the need for the bill is?"

Senator Morrison: "Senator Wojahn, the need for the bill is. . . I do not think we could establish this as a state energy fair without having legislation, without having the state board of directors, if you will, declare that it is of sufficient interest to be a state fair. That is essentially the only real impact of the bill is that it is declared to be a state energy fair. I think that justifies the legislation. If it is not declared a state fair, then I think we lose the opportunity to attract tremendous attention to this as a celebration, if you will, a description of the state of the art in energy conservation. So I think the bill is justified on that basis, it makes it a state fair, that is the only intent and I think it will attract international as well as national recognition on the basis the state of Washington is saying 'Look, we've got an energy park, an energy center, come look at it and we will show you what we are doing here'."

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Senator Wojahn, if I may add just a word or two. I think from what I have read of this and from some of the articles I have read in the local news from that area, this will be operated a great deal like the industry that I was with for so many years. The suppliers, the various people who have exhibits they want to show to the people, they are the ones who really foot the final tab."

POINT OF INQUIRY

Senator Goltz: "Senator Morrison, I am not in opposition to the concept at all, but I see that it does establish a new chapter in the RCW without a sunset clause. To remove that chapter after this fair is over in 1983 or '84, would require the introduction of another bill which is quite an expense to the state of Washington. I wonder if it would not be advisable at this time to put a sunset provision in the bill so that the bill automatically self-destructs so we do not have to add another bill in 1983 or '84."

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I think you will recall, Senator Goltz, we self-destructed the Seattle World's Fair and a few others without too much problem. I think that adding an amendment at this stage of the game on the final day, would be a little risky."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1413, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; absent or not voting, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Woody—42.

Voting nay: Senators Gaspard, Goltz, Van Hollebeke, Wilson, Wojahn—5.

Absent or not voting: Senators Lysen, Pullen—2.

SUBSTITUTE HOUSE BILL NO. 1413, having received the 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, Substitute House Bill No. 1419, House Bill No. 1427, Engrossed Substitute House Bill No. 1499, Engrossed Second Substitute House Bill No. 1546 and Substitute House Bill No. 1688 were ordered immediately transmitted to the House.

MOTION

At 3:05 p.m., on motion of Senator Marsh, the Senate recessed until 3:55 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:55 p.m.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of the House Message on House Bill No. 1526.

MESSAGE FROM THE HOUSE

March 6, 1980.

Mr. President: The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1526, and asks the Senate for a conference thereon, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTIONS

On motion of Senator Guess, the rules were suspended and House Bill No. 1526 was returned to second reading.

On motion of Senator Walgren, the Senate resolved itself into a Committee of the Whole, President Pro Tempore Henry in the Chair, for the purpose of considering House Bill No. 1526.

COMMITTEE OF THE WHOLE

House Bill No. 1526 was considered in the Committee of the Whole and reported back to the Senate, President Pro Tempore Henry presiding, with the recommendation that it do pass as amended.

On motion of Senator Henry, the report of the committee was adopted.

President Cherberg assumed the Chair.

On motion of Senator Walgren, the reading had in the Committee of the Whole was considered the second reading of House Bill No. 1526.

On motion of Senator Walgren, the following amendments to House Bill No. 1526 adopted in the Committee of the Whole were adopted by the Senate:

Strike everything after the enacting clause, including the Senate amendment adopted on March 5, 1980, and insert the following:

"NEW SECTION. Section 1. A supplemental budget as set forth in this 1980 act is hereby adopted and, subject to the provisions set forth in this 1980 act, the several amounts specified in this 1980 act, or so much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated to the state treasurer for disbursement to the designated agencies and offices of the state for salaries, wages, expenses, and other specified purposes, including operations and capital improvements, for the fiscal biennium beginning July 1, 1979, and ending June 30, 1981, except as otherwise provided, out of the several specified funds of the state treasury.

NEW SECTION. Sec. 2. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	309,000
Judicial Information System Account Appropriation	\$	220,000
Total Appropriation	\$	529,000

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

(1) Not more than \$309,000 shall be expended for the purpose of funding salaries and fringe benefits for nine superior court judges authorized in chapter 202, Laws of 1979 ex. sess.: PROVIDED, That employer contributions for judges' social security shall be paid by the state, and local governments shall reimburse the state for fifty percent of such costs.

(2) The \$220,000 judicial information system account appropriation is contingent upon chapter ... (2nd SSB 2381), Laws of 1980 becoming law. This appropriation reflects maximum anticipated revenues and further assumes that no expenditures shall be made above actual accrued revenues. In recognition of the

cost-sharing provisions of the judicial information system authorized in chapter ... (2nd SSB 2381), Laws of 1980, the administrator for the courts shall report on actual and estimated long term receipt and expenditure activity of the judicial information system account to the senate ways and means committee and the house appropriations committee by January 1, 1981.

NEW SECTION. Sec. 3. FOR THE STATE TREASURER

State Treasurer's Service Fund Appropriation \$ 96,000

The appropriation contained in this section shall be subject to the following condition or limitation: The funds appropriated in this section shall be used to complete the acquisition and installation of a new computer system; proceeds from the sale of the old equipment will be deposited in the state treasurer's service fund.

NEW SECTION. Sec. 4. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund—Motor Transport Account Appropriation \$ 610,000

NEW SECTION. Sec. 5. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation \$ 79,000

The appropriation contained in this section shall be subject to the following condition or limitation: This appropriation shall be used for implementation of the continuing education program for insurance agents and brokers (chapter 269, Laws of 1979 ex. sess.).

NEW SECTION. Sec. 6. FOR THE MILITARY DEPARTMENT

General Fund Appropriation \$ 36,000

The appropriation contained in this section shall be subject to the following condition or limitation: The military department is authorized to employ one FTE staff year for the purpose of coordinating and managing the Washington state guard.

NEW SECTION. Sec. 7. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation \$ 15,000

The appropriation contained in this section shall be subject to the following condition or limitation: The funds shall be expended solely for the boundary review boards.

NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Accident Fund Appropriation—State	\$	145,812
Medical Aid Fund Appropriation—State	\$	145,812
Total Appropriation	\$	291,624

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

(1) Not more than \$271,624 (of which \$135,812 shall be from each of the two appropriations contained in this section) shall be used for the necessary permanent and temporary positions needed to handle the growing backlog and the significant workload growth in the self-insurance division of the industrial insurance program: PROVIDED, That the director shall insure that the administrative charges collected from self-insurers are adequate to cover the additional claims handling and audit authorization included in this appropriation to the extent that those additional charges are attributable to self-insurers.

(2) \$20,000 (of which \$10,000 shall be from each of the two appropriations contained in this section), or so much thereof as may be necessary, shall be expended to carry out the purposes of section 4, chapter ... (SSB 3169), Laws of 1980.

NEW SECTION. Sec. 9. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Accident Fund Appropriation	\$	144,000
Medical Aid Fund Appropriation	\$	116,000
Total Appropriation	\$	260,000

NEW SECTION. Sec. 10. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—Criminal Justice Training Account Appropriation	\$	1,181,000
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NEW SECTION. Sec. 11. FOR THE STATE ENERGY OFFICE

General Fund Appropriation	\$	142,000
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The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) This appropriation shall be used to meet increased state set-aside caseloads in the state fuel allocation program.

(2) If chapter ... (SB 3503), Laws of 1980 or chapter ... (HB 1675), Laws of 1980 becomes law, the appropriation contained in this section shall be placed in reserve and lapsed at the end of the biennium.

Sec. 12. Section 2, chapter 158, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated to the state energy office from the general fund, the sum of two hundred fifty-one thousand dollars or so much thereof as shall be necessary for the biennium ending June 30, 1981. The appropriation provided for in this section shall be expended exclusively for the additional staff which may be needed to handle fuel allocation requirements. (~~If federal funds are received for this purpose an equal amount of this appropriation shall be placed in reserve.~~)

NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—Federal	\$	2,381,000
General Fund Appropriation—State	\$	70,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	106,000
Total Appropriation	\$	2,557,000

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

(1) The general fund appropriation—federal shall be expended exclusively to meet increased workloads associated with the receipt of federal waste and water management grants.

(2) The general fund appropriation—state shall be expended exclusively for the purpose of establishing an estuarine sanctuary in Padilla Bay, Skagit county. The department of ecology may use such funds for the acquisition of tidelands within Padilla Bay, Skagit county, either through direct expenditures or through grants to a federal, state, or local agency. No moneys appropriated under this section may be expended by the department of ecology for acquisition of tidelands unless made in combination with an equal match of moneys from other public or private sources. Prior to acquiring any tidelands, the department of ecology shall determine that the use of the property to be acquired will be consistent with chapter 90.58 RCW, the shoreline management act, and guideline and master programs adopted thereunder.

(3) The general fund—state and local improvements revolving account appropriation shall be allocated to the parks and recreation commission to construct

sewage disposal systems at several marine state parks located in the San Juan archipelago: PROVIDED, That the appropriation shall be null and void and of no effect if chapter ... (SSB 3526), Laws of 1980 becomes law.

(4) If chapter ... (SB 3371), Laws of 1980 becomes law, the \$70,000 general fund appropriation—state contained in this section shall be null and void and of no effect.

Sec. 14. Section 85, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	24,749,000
General Fund Appropriation—Federal	\$	100,000
General Fund Appropriation—Private/Local	\$	258,000
General Fund—Trust Land Purchase Account Appropriation	\$	2,522,000
General Fund—Winter Recreation Parking Account Appropriation	\$	64,000
General Fund—Outdoor Recreation Account Approp- riation	\$	70,000
Motor Vehicle Fund Appropriation	\$	800,000
Total Appropriation	\$	28,563,000

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

(1) No currently operating state park will be closed due to budgetary constraints.

(3) \$155,000 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.

(4) Not more than \$900,000 of the trust land purchase account appropriation shall be expended to purchase the state-owned Heart Lake property located in section 36, township 35 north, range 1 east W.M. located in Skagit county if such amount is equal to or more than the fair market value of the property.

(5) Not more than \$15,000 shall be expended for the purpose of making a grant to the port of Skagit county for the operation of the historical railway from Sedro Woolley to Concrete. Any portion of the grant not spent ending June 30, 1981, shall be returned to the general fund of the state of Washington. Any net profit, up to the amount expended in the grant to the port of Skagit county for the operation of the historical railway, but not to exceed \$15,000, earned by the railway ending June 30, 1981, shall be reimbursed to the general fund of the state of Washington.

(6) Not more than \$228,000 shall be expended for an experimental campsite reservation system ((for Washington residents)).

(7) Not more than \$80,000 shall be expended for operation of the Goldendale observatory.

(8) The commission shall include the acquisition of the property commonly known as the Auburn game farm as a project in the commission's 1981-83 biennium capital budget request. This project shall be prioritized among other projects of the commission and shall be subject to the interagency committee for outdoor recreation capital budget analysis process.

NEW SECTION. Sec. 15. There is appropriated to the parks and recreation commission from the general fund—outdoor recreation account (HJR 52), the sum of one hundred thousand dollars, or so much thereof as may be necessary, for the purpose of transfer to the department of natural resources to acquire replacement forest lands in Cowlitz county. These lands shall replace approximately ninety

acres of state forest lands, including timber, adjacent to Seaquest state park which shall be transferred to the commission.

NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$ 425,000
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The appropriation contained in this section shall be subject to the following condition or limitation: \$425,000, or so much thereof as may be necessary, may be expended for the design, planning, and development of a new theater for the performing arts to be located on the grounds of the Seattle Center.

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation	\$ 1,930,000
General Fund—Resource Management Cost Account	
Appropriation	\$ 1,350,000
Total Appropriation	\$ 3,280,000

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

(1) \$1,350,000 of the general fund—resource management cost account appropriation shall be expended for reforestation of state-owned lands.

(2) \$1,530,000 of the general fund appropriation shall be expended for the emergency forest fire suppression program.

(3) \$400,000 of the general fund appropriation shall be expended for a forest tree seedlings program. The department shall reimburse the state general fund \$400,000 from proceeds of the sale of forest tree seedlings. Repayment shall take place before June 30, 1983.

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation	\$ 161,000
Grain and Hay Inspection Fund Appropriation	\$ 5,788,000
Total Appropriation	\$ 5,949,000

The appropriations contained in this section shall be subject to the following condition or limitation: \$100,000 of the general fund appropriation shall be expended solely for grasshopper control. These funds shall be used for purposes of matching federal and landowner contributions on a ratio of one-third state general fund moneys, one-third landowner funds, and one-third federal government grant funds. Before any grasshopper control program commences, the responsible or cooperating agency or agencies must receive approval from the directors of the departments of ecology, fisheries, and game.

NEW SECTION. Sec. 19. FOR THE STATE PATROL

General Fund Appropriation	\$ 1,147,000
Motor Vehicle Fund Appropriation	\$ 1,068,000
Total Appropriation	\$ 2,215,000

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$ 893,000
Motor Vehicle Fund Appropriation	\$ 352,000
Motor Vehicle Fund—Vehicle Title Guarantee	
Account Appropriation	\$ 25,000
Highway Safety Fund Appropriation	\$ 671,000
Total Appropriation	\$ 1,941,000

The appropriations contained in this section shall be subject to the following condition or limitation: If chapter ... (SHB 1778), Laws of 1980 becomes law, \$351,000 of the highway safety fund appropriation shall be placed in reserve and lapsed at the end of the biennium.

NEW SECTION. Sec. 21. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation \$ 1,800,000

NEW SECTION. Sec. 22. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation \$ 57,000

The appropriation contained in this section shall be subject to the following condition or limitation: This appropriation shall be expended solely to develop an international trade data bank, in cooperation with the department of commerce and economic development, containing statistical information on Washington imports and exports.

NEW SECTION. Sec. 23. FOR WASHINGTON STATE UNIVERSITY—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation \$ 300,000

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

- (1) \$100,000 shall be expended solely to research the protection and growing of wine grapes and wine production.
- (2) \$125,000 shall be expended solely to research health-related problems, including chronic pharyngitis, of racing and performing horses.
- (3) \$75,000 shall be expended for research, collection and dissemination of data, design curriculum, and conduct seminars to promote the technology of farm fuel production.

NEW SECTION. Sec. 24. FOR THE EVERGREEN STATE COLLEGE—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation \$ 108,000

The appropriation contained in this section shall be subject to the following condition or limitation: The appropriation shall be held in allotment reserve pending review of enrollments by the office of financial management and such review shall be completed by April 25, 1980: PROVIDED, That reversion of these funds shall be required if the enrollment is less than the revised 1980-81 contract enrollment level.

NEW SECTION. Sec. 25. FOR THE COUNCIL FOR POSTSECONDARY EDUCATION

General Fund Appropriation \$ 5,000

The appropriation contained in this section shall be subject to the following condition or limitation: The council shall conduct a study evaluating the contract enrollment methodology and analyzing enrollment trends in the community college system and shall report back to the senate ways and means and house appropriations committees not later than November 1, 1980.

NEW SECTION. Sec. 26. FOR THE STATE LIBRARY

General Fund Appropriation \$ 266,000

The appropriation contained in this section shall be subject to the following condition or limitation: This appropriation shall be used to replace federal funds, to the extent such funding is not available, in order to maintain current service levels in the Washington regional library for the blind and physically handicapped, for the radio reading service, and for the braille and taping programs.

NEW SECTION. Sec. 27. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation \$ 85,000

NEW SECTION. Sec. 28. FOR BELATED CLAIMS

The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated for the period from the effective date of this 1980 act to June 30, 1981, except as otherwise indicated.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

General Fund—Criminal Justice Training Account	\$	7,310.53
General Fund—Hospital Commission Account	\$	43.69
General Fund—Forest Development Account	\$	14,410.27
General Fund—Investment Reserve Account	\$	35.00
General Fund—State Timber Tax Reserve Account	\$	25,715.09
General Fund—Professional Engineers Account	\$	37.81
General Fund—Real Estate Commission Account	\$	3,683.00
General Fund—Sanitarians' Licensing Account	\$	150.00
General Fund—Motor Transport Account	\$	6,150.74
General Fund—Resource Management Cost Account	\$	14,524.96
General Fund—Litter Control Account	\$	7,954.20
General Fund—State Board of Psychological Examiners Account	\$	1,200.00
General Fund—State Higher Education Construction Account	\$	5,470.46
General Fund—Outdoor Recreation Account	\$	13,161.55
General Fund—State and Local Improvements Revolving Account Public Recreation Facilities	\$	1,449.48
Fertilizer, Agriculture, Mineral and Lime Fund	\$	421.00
Commercial Feed Fund	\$	37.00
Seed Fund	\$	4,198.00
Electrical License Fund	\$	1,058.16
State Game Fund	\$	39,250.72
Grain and Hay Inspection Fund	\$	6,605.00
Highway Safety Fund	\$	6,150.28
Motor Vehicle Fund	\$	39,055.02
Public Service Revolving Fund	\$	3,101.89
Unemployment Compensation Administration Fund	\$	1,029.21
State Treasurer's Service Fund	\$	2,724.06
Legal Services Revolving Fund	\$	789.22
General Administration Facilities and Services Revolving Fund	\$	7,060.79
Department of Personnel Service Fund	\$	2,201.75
Higher Education Personnel Board Service Fund	\$	420.00
Liquor Revolving Fund	\$	4,552.70
Department of Retirement Systems Expense Fund	\$	320.25
Accident Fund	\$	19,030.14
Medical Aid Fund	\$	900.71
Plumbing Certificate Fund	\$	2.85
Washington Library Network Computer System Revolving Fund	\$	56.09
Total Appropriation	\$	240,261.62

Sec. 29. Section 173, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

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, 1979, to June 30, 1981.

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) HAROLD GIVENS, CARL KASZYCKI, Judgment against the state in Residents for a Planned Peninsula et al. vs. DSHS \$ 15,770.00
- (2) ARCHITECTURAL WOODS, INC., Judgment against the state in Architectural Woods vs. the State: 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 Architectural Woods, Inc. or by its directors 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(~~(- except that the state may become liable for interest payment accruing from October 27, 1977, if, and only if, it is so ordered by the Supreme Court of Washington)~~)." \$ ~~((36,615.23))~~
57,371.08
- (3) DAVID PARKER AND DENTON P. ANDREWS, Payment of writ of mandate for costs assessed against the state in State vs. David C. Parker \$ 616.23
- (4) EVERGREEN PLAZA INVESTORS AND EVERGREEN DEVELOPMENT CORP., Judgment against the state in Evergreen Plaza Investors vs. Washington State Higher Education Assistance Authority, et al., for breach of contract \$ 7,937.70
- (5) LLOYD STEWART AND JOE McADAMS, Payment of costs assessed against the state in State vs. Lloyd Paul Stewart \$ 24.74
- (6) THOMAS M. WRIGHT, Payment of costs assessed against the state in State ex rel. Seeze vs. Thomas Marion Wright \$ 92.00
- (7) MOE BIRNBAUM, Payment of guardian ad litem services performed for the state: PROVIDED, That the state shall have subrogation rights to payment of such services against the defendant in State ex rel. Evon vs. David S. F. Fijalka \$ 200.00
- (8) GRACIE BROCK AND JOHN A. BARLOW, Payment of costs assessed against the state in dismissal of murder charge \$ 774.70
- (9) CHRISTIANSEN BROTHERS, INC., Judgment on settlement agreement, together with accrual of interest at 8% per annum from June 6, 1977: PROVIDED, That payment come from the State Higher Education Construction Account \$ 204,120.00

(10)	STEVE TROUTMAN, Payment of cost bill and remittitur No. 44748 from Washington Supreme Court in State vs. Troutman	\$ 522.94
(11)	UNION PACIFIC RAILROAD, Payment of settled amount for demurrage charges	\$ 33,940.00
(12)	PHYLLIS ALM, Payment of retirement contributions: PROVIDED, That payment shall come from the Retirement Systems Fund	\$ 211.27
(13)	EUGENIA STOWE, Payment of retirement contributions: PROVIDED, That payment shall come from the Retirement Systems Fund	\$ 90.39
(14)	NARAMORE, BAIN, BRADY AND JOHANSON, ARCHITECTS, Final payment due on contract: PROVIDED, That payment shall come from the State Higher Education Construction Account: PROVIDED FURTHER, That the chief fiscal officer of the executive branch is directed and authorized to draw up a separate voucher, such voucher to be presigned by Naramore, et al., or its directors, 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 contract for services upon the physical sciences building at WSU."	\$ 44,771.68
(15)	DAVID WEBB, Payment for unjust imprisonment: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher to be presigned by David Webb prior to the release of the warrant, which voucher shall state: "By the acceptance of this amount the undersigned releases the state of Washington and all political subdivisions thereof, and their agents, from any further claims with regard to payment of relief for unjust imprisonment."	\$ 20,000.00
(16)	DAVID ABRAHAM BLOCH, Judgment for costs of dismissal of felony charge in State vs. Bloch	\$ 110.00
(17)	RUTH PALMER, Payment pursuant to order of mandamus for costs assessed against the state in Palmer et al. vs. State Personnel Board	\$ 107.00
(18)	BURRELL FINDLAY, Payment of claim for damage to certain heavy machinery incurred while performing voluntary emergency services for the highway department: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher to be presigned by Mr. Burrell Findlay prior to the release of the warrant, which voucher shall state: "By the receipt of this amount, the undersigned releases the state of Washington and all political subdivisions thereof, and their agents, from any further claim	

with regard to property damage incurred while performing volunteer services for the highway department	\$	13,000.00
(19) DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Payment for claims outstanding submitted to the department after the 60-day statutory limit: PROVIDED, That such claims shall be paid at fifty percent of their approved value: PROVIDED FURTHER, That \$90,000 shall be from federal sources	\$ ((+1,100,000.00))	<u>1,700,000.00</u>
(20) EDMOND WARD, Payment for loss of personal tools while such were under security protection of department of transportation	\$	167.84
(21) RUSSELL E. JOHNSON, Payment for loss of personal tools while such were under security protection of department of transportation	\$	421.77
(22) ((MRS. HARRY FOSTER, Payment of balance of deceased husband's retirement contributions: PROVIDED, That such payment shall represent full and complete satisfaction of this obligation by the state: PROVIDED FURTHER, That payment shall come from the Judges' Retirement Systems Fund	\$	1,488.99
(23) MRS. DEL CARY SMITH, Payment in full of deceased husband's retirement contributions, such payment to come from the Judges' Retirement Systems Fund	\$	15,836.36
(24)) WILLIAM VAN KLAVEREN, Payment of retirement contributions: PROVIDED, That payment shall come from the Retirement Systems Fund	\$	550.72
((25)) (23) FLORENCE R. STANDING, Payment for relief, plus interest, for death of the husband of Florence Standing in the amount which would have been payable under the Victims of Crimes Act if section 8, chapter 302, Laws of 1977 ex. sess. had been made retroactive to apply to Florence Standing's claim: PROVIDED, That this retroactive payment of relief measured by the Victims of Crimes Act does not preclude the claimant from seeking additional judicial relief.	\$	10,290.00
((26)) (24) VIRGIL PRICE, Payment for watch stolen during holdup of state liquor store: PROVIDED, That payment shall come from the Liquor Revolving Fund—State	\$	150.00
((27)) (25) GRACE AND GEORGE BURTON, For relief of the death of their daughter, payment of the amount provided for under the Victims of Crimes Act: PROVIDED, That this retroactive payment of relief does not preclude the claimant from seeking additional judicial relief	\$	1,182.00
((28)) (26) UNITED NURSING HOMES, ET AL., Plaintiffs in Thurston County Superior Court cases 55007 and 55613, to be disbursed by the court upon recommendation of the settlement reviewer pursuant		

to agreed judgment entered on December 28, 1978: PROVIDED, That the department shall seek reimbursement of not less than \$4,100,000 from federal matching funds

- (27) GERALD B. COBURN, Payment for crop damage by game during 1978: PROVIDED, That the chief fiscal officer of the executive branch shall draw up a separate voucher, such voucher to be presigned by Gerald B. Coburn prior to the release of the voucher, which voucher shall state: "By acceptance of this amount, the undersigned releases the state of Washington and all political subdivisions thereof, and their agents, from any further claims with regard to payment for crop damage by game during 1978": PROVIDED FURTHER, That payment shall be made from the game fund

\$ 8,200,000.00
- (28) RUDOLFO GUTIERRIZ, Payment of expenses in State v. Gutierrez, pursuant to RCW 9.01.200

\$ 1,230.00
- (29) FOSTER, PEPPER AND RIVIERA TRUST ACCOUNT, Payment of costs in Seattle School District v. State

\$ 5,346.71
- (30) RUTH HAMMOND, Reimbursement for advance payment of motor vehicle license fee on automobile rendered unusable prior to the effective date of the license

\$ 39.58
- (31) DON G. HENDRICKSON, Payment for crop damage by game during 1978: PROVIDED, That payment shall be made from the game fund

\$ 1,739.20
- (32) LINDA LOGAN, VERNA SUTTON, and DELORES WOLFF, Payment pursuant to stipulation, agreement, and covenant in United States District Court, Western District of Washington, cause No. C78-424V: PROVIDED, That the chief fiscal officer of the executive branch shall draw up a separate voucher, such voucher presigned by each of the claimants 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 in connection with this lawsuit; except that payment not to exceed an additional \$21,000 shall be made in full settlement of attorneys fees and costs in connection with this case," said payment to be made from the tort claims revolving fund: PROVIDED FURTHER, That the state general fund shall be reimbursed from the state printing plant revolving fund in the amount of \$75,000 by June 30, 1981

\$ 75,000.00

NEW SECTION, Sec. 30. FOR THE UNIVERSITY OF WASHINGTON

To complete the biological sciences facility as set forth in section 189(15), chapter 270, Laws of 1979 ex. sess.

	Reappropriation	Appropriation
UW Bldg Acct	-0-	1,855,000

NEW SECTION. Sec. 31. FOR WASHINGTON STATE UNIVERSITY
To renovate and equip Fulmer Hall, Phase II.

	Reappropriation	Appropriation
WSU Bldg Acct	-0-	1,691,000

NEW SECTION. Sec. 32. FOR CENTRAL WASHINGTON UNIVERSITY

For abatement of hazardous asbestos.

	Reappropriation	Appropriation
CWU Cap Proj Acct	-0-	191,000

NEW SECTION. Sec. 33. FOR THE EVERGREEN STATE COLLEGE
For replacement of roofs on the library and seminar buildings.

	Reappropriation	Appropriation
St H Ed Constr Acct	-0-	416,000

NEW SECTION. Sec. 34. As used in this act, the following phrases have the following meanings:

- (1) "WSU Bldg Acct" means Washington State University Building Account;
- (2) "St H Ed Constr Acct" means State Higher Education Construction Account;
- (3) "CWU Cap Proj Acct" means Central Washington University Capital Projects Account; and
- (4) "UW Bldg Acct" means University of Washington Building Account.

NEW SECTION. Sec. 35. There is appropriated from the general fund, for the biennium ending June 30, 1981, to the department of commerce and economic development the sum of one hundred eighty-eight thousand three hundred thirty-six dollars, or so much thereof as may be necessary, to provide for the participation by the state of Washington in international expositions, including the Portopia '81 exhibition in Kobe, Japan.

NEW SECTION. Sec. 36. Pursuant to RCW 43.31.832, the director of commerce and economic development, with the advice of the state treasurer, shall transfer from the state trade fair fund established by RCW 67.16.100 to the general fund the sum of two hundred thousand dollars.

NEW SECTION. Sec. 37. In addition to the amount appropriated by chapter ... (HB 1658), Laws of 1980, there is hereby appropriated to the department of employment security the sum of \$111,000 from the administrative contingency fund and the sum of \$400,000 from the general fund to continue the work orientation program.

NEW SECTION. Sec. 38. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE

In accordance with RCW 43.17.200, all state agencies or departments shall expend, as a nondeductible item, out of any moneys appropriated for the original construction of any state building, an amount of one-half of one percent of the appropriation for the acquisition of works of art which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited by the agency in other public facilities. In case the amount shall not be required in toto or in part for any project, such unrequired amounts may be accumulated and expended for art in other projects of the agency. For the purpose of this section, "building" does not include highway construction sheds, warehouses, or other buildings of a temporary nature.

NEW SECTION. Sec. 39. 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 means 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 does not include those boards, commissions, or committees on which one or more of the above-mentioned officials serve.

NEW SECTION. Sec. 40. The appropriations contained in this act, or so much thereof as may be necessary, are for the salaries, wages, expenses, operations, and other specified purposes of the designated agencies for the biennium ending June 30, 1981. In order to carry out the provisions of these appropriations and the state budget, the director of the office of financial 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 financial management shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Any agricultural commodity commission created under chapter 15.66 RCW; the legislative branch of state government including 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 and regulations 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; and

(3) Prescribe procedures and forms to carry out the above.

NEW SECTION. Sec. 41. There is appropriated, or so much thereof as may be necessary, for the biennium ending June 30, 1981, to the office of financial management, to be used for payment of claims submitted for supplies and services furnished in the previous biennia:

General Fund Appropriation	\$	530,000
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Sec. 42. Section 90, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GAME

General Fund Appropriation—State	\$	((29,000))
		79,000
General Fund—ORV (Off-Road Vehicle) Account		
Appropriation	\$	101,000
Game Fund Appropriation—State	\$	27,151,000
Game Fund Appropriation—Federal	\$	6,483,000
Game Fund Appropriation—Private/Local	\$	686,000
Game Special Wildlife Account Appropriation	\$	163,000
Total Appropriation	\$	((34,613,000))

34,663,000

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

(1) \$42,000 of the state game fund—state appropriation shall be transferred to the Silver Lake flood control district in Cowlitz county to defray legal costs associated with construction and operation of a regulating structure stabilizing the level of water in Silver Lake.

(2) Not more than \$5,180,000 of this appropriation shall be expended in the administration program.

(3) The department shall not sell, lease, or in any other manner relinquish ownership of the Auburn game farm property before June 30, 1981, unless such action transfers the property to the parks and recreation commission.

(4) Not more than \$50,000 of the state general fund appropriation shall be expended to establish, through purchase, lease, or otherwise, a game preserve for the species canis lupus nubilus.

NEW SECTION. Sec. 43. In the event that receipts are less than those appropriated in the budget from any source, expenditures shall be limited to the amount received and allotments made as provided in section 40 of this act. Receipts for purposes of this section 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. 44. 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. 45. Unless otherwise provided for by this act with respect to any specific agency, program, or revenue source, any receipts from federal or other sources, or from gifts or grants, in excess of estimates for the budget expenditures as approved by the legislature and which are not otherwise available for general governmental purposes, may be received and allotted by the governor in accordance with RCW 43.79.260 through 43.79.282.

NEW SECTION. Sec. 46. 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 financial 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. 47. 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. 48. 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 financial 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. 49. 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. 2. 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. 3. Any rate increases proposed for the legal services revolving fund or the general administration facilities and services revolving fund, or any change in the method of calculating changes from those funds, shall be subject to approval by the director of the office of financial management prior to implementation.

NEW SECTION. Sec. 4. 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. 5. The governor, through the director of the office of financial 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 financial 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. 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.

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 immediately."

On page 1, line 1 of the title, after "treasurer;" strike the remainder of the title and insert "making appropriations from the state treasury for the fiscal biennium beginning July 1, 1979, and ending June 30, 1981; authorizing expenditures for salaries, wages, expenses, and other specified purposes of state agencies; amending section 2, chapter 158, Laws of 1979 ex. sess. (uncodified); amending section 85, chapter 270, Laws of 1979 ex. sess. (uncodified); amending section 90, chapter 270, Laws of 1979 ex. sess. (uncodified); amending section 173, chapter 270, Laws of 1979 ex. sess. (uncodified); making other appropriations; and declaring an emergency."

On motion of Senator Donohue, the rules were suspended, House Bill No. 1526, 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. 1526, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; absent or not voting, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Bradburn, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—30.

Voting nay: Senators Bluechel, Clarke, Gallagher, Gould, Guess, Haley, Hayner, Hurley, Jones, Lee, Lewis, Morrison, Pullen, Quigg, Scott, Sellar, Wanamaker, Wilson—18.

Absent or not voting: Senator Matson—1.

HOUSE BILL NO. 1526, 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

March 6, 1980.

Mr. President: The House refuses to concur in the Senate amendments to Engrossed Substitute House Bill No. 1533, and asks the Senate for a conference thereon, and the same is herewith transmitted.

DEAN R. FOSTER, Chief clerk.
VITO T. CHIECHI, Chief Clerk.

MOTIONS

On motion of Senator Walgren, the rules were suspended and Engrossed Substitute House Bill No. 1533 was returned to second reading.

On motion of Senator Walgren, the Senate resolved itself into a Committee of the Whole, President Pro Tempore Henry in the Chair, for the purpose of considering Engrossed Substitute House Bill No. 1533.

COMMITTEE OF THE WHOLE

Engrossed Substitute House Bill No. 1533 was considered in the Committee of the Whole and reported back to the Senate, President Pro Tempore Henry presiding, with the recommendation that it do pass as amended.

President Cherberg assumes the Chair.

On motion of Senator Walgren, the reading had in the Committee of the Whole was considered the second reading of Engrossed Substitute House Bill No. 1533.

On motion of Senator Walgren, the following amendments to Engrossed Substitute House Bill No. 1533 adopted in the Committee of the Whole were adopted by the Senate:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADULT CORRECTIONS PROGRAM

There is appropriated to the department of social and health services for the adult corrections program for the biennium ending June 30, 1981, the following amount, or so much thereof as may be necessary:

General Fund Appropriation	\$	9,144,000
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The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) \$2,440,000 shall be expended for the Cedar Creek honor camp.
- (2) \$206,000 shall be expended for a modular home construction vocation training program at the Washington state penitentiary.
- (3) \$788,000 shall be expended for relief coverage required to be provided due to correctional officer training.

(4) \$733,000 shall be expended for provision of additional beds within the institutions.

(5) \$2,145,000 shall be expended for the costs incurred at the Washington state penitentiary resulting from the lockdown.

NEW SECTION. Sec. 2. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—NURSING HOME PROGRAM

There is appropriated to the department of social and health services for the nursing home program for the biennium ending June 30, 1981, the following amounts, or so much thereof as may be necessary, from the following funds:

General Fund Appropriation—State	\$	8,500,000
General Fund Appropriation—Federal	\$	8,500,000
Total Appropriation	\$	17,000,000

The appropriations contained in this section shall be expended for the reasonable cost-related reimbursement of patient care and property costs.

NEW SECTION. Sec. 3. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

There is appropriated to the department of social and health services for the public health program for the biennium ending June 30, 1981, the following amount, or so much thereof as may be necessary, from the following fund:

General Fund Appropriation	\$	200,000
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The appropriation contained in this section shall be expended for crippled children's services.

NEW SECTION. Sec. 4. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

There is appropriated to the department of social and health services for the vocational rehabilitation program for the biennium ending June 30, 1981, the following amount, or so much thereof as may be necessary, from the following fund:

General Fund Appropriation	\$	250,000
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The appropriation contained in this section shall be expended for additional funding of the extended sheltered employment program.

NEW SECTION. Sec. 5. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORT SERVICES

There is appropriated, or so much thereof as may be necessary, for the biennium ending June 30, 1981, to the department of social and health services, for the purpose of funding adult corrections and juvenile rehabilitation programs:

General Fund Appropriation	\$	500,000
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The appropriation contained in this section shall be subject to the following condition or limitation: Such funds shall be expended for reimbursement through the institutional impact account pursuant to chapter 72.72 RCW.

NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation	\$	120,000
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The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) The funds appropriated in this section, or so much as may be necessary, shall be expended to conduct a two-year demonstration project to provide special needs children with adoptive services through contract with licensed child-placing agencies.

(2) If chapter ... (SSB 3366), Laws of 1980 is enacted, the appropriation contained in this section shall revert to the general fund.

Sec. 7. Section 72.05.010, chapter 28, Laws of 1959 as last amended by section 7, chapter 217, Laws of 1979 ex. sess. and RCW 72.05.010 are each amended to read as follows:

The purposes of RCW 72.05.010 through 72.05.210 are: To provide for every child with behavior problems, mentally and physically handicapped persons, and deaf and blind children, within the purview of RCW 72.05.010 through 72.05.210, as now or hereafter amended, such care, guidance and instruction, control and treatment as will best serve the welfare of the child or person and society; to insure nonpolitical and qualified operation, supervision, management, and control of the Green Hill school, the Maple Lane school, the Naselle Youth Camp, (~~the Cedar Creek Youth Camp;~~) the Mission Creek Youth Camp, Echo Glen, the Cascadia Diagnostic Center, Lakeland Village, Rainier school, the Yakima Valley school, Interlake school, Fircrest school, the Francis Haddon Morgan Center, the Child Study and Treatment Center and Secondary School of Western State Hospital, the state school for the blind, the state school for the deaf, and like residential state schools, camps and centers hereafter established, and to place them under the department of social and health services; and to provide for the persons committed or admitted to those schools that type of care, instruction, and treatment most likely to accomplish their rehabilitation and restoration to normal citizenship.

Sec. 8. Section 53, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADULT CORRECTIONS PROGRAM**

General Fund Appropriation	\$	((114,004,000))
		<u>112,318,000</u>
Total FTE Staff Years		4,299

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

- (1) Not more than \$1,702,000 from the general fund shall be expended for community services.
- (2) Not more than \$1,716,000 from the general fund and 76.0 FTE's shall be expended for intensive parole.
- (3) Not more than \$15,679,000 from the general fund and 731 FTE's shall be expended for probation and parole.
- (4) Not more than \$7,002,000 from the general fund and 152 FTE's shall be expended for work/training release.
- (5) Not more than \$81,663,000 from the general fund and 3,259 FTE's shall be expended for institutional staffing.

(6) (~~(\$920,000))~~ \$123,000 from the general fund shall be expended to contract with a nonprofit corporation to provide a diversionary program for convicted felons with prior conviction records and prior incarcerations. No felon may participate in the program if: (a) he or she has a prior conviction for any violent or inherently dangerous felony, or (b) the crime for which he or she is being diverted into the program is a violent or inherently dangerous felony. For the purposes of this section, "violent or inherently dangerous felony" means rape in the first or second degree, robbery in the first or second degree, kidnapping in the first or second degree, assault in the first or second degree, or arson in the first or second degree. Prior to entering into the contract, the secretary of the department of social and health services must have assurance of the cooperation of the superior court bench of the county in which the program will be implemented. The program shall include the following:

(a) A contractual agreement between such nonprofit corporation and the felon with approval of the sentencing judge. Such agreement will describe work performance and restitution expectations, and judicial conditions and review;

- (b) A fully controlled residential component;
 - (c) Supervision by a probation officer of the department of social and health services;
 - (d) Coordination of all activities by a case manager employed by such nonprofit corporation;
 - (e) Job development and placement services which will guarantee each participant regular employment;
 - (f) Specialized alcohol, drug, and counseling services; and
 - (g) Participation of community and corporate entities which will provide \$1,212,000 in direct and in-kind support.
- (7) Not more than \$25,000 from the general fund will be expended for a program evaluation by an independent third party of the diversionary program set forth in subsection (6) of this section. Such evaluation will commence with the initiation of the contract and shall include the following:

- (a) Evaluation of the intake procedures, including initial screening, final screening, the contract between the nonprofit organization and the convicted felon, and the participant selection process;
- (b) Evaluation of the program elements;
- (c) Evaluation of the program impact on recidivism using the measures of rearrest, type of rearrest offense, reconviction, revocation and recommitment;
- (d) Evaluation of the control group;
- (e) Data collection and analysis; and
- (f) A cost benefit analysis.

(8) In the event chapter ... (Substitute House Bill No. 144), Laws of 1979 1st ex. sess. fails to pass, \$100,000 will be reverted to the general fund.

(9) \$347,000 shall be expended for the funding of private nonprofit diversion programs for persons convicted of alcohol and substance abuse related crimes and who are placed on probation, parole, or work training release.

Sec. 9. Section 54, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
JUVENILE REHABILITATION PROGRAM**

General Fund Appropriation—State	\$	((53,665,000))
		51,197,000
General Fund Appropriation—Federal	\$	747,000
Total Appropriation	\$	((54,412,000))
		51,944,000

Total FTE Staff Years 1,966

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

(1) \$600,000 from the general fund and 50 FTE staff years shall be held in reserve for the sole purpose of providing 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 will 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.

(2) Not more than \$30,000 shall be expended for resource development and coordination and educational program development and coordination.

(3) \$800,000 and 26 FTE staff years shall be expended for a mental health unit at Maple Lane School, except that such unit will be fully implemented and operational by September 30, 1979, except that if such unit is not implemented and operational by September 30, 1979, the operational responsibility will be transferred to the mental health division of the department of social and health services.

(4) No funds shall be expended for the lease-back of any institutional facility.

Sec. 10. Section 58, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
NURSING HOMES PROGRAM**

General Fund Appropriation—State	\$	122,273,000
General Fund Appropriation—Federal	\$	121,595,000
Total Appropriation	\$	243,868,000

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

(1) The wages for nursing service personnel shall be the sum of the product of ninety percent of the prevailing wages for the categories of nursing assistants, licensed practical nurses, registered nurses, and noncontractual therapists and related restorative employees, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours determined by the department of social and health services.

(2) The wages for all employees, other than those specified in subsection (1) of this section and administrators and assistant administrators, shall be the sum of the product of ninety percent of the prevailing wages, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours for such employees developed by the department of social and health services.

(3) Food reimbursement shall be one hundred fifteen percent of the average of all costs for bulk and raw foods and beverages purchased for dietary needs, expressed as a per patient per day amount.

(4) Reimbursement for administration and operations will include all items not specified in subsections (1), (2), (3), (5), and (6) of this section and shall not exceed the eighty-fifth percentile of all reporting facilities, except that the nursing home facilities may be grouped by factors, other than ownership or legal organizational characteristics, which could reasonably influence cost requirements for administration and operations.

(5) Property reimbursement for both leased and owner-operated facilities shall not exceed the predicted cost plus one standard deviation of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the department of social and health services, recognizing factors which may be significant, including location, age, and type of facility. For July 1980 rate setting, rental costs of leased facilities other than those operating as intermediate care facilities for the mentally retarded, and depreciation and interest costs of owner-operated facilities, for leases or mortgages entered into prior to July 1, 1979, shall be reimbursed to the extent they do not exceed the ((upper limit of the multiple regression formula for comparable owner-operated facilities)) reimbursement rate payable for the property cost center as of June 30, 1979, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state medicaid plan, and adjusted for any approved capitalized additions or replacements; except that, any leased facility which has operated as an intermediate care facility for the mentally retarded prior to July 1, 1979, shall be reimbursed to the extent that the property costs exceed the upper limit of the multiple regression formula.

(6) The return of net invested equity for each facility will be determined by utilizing Medicare rules and regulations.

(7) Patient personal needs allowance limitation will be extended to \$32.50 per month.

(8) \$500,000 ((shall)), or so much thereof as may be necessary, may be expended by the department of social and health services for purposes of retaining special private counsel, subject to the concurrence of the governor, to defend the

department against law suits challenging the cost reimbursement system of the department of social and health services.

(9) \$810,000, of which \$404,000 shall be from federal funds, shall be used to implement a program which will enable short-term placement in nursing homes.

(10) \$1,800,000 (of which \$900,000 shall be from federal funds) may be used for reimbursement of costs incurred from the training of nurses' assistants.

~~((11) The funds contained in this section shall revert immediately to the general fund if ESSB 2335 is enacted.)~~

Sec. 11. Section 59, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
INCOME MAINTENANCE GRANTS PROGRAM**

General Fund Appropriation—State	\$	(314,749,000))
		310,017,000
General Fund Appropriation—Federal	\$	205,932,000
Total Appropriation	\$	((520,681,000))
		515,949,000

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

(1) \$31,928,000 (of which \$10,052,000 shall be from federal funds) shall be expended for the purposes of providing a 10.0% per year increase to all assistance grants.

(2) \$1,496,000 from state funds shall be expended to increase the personal needs allowance of clients in nursing homes and congregate care facilities to \$32.50 per month.

(3) \$5,036,000 (of which \$448,000 shall be from federal funds) shall be expended solely for vendor rate increases of 7.0% per year.

~~((5))~~ (4) \$760,000 from state general funds shall be expended to provide forty-eight hours of shelter care for victims of domestic violence.

~~((6))~~ (5) \$360,000 from state general funds shall be expended to provide a variable one-time allowance for persons without resources who are discharged from a skilled nursing facility.

~~((7))~~ (6) \$900,000 of state funds and \$600,000 of federal funds shall be expended to place Kitsap county residents into Area I grant standards eligibility and pay such grants accordingly.

~~((8))~~ (7) Not more than \$1,869,000 shall be expended exclusively to increase compensation for employees of congregate care facilities, excluding administrative staff.

(8) From the appropriation contained in this section, the department shall implement a 1.0% grant standard increase for all public assistance recipients effective July 1, 1980, in addition to the grant increase provided in subsection (1) of this section; except that, up to an additional 2.0% grant standard increase for all public assistance recipients may be implemented from the savings generated by the supplemental security income cost-of-living increase provided for fiscal year 1981.

Sec. 12. Section 65, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State	\$	70,935,000
General Fund Appropriation—Federal	\$	103,001,000
Total Appropriation	\$	173,936,000
Total FTE Staff Years		7,792

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

(1) Fifty-two FTE's shall be utilized in the delinquency prevention and crisis intervention intake services program. During the 1979-1981 biennium, the delinquency prevention services program shall be maintained without any significant changes.

(2) Not more than 258 FTE staff years and \$7,852,000 (of which \$7,736,000 shall be from federal funds) shall be utilized in the disability insurance benefits section.

~~((4))~~ (3) The department of social and health services shall obtain competitive bids from the private sector for the purpose of the administration of the dental program with medical assistance.

Sec. 13. Section 177, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
FOR THE ADULT CORRECTIONS PROGRAM**

(1) To construct and equip one 100-bed honor camp: PROVIDED, That any moneys appropriated under this subsection to the department of social and health services shall be expended only to develop at least one hundred minimum security beds to be distributed at one or more of the existing minimum security adult correctional facilities within the state of Washington.

		Reappropriation	Appropriation
DSHS Constr Acct		3,260,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
40,000	-0-	3,300,000	7/80

(2) To renovate and repair roofs, Washington Corrections Center.

		Reappropriation	Appropriation
DSHS Constr Acct		255,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
521,000	-0-	776,000	10/79

(3) To remodel food service area and replace obsolete equipment, Washington State Penitentiary; except that, if construction has not begun by 3/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		1,993,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	1,993,000	1/81

(4) For remodeling of dental areas, Washington State Penitentiary; except that, if construction has not begun by 2/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
CEP & RI Acct		145,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	145,000	6/80

(5) To improve security, facilities, and utilities, Washington State Penitentiary; except that, if construction has not begun by 9/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	5,924,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
101,000	6,966,000	12,991,000	6/84

(6) To construct and equip 120-bed medium security unit, Washington Corrections Center; except that, if construction has not begun by 5/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		42,000	3,361,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
25,000	-0-	3,427,000	9/81

(7) To convert 300-bed minimum security building at Walla Walla to medium security facility; except that, if construction has not begun by 8/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		100,000	5,275,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
53,000	1,690,000	7,118,000	6/83

(8) To convert former women's quarters to 100-bed minimum custody unit, Washington State Penitentiary; except that, if construction has not begun by 5/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

Reappropriation	Appropriation
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DSHS Constr Acct		321,000	1,073,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
19,000	-0-	1,412,000	3/81

(9) To construct and equip maximum security facility, Washington State Reformatory.

		Reappropriation	Appropriation
DSHS Constr Acct		8,342,000	1,654,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,058,000	-0-	12,054,000	7/81

(10) To provide fire and safety improvements, Washington State Penitentiary; except that, if construction has not begun by 5/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
General Fund—State		23,000	-0-
DSHS Constr Acct		-0-	749,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
128,000	-0-	900,000	1/81

(11) To provide fire and safety improvements, Washington State Reformatory; except that, if construction has not begun by 11/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	1,304,000
CEP & RI Acct		350,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
27,000	-0-	1,681,000	9/81

(12) To renovate and expand visiting/dining/recreation facilities, Washington State Reformatory; except that, if construction has not begun by 12/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	1,524,000
Project Costs Through	Estimated Costs 7/1/81 and	Estimated Total Costs	Estimated Completion Date

6/30/79	Thereafter		
-0-	-0-	1,524,000	2/82

(13) To renovate and convert gang showers to individual showers, Washington State Penitentiary; except that, if construction has not begun by 6/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	402,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	402,000	3/81

(14) To provide three prefabricated steel buildings, Washington State Reformatory; except that, if construction has not begun by 3/15/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	386,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	386,000	8/80

(15) To construct and equip multipurpose building, Pine Lodge Correction Center; except that, if construction has not begun by 9/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	248,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	248,000	4/81

(16) To renovate and expand Industries Building, Washington State Penitentiary; except that, if construction has not begun by 5/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
((General Fund — Federal		-0-	414,000))
DSHS Constr Acct		-0-	<u>((305,000))</u> <u>719,000</u>
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	719,000	11/80

(17) To renovate and repair roofs, Washington Corrections Center; except that, if construction has not begun by 11/1/79, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		273,000	346,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
503,000	-0-	1,122,000	8/80

(18) To repair perimeter walls, Washington State Reformatory; except that, if construction has not begun by 7/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	617,000
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
-0-	-0-	617,000	11/80

(19) To purchase and install an electronic perimeter security system, Washington Corrections Center.

		Reappropriation	Appropriation
DSHS Constr Acct		300,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
76,000	-0-	376,000	7/79

(20) To renovate and open work training release facility, Geiger Field.

		Reappropriation	Appropriation
DSHS Constr Acct		600,000	-0-
Project Costs Through 6/30/79	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs	Estimated Completion Date
20,000	-0-	620,000	1/80

(21) To renovate and repair roofs, Women's Treatment Center; except that, if construction has not begun by 6/1/80, all remaining funds not disbursed shall remain unexpended and shall be held in reserve.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	112,000
Project Costs Through	Estimated Costs 7/1/81 and	Estimated Total Costs	Estimated Completion Date

6/30/79	Thereafter		
-0-	-0-	112,000	10/80

(22) To provide preliminary design, site preparation, and steam plant for new 500-bed medium security facility: PROVIDED, That such facility shall be located on public lands as hereinafter provided:

(a) On the site of an existing state adult correction facility; or

(b) On the site of an existing federal adult correction facility acquired by the state after the effective date of this 1980 act.

		Reappropriation	Appropriation
DSHS Constr Acct		-0-	5,429,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/81 and	Costs	Date
6/30/79	Thereafter		
-0-	27,126,000	32,555,000	6/83

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending section 72.05.010, chapter 28, Laws of 1959 as last amended by section 7, chapter 217, Laws of 1979 ex. sess. and RCW 72.05.010; amending section 53, chapter 270, Laws of 1979 ex. sess. (uncodified); amending section 54, chapter 270, Laws of 1979 ex. sess. (uncodified); amending section 58, chapter 270, Laws of 1979 ex. sess. (uncodified); amending section 59, chapter 270, Laws of 1979 ex. sess. (uncodified); amending section 65, chapter 270, Laws of 1979 ex. sess. (uncodified); amending section 177, chapter 270, Laws of 1979 ex. sess. (uncodified); making appropriations; and declaring an emergency."

On motion of Senator Donohue, the rules were suspended, Engrossed Substitute House Bill No. 1533, 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. 1533, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; absent or not voting, 1.

Voting yea: Senators Bottiger, Bradburn, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Haley, Hansen, Henry, Hurley, Jones, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Rasmussen, Ridder, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—32.

Voting nay: Senators Bausch, Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hayner, Lee, Lewis, Morrison, Pullen, Quigg, Scott, Sellar, Wanamaker—16.

Absent or not voting: Senator Matson—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533, 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, all measures considered and passed today by the Senate were ordered immediately transmitted to the House.

On motion of Senator Marsh, the Senate commenced consideration House Bill No. 1406.

SECOND READING

HOUSE BILL NO. 1406, by Representative Newhouse:
Correcting double amendments in laws relating to motor vehicle offenses.

REPORT OF STANDING COMMITTEE

February 13, 1980.

HOUSE BILL NO. 1406, correcting double amendments in laws relating to motor vehicle offenses (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, after line 25, insert the following:

"Sec. 4. Section 35.20.090, amended by section 8, chapter 135, Laws of 1979 ex. sess. and by section 24, chapter 136, Laws of 1979 ex. sess. and RCW 35.20.090 are each reenacted to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.050, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury trial may be held on a proceeding involving a traffic infraction. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in justice court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror may receive up to twenty-five dollars but in no case less than ten dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage at the rate determined under RCW 43.03.060: PROVIDED, That the compensation paid jurors shall be determined by the legislative authority of the city and shall be uniformly applied. Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972, unless such incorporated city affected by this chapter had made provision therefor prior to January 1, 1972."

Renumber remaining sections consecutively.

On page 1, line 15 of the title after "46.52.110;" insert "reenacting section 35.20.090, chapter 7, Laws of 1965 as last amended by section 8, chapter 135, Laws of 1979 ex. sess. and by section 24, chapter 136, Laws of 1979 ex. sess. and RCW 35.20.090;"

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Hurley, Pullen, Woody.

The bill was read the second time by sections.

Senator Talmadge moved adoption of the committee amendment.

On motion of Senator Talmadge, the following amendments to the committee amendment were adopted:

On page 5, after the Senate Judiciary Committee Amendment on line 25, insert the following:

"Sec. 6. Section 2, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.20.021 relating to driving without a valid driver's license;

(7) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(8) RCW 46.20.342 relating to driving with a suspended or revoked license;

(9) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(10) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(11) Chapter 46.29 RCW relating to financial responsibility;

(12) RCW 46.48.175 relating to the transportation of dangerous articles;

(13) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(14) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(15) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(16) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

(17) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

(18) RCW 46.61.015 relating to obedience to police officers, flagmen, or firefighters;

(19) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(20) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(21) RCW 46.61.500 relating to reckless driving;

(22) RCW (~~46.61.506 and 46.61.515~~) 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(23) RCW 46.61.520 relating to negligent homicide by motor vehicle;

(24) RCW 46.61.525 relating to negligent driving;

(25) RCW 46.61.530 relating to racing of vehicles on highways;

(26) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(27) RCW 46.64.020 relating to nonappearance after a written promise;

(28) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(29) Chapter 46.65 RCW relating to habitual traffic offenders;

(30) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

(31) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(32) Chapter 46.80 RCW relating to motor vehicle wreckers;

(33) Chapter 46.83 RCW relating to driver's training schools.

Sec. 7. Section 1, chapter 198, Laws of 1969 ex. sess. as amended by section 1, chapter 28, Laws of 1979 ex. sess. and RCW 10.31.100 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (3) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis shall have the authority to arrest the person.

(2) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW (~~46.61.506~~) 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(3) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(4) Except as specifically provided in subsections (2) and (3) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW."

Renumber the sections following consecutively.

On page 5, lines 29 and 30, strike all of section 6 and insert the following:

"NEW SECTION, Sec. 9. Sections 1 through 6 and 8 of this 1980 act shall take effect January 1, 1981. Section 7 of this 1980 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately."

On page 1, line 6 of the committee amendment, after "Sec." strike "4" and insert "5"

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

Senator Talmadge moved adoption of the committee amendment to the title.

On motion of Senator Talmadge, the following amendments to the committee amendment to the title were adopted:

In line 15 of the title, after "46.52.110;" insert "amending section 2, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.020; amending section 1, chapter 198, Laws of 1969 ex. sess. as amended by section 1, chapter 28, Laws of 1979 ex. sess. and RCW 10.31.100;"

In line 18, of the title, after "76.04.480;" strike the remainder of the title and insert "declaring an emergency; and providing effective dates."

The motion by Senator Talmadge carried and the committee amendment to the title, as amended, was adopted.

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1406, 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. 1406, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—49.

HOUSE BILL NO. 1406, 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 returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 1980.

Mr. President: The House has passed:
 SUBSTITUTE HOUSE BILL NO. 1689,
 SUBSTITUTE HOUSE BILL NO. 1758, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHEICHI, Chief Clerk.

MOTION

Senator Walgren moved the rules be suspended and the following bill be advanced to second reading and read the second time in full.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1758, by Committee on Labor (originally sponsored by Representatives King, Clayton, Scott, Mitchell, Lux and Martinis):
 Establishing a model reemployment and assistance project for injured workers.

PARLIAMENTARY INQUIRY

Senator Clarke: "Under rule 56, does this take a two-thirds vote or merely a majority vote? As I read 56, it relates only to, in effect the suspension of the two-

thirds rule in respect to advancement of bills. This is catching a bill on the fly and the question is whether that requires a two-thirds vote or a majority vote under rule 56."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Clarke, in response to your point, rule 56 states that 'every bill shall be read on three separate days unless the Senate deems it expedient to suspend the rule, provided however, that after the forty-ninth day of every regular session, this rule may be suspended by a majority vote'. The President believes the purpose of the rule is to permit the advancement on a majority vote."

PARLIAMENTARY INQUIRY

Senator Clarke: "In other words, the three separate day situation would also apply to catching a bill on the fly as it comes over?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes so, Senator Clarke."

The motion by Senator Walgren carried.

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

MOTION

Senator Day moved gubernatorial appointment 225, Donald Bunch, Jr., as a member of the Board of Prison Terms and Paroles be rereferred to the Committee on Social and Health Services.

Debate ensued.

The motion by Senator Day carried on a rising vote.

MOTION

On motion of Senator Wilson, Senator von Reichbauer was excused.

MOTION

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

MESSAGES FROM THE HOUSE

March 12, 1980.

Mr. President: The House has concurred in the Senate amendments to REEN-GROSSED SUBSTITUTE HOUSE BILL NO. 1676 on line 5 of the title, and on page 2, adding a new section 3, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 12, 1980.

Mr. President: The House has passed: SUBSTITUTE HOUSE BILL NO. 1749, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 11, 1980.

Mr. President: The Speakers have signed:
SENATE BILL NO. 2433,
SUBSTITUTE SENATE BILL NO. 2963,
SENATE BILL NO. 3574, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 12, 1980.

Mr. President: The Speakers have signed:
SUBSTITUTE SENATE BILL NO. 2977,
SENATE BILL NO. 3181,
SENATE BILL NO. 3240, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 11, 1980.

Mr. President: The Speakers have signed: HOUSE CONCURRENT RESOLUTION NO. 33, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 12, 1980.

Mr. President: The Speakers have signed:
SUBSTITUTE HOUSE BILL NO. 1988,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 31, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 11, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE HOUSE BILL NO. 1422, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 11, 1980.

Mr. President: The Speakers have signed: HOUSE BILL NO. 1453, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MESSAGE FROM THE HOUSE

March 11, 1980.

Mr. President: The House refuses to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1570, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Clarke moved the Senate recede from its amendment to Engrossed Substitute House Bill No. 1570.

MOTION

On motion of Senator Walgren, further consideration of the House Message on Engrossed Substitute House Bill No. 1570 was deferred.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408, by Committee on Local Government (originally sponsored by Representative Thompson):

Authorizing the creation of solid waste disposal districts.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1408, as amended on February 19, 1980. At that time an amendment by Senator Bradburn had been moved for adoption.

There being no objection, on motion of Senator Bradburn, the amendment to page 3, line 20 was withdrawn.

On motion of Senator Gould, the following amendment by Senators Gould and Hansen was adopted:

On page 1, line 28, after "statute" insert ": PROVIDED, That a solid waste disposal district shall not have the power of eminent domain"

Senator Odegaard moved the following amendments by Senators Henry, Odegaard and Morrison be considered and adopted simultaneously:

On page 3, line 17, after "all" insert "natural"

On page 3, line 18, strike "or operating a business in"

On page 3, line 21, after "of" insert "natural"

POINT OF INQUIRY

Senator Bottiger: "Senator Odegaard, on page 3, line 21, the inserting of the word 'natural' would mean, and if I can use an example, a doctor who is practicing as an individual would have to pay the excise tax but a doctor who incorporated and therefore his business was a corporation, would not have to pay it?"

Senator Odegaard: "Senator Bottiger, I would think that if the doctor were not necessarily a corporation but were in a business not necessarily incorporated but as long as it is considered a business, that he would then not come under this. But he would have to pay if he were, for his own residence. Now somebody who understands corporation language better than I, might be able to answer that better."

The motion by Senator Odegaard carried and the amendments were adopted.

On motion of Senator Odegaard, the following amendments by Senators Odegaard and Donohue were adopted.

On page 3, line 16, after "may" insert ", upon vote of the people,"

On page 3, line 23, after "classes." insert "The excise tax shall be used only for solid waste disposal district purposes."

There being no objection, on motion of Senator Henry, the amendment by Senators Henry and Morrison to page 3, line 14, on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Odegaard, the rules were suspended, Engrossed Substitute House Bill No. 1408, 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. 1408, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 18; nays, 30; excused. 1.

Voting yea: Senators Bausch, Bottiger, Donohue, Gaspard, Goltz, Guess, Hansen, Henry, Marsh, McDermott, Morrison, Peterson, Quigg, Ridder, Talley, Talmadge, Walgren, Woody—18.

Voting nay: Senators Benitz, Bluechel, Bradburn, Clarke, Conner, Day, Fleming, Gallagher, Gould, Haley, Hayner, Hurley, Jones, Lee, Lewis, Lysen, Matson, Moore, Odegaard, Pullen, Rasmussen, Scott, Sellar, Shinpoch, Van Hollebeke, Vognild, Wanamaker, Williams, Wilson, Wojahn—30.

Excused: Senator von Reichbauer—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408, 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 Odegaard moved the Senate immediately reconsider the vote by which Engrossed Substitute House Bill No. 1408 failed to pass the Senate.

MOTION

Senator Walgren moved the motion for reconsideration be held for March 13, 1980.

PARLIAMENTARY INQUIRY

Senator Shinpoch: "Mr. President, as I read rule 31, after the fiftieth day it can only be on the day that it is supposed to be considered."

REPLY BY THE PRESIDENT

President Cherberg: "What portion of rule 31 are you referring to?"

Senator Shinpoch: "I was reading the last two sentences, and the last sentence says 'Motion to reconsider a vote upon amendments to any pending question may be made and decided at once' after the fiftieth day."

President Cherberg: "It said 'may be decided'. The motion to reconsider has been made, then Senator Walgren has moved that consideration of the motion be deferred until tomorrow. It is entirely up to the members of the Senate to determine whether they wish to defer consideration until tomorrow or not. Those in favor of the motion will say 'aye'. Those opposed will say 'no'. The ayes appear to have it; motion is carried."

The motion by Senator Walgren carried.

The motion for reconsideration by Senator Odegaard was held for March 13, 1980.

MOTION

At 5:00 p.m., on motion of Senator Walgren, the Senate recessed until 6:15 p.m.

EVENING SESSION

The President called the Senate to order at 6:15 p.m.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412, by Committee on Ecology (originally sponsored by Representatives Isaacson, Barr, Oliver, Williams and Wilson);

Regulating the transportation and disposal of radioactive wastes.

REPORT OF STANDING COMMITTEE

February 26, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412, regulating the transportation and disposal of radioactive wastes (reported by Committee on Ecology):

Recommendation: Do pass with the following amendments:

On page 1, line 20, after "wastes" strike "poses" and insert "may pose"

On page 1, line 24, after "incident" strike "will" and insert "may"

On page 1, line 29, strike "The legislature acknowledges that the" and insert "(3) The"

On page 2, line 3, after "state." strike "Therefore, the legislature finds that the" and insert "(4) The"

On page 2, beginning on line 12, delete "and the responsibility and authority for possession of buried radioactive waste shall continue"

On page 2, line 14, after "the" strike "department" and insert "agency"

On page 2, line 18, after "the" strike "department" and insert "agency"

On page 2, line 22, delete "Material buried under"

On page 2, line 23, delete "such" and insert "Such"

On page 2, line 24, after "the" strike "department" and insert "agency"

On page 4, beginning on line 4, strike "by any person possessing a source of ionizing radiation"

On page 4, line 17, after "waste" insert "or a Washington state low-level radioactive waste disposal site operator."

On page 5, line 9, strike the period after "wastes" and after the quote following that period insert "and are consistent with the exclusion in subsection (12) of this section"

On page 5, beginning on line 14, insert:

"(14) Generator/packager means any person who generates or packages low-level radioactive waste for direct shipment to the licensed low-level radioactive waste disposal site."

On page 5, line 22, after "After" strike "July 1, 1981" and insert "December 31, 1984"

On page 5, line 25, after "waste" insert "or medical waste, or both"

On page 5, line 28, after "waste" insert "or medical waste, or both,"

On page 5, beginning on line 28, after "Washington:" strike all material down to and including "1984:" on line 30

On page 5, line 30, after "PROVIDED" strike "FURTHER"

On page 5, line 31, after "waste" insert "or medical waste, or both"

On page 5, line 32, after "waste" insert "or medical waste, or both"

On page 5, line 35, after "waste" insert ": PROVIDED, FURTHER, the governor may extend the December 31, 1984, date for a period of up to, but not exceeding one year, on finding that extreme hardship or emergency exists and that the interests of the citizens of the state of Washington are not adversely affected"

On page 5, line 35, insert the following:

"NEW SECTION. Sec. 7. The standing Ecology committees of the Washington State House of Representatives and Senate shall formulate a proposed interstate compact for the approval of the appropriate legislative bodies to include the United States Congress. The two committees shall report to the legislature on the progress being made on January 1, 1981, and on the convening of each successive annual session."

Renumber remaining sections consecutively.

On page 6, line 24, after "act" strike "if" and insert "and establishing criteria for such suspension or revocation in the event that"

On page 6, beginning on line 28, after "regulations" delete the remainder of the section down to and including "shipments". After "regulations" insert ". The agency shall adopt rules, procedures, and criteria that ensure future compliance by a generator/packager or broker for reinstatement of suspended or revoked permit."

On page 7, line 6, after "transport" insert "or handling"

On page 7, beginning on line 23, delete "Each user of a radioactive waste disposal site licensed under this chapter shall pay," and insert "Each shipment of low-level radioactive waste arriving at a low-level radioactive waste disposal site licensed under this chapter shall be assessed,"

On page 7, line 29, after "wastes" insert "at the inspection and detention area or at the licensed disposal site"

On page 7, line 30, after "(2)" insert "environmental"

On page 7, line 30, after "monitoring" insert "of"

On page 7, line 30, after "vicinity" strike "for releases of contamination to the environment;" and insert "and the inspection and detention areas;"

On page 7, line 31, after "environment;" insert "(3) inspecting and monitoring the environment in the state of Washington for releases of contamination in the event of an improper shipment of low-level radioactive wastes enroute to a disposal site for radioactive wastes licensed pursuant to this chapter;"

On page 7, line 31, after "and" strike "(3)" and insert "(4)"

On page 7, line 34, after "in" strike "the" and insert "such"

On page 7, line 35, after "shipment" strike "that is to be disposed of"

On page 8, beginning on line 11, strike all of section 13.

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

On page 9, beginning on line 4, strike all of section 14.

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

On page 10, beginning on line 5, strike all of section 16.

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

On page 10, line 20, after "that" strike ": (a) The" and insert "the"

On page 10, beginning on line 22, after "act" delete the remaining portion of that sentence and insert a period after "act"

Signed by: Senators Williams, Chairman, Bradburn, Donohue, Goltz, Guess, Hansen, Scott.

The bill was read the second time by sections.

On motion of Senator Williams, the committee amendments to page 1, lines 10, 14 and 29; page 2, lines 3, 12, 14, 18, 22, 23, 24; page 4, beginning on line 4 were adopted.

Senator Williams moved the committee amendment to page 4, line 17 not be adopted.

Senator Guess moved the committee amendment to page 4, line 17 be adopted. Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Williams, after the waste is buried, who is responsible for it if there is a leak?"

Senator Williams: "As I understand it, it would be the state."

Senator McDermott: "The state. So if we adopt this amendment, once they put it in the ground, they no longer have any more responsibility for it?"

Senator Williams: "No, I think you may be dealing with a different amendment."

Senator McDermott: "Okay. What I am concerned about is this amendment. Does that put NECO or whoever owns the site out of the position of being responsible for it once it is buried?"

Senator Williams: "No, I do not think so; we have passed the amendments that dealt with that particular section already. We are in the definition section now and dealing with the definition of 'broker'."

The President declared the question before the Senate to be the positive motion by Senator Guess that the Senate do adopt the committee amendment to page 4, line 17.

The motion by Senator Guess failed.

The motion by Senator Williams carried. The committee amendment to page 4, line 17 was not adopted.

On motion of Senator Williams, the committee amendment to page 5, line 9 was adopted.

Senator Williams moved adoption of the committee amendment to page 5, beginning on line 14.

Senator Williams moved adoption of the following amendment to the committee amendment:

On the second line of the Senate Ecology Committee amendment beginning on page 5, line 14 strike "direct"

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Williams, the University of Indiana expresses concern to me about this. They are a generator and they are a packager; but they do not ship direct to the site. Now, have they got to have a license as a generator/packager?"

Senator Williams: "I do not believe I can answer that question, Senator. At this point I am going to have to rely fairly heavily on the department of social and health services in terms of their explanation of why these two particular amendments should be adopted."

Senator Guess: "It seems to me that once a generator/packager packages, and this is medical waste we are talking about, the University of . . . hospital, they make the package in accordance with the instructions that they get from the site disposer. The instructions are fairly well standard and they know exactly what they

have got to do. But they then turn that over to a broker and it appears to be that the language of taking the direct shipment out, means that they then, the University, would have to have a license and it is a long way back to reach for that type of person, and you ought to depend upon the broker to guarantee this. It certainly would make it far easier for the department, rather than having to have licenses in all the university hospitals that send shipments out here, if the language was written as it was in the committee amendment."

Further debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Guess, are you concerned about the word 'direct' in . . ."

Senator Guess: "Yes, I am."

Senator Goltz: "I guess then I would like to ask Senator Williams a question. Maybe I am acting as a broker here between Senator Guess and Senator Williams."

POINT OF INQUIRY

Senator Goltz: "Senator Williams, it is my understanding that the definition section does not have any definition now for a 'generator/packager' and because we use that term, in other parts of the bill, the department would want to have a definition of a generator/packager. And if the word 'direct' could be removed to satisfy Senator Guess's concern, it seems to me that then the shipments would be either direct or indirect and it would not substantially hurt the definition; therefore, I would ask you the question, do you see anything wrong with removing the word 'direct' from the definition as long as it would allow for the generator/packager to ship either direct or indirect?"

Senator Williams: "I think that is what we are trying to do. The amendment that we are considering right now is to remove the word 'direct'. We are dealing with a floor amendment, my floor amendment which strikes the word 'direct' from the committee amendment. And that is exactly what we are trying to do. We are trying to strike the word "direct" because then, as you say, the generator/packager definition deals with, it provides a definition for generator/packager which is a term that is used throughout the bill. And does not, and strikes the word "direct' because that is a rather narrow definition of generator/packager."

POINT OF INQUIRY

Senator Donohue: "Senator Williams, maybe, I will try to remember the discussion we had in committee regarding the word 'direct' and if I remember correctly there are times when some of the radioactive waste that the generator/packager begins to ship, ends up, perhaps, in a warehouse for a period of time and then sits there until there is additional waste collected and then at that time the truck, fully loaded, can go to the disposal site. Now, was that the area that we talked about relative to the word 'direct'?"

Senator Williams: "Sorry I missed the question."

Senator Donohue: "I do not think I could ever ask that question again."

Senator Williams: "My counsel says answer 'yes'."

Senator Donohue: "The answer is 'yes'?"

REMARKS BY SENATOR GUESS

Senator Guess: "Senator Donohue, if you will read that fourth paragraph. Amendment fourteen defines 'generator/packager' stating that a generator or packager of radioactive waste is a person who makes direct shipments to a disposal site.

The generator/packager who does not ship directly to the site, that is, one who uses a broker, would not be required to have a site-use permit. That is the difference. Now what I was trying to do was to simplify the thing so that all universities that generate waste and use a broker, do not then also have to have a generator/packager license. And I think that this is, actually it will be, facilitate the department's administration of the bill."

The motion by Senator Williams carried and the amendment to the amendment to page 4, line 14 was adopted on a rising vote.

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

Senator Williams moved adoption of the committee amendment to page 5, line 22.

Senator Williams moved adoption of the following amendment to the committee amendment:

On page 5, line 22, strike "December 31, 1984" and insert "December 31, 1982"

Senator Bottiger moved adoption of the following amendment to the committee amendment to page 5, line 35 and that it be considered together with the committee amendment to page 5, line 22 and the amendment by Senator Williams to that amendment.

On the second line of the Senate Ecology amendment beginning on page 5, line 35, after "December 31" strike "1984", date for a period of up to, but not exceeding one year," and insert "1982, date on a year-by-year basis, for a maximum of three years,"

Debate ensued.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 31,
HOUSE CONCURRENT RESOLUTION NO. 33.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1422,
HOUSE BILL NO. 1453,
SUBSTITUTE HOUSE BILL NO. 1988.

MOTION

At 6:55 p.m., on motion of Senator Marsh, the Senate adjourned until 9:00 a.m., Thursday, March 13, 1980.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 13, 1980.

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 Haley, Pullen and Rasmussen.

The Color Guard, consisting of Pages Rusty Urness and Dana Wood, presented the Colors. Reverend Paul F. McCann, pastor of United Churches of Olympia, offered the following prayer:

"ALMIGHTY GOD, WE PAUSE TO THANK YOU TODAY FOR YOUR PRESENCE WITH US THROUGHOUT THIS SESSION. WE THANK YOU FOR THE ENERGY TO CARRY OUT OUR TASKS, EVEN AT THOSE TIMES WHEN OUR ENDURANCE OR PATIENCE HAS BEEN STRETCHED AND STRESSED. WE THANK YOU FOR GRANTING US SOME VISION AND SOME CREATIVITY AS WE HAVE ADDRESSED DIFFICULT ISSUES AND CONTROVERSIAL DECISIONS.

"AS WE MOVE TOWARD THE COMPLETION OF OUR WORK IN THE HOURS AHEAD, REMAIN WITH US, WE PRAY, AS A GUIDING, SUSTAINING PRESENCE. MAY WE COMPLETE OUR DUTIES WITH A SENSE OF GENUINE ACCOMPLISHMENT, NOT IN THE SPIRIT OF HAVING ACHIEVED ALL THAT THERE WAS TO DO, BUT OF HAVING TAKEN SIGNIFICANT FURTHER STEPS.

"BE WITH AND BLESS US AND OUR FAMILIES, WE PRAY. CONTINUE TO GUIDE AND GUARD OUR STATE AND OUR NATION. MOVE US TOGETHER TOWARD A MORE EQUITABLE AND PEACEFUL WORLD. IN THE NAME OF CHRIST 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.

MESSAGES FROM THE HOUSE

March 12, 1980.

Mr. President: The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1499 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 12, 1980.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 1406 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 12, 1980.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1419 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 12, 1980.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1397 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 12, 1980.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 3385, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 12, 1980.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 1465, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 12, 1980.

Mr. President: The Speakers have signed:

HOUSE BILL NO. 1413,
HOUSE BILL NO. 1465,
HOUSE BILL NO. 1508,
HOUSE BILL NO. 1518,

SUBSTITUTE HOUSE BILL NO. 1989 and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 12, 1980.

Mr. President: The Speakers have signed:

HOUSE BILL NO. 1444,
HOUSE BILL NO. 1597,

HOUSE BILL NO. 1843, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 12, 1980.

Mr. President: The Speakers have signed:

HOUSE BILL NO. 1568,

SUBSTITUTE HOUSE BILL NO. 1676, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3321
SUBSTITUTE SENATE BILL NO. 3385.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 1413,
 HOUSE BILL NO. 1444,
 HOUSE BILL NO. 1465,
 HOUSE BILL NO. 1508,
 HOUSE BILL NO. 1518,
 HOUSE BILL NO. 1568,
 HOUSE BILL NO. 1597,
 SUBSTITUTE HOUSE BILL NO. 1676,
 HOUSE BILL NO. 1843,
 SUBSTITUTE HOUSE BILL NO. 1989.

MOTIONS

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

On motion of Senator Marsh, the Senate resumed consideration of Engrossed Substitute House Bill No. 1412.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412, by Committee on Ecology (originally sponsored by Representatives Isaacson, Barr, Oliver, Williams and Wilson):

Regulating the transportation and disposal of radioactive wastes.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1412. On March 12, 1980, the committee amendments to page 1, lines 20, 24, 29 and page 2, line 3 were considered and adopted simultaneously. The committee amendments to page 2, lines 12, 13, 18, 22, 23, 24 and page 4, line 4 were adopted. On motion of Senator Williams, the committee amendment to page 4, line 17 was not adopted. The committee amendment to page 5, line 9 was adopted. The committee amendment to page 5, line 14, as amended by Senator Williams, was adopted. Senator Williams had moved adoption of the committee amendment to page 5, line 22 and had moved adoption of an amendment by Senator Williams to page 5, lines 22 and 35. Senator Bottiger had moved that an amendment by Senator Williams to the committee amendment to page 5, line 35 be considered together.

Debate ensued.

The motion by Senator Williams carried and the amendments to the committee amendment to page 5, line 22 were adopted on a rising vote.

The committee amendment to page 5, line 22 and 35 as amended, were adopted.

On motion of Senator Williams, the committee amendments to page 5, lines 25, 28, also beginning on lines 28, 30, 31 and 32 were adopted.

On motion of Senator Williams, the remaining committee amendments were adopted.

Senator Morrison moved adoption of the following amendment:

On page 5, beginning on line 22, strike all material through "waste." on line 35 and insert:

"Notwithstanding any law, order, or regulation to the contrary, areas within the state of Washington which were being utilized for any of the following purposes as of March 13, 1980 may continue to be utilized by any person or entity as a temporary, interim, or permanent disposal site for radioactive waste or medical waste, or both generated inside of the state or outside of the state of Washington except as provided below. After December 31, 1984 no person or entity may transport to a

radioactive waste disposal site located in this state any radioactive waste generated outside of the state of Washington other than medical waste: PROVIDED, That radioactive waste generated outside of the state of Washington does not include low-level radioactive waste generated in a state which is a party to an interstate compact which includes the state of Washington and provides for regional storage of such radioactive waste: PROVIDED FURTHER, That the Governor may extend the December 31, 1984 date for a period of up to, but not exceeding one year, on finding that extreme hardship or emergency exists and that the interests of the citizens of the state of Washington are not adversely affected."

POINT OF ORDER

Senator Williams: "I think I would like to raise a Point of Order. First, I am wondering if it is appropriate to consider an amendment now which changes the date back after the body has already affirmatively changed the date that this amendment now is proposing to return us to."

RULING BY THE PRESIDENT

President Cherberg: "The point raised by Senator Williams on the original amendment was well taken; however, the new amendment has been changed to reflect 1982 instead of 1984."

There being no objection, on motion of Senator Morrison, the amendment was withdrawn.

Senator Morrison moved adoption of the following amendment:

On page 5, beginning on line 22, strike all material through "waste." on line 35 and insert:

"Notwithstanding any law, order, or regulation to the contrary, areas within the state of Washington which were being utilized for any of the following purposes as of March 13, 1980 may continue to be utilized by any person or entity as a temporary, interim, or permanent disposal site for radioactive waste or medical waste, or both generated inside of the state or outside of the state of Washington except as provided below. After December 31, 1982 no person or entity may transport to a radioactive waste disposal site located in this state any radioactive waste generated outside of the state of Washington other than medical waste: PROVIDED, That radioactive waste generated outside of the state of Washington does not include low-level radioactive waste generated in a state which is a party to an interstate compact which includes the state of Washington and provides for regional storage of such radioactive waste: PROVIDED FURTHER, That the Governor may extend the December 31, 1982 date for a period of up to, but not exceeding three years, on finding that extreme hardship or emergency exists and that the interests of the citizens of the state of Washington are not adversely affected."

POINT OF INQUIRY

Senator Bottiger: "Senator Morrison, I have this concern. If, with this language in, presume this goes on the ballot as passed by the people and then before 1982, for whatever reason the Governor orders another halt because of poor packaging or something, as this is worded, would a Governor still have that authority? It sounds to me like it is almost a positive statement that they can do it."

Senator Morrison: "I would presume although I may be incorrect, that the Governor continues to have the same authority that she would have now, Senator Bottiger. Was not the intent of being so positive in this authority that in fact, we cut off the emergency procedures which the executive branch has in handling these particular matters. So it was not my intent to terminate any control that the executive might have at this point."

The motion by Senator Morrison carried and the amendment was adopted on a rising vote.

Senator Morrison moved adoption of the following amendment by Senators Morrison, Bottiger and Benitz:

On page 12, line 33, after "Sec. 21." strike all material through "immediately" on line 36 and insert:

"This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with the provisions of Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof"

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Morrison, now that I have the new language before me and asking a question concerning the intent of the previous motion with respect to the current amendment to add a referendum, is it the intent of the language in the previous amendment, the language at the beginning of the amendment, that says 'Notwithstanding any law, order or regulation to the contrary', that if we pass an amendment or the referendum amendment and if the referendum passes, and if there is an initiative on the ballot which also passes, is it the intent of this language that the referendum would supersede the initiative?"

Senator Morrison: "I would have to answer that it is not specifically the intent that the referendum supersede. It is the intent of the amendatory language that we have now adopted to create a conflict that would then take this issue to the courts. We find that the courts have had almost nothing to say about conflicts between two different proposals that have passed the vote of the people. In the case of initiative 276, the initiative clearly said that it took precedence over other ballot issues and so that was clear. We are here intentionally creating a conflict, if by chance, both an initiative and this referendum should pass. It is not specifically our intent that this law would take precedent over the initiative if both passed."

Senator Goltz: "If this bill passes without the referendum and if an initiative passes, would the same conflict be established or would the initiative then supersede our law without the referendum?"

Senator Morrison: "I would presume that then the initiative would be an amendatory procedure changing the existing law which is already in effect and the effectives dates would govern. And then the initiative would take precedent over the language that is here before us."

POINT OF INQUIRY

Senator Wilson: "Senator Morrison, it is my understanding that the bill in its previous form, established a 1982 date and then said that the Governor could extend that date a year at a time for up to three years; and I understood that one of the arguments for that provision was to give the Governor some negotiating authority in trying to encourage other states to agree to compacts and that the Governor could say periodically, 'Well, now I am willing to extend this one more year but that is all', in order to hasten the achievement of a compact. Now as I read the language in your amendment, the last four lines, it would appear to me fairly clear, or at least a debatable matter, that under this amendment the Governor would be limited to a single extension of not more than three years; and I do not see anything in here that would indicate the Governor would retain the flexibility that the previous language had supplied her with. What do you think?"

Senator Morrison: "I certainly did not intend to, in fact, the reason the amendment was written as it was because we were anticipating one year as being the only

extension to be offered. It was my intent that by changing the three years that the Governor has the flexibility to extend for a period of time not to exclude, or not to go beyond three years. I would personally not be inclined to limit that to just one extension."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Morrison, the Senate moved to reconsider the vote by which the amendment by Senator Morrison to page 5, beginning on line 22 was adopted earlier today.

Senator Morrison moved adoption of the following amendment, on reconsideration:

On page 5, beginning on line 22, strike all material through "waste." on line 35 and insert:

"Notwithstanding any law, order, or regulation to the contrary, areas within the state of Washington which were being utilized for any of the following purposes as of March 13, 1980 may continue to be utilized by any person or entity as a temporary, interim, or permanent disposal site for radioactive waste or medical waste, or both generated inside of the state or outside of the state of Washington except as provided below. After December 31, 1982 no person or entity may transport to a radioactive waste disposal site located in this state any radioactive waste generated outside of the state of Washington other than medical waste: PROVIDED, That radioactive waste generated outside of the state of Washington does not include low-level radioactive waste generated in a state which is a party to an interstate compact which includes the state of Washington and provides for regional storage of such radioactive waste: PROVIDED FURTHER, That the Governor may extend the December 31, 1982 date for a period of up to, but not exceeding three years, on finding that extreme hardship or emergency exists and that the interests of the citizens of the state of Washington are not adversely affected."

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

Amend the Morrison amendment on the fourth line from the bottom as follows:
After "period of" insert "one year at a time"

POINT OF INQUIRY

Senator Goltz: "Senator Morrison, now that we have this back before us on second reading, I would like to ask a question as to what the reference 'except as provided below on line 6 of the amendment' refers to."

Senator Morrison: "I believe that the language that is impacted is the statement that these areas may continue to be utilized for radioactive waste generated outside or inside of the state of Washington except as provided below. The provisions below specify that, first of all that if it is subject, or it if has been negotiated as part of an interstate company, which I think was the intent of the original 1412 and the intent of Senator Williams' committee, that it not be closed as of that particular date. A further proviso is that the Governor then has the option of extending the 1982 date one year at a time for a period not to exceed three years."

Senator Goltz: "So 'the exceptions provided below' are contained within the amendment itself?"

Senator Morrison: "True."

POINT OF INQUIRY

Senator Williams: "Senator Morrison, my question is again, the same area. The first sentence of your amendment says 'notwithstanding, etc., the areas were being utilized for any of the following purposes, except provided below' and there are no

purposes provided below in a separate section, a separate part of your amendment. The word 'purposes' then, as I understand it, would be intended to mean, be those purposes that are listed in the same sentence—'temporary, interim, or permanent disposal site for radioactive waste'. I presume that is the intention, however, grammatically it is inaccurate because you talk of the following purposes except provided below and the following purposes are not listed separately then below."

Senator Morrison: "Senator Wilson, I believe it still stands grammatically that they may continue to utilize with interceding language except as provided below."

Senator Wilson: "I guess my question then, whether we agree or not on this grammar, is the purposes that you refer to are those purposes the temporary, interim or permanent disposal sites for radioactive waste?"

Senator Morrison: "Yes, the purposes are that we are creating the positive authority to continue to operate those facilities for those specific purposes, except as modified by the proviso."

Senator Wilson: "Except as modified."

Senator Morrison: "Right."

The motion by Senator Morrison carried and the amendment by Senator Morrison to page 5, line 22, as amended by Senator Ridder, was adopted on reconsideration.

The Senate resumed consideration of the following amendment by Senators Morrison, Bottiger and Benitz that had been moved for adoption by Senator Morrison earlier today:

On page 12, line 33, after "Sec. 21." strike all material through "immediately" on line 36 and insert:

"This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with the provisions of Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof"

Debate ensued.

POINT OF INQUIRY

Senator Benitz: "Senator Williams, if this measure is passed without the referendum clause, can you give me some assurance or do you have assurance that the signatures will not be collected on the initiative?"

Senator Williams: "No, Senator Benitz, I cannot give you that assurance. I, my reason for stating so is that I think all of us have a certain common sense approach to what the politics are of running initiatives and so forth and if the previous bill that we had with a 1984 date was passed by the legislature and had a referendum on it, I am sure the people who are interested in the initiative would have then worked for one. With the language we have here, I do not think they will."

Further debate ensued.

The motion by Senator Morrison carried and the amendment was adopted on a rising vote.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDermott moved the Senate reconsider the vote on adoption of the following committee amendment:

On page 2, beginning on line 12, delete "and the responsibility and authority for possession of buried radioactive waste shall continue"

Debate ensued.

The motion by Senator McDermott failed.

On motion of Senator Morrison, the following amendment by Senators Morrison, Bottiger and Benitz to the title was adopted:

On page 1, line 10 of the title, after "penalties;" strike "and declaring an emergency" and insert "and providing for submission of this act to a vote of the people"

On motion of Senator Williams, the rules were suspended, Engrossed Substitute House Bill No. 1412, 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

At 10:25 a.m., on motion of Senator Marsh, the Senate recessed until 12:15 p.m.

NOON SESSION

The President called the Senate to order at 12:15 p.m.

MOTION

On motion of Senator Marsh, the Senate resumed consideration of Engrossed Substitute House Bill No. 1412, as amended by the Senate.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412, by Committee on Ecology (originally sponsored by Representatives Isaacson, Barr, Oliver, Williams and Wilson):

Regulating the transportation and disposal of radioactive wastes.

MOTION

On motion of Senator Marsh, the rules were suspended and Engrossed Substitute House Bill No. 1412, as amended by the Senate, was returned to second reading.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Hansen moved the Senate reconsider the vote by which the amendment by Senator Morrison to page 5, line 22, as amended by Senator Ridder, was adopted earlier today.

Debate ensued.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. What Senator Morrison did with his amendment was go and take the exact language out of the initiative and then change it to conform with the action of the Senate on the 1982 and the three-year delay dates. There is a valid argument for doing that because then a court, having before it, two measures, conceivably two measures that both passed the people, would be able to see the exact differences, the exact distinctions.

"Now my concern was the language 'no order nor any regulation would prohibit any person from utilizing the nuclear waste site' and that I believe, would effectively prevent a Governor from doing what Governor Ray did last summer when she discovered bad packaging and bad transmission, or transportation activities. Senator Morrison responds to that with the new amendment being offered creating a new section 7, which directly speaks to that question, that the executive retains the authority to take actions like that.

"Now, we are a little bit in a quandry because in the caucus discussion of how to solve this, the solution was to peel off the Morrison amendment and go with the

existing language as it came out of the committee. That does not meet the argument that can be made then, that if both the initiative and referendum pass, there are not identical sections. However, I do not believe that is a compelling argument that a court would buy because in fact, the sections do do the same thing in the sense of providing identical time delays and I think a court would understand that.

"So I want it very clear in the law that the action of the Governor, either through regulations through the department of social and health services or by executive order, would have the authority to put a stop to improper practices and the clear way to do that is to take off Senator Morrison's amendment. I would like to compliment him on his efforts for trying to find a solution and am, as I say, at a loss to make a recommendation to adopt the new section seven, being sure that it would do what we want it to do because back in the original language is other more specific language saying 'no order nor any regulation may prohibit a person from utilizing the dump until 1982'."

POINT OF INQUIRY

Senator Morrison: "Senator Bottiger, you have indicated that you feel the court would consider both the referendum or initiative if they pass on an equal footing if in fact we do go back to original language of the committee. We seem to have almost as many opinions on that as attorneys, I guess, which is normal. But I guess if you could clarify that any more, as far as question and answer session, I would at least like to have that as part of the record, if, in fact, we do peel off the amendments that we adopted here on the floor."

Senator Bottiger: "Well, I hope that a court, looking at the initiative and the referendum and the journal of this Senate, would realize that the effect of the committee proposal is identical as to the initiative with the exception of the dates, and with the exception of this language about no law, order or regulation to the contrary; that those are the distinctions that the initiative wording in a sense has this hole in it about stopping shipment of material that does not meet the standards established by this state. So the court, looking at that, I am sure, would realize that what we are trying to do was change the date periods and would at least give credence to the thoroughly worked legislative standards established in the bill as opposed to the initiative."

POINT OF INQUIRY

Senator Morrison: "Senator Bottiger, in the amendment that we would be striking, taking the direction now that our caucus is intending to take, one of the differences in the amendment that we did adopt was that it excludes medical waste. I think there is some concern in that areas, presuming if we go back to the committee language that medical waste would now still be subject to the cutoff as proposed for 1982. Is that accurate?"

Senator Bottiger: "I need some help from Senator Williams on that."

REMARKS BY SENATOR WILLIAMS

Senator Williams: "Yes, that is correct, that is one of the differences in Senator Morrison's amendment over present language, is that it does exclude nuclear waste, I mean medical waste. My only response to that is, I guess, I recognize the concern of people that perhaps hospitals and other research in the area of medical, the medical field, might be affected in some way by this, but however from the point of view of a concern on the part of the public as to radioactive waste, regardless of where it comes from, it is still radioactive waste and so I suppose we could make all kinds of judgments as to which is better radioactive waste, depending on where it came from; but the fact is once it is radioactive there is certainly no difference between that that

comes from a hospital and that that may come from some industrial use. So for that purpose I do not really find enough reason for continuing to justify the Morrison amendment."

PARLIAMENTARY INQUIRY

Senator Morrison: "Is it possible, in some way, to consider the proposed amendment that we have before us, new section, section seven, before we would vote on the move to reconsider the other amendment and the motion made by Senator Hansen?"

REPLY BY THE PRESIDENT

President Cherberg: "The motion to reconsider is a privileged motion, Senator. It would be necessary, the President believes, for Senator Hansen to withdraw his point for the time being on his motion."

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.

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

MESSAGES FROM THE HOUSE

March 13, 1980.

Mr. President: The Speakers have signed:
SUBSTITUTE HOUSE BILL NO. 1419,
SUBSTITUTE HOUSE BILL NO. 1499, and the same are herewith
transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The Speakers have signed: HOUSE BILL NO. 1406, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1688 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1406,
SUBSTITUTE HOUSE BILL NO. 1419,
SUBSTITUTE HOUSE BILL NO. 1499.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412, by Committee on Ecology (originally sponsored by Representatives Isaacson, Barr, Oliver, Williams and Wilson):

Regulating the transportation and disposal of radioactive wastes.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1412, as amended earlier today. Senator Hansen had moved the Senate reconsider the vote by which an amendment by Senator Morrison to page 5, line 22 was adopted.

Debate ensued.

The motion by Senator Hansen carried.

The President declared the question before the Senate to be adoption of the amendment by Senator Morrison, as amended by Senator Ridder, on reconsideration.

On motion of Senator Williams, the following amendment by Senators Williams and Morrison to the amendment by Senator Morrison was adopted:

On page 5, on the last line of section 6 as amended by the Morrison floor Amendment, after "affected" insert:

": PROVIDED FURTHER, That nothing contained in this section shall affect the authority of the executive branch to take necessary action to ensure compliance with safety requirements concerning the transportation, containerization, or storage of all materials subject to the provisions of this act"

The President declared the question before the Senate to be adoption of the amendment by Senator Morrison, as amended, on reconsideration.

The amendment, as amended, was not adopted on a rising vote on reconsideration.

PARLIAMENTARY INQUIRY

Senator Shinpoch: "Mr. President, after the fiftieth day, does it require two-thirds vote in order to reconsider a measure?"

REPLY BY THE PRESIDENT

President Cherberg: "No sir, it does not, Senator Shinpoch."

REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "I understood Senator Clarke to indicate that it required a two-thirds vote, and I thought he was indicating that somewhere we were breaking faith after they had given us those kind of votes and I just wanted to be sure."

MOTION

Senator Pullen moved adoption of the following amendment by Senator Haley: Strike everything after the enacting clause and insert:

"NEW SECTION. Section 1. There is added to chapter 70.98 RCW a new section to read as follows:

In addition to all other fees imposed for the disposal of nuclear waste materials in the state of Washington, there is hereby imposed and shall be collected from each operator of low level nuclear waste disposal sites an annual fee equal to twice the amount authorized by RCW 43.31.300 for deposit in the perpetual maintenance fund, and an additional fee equal to twice the cost to the operator of operating and maintaining the site. All fees collected pursuant to this section shall be deposited in the general fund."

POINT OF INQUIRY

Senator Williams: "Senator Pullen, just a question of clarification. There seems to be some question on our side of the aisle at least, or by some members, as to the exact intent of this amendment. As we understand it, this amendment in essence, strikes the entire bill and substitutes this section alone. Is that correct?"

Senator Pullen: "That is correct, that is the intent of the amendment."

On motion of Senator Day, the amendment by Senator Haley was laid upon the table.

On motion of Senator Williams, the rules were suspended, Engrossed Substitute House Bill No. 1412, 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 Jones, Senator Haley was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1412, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Quigg—1.

Excused: Senator Haley—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412, 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 returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 11, 1980.

Mr. President: The House refuses to recede from its amendments to REENGROSSED SENATE BILL NO. 2204 and once again asks the Senate to concur therewith, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Woody, the Senate insists on its position, refuses to concur in the House amendments to Reengrossed Senate Bill No. 2204 and once again asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 12, 1980.

Mr. President: The House refuses to recede from its amendment to SUBSTITUTE SENATE BILL NO. 3457, and again asks the Senate to concur therewith, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator McDermott, the Senate concurred in the House amendments to Substitute Senate Bill No. 3457.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3457, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Haley—1.

SUBSTITUTE SENATE BILL NO. 3457, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 25, 1980.

Mr. President: The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 3509 and once again asks the Senate to concur with the House amendments thereto, and said bill, together with the amendments thereto, is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Bausch, the Senate insists on its position, refuses to concur in the House amendments to Substitute Senate Bill No. 3509 and once again asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 12, 1980.

Mr. President: The House insists on its position regarding its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 3551 on page 1, line 1 and the amendment adding a new section 4, and asks the Senate to concur therewith, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3551.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3551, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Lysen—1.

Excused: Senator Haley—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3551, 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.

PERSONAL PRIVILEGE

Senator Hansen: "Yes, Mr. President. The question was supposed to have been asked me for the language that was written in to the House journal so we could get it into the Senate journal and it was omitted. But I would like my point of personal privilege to read the language into the journal here of how these determinations will be made. Am I allowed that privilege for the journal?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Hansen, If you will just give a copy to Mrs. Greeley, it will be included in the journal."

Senator Hansen: "Thank you."

PERSONAL PRIVILEGE

THE WASHINGTON STATE SENATE

Frank "Tub" Hansen
State Senator

March 10, 1980

MEMORANDUM

TO: Rep. John A. Bagnariol
FROM: Senator Frank "Tub" Hansen
SUBJECT: Senate Bill 3551—Amendment by Rep. Dick Nelson

It is the intent of the Legislature that the Department of Revenue shall report to the Legislature annually an estimate of the fiscal impact of the tax exemptions. The estimate must be based on information the Federal Bureau of Alcohol, Tobacco, and Firearms has on file from the permits issued for alcohol fuel production. The estimate shall include the number of manufacturing facilities, the average size of these facilities, and the average cost of these facilities.

MESSAGE FROM THE HOUSE

March 11, 1980.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1420 on page 2, line 30, and refuses to concur in the Senate amendment on page 1, line 19, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Bottiger, the Senate refuses to recede from its amendment to Engrossed Second Substitute House Bill No. 1420 on page 1, line 19 and once again asks the House to concur therewith.

MOTION

On motion of Senator Marsh, all Senate Messages on measures considered by the Senate today were ordered immediately transmitted to the House.

MESSAGE FROM THE HOUSE

March 11, 1980.

Mr. President: The House refuses to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO 1570, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

The Senate resumed consideration of the House Message on Engrossed Substitute House Bill No. 1570 which was read in the Senate on March 12, 1980. At that time, Senator Clarke has moved the Senate recede from its amendment. On motion of Senator Walgren, further action was deferred.

MOTION

Senator Walgren moved the Senate refuse to recede from its amendment to Engrossed Substitute House Bill No. 1570 and once again ask the House to concur therein.

PARLIAMENTARY INQUIRY

Senator Clarke: "It was my impression that I had already made a motion that we did recede which is a motion of higher order and that that motion was presently pending before the body at the time that we recessed."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Clarke's remarks are well taken."

PARLIAMENTARY INQUIRY

Senator Walgren: "It seems to me that the positive motion, that is, the motion to insist upon our position, is the motion to be presented, they being of equal rank."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, it reads and I do not have the volume before me, but the respective ranks of the motions are set forth, and the motion to recede is one higher than the motion to either insist or adhere. And the logic for it is that there would remain, if the motion to recede fails, then other motions may be made, whereas it would be improper to reverse the order. I am sure that the proper chapter of Reed's will illustrate that priority."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order, the President is positive that Reed's rules will state that the motion that, the one that brings the two houses closer together, is the one that is in order. According to Reed's 247, 'Motions Relating to Agreement or Disagreement Between the Two Houses, these motions are five in number, and have priority in the following order: To concur, To nonconcur, To recede, To insist, To adhere'."

The President declared the question before the Senate to be the positive motion by Senator Clarke that the Senate recede from its amendment to Engrossed Substitute House Bill No. 1570.

Debate ensued.

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

Debate ensued.

Senators Walgren, Marsh and Rasmussen demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Clarke that the Senate recede from its amendment to Engrossed Substitute House Bill No. 1570.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Matson, Morrison, Pullen, Scott, Sellar, Talley, Vognild, von Reichbauer, Wanamaker, Woody—25.

Voting nay: Senators Bausch, Bottiger, Bradburn, Day, Donohue, Fleming, Goltz, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Shipoch, Talmadge, Van Hollebeke, Walgren, Williams, Wilson, Wojahn—23.

Excused: Senator Haley—1.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1570 without the Senate amendment.

POINT OF INQUIRY

Senator Lee: "Senator Morrison, what is the intended effect of adding 'agricultural' to the section of law which exempts certain transactions from the defense of usury and prohibits the bringing of an action for usury thereon?"

Senator Morrison: "The intent of adding the word 'agricultural' to RCW 19.52.080 is to make it absolutely clear that the legislature does now and always has considered agricultural loans to be included within the commercial loan exception."

Senator Lee: "Are you aware there are presently agricultural loans outstanding which bear interest at greater than twelve percent?"

Senator Morrison: "Yes, I am."

Senator Lee: "Is it the intent of ESHB 1570 to allow the defense of usury to be raised or to allow an action for usury to be maintained upon any agricultural loans outstanding prior to the effective date of this act?"

Senator Morrison: "No. It is our understanding and our intent that agricultural loans have always been included within the commercial loan exception of RCW 19.52.080 and ESHB 1570 is intended to make that point perfectly clear, and in addition, to conform state law with recently enacted federal legislation concerning

the exemption of business and agricultural loans in excess of \$25,000 from state usury laws."

Senator Lee: "Section 3 of this bill provides that this act applies prospectively only and not retrospectively. Is section 3 intended to have any effect on agricultural loans outstanding prior to the effective date of this act?"

Senator Morrison: "No. The provisions of section 3 are not intended to apply to agricultural loans, to the contrary, those provisions are intended to apply to section 2 of this bill only, and are for the purpose of ensuring that the provisions of section 2 do not impair or affect the *O'Brien* decision recently decided by the Washington State Supreme Court."

POINT OF INQUIRY

Senator Jones: "Senator Bluechel, are you aware of the existence of federal laws which currently preempt certain transactions from our state's usury law?"

Senator Bluechel: "Yes, I am."

Senator Jones: "Is SHB 1570 intended in any way to override these existing federal preemptions of our state's usury law?"

Senator Bluechel: "No. The federal law allows the state to override the federal preemption by adopting a law which limits the rate or amount of interest. SHB 1570 does not limit the rate or amount of interest allowed to be charged, in fact, the effect of SHB 1570 is to remove such a limitation. Moreover, SHB 1570 does not effect Washington's usury law, it simply expands the categories of loans which are not subject to the usury defense."

Senator Jones: "Are you also aware that there is presently before Congress a conference committee report, the contents of which if enacted into law, will extend and expand the federal preemption of our state's usury law?"

Senator Bluechel: "Yes, I am aware of the report."

Senator Jones: "Is SHB 1570 intended in any way to override the provisions of the conference committee report?"

Senator Bluechel: "No. SHB 1570 is in no way intended to override the existing federal preemptions or the pending federal preemptions of our state's usury law, including but not limited to those provisions concerning mortgage and housing loans."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Conner moved the Senate immediately reconsider the vote by which the Senate receded from its amendment, on motion of Senator Clarke, to Engrossed Substitute House Bill No. 1570.

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

The President declared the question before the Senate to be the motion by Senator Conner that the Senate immediately reconsider the vote by which the Senate receded from its amendment to Engrossed Substitute House Bill No. 1570.

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion carried by the following vote: Yeas, 25; nays 23; excused, 1.

Voting yea: Senators Bausch, Bottiger, Bradburn, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Shipoch, Talmadge, Van Hollebeke, Walgren, Williams, Wilson, Wojahn—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Matson, Morrison, Pullen, Scott, Sellar, Talley, Vognil, von Reichbauer, Wanamaker, Woody—23.

Excused: Senator Haley—1.

The President declared the question before the Senate to be the motion by Senator Clarke that the Senate recede from its amendment to Engrossed Substitute House Bill No. 1570, on reconsideration.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator Clarke that the Senate recede from its amendment to Engrossed Substitute House Bill No. 1570, on reconsideration.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke failed, on reconsideration, by the following vote: Yeas, 24; nays, 24; excused, 1. The President voted no.

Voting yea: Senators Benitz, Bluechel, Clarke, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Matson, Morrison, Pullen, Scott, Sellar, Talley, Vognild, von Reichbauer, Wanamaker, Woody—24.

Voting nay: Senators Bausch, Bottiger, Bradburn, Conner, Day, Donohue, Fleming, Goltz, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Shinpoch, Talmadge, Van Hollebeke, Walgren, Williams, Wilson, Wojahn—24.

Excused: Senator Haley—1.

The motion by Senator Walgren carried. The Senate refused to recede from its amendment to Engrossed Substitute House Bill No. 1570 and once again asks the House to concur therein.

MOTION

On motion of Senator Wilson, Senator Fleming was excused.

MESSAGE FROM THE HOUSE

March 10, 1980.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1763 on page 3, line 9, but does not concur in the Senate amendment on page 3, line 2, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Rasmussen moved the Senate insist on its position on the Senate amendment to page 3, line 2 on Engrossed Substitute House Bill No. 1763 and again ask the House to concur therein.

Debate ensued.

The motion by Senator Rasmussen failed on a rising vote.

The President declared the question before the Senate to be the roll call on Engrossed Substitute House Bill No. 1763 without the Senate amendment to page 3, line 2.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1763, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 13; absent or not voting, 5; excused, 2.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Goltz, Gould, Hayner, Hurley, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Walgren, Williams—29.

Voting nay: Senators Benitz, Gaspard, Guess, Hansen, Pullen, Quigg, Rasmussen, Vognild, von Reichbauer, Wanamaker, Wilson, Wojahn, Woody—13.

Absent or not voting: Senators Gallagher, Henry, Lysen, Matson, Talley—5.

Excused: Senators Fleming, Haley—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1763, 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 Matson was excused.

MESSAGE FROM THE HOUSE

March 12, 1980.

Mr. President: The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1901, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Odegaard, the Senate insists on its position on the Senate amendment to Substitute House Bill No. 1901 and once again asks the House to concur therein.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 1533.

MESSAGE FROM THE HOUSE

March 13, 1980.

Mr. President: The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1533, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTIONS

On motion of Senator Marsh, the rules were suspended and Substitute House Bill No. 1533, as amended by the Senate, was returned to second reading.

On motion of Senator Marsh, the Senate resolved itself into a Committee of the Whole, President Pro Tempore Al Henry in the Chair, for the purpose of considering Substitute House Bill No. 1533, as amended by the Senate.

COMMITTEE OF THE WHOLE

Substitute House Bill No. 1533, as amended by the Senate, was considered in the Committee of the Whole and reported back to the Senate, President Pro Tempore Al Henry presiding, with the recommendation that the committee amendment adopted on March 12, 1980 be adopted, as amended, on reconsideration.

President Cherberg assumed the Chair.

On motion of Senator Donohue, the reading had in the Committee of the Whole was considered the second reading of Substitute House Bill No. 1533, as amended by the Senate.

On motion of Senator Donohue, the following amendment to the committee amendment to Substitute House Bill No. 1533, as amended by the Senate, adopted in the Committee of the Whole was adopted by the Senate:

On page 1, line 14, after "expended for the" strike "Cedar Creek honor camp" and insert "operation of Cedar Creek as an adult corrections facility"

On motion of Senator Donohue, the rules were suspended, Substitute House Bill No. 1533, 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. 1533, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; absent or not voting, 1; excused, 1.

Voting yea: Senators Bottiger, Bradburn, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Henry, Hurley, Lee, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—35.

Voting nay: Senators Bausch, Benitz, Bluechel, Clarke, Guess, Hayner, Jones, Lewis, Morrison, Scott, Sellar, Wanamaker—12.

Absent or not voting: Senator Pullen—1.

Excused: Senator Matson—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533, 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 Senate Messages on measures considered today were ordered immediately transmitted to the House.

MOTION

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

MOTION FOR RECONSIDERATION

On March 12, 1980, having voted on the prevailing side, Senator Odegaard moved the Senate immediately reconsider the vote by which the following bill, as amended by the Senate, failed to pass the Senate on that day:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408, by Committee on Local Government (originally sponsored by Representative Thompson):
Authorizing the creation of solid waste disposal districts.

POINT OF INQUIRY

Senator Guess: "Senator Odegaard, if you will make reference to page 3, beginning at line 20, the amendments were fairly heavy yesterday and my book has not been corrected; and I would like to ask you about that question. It says that 'the district may establish classes or persons upon whom such excise taxes are levied and may establish different rates of taxation on different classes' and I would assume that is on different classes of citizens. Is this . . .?"

Senator Odegaard: "Yes, Senator Guess, it was amended yesterday to make it clear what kind of persons we are talking about. There was some fear that 'persons' could include business so we included language to say 'natural persons' so we actually mean on households."

Senator Guess: "But Senator, that is only one word. The thing that bothers me is that the county is going to do something it has never in the history of the entire constitution that I know of, has a taxing district been able to say that a white man is going to pay one rate and a red man is going to pay another one."

Senator Odegaard: "Senator Guess, the reason for this language for different classes is so the county commissioners could set up a different excise tax, let us say for senior citizens. It could impose a lower rate for senior citizens, possibly. Or for maybe, people who are trying to do something with their garbage in the way of energy with compost or whatever; and that is the reason for the different classes."

Senator Guess: "But Senator, that is not what the English language can be manipulated in a way that is far more lucid than what we see here on this page, and I would urge that before the body reconsider this, that there be some understanding as to what that language really means."

Senator Odegaard: "Well, Senator Guess, that is the intent of the sponsor of the bill that this be, as I have stated for possibly a lower rate for senior citizens or disabled or something of that nature; and not to do really anything more than that."

The motion for reconsideration by Senator Odegaard on the failure of Engrossed Substitute House Bill No. 1408, as amended by the Senate, to pass the Senate carried on a rising vote.

POINT OF INQUIRY

Senator Morrison: "Senator Odegaard, I understand that some of the groups that previously had questions about this bill, have now, following the amendments, changed their position or understanding what was accomplished with the amendments including the State Grange. Is this true?"

Senator Odegaard: "The State Grange was in last night and again this morning and indicated they said before that they are not in support of the bill but they are not opposed to it now, either, with the amendments that were adopted. They are, I guess you would say, in a neutral position."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1408, as amended by the Senate, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1408, as amended by the Senate, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 26; nays, 21; absent or not voting, 1; excused, 1.

Voting yea: Senators Bottiger, Conner, Donohue, Fleming, Gaspard,

Goltz, Hansen, Henry, Hurley, Lewis, Marsh, McDermott, Morrison, Odegaard, Peterson, Quigg, Ridder, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Woody—26.

Voting nay: Senators Bausch, Benitz, Bluechel, Bradburn, Clarke, Day, Gallagher, Gould, Guess, Haley, Hayner, Jones, Lee, Lysen, Moore, Rasmussen, Scott, Shipoch, Wanamaker, Wilson, Wojahn—21.

Absent or not voting: Senator Pullen—1.

Excused: Senator Matson—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408, 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 Walgren, the following Senate Resolutions were referred to the Committee on Rules:

1980-230	Impact of migration, study
1980-232	Inspection system, study
1980-233	Tax aspects land preservation, study
1980-234	Navigational safety programs, study
1980-238	Post retirement increases, study
1980-239	Veterans' cemetery, study
1980-242	Economic development, study
1980-246	Sanitary toilet facilities, study
1980-247	Services handicapped children, study
1980-248	Medicare supplemental health insurance, study
1980-249	Bicycle safety, study
1980-251	Health care cost reimbursement, study
1980-252	International trade and business, study
1980-253	Day care regulations, study
1980-254	Mentally retarded care, study

MOTION

On motion of Senator Marsh, the Senate returned to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1758, by Committee on Labor (originally sponsored by Representatives King, Clayton, Scott, Mitchell, Lux and Martinis):

Establishing a model reemployment and assistance project for injured workers.

MOTION

On motion of Senator Donohue, Substitute House Bill No. 1758 was rereferred to the Committee on Ways and Means.

MOTION

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

MESSAGES FROM THE HOUSE

March 13, 1980.

Mr. President: The Speakers have signed:
 SUBSTITUTE HOUSE BILL NO. 1397,
 SUBSTITUTE HOUSE BILL NO. 1688, and the same are herewith
 transmitted.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE SENATE BILL NO.
 3321, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE SENATE BILL NO.
 3385, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

March 13, 1979.

Mr. President: The House has concurred in the Senate amendments to HOUSE
 BILL NO. 1427 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
 VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 1397.
 SUBSTITUTE HOUSE BILL NO. 1688.

MOTION

On motion of Senator Marsh, the Senate returned to the third order of
 business.

MESSAGE FROM THE GOVERNOR

Office of the Governor, March 12, 1980.

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

I have the honor to advise that on March 12, 1980, Governor Ray approved the
 following Senate Bills entitled:

SUBSTITUTE SENATE BILL NO. 3169, relating to industrial insurance.
 SENATE BILL NO. 3244, relating to public employment
 SUBSTITUTE SENATE BILL NO. 3629, relating to alcohol fuels.

Very truly yours,
 H.B. HANNA
 Legal Counsel.

REPORT OF STANDING COMMITTEE

March 12, 1980.

SUBSTITUTE HOUSE BILL NO. 1534, making an appropriation to the department of social and health services (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Bluechel, Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Ridder, Scott, Walgren, Wojahn.

MOTION

On motion of Senator Marsh, the rules were suspended, Substitute House Bill No. 1534 was advanced to second reading and read the second time in full.

MOTIONS

On motion of Senator Wilson, Senator Shinpoch was excused.

On motion of Senator Fleming, further action will be delayed until later today on Substitute House Bill No. 1534.

REPORT OF STANDING COMMITTEE

March 11, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1147, providing for a state-wide special inquiry judge proceeding (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

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 State-wide Special Inquiry Judge Act.

NEW SECTION. Sec. 2. It is the intent of the legislature in enacting this chapter to strengthen and enhance the ability of the state to detect and eliminate organized criminal activity.

NEW SECTION. Sec. 3. (1) The organized crime advisory board shall have the authority, by a three-fourths vote at a regularly constituted meeting, to petition the Washington state supreme court for an order appointing a special inquiry judge as prescribed by this section. Such vote may be on its own motion or pursuant to a request from the prosecuting attorney of any county. In the event of such request from a prosecuting attorney the board shall vote on the question promptly. A petition filed under this section shall state the general crimes or wrongs to be inquired into and shall state the reasons why said crimes or wrongs are such that a state-wide special inquiry judge should be authorized to investigate. The supreme court may order the appointment of a state-wide special inquiry judge, in accordance with the petition, for a term of six calendar months. Upon petition by the special prosecutor, and with the approval of the majority of the members of the organized crime advisory board, the supreme court, by order, may extend the term of the state-wide special inquiry judge for three months. The term of the state-wide special inquiry judge may subsequently be extended in the same manner for additional three-month periods.

(2) If the petition is granted, the supreme court shall designate a judge of a superior court to act as a special inquiry judge. The supreme court shall ensure that sufficient visiting judges are made available to the superior court from which the appointment is made in order to compensate for any loss of judicial time.

(3) All of the information and data collected and processed by the organized crime advisory board and the petition filed with the supreme court shall be confidential and not subject to examination or publication pursuant to chapter 42.17 RCW (Initiative Measure No. 276), as now existing or hereafter amended, except as provided by rules of the supreme court of Washington in the case of the petition.

NEW SECTION. Sec. 4. The scope of the investigation and of the special inquiry judge proceeding shall be limited to the general crimes and wrongs specified in the petition filed under section 3 of this act. The special prosecutor or special inquiry judge, however, may request authority to investigate other crimes by submitting a list of such crimes to the organized crime advisory board which may grant authorization to proceed by a three-fourths vote of the membership.

NEW SECTION. Sec. 5. A state-wide special inquiry judge shall have the following powers and duties:

(1) To hear and receive evidence of crime and corruption.

(2) To appoint a reporter to record the proceedings; and to swear the reporter not to disclose any testimony or the name of any witness except as provided in RCW 10.27.090.

(3) Whenever necessary, to appoint an interpreter, and to swear him not to disclose any testimony or the name of any witness except as provided in RCW 10.27.090.

(4) When a person held in official custody is a witness before a state-wide special inquiry judge, a public servant, assigned to guard him during his appearance may accompany him. The state-wide special inquiry judge shall swear such public servant not to disclose any testimony or the name of any witness except as provided in RCW 10.27.090.

(5) To cause to be called as a witness any person believed by him to possess relevant information or knowledge. If the state-wide special inquiry judge desires to hear any such witness who was not called by the special prosecutor, it may direct the special prosecutor to issue and serve a subpoena upon such witness and the special prosecutor must comply with such direction. At any time after service of such subpoena and before the return date thereof, however, the special prosecutor may apply to the state-wide special inquiry judge for an order vacating or modifying the subpoena on the grounds that such is in the public interest. Upon such application, the state-wide special inquiry judge may in its discretion vacate the subpoena, extend its return date, attach reasonable conditions to directions, or make such other qualification thereof as is appropriate.

(6) Upon a showing of good cause may make available any or all evidence obtained to any other public attorney, prosecuting attorney, city attorney, or corporation counsel upon proper application and with the concurrence of the special prosecutor. Any witness' testimony, given before a state-wide special inquiry judge and relevant to any subsequent proceeding against the witness, shall be made available to the witness upon proper application to the state-wide special inquiry judge. The state-wide special inquiry judge may also, upon proper application and upon a showing of good cause, make available to a defendant in a subsequent criminal proceeding other testimony or evidence when given or presented before a special inquiry judge, if doing so is in the furtherance of justice.

(7) Have authority to perform such other duties as may be required to effectively implement this chapter, in accord with rules adopted by the supreme court relating to these proceedings.

(8) Have authority to hold in contempt of court any person who shall disclose the name or testimony of a witness examined before a state-wide special inquiry judge except when required by a court to disclose the testimony given before such state-wide special inquiry judge in a subsequent criminal proceeding.

NEW SECTION. Sec. 6. Any witness who shall disclose the fact that he or she has been called as a witness before a state-wide special inquiry judge or who shall disclose the nature of the testimony given shall be guilty of a misdemeanor.

NEW SECTION. Sec. 7. The supreme court shall develop and adopt rules to govern the procedures of a state-wide special inquiry judge proceeding including rules assuring the confidentiality of all proceedings, testimony, and the identity of persons called as witnesses. The adoption of such rules shall be subject to the approval of such rules by the senate and house judiciary committees.

NEW SECTION. Sec. 8. If the supreme court appoints a state-wide special inquiry judge under section 3 of this act, the organized crime advisory board shall submit to the governor the name of an individual who, with the consent of the governor, shall serve as special prosecutor for the state-wide special inquiry judge proceeding. Any individual whose name is submitted under this section to the governor shall be licensed to practice law in the state of Washington and shall have at least five years' professional experience as one or more of the following: (1) Prosecuting attorney; (2) deputy prosecuting attorney; (3) United States attorney; or (4) assistant United States attorney. No such person shall have resided during the five years immediately preceding the appointment in a county in which the state-wide special inquiry judge will likely be required to investigate crimes. A special prosecutor appointed under this section shall be removed only upon a majority recommendation of the organized crime advisory board and the consent of the governor.

NEW SECTION. Sec. 9. Within ten days of his or her appointment, a special prosecutor selected under this chapter shall submit to the organized crime advisory board an operating budget to fund the activities of his or her office. The budget may include, but shall not be limited to, funds for the hiring of assistant special prosecutors, investigators, and clerical staff. Upon the approval of the budget by a majority of the members of the board, the costs and expenses of the prosecutor's operating budget shall be paid for by the state out of the organized crime prosecution revolving fund. Further operating budgets shall be proposed, approved, and funded pursuant to this section if the term of a state-wide special inquiry judge is extended pursuant to section 3 of this act.

Vouchers and other budget and accounting records of a special inquiry judge proceeding including such records of the special prosecutor shall be subject to audit by the state auditor but shall not be public records within the meaning of chapter 42.17 RCW.

NEW SECTION. Sec. 10. Whenever a state-wide special inquiry judge or special prosecutor appointed under this chapter dies or in any other way is rendered incapable of continuing the duties of his or her office, a successor shall be appointed to serve for the remainder of the judge's or prosecutor's term in the manner provided for by sections 3 and 8 of this act for the appointment of state-wide special inquiry judges and special prosecutors.

NEW SECTION. Sec. 11. The special prosecutor or his designee shall:

- (1) Attend all proceedings of the state-wide special inquiry judge;
- (2) Have the authority to issue subpoenas for witnesses state-wide;
- (3) Examine witnesses, present evidence, draft reports as directed by the state-wide special inquiry judge, and draft and file informations under section 12 of this act.

NEW SECTION. Sec. 12. (1) The special prosecutor shall advise the county prosecuting attorney in any affected county of the nature of the state-wide special inquiry judge investigation and of any informations arising from such proceedings unless such disclosures will create a substantial likelihood of a conflict of interest for the county prosecuting attorney.

(2) The special prosecutor may file and prosecute an information in the county where proper venue lies, after having advised the county prosecuting attorney as

provided in this section and determined that such prosecuting attorney does not intend to do so, or pursuant to an agreement between them that the special prosecutor shall do so.

(3) Informations filed and prosecuted pursuant to this chapter shall meet the requirements of chapter 10.37 RCW.

(4) The expenses of prosecutions initiated and maintained by the special prosecutor shall be paid as part of the state-wide special inquiry judge program as provided in section 9 of this act.

NEW SECTION. Sec. 13. The judge serving as a special inquiry judge shall be disqualified from acting as a magistrate or judge in any subsequent court proceeding arising from such inquiry except alleged contempt for neglect or refusal to appear, testify, or provide evidence at such inquiry in response to an order, summons, or subpoena.

Sec. 14. Section 5, chapter 202, Laws of 1973 1st ex. sess. as amended by section 115, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 43.43.858 are each amended to read as follows:

There is hereby created the organized crime ((intelligence)) advisory board ((of the legislature)) of the state of Washington. The board shall consist of ((eight)) thirteen voting and two nonvoting members.

The lieutenant governor shall appoint four members of the senate judiciary committee to the board((. Two members shall be from the senate ways and means committee. Two members shall be from the senate judiciary committee. The appointments shall include one member of each major political party represented on each committee)), no more than two of whom shall be from the same political party.

The governor shall appoint five members to the board. Two members shall be county prosecuting attorneys and shall be appointed from a list of four county prosecutors agreed upon and submitted to the governor by the elected county prosecutors. One member shall be a municipal police chief, and one member shall be a county sheriff, both of whom shall be appointed from a list of three police chiefs and three sheriffs agreed upon and submitted to the governor by the association of sheriffs and police chiefs (RCW 36.28A.010). One member shall be a retired judge of a court of record.

The United States attorneys for the western and eastern districts of Washington shall be requested to serve on the board as nonvoting members and shall not be eligible to serve as chairperson.

The speaker of the house shall appoint four members of the house judiciary committee to the board((. Two members shall be from the house ways and means committee. Two members shall be from the house judiciary committee. The appointments shall include one member of each major political party represented on each committee)), no more than two of whom shall be from the same political party.

The members of the board shall be qualified on the basis of knowledge and experience in matters relating to crime prevention and security or with such other abilities as may be expected to contribute to the effective performance of the board's duties. The members of the board shall meet with the chief of the Washington state patrol at least ((twice)) four times a year to perform the duties enumerated in RCW 43.43.862 and to discuss any other matters related to organized crime. Additional meetings of the board may be convened at the call of the chairperson or by a majority of the members. The board shall elect its own chairperson from among its members. Legislative members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 44.04.120 as now existing or hereafter amended, and the other members in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

Sec. 15. Section 6, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.860 are each amended to read as follows:

The term of each legislative member shall be two years and shall be conditioned upon such member retaining membership on the committee on which he was serving at the time of appointment and retaining membership in the same political party of which he was a member at the time of appointment.

The term of each nonlegislative member shall be two years and shall be conditioned upon such member retaining the official position from which he was appointed.

NEW SECTION. Sec. 16. There is added to chapter 43.43 RCW a new section to read as follows:

There shall be a fund known as the organized crime prosecution revolving fund which shall consist of such moneys as may be appropriated by law. The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be subject to budget approval given by the organized crime advisory board pursuant to section 9 of this act, and may be made either on authorization of the governor or the governor's designee, or upon request of a majority of the members of the organized crime advisory board. In order to maintain an effective expenditure and revenue control, the organized crime prosecution 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 the fund.

NEW SECTION. Sec. 17. Sections 1 through 13 of this act shall constitute a new chapter in Title 10 RCW.

NEW SECTION. Sec. 18. There is appropriated for the 1979-81 biennium to the organized crime prosecution revolving fund from the general fund, the sum of two hundred fifty thousand dollars to carry out the purposes of this 1980 act.

NEW SECTION. Sec. 19. If any provision of this 1980 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, line 1 of the title, after "crimes;" strike the remainder of the title and insert "amending section 5, chapter 202, Laws of 1973 1st ex. sess. as amended by section 115, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.43.858; amending section 6, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.860; adding a new chapter to Title 10 RCW; adding a new section to chapter 43.43 RCW; prescribing penalties; and making an appropriation."

Signed by: Senators Talmadge, Vice Chairman; Bottiger, Clarke, Hurley, Van Hollebeke, Woody.

MOTIONS

On motion of Senator Marsh, the rules were suspended and Engrossed Substitute House Bill No. 1147 was advanced to second reading and read the second time in full.

Senator Talmadge moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, I have SHB 1147 in my book and then I have an attached amendment by the committee on judiciary. Now is there another amendment to the amendment? Where are we in this game, I am a little bit lost?"

Senator Talmadge: "Senator, I had moved the striking amendment. Senator Day has indicated there is an amendment to the amendment and that is not on our desk as yet that I am aware of."

Senator Rasmussen: "Mr. President, we haven't acted on any of the amendments yet, have we?"

President Cherberg: "Not as yet, sir."

Senator Rasmussen: "I have some questions when we get to that stage of the game."

Senator Day moved adoption of the following amendment to the committee amendment:

On page 2, line 15 after "for" insert "two"

Debate ensued.

There being no objection, on motion of Senator Day, the amendment to the committee amendment was withdrawn.

POINT OF INQUIRY

Senator Rasmussen: "Senator Clarke, I have a question before we adopt the amendment. Do you have a new section 6 'Any witness who shall disclose the fact that he or she has been called as a witness before the state-wide special inquiry judge or who shall disclose the nature of the testimony given, shall be guilty of a misdemeanor'. Let us assume that, for some reason or another I am subpoenaed. So I tell my neighbor, 'Well, I am subpoenaed, I have got to go over to Spokane, they are holding a hearing over there, or down at Vancouver' or wherever that Bob Perry's testimony would indicate they should hold a hearing. I am already guilty then of a crime or misdemeanor, by the fact that I revealed it to my neighbor that I am going over to a hearing. Or if I should tell my wife, 'Eleanor, excuse me for a week, I have got to go and appear before this; and the neighbors say 'Where's Slim?' and they say "Well, he's over there appearing before the judge on a hearing'. So she is guilty of a misdemeanor. Now I really do not think that you need that section in there and I do not see why it is in there."

Senator Clarke: "I will yield to Senator Day because this particular section was put in at his request."

Senator Day: "I can tell you of an experience that I had myself relative to this where there was an inquiry judge set up in Spokane county and I was subpoenaed to come down and tell what I knew about organized gambling in the county. And what happened was, after I appeared, or after I was subpoenaed by this secret indictment, why, it was leaked to the press. There were twenty-three people subpoenaed and one man's name was leaked, and guess who it was . . . the only public official who had been subpoenaed. And subsequent to the inquiry, the judge issued a letter—and I would be happy to have you have a copy of it—"

Senator Rasmussen: "I had a copy of it, it was . . ."

Senator Day: "All right, which said that I knew absolutely nothing about organized gambling nor should I have been subpoenaed. And what this will do is prohibit the witnesses and prohibit the people, the police, anyone else who is involved in such an inquiry, from using this type of tactic.

"And so it is very important that that be in the bill. In fact, what this bill does, as long as I am answering the question, is to take this thing totally out of politics, it takes it out of a local prosecutor's hands who may be partisan, it takes it out of the local judges' hands, it puts it in a special judge appointed by the supreme court; it puts it in a position where it can be an objective inquiry and benefit the thwarting of this kind of crime; and enhance this type of investigation; and assure that it is being done objectively and not with a little political overtone on the side, as was the instance in this particular case."

Senator Rasmussen: "Well, Senator Day, I guess it should probably be a gross misdemeanor but I am thinking of the innocent people that do not know about this and that they would inadvertently say, 'I am going to go over there' and then immediately they are subject to prosecution."

Senator Day: "When the subpoenas are served, Senator Rasmussen, you are told it is secret, you are to talk to no one, and that is the way it is done. It is supposed to be done on a secret basis; and so you are warned at the time that the subpoena is served, just exactly what the situation is, that it is a secret indictment and they proceed in that manner. And of course, I think that it is a good thing, I think it is a good tool for the courts to have this and the prosecutors to have it available to them, if it is guaranteed as this bill does. It is a great improvement in the present system which guarantees that it will have no political overtones but rather will be done on an objective basis and on that basis, I support the bill. And of course I think this amendment should have been in the original language."

Senator Rasmussen: "Thank you, Senator Day."

Further debate ensued.

Senator Rasmussen moved adoption of the following amendment to the committee amendment:

On page 9, line 38, strike "Judiciary Committee"

Further debate ensued.

The motion by Senator Rasmussen failed and the amendment to the committee amendment was not adopted.

The motion by Senator Talmadge carried and the committee amendment was adopted.

On motion of Senator Talmadge, the committee amendment to the title was adopted.

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1147, 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: "Senator Talmadge, have the superior court judges of the state and the county prosecutors of the state taken any particular position on this bill?"

Senator Talmadge: "Yes, Senator Wilson, the prosecutors, in explicit, appeared before the committee and testified in favor of the bill. As to the superior court judges, I am not aware of them testifying before the committee this last time, but this bill has been before us for the last two sessions, I believe, and I am not certain as to whether or not they testified in 1979 but we did not hear from them in opposition to the bill."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1147, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—42.

Absent or not voting: Senators Gould, Sellar, Talley, Wanamaker—4.

Excused: Senators Fleming, Matson, Shinpoch—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1147, 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

March 12, 1980.

Mr. President: The House has passed **SUBSTITUTE SENATE BILL NO. 3207** with the following amendment:

On page 1, 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 202, Laws of 1979 ex. sess. and RCW 2.08.061 are each amended to read as follows:

There shall be in the county of King (~~((thirty-four))~~) thirty-nine judges of the superior court; in the county of Spokane ten judges of the superior court; in the county of Pierce thirteen judges of the superior court: **PROVIDED**, That the additional offices herein created for the county of Pierce shall be effective January 1, 1981: **PROVIDED FURTHER**, That the additional judicial positions created by the 1980 amendment of this section for the county of King shall become effective only if prior to July 1, 1980, the county through its duly constituted legislative authority has documented its approval thereof and has agreed to pay out of county funds without reimbursement from the state, the same portion of all expenses of such additional positions as it provides for the positions presently existing, in which case such positions shall become effective on January 1, 1981, and shall be filled by persons elected and qualified at the general election immediately preceding January 1, 1981, and in which case the secretary of state and appropriate county election officials shall accept declarations of candidacy for such positions during the filing period specified by RCW 29.18.030.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Talmadge moved the Senate do concur in the House amendment to Substitute Senate Bill No. 3207.

POINT OF INQUIRY

Senator Wojahn: "Senator Talmadge, I notice that the last paragraph in this will cause the new judges to file for election even though there will be no slots available until January 1, 1981. Now, when you stumbled over this particular proposal before the legislature and it finally went to court after an advisory opinion of the attorney general saying that it could be done this way, the court said 'No, it could not'.

"Now I want it to be perfectly clear in your mind and also the intent of the legislature that this last portion, beginning on line 1 of the last section, going down to line 12 which starts 'within which case each such position shall become effective on January 1, 1981 and shall be filled by persons elected and qualified at the general election immediately preceding January 1, 1981, etc.' and ending with '29.18.030' that that is only applicable in the case of this bill and for King county only. Now is that correct?"

Senator Talmadge: "That is correct, Senator Wojahn. . ."

Senator Wojahn: "Would you please state it?"

Senator Talmadge: "As I said, this was an emergency measure that applies only to King county, only to the new judges, the five new judges, up to five new judges, provided for King county. It applies to no other county in the state of Washington but King."

The motion by Senator Talmadge carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 3207.

MOTION

On motion of Senator Wilson, Senator Woody was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3207, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 3; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognil, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn—42.

Voting nay: Senator Rasmussen—1.

Absent or not voting: Senators Day, Donohue, Jones—3.

Excused: Senators Fleming, Matson, Woody—3.

SUBSTITUTE SENATE BILL NO. 3207, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 12, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3228, with the following amendments:

On page 2, line 36, after "(2)" insert "(a)"

On page 3, after line 7, add the following subsections:

"(b) An emission contributing area established for a carbon monoxide or oxides of nitrogen noncompliance area must contain the noncompliance area within its boundaries.

(c) An emission contributing area established for an ozone noncompliance area located in this state need not contain the ozone noncompliance area within its boundaries if:

It can be proven that vehicles registered in the area to be declared the emission contributing area contribute significantly to violations of the ozone air quality standard in the noncompliance area.

(d) An emission contributing area may be established in this state for violations of federal air quality standards for ozone in an adjacent state if:

(i) The U.S. environmental protection agency declares an area to be a nonattainment area for ozone under the provisions of the federal Clean Air Act (42 U.S.C. 7401 et. seq.) and the nonattainment area encompasses portions of both Washington and the adjacent state; and

(ii) It can be proven that vehicles registered in this state contribute significantly to the violation of the federal air quality standards for ozone in the adjacent state's portion of the nonattainment area."

On page 3, beginning on line 26 after "area.", strike all material through "compliance." on line 33

On page 4, beginning on line 6, after "stations" strike all material through "border" on line 8

On page 4, line 27, after "state-wide" insert "or throughout an emission contributing area"

On page 4, at the beginning of line 28, strike "No" and insert "A"

On page 4, beginning on line 28, after "to" strike "or retained by the state for program administration" and insert "the state and deposited in the general fund"

On page 4, line 32, after "Before" strike "the" and insert "each annual"

On page 5, line 5, after "inspection))." insert "If the inspected vehicle's emissions do not comply with those standards, one re-inspection of the vehicle's emission shall be afforded without charge."

On page 5, after line 20, add the following new section:

"NEW SECTION, Sec. 5. There is added to chapter 163, Laws of 1979 ex. sess. and to chapter 70.120 RCW a new section to read as follows:

The department shall establish and maintain in the Washington portion of the Portland-Vancouver metropolitan area not less than three ambient air monitoring devices for ozone, not less than three ambient air monitoring devices for hydrocarbons, and not less than two ambient air monitoring devices for oxides of nitrogen.

The department shall report annually to the legislature regarding the effect on air quality of vehicle emission control and other air quality programs in that metropolitan area and in the Washington portion of the area as indicated by the data recorded by the monitoring devices.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Williams moved the Senate do concur in the House amendments to Substitute Senate Bill No. 3228.

POINT OF INQUIRY

Senator Guess: "Senator Williams, I notice that the amendment, on page 5, creating 'new section 5', requires that 'three ambient air monitoring devices for ozone and not less than three ambient air monitoring devices for hydrocarbons, and not less than two ambient air monitoring devices for oxides of nitrogen' be established in the Vancouver area. The question is, on the original bill, did we call specifically for the department to set those specified number of stations up?"

Senator Williams: "Not that I recall."

Senator Guess: "I thought that we had given the department the leeway in order to establish the necessary air ambient monitoring stations. Isn't this a departure from the direction in which we had gone before to give the department the flexibility of doing the job that is necessary?"

Senator Williams: "I am trying to recall just exactly what we have done. If, as you say, we have done so, yes, this is a departure. I am not really in a position necessarily to defend exactly why this is done or justify it. My reason at this moment for suggesting that we support these amendments, including this one, is that it is late in the session plus the House worked hard and long on this legislation and the general consensus that we have gotten in asking them about concurrences is, 'please do not send it back to them again'. So with that I still would urge that we support the House amendments."

Senator Guess: "I appreciate the difficulty of sending a bill over at 4:30 on the last day, but it appears we have got some seven hours and twenty-three minutes, or twenty-eight minutes, that we are going to be here. This is a serious departure from the rules and regulations that we have adopted so far and the original basic concept of the law, and that is not to lock something into statutory language where the department cannot function properly and I would certainly urge that we not adopt on this amendment but concur with the rest of the amendment."

Senator Williams: "Senator Guess, I recognize what you have said. I certainly would not object if you wanted to separate the motion and consider this separately. However, I would still urge the body to adopt all of them."

MOTION

On motion of Senator Guess, the question was divided.

MOTION

On motion of Senator Guess, the Senate concurred in the House amendments to Substitute Senate Bill No. 3228 with the exception of the House amendment to page 5, line 20 adding a new section 5.

MOTION

Senator Guess moved the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 3228 to page 5, line 20 adding a new section 5 and ask the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Williams that the Senate concur in all House amendments to Substitute Senate Bill No. 3228.

The motion by Senator Williams carried. The Senate concurred in the House amendments to Substitute Senate Bill No. 3228.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3228, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Fleming, Gallagher, Goltz, Gould, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Peterson, Ridder, Shinpoch, Talley, Talmadge, von Reichbauer, Walgren, Williams, Wojahn, Woody—30.

Voting nay: Senators Donohue, Gaspard, Guess, Haley, Hansen, Hayner, Odegaard, Pullen, Quigg, Rasmussen, Scott, Sellar, Van Hollebeke, Vognild, Wanamaker, Wilson—16.

Absent or not voting: Senators Day, Henry—2.

Excused: Senator Matson—1.

SUBSTITUTE SENATE BILL NO. 3228, 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.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Walgren, Clarke, Talmadge, Hayner and Bottiger to escort the Honorable Senator Dan Marsh to the Senate rostrum.

REMARKS BY THE PRESIDENT

President Cherberg: "Illustrious and renowned members of the Senate, ladies and gentlemen. The President has suddenly found on the rostrum, a beautifully packaged gift of some sort addressed to 'Dan' and a card to 'Dan'. The President immediately thought of the question 'Dan who?' It must be 'Senator Dan' and inasmuch as the President needs a mouthpiece up here, would all of the mouthpieces in the Senate please escort Senator Dan Marsh to the rostrum.

"Dan, after considerable detective work, the President finally determined that this package is addressed to you. And was sent to you by the loyal and royal members of the Third House. Senator Dan, a package for you and with the request that you please open it, and it is guaranteed not to explode."

REMARKS BY SENATOR MARSH

Senator Marsh: "It says 'From your friends of the Third House, March 13, 1980'. The card reads 'The whole bunch hates to say good-bye; wish you would still hang around with us'. I want to thank my friends in the Third House very much. It is really, it was totally unexpected. The other day I certainly did not plan on impeding sine die tonight, but it has been fun. Thank you."

The committee escorted Senator Marsh to his seat on the Senate floor and the committee was discharged.

MESSAGE FROM THE HOUSE

March 12, 1980.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3371 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Section 1. For the purpose of establishing an estuarine sanctuary in Padilla Bay, Skagit county, there is appropriated from the general fund to the department of ecology for the biennium ending June 30, 1981, the sum of seventy thousand dollars, or so much thereof as may be necessary. The department of ecology may use such funds for the acquisition of tidelands within Padilla Bay, Skagit county, either through direct expenditures or through grants to a federal, state, or local agency and for administering the establishment of an estuarine sanctuary in Padilla Bay, Skagit County.

No moneys appropriated under this section may be used by the department of ecology for acquisition of tidelands unless made in combination with an equal match of moneys from other public or private sources.

Prior to acquiring any tidelands, the department of ecology shall determine that the use of the property to be acquired will be consistent with chapter 90.58 RCW, the shoreline management act, and guideline and master programs adopted thereunder.

Hunting, fishing, boating and noncommercial taking of shellfish shall be authorized but shall be regulated on properties acquired under this section or as a result of the passage of this section." and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Peterson the Senate concurred in the House amendment to Engrossed Senate Bill No. 3371.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3371, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Matson—1.

ENGROSSED SENATE BILL NO. 3371, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3603 with the following amendments:

On page 1, after line 15, insert the following:

"The purpose of this chapter is to assist the state and local governments in providing that protection but it is not the purpose of this chapter to provide funding for facilities which encourage development."

On page 1, line 26, after "for" insert ": (1)"

On page 1, line 29, after "enterprise" insert "; or (2) the construction of municipal wastewater facilities unless said facilities have been approved by a general purpose unit of local government in accordance with chapter 36.94 RCW, chapter 35.67 RCW, or RCW 56.08.020"

On page 2, line 5, strike "and any interest earned on the interim investment of these proceeds,"

On page 2, line 7, after "account", insert "Waste Disposal Facilities, 1980 hereby created"

On page 2, line 13, after "account", insert "Waste Disposal Facilities, 1980"

On page 2, line 22, after "this chapter." insert the following: "The department shall ensure that funds derived from the sale of bonds authorized under this chapter do not constitute more than seventy-five percent of the total cost of any waste disposal or management facility."

On page 2, after line 25, insert the following:

"At least one hundred fifty million dollars of the proceeds of the bonds authorized by this chapter shall be used exclusively for waste management systems capable of producing renewable energy or energy savings as a result of the management of the wastes. "Renewable energy" means, but it is not limited to, the production of steam, hot water for steam heat, electricity, cogeneration, gas, or fuel through the use of wastes by incineration, refuse-derived fuel processes, pyrolysis, hydrolysis, or bioconversion, and energy savings through material recovery from waste source separation and/or recycling.

The department of ecology shall present a progress report of actual projects committed by the department to the senate committee on ways and means and the house of representatives committee on appropriations no later than November 30th of each year."

On page 3, after line 34, insert the following subsection:

"(5) "Department" means the department of ecology."

On page 4, strike section 8 and insert the following new section:

"NEW SECTION. Sec. 8. The waste disposal facilities bond redemption fund shall be used for the purpose of the payment of the principal of and redemption premium, if any, and interest on the bonds and the bond anticipation notes authorized to be issued under this chapter.

The state finance committee, on or before June 30 of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the waste disposal facilities bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date. The owner and holder of each of the bonds or the trustee for any

of the bonds may be mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this chapter.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Bottiger moved the Senate concur in the House amendments to Substitute Senate Bill No. 3603.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, is that House committee amendment still on the bill? On page 1, after line 15?"

Senator Bottiger: "Senator, apparently it is and I was asked to handle it because of the energy bond section. Senator Donohue just pointed this out to me, candidly I do not know what that means."

Senator Rasmussen: "Mr. President and members of the Senate. I would ask you to take a look at page 1, after line 15, where they insert the following 'The purpose of this chapter is to assist the state and local government in providing protection but it is not the purpose of this chapter to provide funding for facilities which encourage development'. In effect, you could destroy the whole use of this bond issue with that amendment and I question the advisability of having it on there"

Senator Bottiger: "Mr. President, may I withdraw my motion and move to accept all of the House amendments except that amendment on page 1, line 15 and ask the House to recede therefrom."

There being no objection, on motion of Senator Bottiger, the motion to concur in the House amendments to Substitute Senate Bill No. 3603 was withdrawn.

On motion of Senator Bottiger, the Senate concurred in all House amendments with the exception of the amendment to page 1, line 15.

On motion of Senator Bottiger, the question was divided.

Senator Shinpoch moved the Senate concur in the House amendment to page 1, line 15.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Shinpoch, here in Thurston county which is a rapidly expanding county the solid waste disposal site is almost full. If they apply and get assistance under this grant to build a new landfill or energy-collection system and incineration, how can we say that does not provide for expansion? How do we say that does-not encourage development because the very fact that they provide the service in a sense aids development?"

Senator Shinpoch: "That could be right but I suppose that it would be necessary to prove that it is encouraging development before you could not use these funds. Senator Rasmussen indicated that you could not sell any bonds during this. Well, these amendments have been on here for ten days and we have some pretty good bond people that watch these pretty carefully and no one has approached us and said that they could not sell these bonds."

Senator Bottiger: "Mr. President and members of the Senate, my problem is I just do not know how you could enforce it. It is just impossible to tell which gallon of sewage came from the new residential development and which came from the old, which ton of garbage came from a new condominium, I do not know how you could enforce it. It seems it is impossible to enforce and it could do damage to the bill."

Further debate ensued.

Senator Guess moved the Senate do not concur in the House amendment to page 1, line 15 to Substitute Senate Bill No. 3603.

The President declared the question before the Senate to be the positive motion by Senator Shipoch that the Senate do concur in the House amendment to page 1, line 15 to Substitute Senate Bill No. 3603.

MOTION

On motion of Senator Rasmussen, the House Message on Substitute Senate Bill No. 3603, the concurring in all House amendments with the exception of the amendment to page 1, line 15 and the motion by Senator Shipoch that the Senate do concur in that amendment, were ordered held until called again to the floor by the leadership.

The Senate resumed consideration of the House Message on Substitute House Bill No. 1534. The committee report had been read in earlier today and on motion of Senator Marsh the rules were suspended and Substitute House Bill No. 1534 was advanced to second reading and placed on the second reading calendar for today.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1534, by Committee on Appropriations (originally sponsored by Representatives Thompson and Nelson, G.A.):

Making an appropriation to the department of social and health services.

REPORT OF STANDING COMMITTEE

March 12, 1980.

SUBSTITUTE HOUSE BILL NO. 1534, making an appropriation to the department of social and health services (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Section 1. This chapter may be known and cited as the "Nursing Homes Auditing and Cost Reimbursement Act of 1980."

NEW SECTION, Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of establishing the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by an individual professionally designated either by the American institute of real estate appraisers as a member, appraisal institute (MAI), or by the society of real estate appraisers as a senior real estate analyst (SREA) or a senior real property appraiser (SRPA). It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility

which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectable from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledge agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

(20) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

(21) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

(22) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(23) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(24) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

(25) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

(26) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

(27) "Net book value" means the historical cost of an asset less accumulated depreciation.

(28) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year.

(29) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(30) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

(31) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

(32) "Patient day" or "client day" means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

(33) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience as specified by the department;

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker who is a graduate of a school of social work;

(f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; and

(h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

(34) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

(35) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

(36) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

(37) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

(38) "Secretary" means the secretary of the department of social and health services.

(39) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended.

PART A REPORTING

NEW SECTION. Sec. 3. **PRINCIPLES OF REPORTING REQUIREMENTS.** The principle inherent within sections 4 through 9 of this act is that the department shall receive complete, annual reporting of costs and financial condition of the contractor prepared and presented in a standardized manner.

NEW SECTION. Sec. 4. **REPORT DUE DATE.** (1) Not later than March 31, 1982, and each year thereafter, each contractor shall submit to the department an annual cost report, and such financial statements as are required by this chapter, for the period from January 1st through December 31st of the preceding year.

(2) Two extensions of not more than thirty days each after March 31st may be granted by the department upon receipt of a written request setting forth the circumstances which prohibit the contractor from compliance with such due date; except, that the secretary shall establish the grounds for extension in rule and regulation. Such request must be received by the department at least ten days prior to the due date.

(3) Not later than one hundred and twenty days following the termination of a contract, the contractor shall submit to the department a cost report, and such financial statements as are required by this chapter, for the period from January 1st through the date the contract terminated.

NEW SECTION. Sec. 5. IMPROPERLY COMPLETED OR LATE REPORTS. If either the cost report or the financial statements are not properly completed or if they are not received by the due date, all or part of any payments due under the contract may be withheld by the department until such time as the required cost report and financial statements are properly completed and received.

NEW SECTION. Sec. 6. COMPLETING REPORTS AND MAINTAINING RECORDS. (1) Cost reports shall be prepared in a standard manner and form, as determined pursuant to section 7 of this act, which shall provide for financial statements, an itemized list of allowable costs, and a preliminary settlement report. Costs reported shall be determined in accordance with generally accepted accounting principles and such additional rules and regulations as are established by the secretary.

(2) All financial statements of a contractor must be prepared in accordance with generally accepted accounting principles, such additional regulatory requirements developed pursuant to section 7 of this act, and such additional rules and regulations as are established by the secretary.

(3) The records shall be maintained on the accrual method of accounting and agree with or be reconcilable to the cost report and the financial statements.

NEW SECTION. Sec. 7. DEVELOPMENT OF ACCOUNTING AND AUDITING REQUIREMENTS. (1) The office of financial management shall, within seventy-five days after the effective date of this section, engage a consultant through competitive bids who will develop the following:

(a) A uniform chart of accounts;

(b) A standard cost report form, including financial statements which shall be in conformity with generally accepted accounting principles and such regulatory requirements established by this section as well as any relevant federal regulatory requirements;

(c) Regulatory reporting and accounting provisions which may be required; and

(d) Regulatory auditing provisions which may be required.

(2) Such consultant will develop the items specified in subsection (1) of this section:

(a) In cooperation with an advisory committee to be composed of representatives of the office of financial management, the legislature, the department, the office of the state auditor, the Washington society of certified public accountants, and the providers of nursing home services; and

(b) In a manner which will achieve the principles stated in sections 3 and 10 of this act.

(3) Such consultant shall provide ongoing financial consulting assistance to the patient task force created in section 85 of this act. The patient classification system and standard hours for each classification established by the task force must tie to the uniform chart of accounts, standard cost reports, and financial statements to allow the independent certified public accountant to express an opinion on the statement of expenditures presented in the annual cost report.

(4) Such consultant will complete the development of the items specified in subsection (1) of this section not later than October 1, 1980. The secretary will adopt rules and regulations necessary to implement the consultant's product not later than December 31, 1980, for use in the 1980 reporting year.

NEW SECTION. Sec. 8. REQUIREMENTS FOR RETENTION OF RECORDS BY THE CONTRACTOR. (1) All records supporting the required cost reports and financial statements, as well as trust funds established by section 69 of this act, shall be retained by the contractor for a period of four years following the filing of such reports at a location in the state of Washington specified by the contractor. The department may direct such records to be retained for a longer period if there remain unresolved questions on the cost reports and financial statements. All such records shall be made available upon demand to authorized representatives of the department, the office of the state auditor, and the United States department of health, education and welfare.

(2) When a contract is terminated, all payments due will be withheld until accessibility and preservation of the records within the state of Washington are assured.

NEW SECTION. Sec. 9. RETENTION OF REPORTS BY THE DEPARTMENT. The department will retain the required cost reports and financial statements for a period of one year after final settlement, or the period required under the provisions of chapter 40.14 RCW, whichever is greater.

PART B AUDIT

NEW SECTION. Sec. 10. PRINCIPLES OF AUDIT REQUIREMENTS. The principles inherent within sections 11 through 14 of this act are:

(1) To ascertain, through certified audit, that the costs for each year are accurately reported, thereby providing a valid basis for future rate determination;

(2) To ascertain, through certified audits of the cost reports, that cost reports properly reflect the financial statements of the contractor, particularly as they pertain to related organizations and beneficial ownership, thereby providing a valid basis for the determination of return as specified by this chapter; and

(3) To ascertain, through certified audits, that the responsibility of the contractor has been met in the maintenance of patient trust funds.

NEW SECTION. Sec. 11. DESK REVIEW. (1) The department shall analyze the submitted cost report and financial statements of each contractor to determine if the information is correct and complete. If the analysis finds that either the cost report or financial statements are incorrect or incomplete, the department shall take whatever steps are deemed necessary to obtain information from the contractor.

(2) The department shall accumulate data from the properly completed cost reports and financial statements for use in:

- (a) Exception profiling; and
- (b) Establishing rates.

(3) The department may further utilize such accumulated data for analytical, statistical, or informational purposes as it may deem necessary.

NEW SECTION. Sec. 12. TYPES OF EXAMINATIONS. Certified audits of the cost reports and patient trust accounts shall be conducted in accordance with the provisions of this chapter, as follows:

(1) The annual cost report of each contractor and the patient trust accounts under his control will be audited prior to submission to the department by an independent certified public accountant, licensed according to the provisions of chapter 18.04 RCW, who shall be engaged by the office of financial management through competitive bids. The office of financial management shall cause to be published a request for qualifications from independent certified public accountants. The office of financial management shall then select those independent certified public accountant

firms which have qualified to participate in the competitive bid process through a request for proposals: PROVIDED, That during fiscal year 1982, for one hundred percent of the contractors, cost reports and patient trust accounts shall be audited: PROVIDED FURTHER, That during fiscal year 1983, for up to one hundred percent of the contractors, cost reports and patient trust accounts shall be audited. The requirements contained in this subsection shall not be required after June 30, 1983;

- (2) Upon request of the secretary; and
- (3) Upon termination of a contract.

NEW SECTION. Sec. 13. PREPARATION FOR AUDIT BY THE CONTRACTOR. (1) For the requirements of section 12(1) of this act, the contractor shall be notified by the accountant at least ten working days in advance of the engagement. Upon such notification, the contractor shall:

- (a) Provide access to the facility, all records, and all working papers which are in support of the cost report, financial statements, and patient trust funds; and
- (b) Prepare reconciliation of the cost report and financial statements with (i) applicable federal income and federal and state payroll tax returns and (ii) the records for the period covered by the cost report and financial statements.

(2) For the requirements of section 12(2) of this act, the contractor shall provide access to the facility and supply all records as required in subsection (1) of this section.

NEW SECTION. Sec. 14. SCOPE OF AUDIT. (1) The annual cost reports of contractors are required to be audited by an independent certified public accountant in accordance with generally accepted auditing standards established for audit of financial statements by the American institute of certified public accountants.

(2) Accompanying the annual cost report and accountant's report thereon shall be:

- (a) A schedule of questioned costs, including dollar amounts being questioned and an explanation of the accountant's reason for questioning the allowability of such costs; except that, an amount, not less than five hundred dollars, shall be established by the secretary below which questioned costs need not be listed;
- (b) A schedule summarizing the adjustments to the contractor's financial records as a result of the audit, including dollar amounts, the general ledger account or account group, and an explanation of the reason for adjustment; and
- (c) A schedule summarizing the adjustments to the contractor's preliminary settlement report as a result of the audit.

(3)(a) The independent auditor shall perform separate audits on the trust funds established by section 69 of this act. Such audit shall be prepared in conformity with generally accepted auditing standards and additional rules and regulations established by the department.

(b) Accompanying the audit report on such trust funds shall be any letters of comments or recommendations relating to discrepancies or improvements in accounting procedures.

(4) The independent certified public accountant shall retain all working papers resulting from audits conducted pursuant to this section for a period of five years from the date the report was submitted to the department. The secretary shall have access to such retained working papers upon ten days' written notice to the independent certified public accountant.

PART C SETTLEMENT

NEW SECTION. Sec. 15. SETTLEMENT PROCESS. (1) The settlement process shall consist of:

- (a) The evaluation of the preliminary settlement report by cost center contained within the cost report;
- (b) The evaluation of the audit results, including disallowed costs; and

(c) The process of scheduling payment as to such underpayments or overpayments.

(2) In:

(a) Rulings on questioned costs; or

(b) Interpretations resulting in payment of the whole or a portion of a disallowed cost,

the department shall prepare and maintain such rulings and interpretations with full justification and explanation for the respective contractor and the appropriate standing committees of the legislature.

NEW SECTION. Sec. 16. SETTLEMENT. (1) Upon receipt of the preliminary settlement report, the department shall verify the accuracy of such report.

(2) Within thirty days after receipt of the audited reports by the secretary, the department will submit a proposed final settlement report by cost center to the contractor which rules on questioned costs, and fully substantiates disallowed costs, refunds, underpayments, and/or adjustments to the preliminary settlement report.

NEW SECTION. Sec. 17. DATE SETTLEMENT BECOMES FINAL. (1) The settlement will become final thirty days after the date the proposed final settlement report is submitted to the contractor, unless the contractor contests the determination. In the event of such action, the contractor has thirty days after the date the proposed final settlement report has been submitted to notify the department of such contesting pursuant to the provisions of section 77 of this act.

(2) A settlement will be reopened if necessary to make adjustments for findings resulting from an audit performed pursuant to this chapter.

NEW SECTION. Sec. 18. PAYMENT OF UNDERPAYMENTS—REFUND OF OVERPAYMENTS/ERRONEOUS PAYMENTS. (1) The state shall make payment of any underpayments within fifteen days of the date the settlement becomes final.

(2) The contractor found to have received either overpayments and/or erroneous payments shall refund such payments to the state within thirty days of the date the settlement becomes final, subject to the provisions of subsections (3), (4), and (5) of this section.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective audited allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded.

(4) Within the cost centers of administration and operations and property, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective, audited, allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of authorized medical care client days in which said rates were in effect. The secretary, by rule and regulation, shall establish the basis for the specific percentages of savings to the contractors. Such rules and regulations may provide for differences in the percentages allowed for each cost center to individual facilities based on performance measures related to administrative efficiency.

(5) All allowances provided by section 53 of this act shall be retained by the contractor.

(6) In the event the contractor fails to make repayment in the time provided in subsection (2) of this section, the department shall either:

(a) Deduct the amount of refund due plus assessment of interest, as determined by the secretary, from payment amounts due the contractor; or

(b) In the instance the contract has been terminated, (i) deduct the amount of refund due plus an assessment of interest, determined by the secretary, from any payments due; or (ii) assess the amount due plus interest, as determined by the secretary, on the amount due.

(7) Where the facility is pursuing judicial or administrative remedies in good faith regarding settlement issues, the department shall not withhold from the facility current payment amounts the department claims to be due from the facility. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest, as payable on judgments, within sixty days of the date such decision is made.

PART D ALLOWABLE COSTS

NEW SECTION. Sec. 19. PRINCIPLES OF ALLOWABLE COSTS. (1) The substance of a transaction will prevail over its form.

(2) All documented costs which are ordinary, necessary, related to care of medical care recipients, and not expressly nonallowable, are to be allowable.

(3) Costs applicable to services, facilities, and supplies furnished to the provider by related organizations are allowable but at the cost to the related organization, provided they do not exceed the price of comparable services, facilities, or supplies that could be purchased elsewhere.

(4) The payment for property usage is to be independent of ownership structure and financing arrangements.

NEW SECTION. Sec. 20. OFFSET OF MISCELLANEOUS REVENUES. (1) Allowable costs shall be reduced by the contractor whenever the item, service, or activity covered by such costs generates revenue or financial benefits other than through the contractor's normal billing for care services; except that, unrestricted grants, gifts, and endowments, and interest therefrom, will not be deducted from the allowable costs of a nonprofit facility.

(2) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documentation of cost, it shall be the full amount of the revenue received. Where financial benefits such as purchase discounts or rebates are received, the amount of the reduction shall be the amount of the discount or rebate.

NEW SECTION. Sec. 21. COSTS OF MEETING STANDARDS. All necessary and ordinary expenses a contractor incurs in providing care services will be allowable costs. These expenses include:

(1) Meeting licensing and certification standards;

(2) Meeting standards of providing regular room, nursing, ancillary, and dietary services, as established by department rule and regulation pursuant to chapter 211, Laws of 1979 ex. sess.; and

(3) Fulfilling accounting and reporting requirements imposed by this chapter.

NEW SECTION. Sec. 22. LIMIT ON COSTS TO RELATED ORGANIZATIONS. (1) Costs applicable to services, facilities, and supplies furnished by a related organization to the contractor shall be allowable only to the extent they do not exceed the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere.

(2) Documentation of costs to the related organization shall be made available to the auditor at the time and place the records relating to the entity are audited. Payments to or for the benefit of the related organization will be disallowed where the cost to the related organization cannot be documented.

NEW SECTION. Sec. 23. INITIAL COST OF OPERATION. (1) The necessary and ordinary one-time expenses directly incident to the preparation of a newly constructed or purchased building by a contractor for operation as a licensed facility shall be allowable costs. These expenses shall be limited to start-up and organizational costs incurred prior to the admission of the first patient.

(2) Start-up costs shall include, but not be limited to, administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, and training;

except, that they shall exclude expenditures for capital assets. These costs will be allowable in the administration and operations cost center if they are amortized over a period of not less than sixty months beginning with the month in which the first patient is admitted for care.

(3) Organizational costs are those necessary, ordinary, and directly incident to the creation of a corporation or other form of business of the contractor including, but not limited to, legal fees incurred in establishing the corporation or other organization and fees paid to states for incorporation; except, that they do not include costs relating to the issuance and sale of shares of capital stock or other securities. Such organizational costs will be allowable in the administration cost center if they are amortized over a period of not less than sixty months beginning with the month in which the first patient is admitted for care.

NEW SECTION. Sec. 24. EDUCATION AND TRAINING. (1) Necessary and ordinary expenses of on-the-job training and in-service training required for employee orientation and certification training directly related to the performance of duties assigned will be allowable costs.

(2) Necessary and ordinary expenses of recreational and social activity training conducted by the contractor for volunteers will be allowable costs.

NEW SECTION. Sec. 25. OWNER OR RELATIVE—COMPENSATION. (1) Total compensation of an owner or relative of an owner shall be limited to ordinary compensation for necessary services actually performed.

(a) Compensation is ordinary if it is the amount usually paid for comparable services in a comparable facility to an unrelated employee, and does not exceed limits set out in this chapter.

(b) A service is necessary if it is related to patient care and would have had to be performed by another person if the owner or relative had not done it.

(2) The contractor, in maintaining customary time records adequate for audit, shall include such records for owners and relatives who receive compensation.

NEW SECTION. Sec. 26. COMPENSATION FOR ADMINISTRATIVE PERSONNEL. (1) Compensation for full-time administrative personnel, as defined in the contract between the contractor and such personnel, shall be an allowable cost, limited as follows:

(a) For calendar year 1981, the compensation of a licensed administrator of a facility having one hundred sixty or more beds shall not exceed thirty-two thousand dollars. The compensation of licensed administrators having beds not exceeding:

- (i) Seventy-nine; and
- (ii) One hundred fifty-nine;

shall be established by the department on a calendar year basis. The maximum compensation of these three categories of facilities may be adjusted in subsequent calendar years by the department through rule and regulation.

(b) The compensation of a licensed assistant administrator for a facility having eighty or more beds shall not exceed seventy-five percent of the compensation received by the licensed administrator of the facility.

(c) The compensation of a registered administrator-in-training shall not exceed sixty percent of the compensation received by the licensed administrator of the facility.

(2) If the licensed administrator, licensed assistant administrator, or registered administrator-in-training regularly work fewer than forty hours per week, the allowable compensation will be the product of the full-time compensation multiplied by the percentage derived from the division of the actual hours worked by forty hours.

(3) The contractor shall maintain customary time records for the licensed administrator, assistant administrator, and/or administrator-in-training.

NEW SECTION. Sec. 27. DISCLOSURE AND APPROVAL OF COST ALLOCATION. (1) The contractor shall disclose to the department:

(a) The nature and purpose of all costs which represent allocations of joint facility costs; and

(b) The methodology of the allocation utilized.

(2) Such disclosure shall be made not later than September 30, 1980, for the following year and not later than September 30th for each year thereafter; except that a new contractor shall submit the first year's disclosure together with the submissions required by section 66 of this act.

(3) The department shall approve such methodology not later than December 31, 1980, and not later than December 31st for each year thereafter. Such approval shall include, but not be limited to, the assurance that:

(a) The services involved are necessary and nonduplicative; and

(b) Costs are allocated in accordance with benefits received from the resources represented by those costs.

(4) An approved methodology may be revised or amended subject to approval as provided in subsection (3) of this section and rules and regulations adopted by the department.

NEW SECTION. Sec. 28. MANAGEMENT AGREEMENTS. (1) Management fees will be allowed only if:

(a) A written management agreement both creates a principal/agent relationship between the contractor and the manager, and sets forth the items, services, and activities to be provided by the manager; and

(b) Documentation demonstrates that the services contracted for were actually delivered.

(2) To be allowable, fees must be for necessary, nonduplicative services. Allowable fees for general management services, including the portion of a management fee which is not allocated to specific services such as accounting, are limited to

(a) the maximum allowable compensation under section 26 of this act of the licensed administrator and, if the facility has at least eighty beds, of an assistant administrator, less

(b) actual compensation received by the licensed administrator and by the assistant administrator and administrator-in-training, if any.

In computing maximum allowable compensation under section 26 of this act for a facility with at least eighty beds, include the maximum compensation of an assistant administrator even if an assistant administrator is not employed.

(3) A management fee paid to or for the benefit of a related organization will be allowable to the extent it does not exceed the lower of:

(a) The limits set out in subsection (2) of this section; or

(b) The lower of the actual cost to the related organization of providing necessary services related to patient care under the agreement, or the cost of comparable services purchased elsewhere. Where costs to the related organization represent joint facility costs, the measurement of such costs shall comply with section 27 of this act.

(4) A copy of the agreement must be received by the department at least sixty days before it is to become effective. A copy of any amendment to a management agreement must also be received by the department at least thirty days in advance of the date it is to become effective.

(5) Central office costs for general management services, including the portion of a management expense which is not allocated to specific services, such as accounting, shall be subject to the management fee limits determined in subsections (2) and (3) of this section.

NEW SECTION. Sec. 29. EXPENSE FOR CONSTRUCTION INTEREST.

(1) Interest expense and loan origination fees relating to construction of a facility incurred during the period of construction shall be capitalized and amortized over

the life of the facility pursuant to section 36 of this act. The period of construction shall extend from the date of the construction loan to the date the facility is put into service for patient care.

(2) For the purposes of this chapter, the period provided for in subsection (1) of this section shall not exceed the project certificate of need time period pursuant to RCW 70.38.125.

NEW SECTION. Sec. 30. OPERATING LEASES OF EQUIPMENT. Rental or lease costs under arm's-length operating leases of office equipment shall be allowable to the extent the cost is necessary and ordinary.

NEW SECTION. Sec. 31. CAPITALIZATION. The following costs shall be capitalized:

(1) Expenses for facilities or equipment with historical cost in excess of five hundred dollars per unit and a useful life of more than one year from the date of purchase; and

(2) Expenses for equipment with historical cost of five hundred dollars or less per unit if either:

(a) The item was acquired in a group purchase where the total cost exceeded five hundred dollars; or

(b) The item was part of the initial stock of the facility.

(3) Dollar limits in this section may be adjusted for economic trends and conditions by the department as established by rule and regulation.

NEW SECTION. Sec. 32. DEPRECIATION EXPENSE. Depreciation expense on depreciable assets which are required in the regular course of providing patient care will be an allowable cost. It shall be computed using the depreciation base, lives, and methods specified in this chapter.

NEW SECTION. Sec. 33. DEPRECIABLE ASSETS. Tangible assets of the following types in which a contractor has an interest through ownership or leasing are subject to depreciation:

(1) Building – the basic structure or shell and additions thereto;

(2) Building fixed equipment – attachments to buildings, including, but not limited to, wiring, electrical fixtures, plumbing, elevators, heating system, and air conditioning system. The general characteristics of this equipment are:

(a) Affixed to the building and not subject to transfer; and

(b) A fairly long life, but shorter than the life of the building to which affixed;

(3) Major movable equipment including, but not limited to, beds, wheelchairs, desks, and x-ray machines. The general characteristics of this equipment are:

(a) A relatively fixed location in the building;

(b) Capable of being moved as distinguished from building equipment;

(c) A unit cost sufficient to justify ledger control;

(d) Sufficient size and identity to make control feasible by means of identification tags; and

(e) A minimum life greater than one year;

(4) Minor equipment including, but not limited to, waste baskets, bed pans, syringes, catheters, silverware, mops, and buckets which are properly capitalized. No depreciation shall be taken on items which are not properly capitalized as directed in section 31 of this act. The general characteristics of minor equipment are:

(a) In general, no fixed location and subject to use by various departments;

(b) Small in size and unit cost;

(c) Subject to inventory control;

(d) Large number in use; and

(e) Generally, a useful life of one to three years;

(5) Land improvements including, but not limited to, paving, tunnels, underpasses, on-site sewer and water lines, parking lots, shrubbery, fences, and walls where replacement is the responsibility of the contractor; and

(6) Leasehold improvements – betterments and additions made by the lessee to the leased property, which become the property of the lessor after the expiration of the lease.

NEW SECTION. Sec. 34. LAND—DEPRECIATION—COST—IMPROVEMENTS. Land is not depreciable. The cost of land includes but is not limited to, off-site sewer and water lines, public utility charges necessary to service the land, governmental assessments for street paving and sewers, the cost of permanent roadways and grading of a nondepreciable nature, and the cost of curbs and sidewalks, replacement of which is not the responsibility of the contractor.

NEW SECTION. Sec. 35. METHODS OF DEPRECIATION. (1) Buildings, land improvements, and fixed equipment shall be depreciated using the straight-line method of depreciation. Major-minor equipment shall be depreciated using either the straight-line method, the sum-of-the-years' digits method, or declining balance method not to exceed one hundred fifty percent of the straight line rate. Contractors who have elected to take either the sum-of-the-years' digits method or the declining balance method of depreciation on major-minor equipment may change to the straight-line method without permission of the department.

(2) The annual provision for depreciation shall be reduced by the portion allocable to use of the asset for purposes which are neither necessary nor related to patient care.

(3) No further depreciation shall be claimed after an asset has been fully depreciated unless a new depreciation base is established pursuant to section 36 of this act.

NEW SECTION. Sec. 36. DEPRECIATION BASE. (1) The depreciation base shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's length transaction and preparing it for use, less goodwill, and less accumulated depreciation which has been incurred during periods that the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsections (2), (3), and (4) of this section and sections 35 and 37 of this act. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The depreciation base of the assets will not exceed such fair market value.

(2) The historical cost of donated assets, or of assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(3) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(4) (a) Where depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) Subparagraph (4)(a) of this section shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new depreciation

base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(c) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(d) Where the depreciable asset is a donation or distribution between related organizations, the base shall be the lesser of (i) fair market value, less salvage value, or (ii) the depreciation base the related organization had or would have had for the asset under a contract with the department.

NEW SECTION. Sec. 37. LIVES. (1) Except for new buildings, the contractor shall use lives which reflect the estimated actual useful life of the asset and which shall be no shorter than guideline lives as established by the department. The shortest life which may be used for new buildings is thirty years. Lives shall be measured from the date on which the assets were first used in the medical care program or from the date of the most recent arm's-length acquisition of the asset, whichever is more recent. In cases where section 36(4)(a) of this act does apply, the shortest life that may be used for buildings is the remaining useful life under the prior contract. In all cases, lives shall be extended to reflect periods, if any, when assets were not used in or as a facility.

(2) Building improvements shall be depreciated over the remaining useful life of the building, as modified by the improvement.

(3) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement.

(4) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

NEW SECTION. Sec. 38. RETIREMENT OF DEPRECIABLE ASSETS.

(1) Where depreciable assets are disposed of through sale, trade-in, scrapping, exchange, theft, wrecking, or fire or other casualty, depreciation shall no longer be taken on the assets. No further depreciation shall be taken on permanently abandoned assets.

(2) Where an asset has been retired from active use but is being held for stand-by or emergency service, and the department has determined that it is needed and can be effectively used in the future, depreciation may be taken.

NEW SECTION. Sec. 39. HANDLING OF GAINS AND LOSSES UPON RETIREMENT OF DEPRECIABLE ASSETS. If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset, provided that a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset.

NEW SECTION. Sec. 40. TEMPORARY CONTRACT LABOR. Costs for the purchased services of temporary contract labor shall be allowable only to the extent they do not exceed the average of the usual and customary rate for the wages and benefits of the facility's comparable permanent staff, as reimbursed pursuant to sections 48 and 50 of this act.

NEW SECTION. Sec. 41. UNALLOWABLE COSTS. (1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this act;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by section 29 of this act;

(f) Salaries or other compensation of officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or violating principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses of maintaining professional licenses or membership in professional organizations;

(bb) Costs related to agreements not to compete;

(cc) Amortization of goodwill;

(dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;

(ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) All rental or lease costs other than those provided in section 30 of this act; and

(ii) All audit costs incurred pursuant to section 12(1) of this act.

PART E

RATE SETTING

NEW SECTION. Sec. 42. PRINCIPLES OF RATE-SETTING. The following principles are inherent in sections 43 through 58 of this act:

(1) Reimbursement rates will be set prospectively on a per patient day basis;

(2) Rates will be established not lower than the level which is reasonably expected to be adequate to reimburse in full the actual, allowable costs of a facility which is economically and efficiently operated and to provide care which meets the needs of a medical care recipient in compliance with applicable standards; and

(3) The rates so established will take into account economic conditions and trends during the period to be covered by such rates.

NEW SECTION. Sec. 43. PROSPECTIVE REIMBURSEMENT RATES.

(1) The department, as provided by this chapter, will determine prospective cost-related reimbursement rates for services provided to medical care recipients. Each rate so determined shall represent the contractor's maximum compensation within each cost center for each patient day for such medical care recipient.

(2) As required, the department may modify such maximum per patient day rates pursuant to the administrative review provisions of section 77 of this act.

(3) The maximum prospective reimbursement rates for the administration and operations and the property cost centers and the return on investment allowance shall be established based upon a minimum facility occupancy level of eighty-five percent.

NEW SECTION. Sec. 44. LIMITATION OF SERVICES SUBJECT TO COST REIMBURSEMENT. Only those services which are authorized for a facility pursuant to the medical care program shall be reimbursed under this chapter.

NEW SECTION. Sec. 45. REIMBURSEMENT RATE FOR NEW CONTRACTOR. (1) Prospective reimbursement rates for a new contractor will be established within sixty days following receipt by the department of the properly completed projected budget required by section 66 of this act. Such reimbursement rates will become effective as of the effective date of the contract.

(2) Such reimbursement rates will be based on the contractor's projected cost of operations through December 31st of the year the contract becomes effective, and on costs and payment rates of the prior contractor, if any, and/or of other contractors in comparable circumstances.

(3) If a properly completed budget is not received at least sixty days prior to the effective date of the contract, the department will establish preliminary rates based on the other factors specified in subsection (2) of this section. These preliminary rates will remain in effect until a determination is made pursuant to section 46 of this act.

NEW SECTION. Sec. 46. RATE DETERMINATION—WHEN DETERMINED OR ADJUSTED. (1) Each contractor's reimbursement rates will be determined prospectively at least once each calendar year, to be effective July 1st.

(2) Rates may be adjusted as determined by the department to take into account variations of more than ten percent in the distribution of patient classifications from the prior reporting year, program changes, economic trends and conditions, and/or administrative review provided by section 77 of this act and shall be adjusted for any capitalized additions or replacements made as a condition for licensure or certification.

(3) Where the contractor participated in the provisions of prospective cost-related reimbursement in effect prior to the effective date of this act, such contractor's prospective rate effective July 1, 1982, will be determined utilizing his reported allowable costs for calendar year 1981.

(4) All prospective reimbursement rates for 1983 and thereafter shall be determined utilizing the prior year's audited cost reports.

NEW SECTION. Sec. 47. COST CENTERS. A contractor's reimbursement rates for medical care recipients will be determined utilizing audited cost report data within the following cost centers:

- (1) Nursing services;
- (2) Food;
- (3) Administration and operations; and
- (4) Property.

NEW SECTION. Sec. 48. NURSING SERVICES COST CENTER REIMBURSEMENT RATE. (1) The nursing services cost center shall include all costs related to the direct provision of nursing care and ancillary care including fringe benefits and payroll taxes for the nursing care and ancillary service personnel, and direct care supplies.

(2) For rate-setting purposes, the department shall determine standard hours for each classification established by the department pursuant to section 85 of this act. Such standard hours shall be the sum of the hours for nursing assistants, licensed practical nurses, and registered nurses.

(3) The standard base rate per classification shall be the sum of the products of at least ninety percent of the prevailing wages for the categories of nursing assistant, licensed practical nurse, and registered nurse, expressed as an hourly rate, based upon the state-wide salary survey conducted pursuant to RCW 41.06.160, multiplied by the respective components of the standard hours as determined in subsection (2) of this section.

(4) The nursing services cost center rate, excluding the special care rate provided by subsection (5) of this section, for each facility, less special care patient days, shall be:

(a) The sum of the standard base rate per classification determined in subsection (3) of this section multiplied by the total patient days for the facility within each classification for the prior year, divided by the total patient days for the prior year for the facility, less special care patient days,

(b) Plus a factor to be determined annually by the department for the facility for fringe benefits, payroll taxes, ancillary care and direct care supplies; except that, the factor shall reflect the level of employee benefits, provided or agreed to, payroll taxes assessed, and/or ancillary services provided within each facility.

(5) Where the standard hours for rate setting purposes in subsection (2) of this section do not reflect the exceptional custodial or nursing care required for a patient, the department, upon verification of such exceptional custodial or nursing care, will negotiate a special rate for exceptional care for such patient. Such special rate will:

(a) Include the factors described in subparagraph (2)(b) of this section; and

(b) Be reimbursed to the facility independently of the nursing services cost center rate provided by subsection (4) of this section.

NEW SECTION. Sec. 49. **FOOD COST REIMBURSEMENT RATE.** (1) The food cost center shall include all costs for bulk and raw food and beverages purchased for the dietary needs of medical care recipients.

(2) The food cost reimbursement rate for each facility shall be computed as follows:

$$FR = (TFC/TPD) 1.15, \text{ where}$$

FR = the facility food cost center reimbursement rate;

TFC = the total of all reporting facilities' food cost center costs; and

TPD = the total patient days for the prior year of all reporting facilities.

(3) Unless extended by law for an additional period of time, on and after July 1, 1984, the food cost reimbursement rate for each facility shall be computed as follows:

$$FR = (TFC/TPD), \text{ where}$$

FR = the facility food cost center reimbursement rate;

TFC = the total of all reporting facilities' food cost center costs; and

TPD = the total patient days for the prior year of all reporting facilities.

NEW SECTION. Sec. 50. **ADMINISTRATION AND OPERATIONS, COST CENTER REIMBURSEMENT RATE.** (1) The administration and operations cost center shall include all items not included in the cost centers of nursing services, food, and property.

(2) The administration and operations cost center reimbursement rate for each facility shall be based on the computation in this subsection and shall not exceed the eighty-fifth percentile of (a) the rates of all reporting facilities derived from the computation below, or (b) reporting facilities grouped in accordance with subsection (3) of this section:

$$AR = TAC/TPD, \text{ where}$$

AR = the administration and operations cost center reimbursement rate for a facility;

TAC = the total costs of the administration and operations cost center plus the retained savings from such cost center as provided in section 18 of this act of a facility; and

TPD = the total patient days for a facility for the prior year.

(3) The secretary may group facilities based on factors which could reasonably influence cost requirements of this cost center, other than ownership or legal organization characteristics.

NEW SECTION. Sec. 51. **PROPERTY COST CENTER.** The property cost center rate for each facility shall be determined by dividing the sum of the reported allowable prior period actual depreciation costs, subject to sections 31 through 38 of this act, adjusted for any capitalized additions or replacements approved by the department, and the retained savings from such cost center, as provided in section 19 of this act, by the total patient days for the facility in the prior period. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the property cost center rate shall be adjusted to anticipated patient day level.

When a certificate of need for a new facility is requested, the department, in reaching its decision, shall take into consideration per-bed land and building construction costs for the facility which shall not exceed a maximum to be established by the secretary.

NEW SECTION. Sec. 52. **ADJUSTMENT OF COST CENTER RATES.** The rates determined in sections 48 through 51 of this act shall be adjusted by the department utilizing appropriate indices or other measures of economic trends and conditions projected for the ensuing year.

NEW SECTION. Sec. 53. RETURN ON INVESTMENT ALLOWANCE.

(1) The department shall first establish a total state-wide return on investment pool for use in determining individual facility return on investment allowances.

(a) In establishing the total state-wide return on investment pool the department shall determine the sum of net invested funds as of the end of the most recent reporting period of all facilities participating in the medical care program.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in sections 33, 35, 36, and 37 of this act, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary used in the regular course of providing patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to section 36(1) of this act.

(c) The sum of net invested funds shall then be multiplied by 1.5 times the average of the rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund for the last completed calendar quarter prior to rate-setting to establish the total state-wide return on investment pool.

(2) The department shall establish for individual facilities return on investment allowances composed of two parts: A financing allowance and a variable return allowance.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by 1.15 times the average of the rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund for the last completed quarter prior to rate-setting, and dividing by the contractor's total patient days. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to the anticipated patient day level.

(b) In determining the variable return allowance:

(i) The department will first rank all facilities in numerical order from highest to lowest according to their average per diem allowable costs for the sum of the administration and operations and property cost centers for the previous reimbursement period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than five percent, by the total prospective rate for each facility, as determined in sections 45 through 51 of this act. The percentage amounts will be based on groupings of facilities according to the rankings as established in subparagraph (2)(b)(i) of this section. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(iii) Such percentage amounts shall be calculated so that the variable return allowance plus the financing allowance times the total patient days for each facility, when summed for all facilities, shall be as close in amount to the total state-wide return on investment pool as is practical; except that, such percentage amounts for equivalent groups of facilities as determined in subparagraph (2)(b)(ii) of this section shall be no less than the percentage amounts as calculated pursuant to this subsection on July 1, 1982.

(c) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility, and shall be added to the prospective rates of each contractor as determined in sections 45 through 51 of this act.

(d) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to section 51 of this act, is more than the return on investment allowance determined according to section 53(2)(c) of this act, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1980, as determined by the department of general administration, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under subparagraph (2)(d)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to section 51 of this act. The lesser of the two amounts shall be called the alternate return on investment allowance.

(iii) The return on investment allowance determined according to section 53(2)(c) of this act or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rates of the contractor as determined in sections 45 through 51 of this act.

(3) In the event that the department of health, education and welfare disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing both total state-wide return on investment pool and individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities.

(4) Each biennium, beginning in 1983, the secretary shall review the adequacy of return on investment allowances in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

NEW SECTION. Sec. 54. UPPER LIMITS TO REIMBURSEMENT RATES. (1) The reimbursement rates shall not exceed the contractor's customary charges to the general public for comparable services.

(2) Rates shall not exceed the limits set forth in 42 CFR 450.30(b)(6).

NEW SECTION. Sec. 55. NOTIFICATION OF RATES. The department will notify each contractor in writing of its prospective reimbursement rates at least thirty days in advance of the effective date. Unless otherwise specified at the time it is issued, the rate will be effective from the first day of the month in which it is issued until a new rate becomes effective. If a rate is changed as the result of an appeal in accordance with section 77 of this act, it will be effective as of the date the appealed rate became effective.

NEW SECTION. Sec. 56. ADJUSTMENTS REQUIRED DUE TO ERRORS OR OMISSIONS. (1) Prospective rates are subject to adjustment by the department as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of its

effective date, and of any amount due to the department or to the contractor as a result of the rate adjustment.

(2) The contractor shall pay an amount it owes the department resulting from an error or omission, or commence repayment in accordance with a schedule determined by the department, within sixty days after receipt of notification of the rate adjustment, unless the contractor contests the department's determination in accordance with the procedures set forth in section 77 of this act. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these proceedings. If a refund is not paid when due, the amount thereof may be deducted from current payments by the department.

(3) The department shall pay any amount it owes the contractor as a result of a rate adjustment within thirty days after it notifies the contractor of the rate adjustment.

(4) No adjustments will be made to a rate after final settlement, except as provided in section 17(2) of this act.

NEW SECTION. Sec. 57. PUBLIC REVIEW OF RATE-SETTING. The department shall provide all interested members of the public with an opportunity to review and comment on the proposed rate-setting factors, indices, measures, and guidelines not later than May 15th of each year prior to their being used to set rates.

NEW SECTION. Sec. 58. PUBLIC DISCLOSURE OF RATE-SETTING METHODOLOGY. In accordance with the provisions of section 81 of this act, the department will make available to the public full information regarding its factors, indices, measures, and guidelines.

PART F

BILLING/PAYMENT

NEW SECTION. Sec. 59. BILLING PERIOD. A contractor shall bill the department for care provided to medical care recipients from the first through the last day of each calendar month.

NEW SECTION. Sec. 60. BILLING PROCEDURE. (1) A contractor shall bill the department each month by completing and returning a facility billing statement as provided by the department which shall include, but not be limited to:

- (a) Billing by cost center;
- (b) Total patient days; and
- (c) Patient days for medical care recipients.

The statement shall be completed and filed in accordance with rules and regulations established by the secretary.

(2) A contractor shall not bill the department for service provided to a recipient until an award letter of eligibility of such recipient pursuant to rules and regulations established according to the provisions of chapter 74.09 RCW has been received by the contractor except that, a contractor may bill and shall be reimbursed for all medical care recipients referred to the contractor's facility by the department prior to the receipt of the award letter of eligibility or the denial of such eligibility. At that time it may bill for service provided back through the date the recipient was admitted or became eligible.

- (3) Billing shall cover the patient days of care.

NEW SECTION. Sec. 61. PAYMENT. (1) The department will reimburse a contractor for service rendered under the facility contract and billed in accordance with section 60 of this act.

(2) The amount paid will be computed using the appropriate rates assigned to the contractor.

(3) For each recipient, the department will pay an amount equal to the appropriate rates, multiplied by the number of patient days each rate was in effect, less

the amount the recipient is required to pay for his or her care as set forth by section 62 of this act.

NEW SECTION. Sec. 62. CHARGES TO PATIENTS. (1) The department will notify a contractor of the amount each medical care recipient is required to pay for care provided under the contract and the effective date of such required contribution. It is the contractor's responsibility to collect that portion of the cost of care from the patient, and to account for any authorized reduction from his or her contribution in accordance with rules and regulations established by the secretary.

(2) If a contractor receives documentation showing a change in the income or resources of a recipient which will mean a change in his or her contribution toward the cost of care, this shall be reported in writing to the department within seventy-two hours and in a manner specified by rules and regulations established by the secretary. If necessary, appropriate corrections will be made in the next facility statement, and a copy of documentation supporting the change will be attached. If increased funds for a recipient are received by a contractor, an amount determined by the department shall be allowed for clothing and personal and incidental expense, and the balance applied to the cost of care.

(3) The contractor shall accept the reimbursement rates established by the department as full compensation for all services provided under the contract, certification as specified by Title XIX, and licensure under chapter 18.51 RCW. The contractor shall not seek or accept additional compensation from or on behalf of a recipient for any or all such services.

NEW SECTION. Sec. 63. SUSPENSION OF PAYMENT. (1) Payments to a contractor may be withheld by the department in each of the following circumstances:

(a) A required report is not properly completed and filed by the contractor within the appropriate time period, including any approved extension. Payments will be released as soon as a properly completed report is received;

(b) State auditors or authorized personnel in the course of their duties are refused access to a nursing home or are not provided with existing appropriate records. Payments will be released as soon as such access or records are provided;

(c) A refund in connection with an annual settlement or rate adjustment is not paid by the contractor when due. The amount withheld will be limited to the unpaid amount of the refund; and

(d) Payment for the final thirty days of service under a contract will be held pending final settlement when the contract is terminated.

(2) No payment will be withheld until written notification of the suspension is provided to the contractor, stating the reason therefor.

NEW SECTION. Sec. 64. TERMINATION OF PAYMENTS. All payments to a contractor will end no later than sixty days after any of the following occurs:

(1) A contract expires, is terminated or is not renewed;

(2) A facility license is revoked; or

(3) A facility is decertified as a Title XIX facility; except that, in situations where the secretary determines that residents must remain in such facility for a longer period because of the resident's health or safety, payments for such residents shall continue.

PART G ADMINISTRATION

NEW SECTION. Sec. 65. CONDITIONS OF PARTICIPATION. In order to participate in the prospective cost-related reimbursement system established by this chapter, the person or legal organization responsible for operation of a facility shall:

(1) Obtain a state certificate of need and/or federal capital expenditure review (section 1122) approval pursuant to chapter 70.38 RCW and Part 100, Title 42 CFR where required;

(2) Hold the appropriate current license;

(3) Hold current Title XIX certification;

(4) Hold a current contract to provide services under this chapter; and

(5) Comply with all provisions of the contract and all application regulations, including but not limited to the provisions of this chapter.

NEW SECTION. Sec. 66. PROJECTED BUDGET FOR NEW CONTRACTORS. (1) Each new contractor shall submit a projected budget to the department at least sixty days before its contract will become effective.

(2) The projected budget shall cover the period to December 31st from the date the contractor will enter the program. It shall be prepared on forms and in accordance with rules and regulations established by the secretary.

NEW SECTION. Sec. 67. CHANGE OF OWNERSHIP. (1) On the effective date of a change of ownership the department's contract with the old owner shall be terminated. The old owner shall give the department thirty days' written notice of such termination. When certificate of need and/or section 1122 approval is required pursuant to chapter 70.38 RCW and Part 100, Title 42 CFR, for the new owner to acquire the facility, and the new owner wishes to continue to provide service to recipients without interruption, certificate of need and/or section 1122 approval shall be obtained before the old owner submits a notice of termination.

(2) If the new owner desires to participate in the cost-related reimbursement system, it shall meet the conditions specified in section 65 of this act and shall submit a projected budget in accordance with section 66 of this act no later than sixty days before the date of the change of ownership. The facility contract with the new owner shall be effective as of the date of the change of ownership.

NEW SECTION. Sec. 68. TERMINATION OF CONTRACT. (1) When a facility contract is terminated for any reason, the old contractor shall submit final reports as required by section 4 of this act. Payment for care provided during the final thirty days of service under a contract will be held until the contractor has filed a properly completed final audited cost report, and final settlement has been determined, such settlement not to exceed sixty days following submittal of the final audited cost report.

(2) Following final settlement, a payment withheld pursuant to subsection (1) of this section will be sent to the contractor after any overpayment determined in connection with final settlement has been deducted. If the contractor contests the settlement determination in accordance with section 17 of this act, the department will hold the amount in dispute pending completion of the appeal process, but will release the balance of such payment to the contractor.

(3) The department will release a payment which would be withheld pursuant to subsection (1) of this section, provided a bond issued by a bonding company acceptable to the department is filed by the contractor. The bond shall:

(a) Be in an amount equal to the released payment;

(b) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies;

(c) Provide that the full amount of the bond shall be paid to the department if a properly completed final audited cost report is not filed in accordance with this chapter, or if financial records supporting this record are not preserved and made available to the state auditor; and

(d) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond, shall be paid to the department in the event the contractor does not pay the refund

within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(4) If a contract is terminated solely in order for the same owner to contract with the department to deliver services to another classification of medical care recipients at the same facility, the contractor is not required to submit final cost reports, and payment for the final thirty days will not be withheld.

PART H

PATIENT TRUST FUNDS

NEW SECTION. Sec. 69. TRUST FUND ESTABLISHMENT. (1) Each contractor shall establish and maintain, as a service to the medical care recipient, a bookkeeping system incorporated into the business records for all recipient moneys entrusted to the contractor and received by the facility for the recipient.

(2) Such system will apply to a recipient who is:

(a) Incapable of handling his or her own money and the department or the recipient's guardian, relative, or physician makes written request of the facility to accept this responsibility; or

(b) Capable of handling his or her own money, but requests the facility in writing to accept this responsibility.

(3) The written requests provided in subsection (2) of this section shall be maintained by the contractor in the recipient's file.

(4) The recipient must be given at least a quarterly reporting of all financial transactions in his or her trust account. The representative payee, the guardian, and/or other designated agents of the recipient must be sent a copy of said reporting on the same basis as the recipient.

NEW SECTION. Sec. 70. TRUST FUND ACCOUNTS. (1) The contractor shall maintain a subsidiary ledger with an account for each recipient for whom the contractor has money in trust.

(2) Each account and related supporting records shall:

(a) Be kept current;

(b) Be balanced each month; and

(c) Show in detail, with supporting verification, all moneys received on behalf of the recipient and the disposition of all moneys so received.

(3) Records of each account shall be available for audit pursuant to section 14 of this act and shall be retained for a minimum of four years. When an account has attained the maximum limit established by rules and regulations promulgated by the secretary, the contractor will notify the department within five days.

(4) Any charge for medical services otherwise properly made to a recipient's trust account must be supported by a written denial of such services from the department.

NEW SECTION. Sec. 71. PETTY CASH FUND. (1) The contractor may maintain a petty cash fund originating from trust moneys of an amount determined by the department which shall be reasonable and necessary for the size of a facility and the needs of the recipients.

(2) Such petty cash fund shall be maintained as an imprest fund. All moneys over and above the trust fund petty cash amount shall be deposited intact, within twenty-four hours, in a trust fund checking account, separate and apart from any other bank account or accounts of the facility or other facilities.

(3) Cash deposits of recipient allowances from any source must be made intact to the trust account within one week from the time that payment of such allowances are received.

(4) Any related bankbooks, bank statements, checkbook, check register, and all voided and canceled checks, shall be made available for audit pursuant to section 14 of this act and shall be retained by the facility for not less than four years.

(5) No service charges for such checking account shall be paid from recipient trust moneys.

(6) The trust account per bank shall be reconciled monthly to the trust account per patient ledgers.

NEW SECTION. Sec. 72. TRUST MONEYS CONTROL/DISBURSEMENT. (1) Trust moneys shall be held in trust and are not to be turned over to anyone other than the recipient or the recipient's guardian without the written consent of the recipient, his designated agent as appointed by power of attorney, or an appropriate employee of the department designated by the secretary. Such trust moneys shall not be subject to attachment, execution, or other creditor remedies.

(2) When moneys are received, a receipt shall be filled out in duplicate; one copy shall be given to the person making payment of deposit, and the second copy shall be retained by the facility.

(3) Checks received by recipients shall be endorsed by the recipient. If the recipient is incapable of signing his or her name, the contractor shall secure the recipient's mark "X" followed by the printed name of the recipient and the signature of two witnesses.

(4) The recipient's trust account ledger sheet must be credited with any allowance received; referenced with the receipt number and supported by a copy of the deposit slip.

NEW SECTION. Sec. 73. TRUST MONEYS AVAILABILITY. Moneys held in trust for any recipient shall be available for his or her personal and incidental needs when requested by the recipient or one of the persons designated in section 72(1) of this act.

NEW SECTION. Sec. 74. PROCEDURE FOR REFUNDING TRUST MONEY. When a recipient is discharged and/or transferred, the balance of the recipient's trust account shall be returned either directly to the person within five days, or by mail. In either instance a receipt shall be obtained.

NEW SECTION. Sec. 75. LIQUIDATION OF TRUST FUND. (1) When a recipient has died, the contractor shall obtain a receipt from the next of kin, guardian, or duly qualified agent when releasing the balance of money held in trust. If there is no identified next of kin, guardian, or duly qualified agent, the department shall be contacted in writing within seven days for assistance in the release of the money held in trust.

(2) A check or other document showing payment to such next of kin, guardian, or duly qualified agent will serve as a receipt.

(3) Where the recipient leaves the facility without authorization and his or her whereabouts are not known:

(a) The facility will make a reasonable attempt to locate the missing recipient using the agencies of state or local government;

(b) If the recipient cannot be located after ninety days, the facility shall notify the department of revenue of the existence of abandoned property, pursuant to chapter 63.28 RCW. The facility will be required to deliver to the department of revenue the balance of the recipient's trust fund account within twenty days following such notification.

PART I

MISCELLANEOUS

NEW SECTION. Sec. 76. DISPUTES. If a contractor wishes to contest the way in which a rule or contract provision relating to the prospective cost-related reimbursement system was applied to the contractor by the department, it shall first pursue the administrative review process set forth in section 77 of this act.

(2) The administrative review process in section 77 of this act need not be exhausted if a contractor wishes to challenge the legal validity of a statute, rule, or contract provision.

NEW SECTION. Sec. 77. ADMINISTRATIVE REVIEW PROCESS. (1) Within thirty days after a contractor is notified of an action or determination it wishes to challenge, the contractor shall request in writing that the secretary review such determination. The request shall be signed by the contractor or the licensed administrator of the facility, shall identify the challenged determination and the date thereof, and shall state as specifically as practicable the grounds for its contention that the determination was erroneous. Copies of any documentation on which the contractor intends to rely to support its position shall be included with the request.

(2) After receiving a request meeting the above criteria, the secretary or his designee will contact the contractor to schedule a conference for the earliest mutually convenient time. The conference shall be scheduled for no later than thirty days after a properly completed request is received unless both parties agree in writing to a specified later date.

(3) The contractor and appropriate representatives of the department shall attend the conference. In addition, representatives selected by the contractor may attend and participate. The contractor shall bring to the conference, or provide to the department in advance of the conference, any documentation on which it intends to rely to support its contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than thirty days after the initial session unless both parties agree in writing to a specific later date.

(4) A written decision by the secretary will be furnished to the contractor within thirty days after the conclusion of the conference. The secretary shall prepare such decision for the fiscal and other appropriate standing committees of the legislature.

(5) If the contractor desires review of an adverse decision of the secretary, it shall within thirty days following receipt of such decision request a fair hearing in writing in accordance with the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 78. DENIAL, SUSPENSION, REVOCATION OF LICENSE OR PROVISIONAL LICENSE—PENALTY. The department is authorized to deny, suspend, or revoke a license or provisional license or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed one thousand dollars per violation in any case in which it finds that the licensee, or any partner, officer, director, owner of five percent or more of the assets of the nursing home, or managing employee:

(1) Failed or refused to comply with the requirements of this chapter or the rules and regulations established hereunder; or

(2) Has knowingly or with reason to know made a false statement of a material fact in any record required by this chapter; or

(3) Refused to allow representatives or agents of the department to inspect all books, records, and files required by this chapter to be maintained or any portion of the premises of the nursing home; or

(4) Wilfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter; or

(5) Wilfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or the rules and regulations promulgated hereunder.

NEW SECTION. Sec. 79. The department shall adopt, promulgate, amend, and rescind such administrative rules as are necessary to carry out the policies and

purposes of this chapter. In addition, at least annually the department shall review changes to generally accepted accounting principles and generally accepted auditing standards as approved by the financial accounting standards board, and the American institute of certified public accountants, respectively. The department shall adopt by administrative rule those approved changes which it finds to be consistent with the policies and purposes of this chapter.

NEW SECTION. Sec. 80. RESPONSIBILITY FOR AUDITS IN THE TRANSITION PERIOD. The department, pursuant to RCW 74.09.560, shall be responsible for the completion of all audits for cost reports covering all periods through December 31, 1980.

NEW SECTION. Sec. 81. DISCLOSURE. (1) Cost reports and their final audit reports with any accompanying schedule of questioned costs submitted to the secretary shall be subject to public disclosure pursuant to the requirements of chapter 42.17 RCW. Notwithstanding any other provision of law, financial statements and any accompanying schedules summarizing the adjustments to a contractor's financial records, reports on review of internal control and accounting procedures, and letters of comments or recommendations relating to suggested improvements in internal control or accounting procedures which are prepared pursuant to the requirements of this chapter shall be exempt from public disclosure.

(2) Regardless of whether any document or report submitted to the secretary pursuant to this chapter is subject to public disclosure, copies of such documents or reports shall be provided by the secretary, upon written request, to the legislature and to state agencies or state or local law enforcement officials who have an official interest in the contents thereof.

NEW SECTION. Sec. 82. DEVELOPMENT OF EXCEPTION PROFILE PROCESS. The office of the state auditor with the cooperation and assistance of the department shall develop an exception profile process to be utilized in the analysis required under section 11 of this act. This exception profile process shall be implemented not later than December 1, 1981.

Sec. 83. Section 74.09.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 213, Laws of 1975 1st ex. sess. and RCW 74.09.120 are each amended to read as follows:

(1) The department shall purchase necessary physician and dentist services by contract or "fee for service((-⁺))".

(2) The department shall purchase hospital care by contract or by all inclusive day rate, or at a reasonable cost based on a ratio of charges to cost. Any hospital when requested by the department shall supply such information as necessary to justify its rate, charges or costs. All additional services provided by the hospital shall be purchased at rates established by the department after consultation with the hospital.

(3) ~~The department shall purchase nursing home care by contract. ((The department shall establish regulations for reasonable nursing home accounting and reimbursement systems which recognize relevant cost related factors for department of social and health services patients, including but not limited to the scope or level of services or care, requirements of staff, and physical plant, and a reasonable rate of return on investment; said formula shall provide that no payment shall be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system:))~~

(4) All other services and supplies provided under the program shall be secured by contract.

Sec. 84. Section 61, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.610 are each amended to read as follows:

The department shall assess the needs of each resident within thirty days after the resident's admission. The department shall use the patient assessment system developed (~~under~~) pursuant to RCW 18.51.310, as now or hereafter amended. Based upon the assessment of the resident's needs, the department shall assign each resident to a classification, developed by the patient care classification and standards task force pursuant to section 85 of this 1980 act, reflecting the level of care required by that resident. (~~The classification system has at least five but not more than seven levels of care.~~)

This section shall apply to developmentally disabled residents as a separate system.

NEW SECTION. Sec. 85. (1) There is established a special task force to be known as the "patient care classification and standards task force," hereafter referred to in this section as "the task force." The task force shall terminate on December 31, 1980.

(2) The task force shall be composed of the following members:

(a) Two representatives of the nursing home industry appointed jointly by the president of the senate and the speaker of the house of representatives with such appointment made not later than twenty days following the effective date of this section. The persons appointed shall represent the following:

- (i) One representative from the nursing home facility associations; and
- (ii) One representative from nonprofit facilities;

(b) Two representatives from the department of social and health services appointed by the secretary and whose appointment shall be made not later than twenty days following the effective date of this section;

(c) Two representatives from nursing home consumer groups appointed jointly by the representatives appointed pursuant to subparagraphs (2)(a) and (b) of this section. The consumer group representatives shall be chosen within twenty days following the effective date of this section;

(d) Two representatives appointed by the governor and whose appointment shall be made not later than twenty days following the effective date of this section; and

(e) Four representatives from the legislature, two from the house and two from the senate, appointed by the speaker of the house of representatives and the president of the senate, respectively. The persons appointed shall represent the following standing committees:

- (i) One from the house appropriations committee;
- (ii) One from the house social and health services committee;
- (iii) One from the senate ways and means committee; and
- (iv) One from the senate social and health services committee.

(3) Not later than the thirtieth day following the effective date of this section, the task force members shall meet and:

(a) Elect a chairman of the task force from among the members, with such chairman presiding at all meetings and having administrative responsibility for the task force;

(b) Elect a vice-chairman of the task force from among the members, with such vice-chairman acting in the stead of the chairman upon the chairman's absence; and

(c) Adopt such procedural rules as necessary to carry out the responsibilities set forth in subsection (6) of this section.

(4) The task force shall provide progress reports to the appropriate legislative committees in each of the months of June and August 1980 and as otherwise requested.

(5) The office of financial management shall provide the support services and staff required by the task force.

(6) Not later than September 1, 1980, the task force shall present a report to the governor. The task force report shall also be presented by this same date to the legislature for its review and approval during the 1981 legislative session. Such report shall set forth the following:

(a) A patient classification system which reflects, as nearly as possible, the level of care required by each resident;

(b) Standard hours for each classification, with such standard hours to be expressed as either a range of hours or as a single standard hour per classification, except that such standard hours shall be the expressed composite of hours required for a nursing assistant, licensed practical nurse, and registered nurse;

(c) A draft of recommended legislation necessary for implementation of the task force recommendations pursuant to this section; and

(d) A fiscal note detailing the six-year fiscal impact of the task force recommendations pursuant to this section.

(7) The recommended legislation of the task force shall be subject to the approval of the legislature by March 1, 1981.

(8) The secretary shall adopt no later than March 31, 1981, the rules and regulations necessary to carry out the legislation approved in subsection (7) of this section.

NEW SECTION. Sec. 86. The department shall submit to the appropriate legislative committees not later than January 15, 1981, a report detailing the department's activities with regard to preplacement screening for medical care recipients, and the department's nursing home admissions policy. Such report shall include, but not be limited to, program descriptions, client flow analyses, programmatic impacts, and cost effectiveness analyses.

NEW SECTION. Sec. 87. Sections 1 through 82 and 91 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 88. Section captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 89. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.550;

(2) Section 2, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.560;

(3) Section 3, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.570;

(4) Section 4, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.580; and

(5) Section 5, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.590.

NEW SECTION. Sec. 90. (1) There is hereby appropriated from the general fund one hundred seventy-five thousand dollars, or as much thereof as may be necessary, to the office of financial management to carry out the purposes of sections 7 and 85 of this act.

(2) There is hereby appropriated from the general fund one hundred thirty-five thousand dollars, or as much thereof as may be necessary, to the office of the state auditor to carry out the purposes of section 82 of this act.

NEW SECTION. Sec. 91. If any part of this act is found by an agency of the federal government to be in conflict with federal requirements which are a prescribed condition to the receipts of federal funds to the state, the conflicting part of this act is hereby declared inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. In the event that any portion of this act is found to be in conflict with federal requirements which are a prescribed condition to the receipt of federal funds,

the secretary, to the extent that the secretary finds it to be consistent with the general policies and intent of this chapter, may adopt such rules as to resolve a specific conflict and which do meet minimum federal requirements. In addition, the secretary shall submit to the next regular session of the legislature a summary of the specific rule changes made and recommendations for statutory resolution of the conflict.

NEW SECTION. Sec. 92. 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. 93. (1) Sections 2, 7, 82, 84, 85, and 90 of this 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.

(2) Section 27 of this act shall take effect on July 1, 1980.

(3) All other sections of this act shall take effect on July 1, 1981, which shall be "the effective date of this act" where that term is used in this act."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending section 74.09.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 213, Laws of 1975 1st ex. sess. and RCW 74.09.120; amending section 61, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.610; adding a new chapter to Title 74 RCW; creating new sections; repealing section 1, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.550; repealing section 2, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.560; repealing section 3, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.570; repealing section 4, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.580; repealing section 5, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.590; making appropriations; declaring an emergency; and providing effective dates."

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Bluechel, Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Ridder, Scott, Walgren, Wojahn.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendments were not adopted.

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

Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Section 1. This chapter may be known and cited as the "Nursing Homes Auditing and Cost Reimbursement Act of 1980."

NEW SECTION. Sec. 2. **DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of establishing the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by an individual professionally designated either by the American institute of real estate appraisers as a member, appraisal institute (MAI), or by the society of real estate appraisers as a senior real estate analyst (SREA) or a senior real property appraiser (SRPA). It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have

adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectable from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

(20) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

(21) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

(22) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(23) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(24) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

(25) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

(26) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

(27) "Net book value" means the historical cost of an asset less accumulated depreciation.

(28) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year.

(29) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(30) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

(31) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

(32) "Patient day" or "client day" means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

(33) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience as specified by the department;

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker who is a graduate of a school of social work;

(f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; and

(h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

(34) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

(35) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

(36) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

(37) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

(38) "Secretary" means the secretary of the department of social and health services.

(39) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended.

PART A REPORTING

NEW SECTION. Sec. 3. PRINCIPLES OF REPORTING REQUIREMENTS. The principle inherent within sections 4 through 9 of this act is that the

department shall receive complete, annual reporting of costs and financial condition of the contractor prepared and presented in a standardized manner.

NEW SECTION. Sec. 4. REPORT DUE DATE. (1) Not later than March 31, 1982, and each year thereafter, each contractor shall submit to the department an annual cost report, and such financial statements as are required by this chapter, for the period from January 1st through December 31st of the preceding year.

(2) Two extensions of not more than thirty days each after March 31st may be granted by the department upon receipt of a written request setting forth the circumstances which prohibit the contractor from compliance with such due date; except, that the secretary shall establish the grounds for extension in rule and regulation. Such request must be received by the department at least ten days prior to the due date.

(3) Not later than one hundred and twenty days following the termination of a contract, the contractor shall submit to the department a cost report, and such financial statements as are required by this chapter, for the period from January 1st through the date the contract terminated.

NEW SECTION. Sec. 5. IMPROPERLY COMPLETED OR LATE REPORTS. If either the cost report or the financial statements are not properly completed or if they are not received by the due date, all or part of any payments due under the contract may be withheld by the department until such time as the required cost report and financial statements are properly completed and received.

NEW SECTION. Sec. 6. COMPLETING REPORTS AND MAINTAINING RECORDS. (1) Cost reports shall be prepared in a standard manner and form, as determined pursuant to section 7 of this act, which shall provide for financial statements, an itemized list of allowable costs, and a preliminary settlement report. Costs reported shall be determined in accordance with generally accepted accounting principles and such additional rules and regulations as are established by the secretary.

(2) All financial statements of a contractor must be prepared in accordance with generally accepted accounting principles, such additional regulatory requirements developed pursuant to section 7 of this act, and such additional rules and regulations as are established by the secretary.

(3) The records shall be maintained on the accrual method of accounting and agree with or be reconcilable to the cost report and the financial statements.

NEW SECTION. Sec. 7. DEVELOPMENT OF ACCOUNTING AND AUDITING REQUIREMENTS. (1) The office of financial management shall, within seventy-five days after the effective date of this section, engage a consultant through competitive bids who will develop the following:

(a) A uniform chart of accounts;

(b) A standard cost report form, including financial statements which shall be in conformity with generally accepted accounting principles and such regulatory requirements established by this section as well as any relevant federal regulatory requirements;

(c) Regulatory reporting and accounting provisions which may be required; and

(d) Regulatory auditing provisions which may be required.

(2) Such consultant will develop the items specified in subsection (1) of this section:

(a) In cooperation with an advisory committee to be composed of representatives of the office of financial management, the legislature, the department, the office of the state auditor, the Washington society of certified public accountants, and the providers of nursing home services; and

(b) In a manner which will achieve the principles stated in sections 3 and 10 of this act.

(3) Such consultant shall provide ongoing financial consulting assistance to the patient task force created in section 86 of this act. The patient classification system and standard hours for each classification established by the task force must tie to the uniform chart of accounts, standard cost reports, and financial statements to allow the independent certified public accountant to express an opinion on the statement of expenditures presented in the annual cost report.

(4) Such consultant will complete the development of the items specified in subsection (1) of this section not later than October 1, 1980. The secretary will adopt rules and regulations necessary to implement the consultant's product not later than December 31, 1980, for use in the 1980 reporting year.

NEW SECTION. Sec. 8. REQUIREMENTS FOR RETENTION OF RECORDS BY THE CONTRACTOR. (1) All records supporting the required cost reports and financial statements, as well as trust funds established by section 70 of this act, shall be retained by the contractor for a period of four years following the filing of such reports at a location in the state of Washington specified by the contractor. The department may direct such records to be retained for a longer period if there remain unresolved questions on the cost reports and financial statements. All such records shall be made available upon demand to authorized representatives of the department, the office of the state auditor, and the United States department of health, education and welfare.

(2) When a contract is terminated, all payments due will be withheld until accessibility and preservation of the records within the state of Washington are assured.

NEW SECTION. Sec. 9. RETENTION OF REPORTS BY THE DEPARTMENT. The department will retain the required cost reports and financial statements for a period of one year after final settlement, or the period required under the provisions of chapter 40.14 RCW, whichever is greater.

PART B AUDIT

NEW SECTION. Sec. 10. PRINCIPLES OF AUDIT REQUIREMENTS. The principles inherent within sections 11 through 14 of this act are:

(1) To ascertain, through certified audit, that the costs for each year are accurately reported, thereby providing a valid basis for future rate determination;

(2) To ascertain, through certified audits of the cost reports, that cost reports properly reflect the financial statements of the contractor, particularly as they pertain to related organizations and beneficial ownership, thereby providing a valid basis for the determination of return as specified by this chapter;

(3) To ascertain, through the certified audit and the oversight of the office of the state auditor, that compliance with the accounting and auditing provisions of this chapter and the rules and regulations of the department as they pertain to these accounting and auditing provisions is proper and consistent; and

(4) To ascertain, through certified audits, that the responsibility of the contractor has been met in the maintenance of patient trust funds.

NEW SECTION. Sec. 11. DESK REVIEW. (1) The department shall analyze the submitted cost report and financial statements of each contractor to determine if the information is correct and complete. If the analysis finds that either the cost report or financial statements are incorrect or incomplete, the department shall take whatever steps are deemed necessary to obtain information from the contractor.

(2) The department shall accumulate data from the properly completed cost reports and financial statements for use in:

- (a) Exception profiling; and
- (b) Establishing rates.

(3) The department may further utilize such accumulated data for analytical, statistical, or informational purposes as it may deem necessary.

NEW SECTION. Sec. 12. TYPES OF EXAMINATIONS. Certified audits of the cost reports and patient trust accounts shall be conducted in accordance with the provisions of this chapter, as follows:

(1) The annual cost report of each contractor and the patient trust accounts under his control will be audited prior to submission to the department by an independent certified public accountant, licensed according to the provisions of chapter 18.04 RCW, who shall be engaged by the office of financial management through competitive bids. The office of financial management shall cause to be published a request for qualifications from independent certified public accountants. The office of financial management shall then select those independent certified public accountant firms which have qualified to participate in the competitive bid process through a request for proposals: PROVIDED, That during fiscal year 1982, for one hundred percent of the contractors, cost reports and patient trust accounts shall be audited: PROVIDED FURTHER, That during fiscal year 1983, for up to one hundred percent of the contractors, cost reports and patient trust accounts shall be audited. The requirements contained in this subsection shall not be required after June 30, 1983;

(2) Upon request of the secretary; and

(3) Upon termination of a contract.

NEW SECTION. Sec. 13. PREPARATION FOR AUDIT BY THE CONTRACTOR. (1) For the requirements of section 12(1) of this act, the contractor shall be notified by the accountant at least ten working days in advance of the engagement. Upon such notification, the contractor shall:

(a) Provide access to the facility, all records, and all working papers which are in support of the cost report, financial statements, and patient trust funds; and

(b) Prepare reconciliation of the cost report and financial statements with (i) applicable federal income and federal and state payroll tax returns and (ii) the records for the period covered by the cost report and financial statements.

(2) For the requirements of section 12(2) of this act, the contractor shall provide access to the facility and supply all records as required in subsection (1) of this section.

NEW SECTION. Sec. 14. SCOPE OF AUDIT. (1) The annual cost reports of contractors are required to be audited by an independent certified public accountant in accordance with generally accepted auditing standards established for audit of financial statements by the American institute of certified public accountants.

(2) Accompanying the annual cost report and accountant's report thereon shall be:

(a) A schedule of questioned costs, including dollar amounts being questioned and an explanation of the accountant's reason for questioning the allowability of such costs; except that, an amount, not less than five hundred dollars, shall be established by the secretary below which questioned costs need not be listed;

(b) A schedule summarizing the adjustments to the contractor's financial records as a result of the audit, including dollar amounts, the general ledger account or account group, and an explanation of the reason for adjustment; and

(c) A schedule summarizing the adjustments to the contractor's preliminary settlement report as a result of the audit.

(3)(a) The independent auditor shall perform separate audits on the trust funds established by section 70 of this act. Such audit shall be prepared in conformity with generally accepted auditing standards and additional rules and regulations established by the department.

(b) Accompanying the audit report on such trust funds shall be any letters of comments or recommendations relating to discrepancies or improvements in accounting procedures.

(4) The independent certified public accountant shall retain all working papers resulting from audits conducted pursuant to this section for a period of five years

from the date the report was submitted to the department. The secretary shall have access to such retained working papers upon ten days' written notice to the independent certified public accountant.

PART C SETTLEMENT

NEW SECTION. Sec. 15. SETTLEMENT PROCESS. (1) The settlement process shall consist of:

- (a) The evaluation of the preliminary settlement report by cost center contained within the cost report;
- (b) The evaluation of the audit results, including disallowed costs; and
- (c) The process of scheduling payment as to such underpayments or overpayments.

(2) In:

- (a) Rulings on questioned costs; or
- (b) Interpretations resulting in payment of the whole or a portion of a disallowed cost,

the department shall prepare and maintain such rulings and interpretations with full justification and explanation for the respective contractor and the appropriate standing committees of the legislature.

NEW SECTION. Sec. 16. SETTLEMENT. (1) Upon receipt of the preliminary settlement report, the department shall verify the accuracy of such report.

(2) Within thirty days after receipt of the audited reports by the secretary, the department will submit a proposed final settlement report by cost center to the contractor which rules on questioned costs, and fully substantiates disallowed costs, refunds, underpayments, and/or adjustments to the preliminary settlement report.

NEW SECTION. Sec. 17. DATE SETTLEMENT BECOMES FINAL. (1) The settlement will become final thirty days after the date the proposed final settlement report is submitted to the contractor, unless the contractor contests the determination. In the event of such action, the contractor has thirty days after the date the proposed final settlement report has been submitted to notify the department of such contesting pursuant to the provisions of section 78 of this act.

(2) A settlement will be reopened if necessary to make adjustments for findings resulting from an audit performed pursuant to this chapter.

NEW SECTION. Sec. 18. PAYMENT OF UNDERPAYMENTS—REFUND OF OVERPAYMENTS/ERRONEOUS PAYMENTS. (1) The state shall make payment of any underpayments within fifteen days of the date the settlement becomes final.

(2) The contractor found to have received either overpayments and/or erroneous payments shall refund such payments to the state within thirty days of the date the settlement becomes final, subject to the provisions of subsections (3), (4), and (5) of this section.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective audited allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded.

(4) Within the cost centers of administration and operations and property, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective, audited, allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of authorized medical care client days in which said rates were in effect. The secretary, by rule and regulation, shall establish the basis for the specific percentages of savings to the contractors. Such rules and regulations may provide for differences in the percentages allowed for each cost center to individual facilities based on performance measures related to administrative efficiency.

(5) All allowances provided by section 53 of this act shall be retained by the contractor.

(6) In the event the contractor fails to make repayment in the time provided in subsection (2) of this section, the department shall either:

(a) Deduct the amount of refund due plus assessment of interest, as determined by the secretary, from payment amounts due the contractor; or

(b) In the instance the contract has been terminated, (i) deduct the amount of refund due plus an assessment of interest, determined by the secretary, from any payments due; or (ii) assess the amount due plus interest, as determined by the secretary, on the amount due.

(7) Where the facility is pursuing judicial or administrative remedies in good faith regarding settlement issues, the department shall not withhold from the facility current payment amounts the department claims to be due from the facility. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest, as payable on judgments, within sixty days of the date such decision is made.

PART D ALLOWABLE COSTS

NEW SECTION. Sec. 19. PRINCIPLES OF ALLOWABLE COSTS. (1) The substance of a transaction will prevail over its form.

(2) All documented costs which are ordinary, necessary, related to care of medical care recipients, and not expressly nonallowable, are to be allowable.

(3) Costs applicable to services, facilities, and supplies furnished to the provider by related organizations are allowable but at the cost to the related organization, provided they do not exceed the price of comparable services, facilities, or supplies that could be purchased elsewhere.

(4) The payment for property usage is to be independent of ownership structure and financing arrangements.

NEW SECTION. Sec. 20. OFFSET OF MISCELLANEOUS REVENUES.

(1) Allowable costs shall be reduced by the contractor whenever the item, service, or activity covered by such costs generates revenue or financial benefits other than through the contractor's normal billing for care services; except that, unrestricted grants, gifts, and endowments, and interest therefrom, will not be deducted from the allowable costs of a nonprofit facility.

(2) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documentation of cost, it shall be the full amount of the revenue received. Where financial benefits such as purchase discounts or rebates are received, the amount of the reduction shall be the amount of the discount or rebate.

NEW SECTION. Sec. 21. COSTS OF MEETING STANDARDS. All necessary and ordinary expenses a contractor incurs in providing care services will be allowable costs. These expenses include:

(1) Meeting licensing and certification standards;

(2) Meeting standards of providing regular room, nursing, ancillary, and dietary services, as established by department rule and regulation pursuant to chapter 211, Laws of 1979 ex. sess.; and

(3) Fulfilling accounting and reporting requirements imposed by this chapter.

NEW SECTION. Sec. 22. LIMIT ON COSTS TO RELATED ORGANIZATIONS. (1) Costs applicable to services, facilities, and supplies furnished by a related organization to the contractor shall be allowable only to the extent they do not exceed the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere.

(2) Documentation of costs to the related organization shall be made available to the auditor at the time and place the records relating to the entity are audited. Payments to or for the benefit of the related organization will be disallowed where the cost to the related organization cannot be documented.

NEW SECTION. Sec. 23. INITIAL COST OF OPERATION. (1) The necessary and ordinary one-time expenses directly incident to the preparation of a newly constructed or purchased building by a contractor for operation as a licensed facility shall be allowable costs. These expenses shall be limited to start-up and organizational costs incurred prior to the admission of the first patient.

(2) Start-up costs shall include, but not be limited to, administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, and training; except, that they shall exclude expenditures for capital assets. These costs will be allowable in the administration and operations cost center if they are amortized over a period of not less than sixty months beginning with the month in which the first patient is admitted for care.

(3) Organizational costs are those necessary, ordinary, and directly incident to the creation of a corporation or other form of business of the contractor including, but not limited to, legal fees incurred in establishing the corporation or other organization and fees paid to states for incorporation; except, that they do not include costs relating to the issuance and sale of shares of capital stock or other securities. Such organizational costs will be allowable in the administration and operations cost center if they are amortized over a period of not less than sixty months beginning with the month in which the first patient is admitted for care.

NEW SECTION. Sec. 24. EDUCATION AND TRAINING. (1) Necessary and ordinary expenses of on-the-job training and in-service training required for employee orientation and certification training directly related to the performance of duties assigned will be allowable costs.

(2) Necessary and ordinary expenses of recreational and social activity training conducted by the contractor for volunteers will be allowable costs.

NEW SECTION. Sec. 25. OWNER OR RELATIVE—COMPENSATION. (1) Total compensation of an owner or relative of an owner shall be limited to ordinary compensation for necessary services actually performed.

(a) Compensation is ordinary if it is the amount usually paid for comparable services in a comparable facility to an unrelated employee, and does not exceed limits set out in this chapter.

(b) A service is necessary if it is related to patient care and would have had to be performed by another person if the owner or relative had not done it.

(2) The contractor, in maintaining customary time records adequate for audit, shall include such records for owners and relatives who receive compensation.

NEW SECTION. Sec. 26. COMPENSATION FOR ADMINISTRATIVE PERSONNEL. (1) Compensation for full-time administrative personnel, as defined in the contract between the contractor and such personnel, shall be an allowable cost, limited as follows:

(a) For calendar year 1981, the compensation of a licensed administrator of a facility having one hundred sixty or more beds shall not exceed thirty-two thousand dollars. The compensation of licensed administrators having beds not exceeding:

- (i) Seventy-nine; and
- (ii) One hundred fifty-nine;

shall be established by the department on a calendar year basis. The maximum compensation of these three categories of facilities may be adjusted in subsequent calendar years by the department through rule and regulation.

(b) The compensation of a licensed assistant administrator for a facility having eighty or more beds shall not exceed seventy-five percent of the compensation received by the licensed administrator of the facility.

(c) The compensation of a registered administrator-in-training shall not exceed sixty percent of the compensation received by the licensed administrator of the facility.

(2) If the licensed administrator, licensed assistant administrator, or registered administrator-in-training regularly work fewer than forty hours per week, the allowable compensation will be the product of the full-time compensation multiplied by the percentage derived from the division of the actual hours worked by forty hours.

(3) The contractor shall maintain customary time records for the licensed administrator, assistant administrator, and/or administrator-in-training.

NEW SECTION. Sec. 27. DISCLOSURE AND APPROVAL OF COST ALLOCATION. (1) The contractor shall disclose to the department:

(a) The nature and purpose of all costs which represent allocations of joint facility costs; and

(b) The methodology of the allocation utilized.

(2) Such disclosure shall be made not later than September 30, 1980, for the following year and not later than September 30th for each year thereafter; except that a new contractor shall submit the first year's disclosure together with the submissions required by section 67 of this act.

(3) The department shall approve such methodology not later than December 31, 1980, and not later than December 31st for each year thereafter. Such approval shall include, but not be limited to, the assurance that:

(a) The services involved are necessary and nonduplicative; and

(b) Costs are allocated in accordance with benefits received from the resources represented by those costs.

(4) An approved methodology may be revised or amended subject to approval as provided in subsection (3) of this section and rules and regulations adopted by the department.

NEW SECTION. Sec. 28. MANAGEMENT AGREEMENTS. (1) Management fees will be allowed only if:

(a) A written management agreement both creates a principal/agent relationship between the contractor and the manager, and sets forth the items, services, and activities to be provided by the manager; and

(b) Documentation demonstrates that the services contracted for were actually delivered.

(2) To be allowable, fees must be for necessary, nonduplicative services. Allowable fees for general management services, including the portion of a management fee which is not allocated to specific services such as accounting, are limited to

(a) the maximum allowable compensation under section 26 of this act of the licensed administrator and, if the facility has at least eighty beds, of an assistant administrator, less

(b) actual compensation received by the licensed administrator and by the assistant administrator and administrator-in-training, if any.

In computing maximum allowable compensation under section 26 of this act for a facility with at least eighty beds, include the maximum compensation of an assistant administrator even if an assistant administrator is not employed.

(3) A management fee paid to or for the benefit of a related organization will be allowable to the extent it does not exceed the lower of:

(a) The limits set out in subsection (2) of this section; or

(b) The lower of the actual cost to the related organization of providing necessary services related to patient care under the agreement, or the cost of comparable services purchased elsewhere. Where costs to the related organization represent joint facility costs, the measurement of such costs shall comply with section 27 of this act.

(4) A copy of the agreement must be received by the department at least sixty days before it is to become effective. A copy of any amendment to a management agreement must also be received by the department at least thirty days in advance of the date it is to become effective.

(5) Central office costs for general management services, including the portion of a management expense which is not allocated to specific services, such as accounting, shall be subject to the management fee limits determined in subsections (2) and (3) of this section.

NEW SECTION. Sec. 29. EXPENSE FOR CONSTRUCTION INTEREST.

(1) Interest expense and loan origination fees relating to construction of a facility incurred during the period of construction shall be capitalized and amortized over the life of the facility pursuant to section 36 of this act. The period of construction shall extend from the date of the construction loan to the date the facility is put into service for patient care.

(2) For the purposes of this chapter, the period provided for in subsection (1) of this section shall not exceed the project certificate of need time period pursuant to RCW 70.38.125.

NEW SECTION. Sec. 30. OPERATING LEASES OF EQUIPMENT.

Rental or lease costs under arm's-length operating leases of office equipment shall be allowable to the extent the cost is necessary and ordinary.

NEW SECTION. Sec. 31. CAPITALIZATION. The following costs shall be capitalized:

(1) Expenses for facilities or equipment with historical cost in excess of five hundred dollars per unit and a useful life of more than one year from the date of purchase; and

(2) Expenses for equipment with historical cost of five hundred dollars or less per unit if either:

(a) The item was acquired in a group purchase where the total cost exceeded five hundred dollars; or

(b) The item was part of the initial stock of the facility.

(3) Dollar limits in this section may be adjusted for economic trends and conditions by the department as established by rule and regulation.

NEW SECTION. Sec. 32. DEPRECIATION EXPENSE. Depreciation expense on depreciable assets which are required in the regular course of providing patient care will be an allowable cost. It shall be computed using the depreciation base, lives, and methods specified in this chapter.

NEW SECTION. Sec. 33. DEPRECIABLE ASSETS. Tangible assets of the following types in which a contractor has an interest through ownership or leasing are subject to depreciation:

(1) Building – the basic structure or shell and additions thereto;

(2) Building fixed equipment – attachments to buildings, including, but not limited to, wiring, electrical fixtures, plumbing, elevators, heating system, and air conditioning system. The general characteristics of this equipment are:

(a) Affixed to the building and not subject to transfer; and

(b) A fairly long life, but shorter than the life of the building to which affixed;

(3) Major movable equipment including, but not limited to, beds, wheelchairs, desks, and x-ray machines. The general characteristics of this equipment are:

(a) A relatively fixed location in the building;

(b) Capable of being moved as distinguished from building equipment;

(c) A unit cost sufficient to justify ledger control;

(d) Sufficient size and identity to make control feasible by means of identification tags; and

(e) A minimum life greater than one year;

(4) Minor equipment including, but not limited to, waste baskets, bed pans, syringes, catheters, silverware, mops, and buckets which are properly capitalized. No depreciation shall be taken on items which are not properly capitalized as directed in section 31 of this act. The general characteristics of minor equipment are:

- (a) In general, no fixed location and subject to use by various departments;
- (b) Small in size and unit cost;
- (c) Subject to inventory control;
- (d) Large number in use; and
- (e) Generally, a useful life of one to three years;

(5) Land improvements including, but not limited to, paving, tunnels, underpasses, on-site sewer and water lines, parking lots, shrubbery, fences, and walls where replacement is the responsibility of the contractor; and

(6) Leasehold improvements – betterments and additions made by the lessee to the leased property, which become the property of the lessor after the expiration of the lease.

NEW SECTION. Sec. 34. LAND—DEPRECIATION—COST—IMPROVEMENTS. Land is not depreciable. The cost of land includes but is not limited to, off-site sewer and water lines, public utility charges necessary to service the land, governmental assessments for street paving and sewers, the cost of permanent roadways and grading of a nondepreciable nature, and the cost of curbs and sidewalks, replacement of which is not the responsibility of the contractor.

NEW SECTION. Sec. 35. METHODS OF DEPRECIATION. (1) Buildings, land improvements, and fixed equipment shall be depreciated using the straight-line method of depreciation. Major-minor equipment shall be depreciated using either the straight-line method, the sum-of-the-years' digits method, or declining balance method not to exceed one hundred fifty percent of the straight line rate. Contractors who have elected to take either the sum-of-the-years' digits method or the declining balance method of depreciation on major-minor equipment may change to the straight-line method without permission of the department.

(2) The annual provision for depreciation shall be reduced by the portion allowable to use of the asset for purposes which are neither necessary nor related to patient care.

(3) No further depreciation shall be claimed after an asset has been fully depreciated unless a new depreciation base is established pursuant to section 36 of this act.

NEW SECTION. Sec. 36. DEPRECIATION BASE. (1) The depreciation base shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's length transaction and preparing it for use, less goodwill, and less accumulated depreciation which has been incurred during periods that the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsections (2), (3), and (4) of this section and sections 35 and 37 of this act. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The depreciation base of the assets will not exceed such fair market value.

(2) The historical cost of donated assets, or of assets received through testate or intestate distribution, shall be the lesser of:

- (a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(3) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(4) (a) Where depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) Subparagraph (4)(a) of this section shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(c) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(d) Where the depreciable asset is a donation or distribution between related organizations, the base shall be the lesser of (i) fair market value, less salvage value, or (ii) the depreciation base the related organization had or would have had for the asset under a contract with the department.

NEW SECTION. Sec. 37. LIVES. (1) Except for new buildings, the contractor shall use lives which reflect the estimated actual useful life of the asset and which shall be no shorter than guideline lives as established by the department. The shortest life which may be used for new buildings is thirty years. Lives shall be measured from the date on which the assets were first used in the medical care program or from the date of the most recent arm's-length acquisition of the asset, whichever is more recent. In cases where section 36(4)(a) of this act does apply, the shortest life that may be used for buildings is the remaining useful life under the prior contract. In all cases, lives shall be extended to reflect periods, if any, when assets were not used in or as a facility.

(2) Building improvements shall be depreciated over the remaining useful life of the building, as modified by the improvement.

(3) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement.

(4) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

NEW SECTION. Sec. 38. RETIREMENT OF DEPRECIABLE ASSETS.

(1) Where depreciable assets are disposed of through sale, trade-in, scrapping, exchange, theft, wrecking, or fire or other casualty, depreciation shall no longer be taken on the assets. No further depreciation shall be taken on permanently abandoned assets.

(2) Where an asset has been retired from active use but is being held for stand-by or emergency service, and the department has determined that it is needed and can be effectively used in the future, depreciation may be taken.

NEW SECTION. Sec. 39. HANDLING OF GAINS AND LOSSES UPON RETIREMENT OF DEPRECIABLE ASSETS. If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset,

provided that a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset.

NEW SECTION. Sec. 40. TEMPORARY CONTRACT LABOR. Costs for the purchased services of temporary contract labor shall be allowable only to the extent they do not exceed the average of the usual and customary rate for the wages and benefits of the facility's comparable permanent staff, as reimbursed pursuant to sections 48 and 50 of this act.

NEW SECTION. Sec. 41. UNALLOWABLE COSTS. (1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this act;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by section 29 of this act;

(f) Salaries or other compensation of officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or violating principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

- (w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;
 - (x) Expenses of profit-sharing plans;
 - (y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;
 - (z) Personal expenses and allowances of owners or relatives;
 - (aa) All expenses of maintaining professional licenses or membership in professional organizations;
 - (bb) Costs related to agreements not to compete;
 - (cc) Amortization of goodwill;
 - (dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;
 - (ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;
 - (ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;
 - (gg) Lease acquisition costs and other intangibles not related to patient care;
 - (hh) All rental or lease costs other than those provided in section 30 of this act;
- and
- (ii) All audit costs incurred pursuant to section 12(1) of this act.

PART E

RATE SETTING

NEW SECTION. Sec. 42. PRINCIPLES OF RATE-SETTING. The following principles are inherent in sections 43 through 59 of this act:

- (1) Reimbursement rates will be set prospectively on a per patient day basis;
- (2) Rates will be established not lower than the level which is reasonably expected to be adequate to reimburse in full the actual, allowable costs of a facility which is economically and efficiently operated and to provide care which meets the needs of a medical care recipient in compliance with applicable standards; and
- (3) The rates so established will take into account economic conditions and trends during the period to be covered by such rates.

NEW SECTION. Sec. 43. PROSPECTIVE REIMBURSEMENT RATES. (1) The department, as provided by this chapter, will determine prospective cost-related reimbursement rates for services provided to medical care recipients. Each rate so determined shall represent the contractor's maximum compensation within each cost center for each patient day for such medical care recipient.

(2) As required, the department may modify such maximum per patient day rates pursuant to the administrative review provisions of section 78 of this act.

(3) The maximum prospective reimbursement rates for the administration and operations and the property cost centers and the return on investment allowance shall be established based upon a minimum facility occupancy level of eighty-five percent.

NEW SECTION. Sec. 44. LIMITATION OF SERVICES SUBJECT TO COST REIMBURSEMENT. Only those services which are authorized for a facility pursuant to the medical care program shall be reimbursed under this chapter.

NEW SECTION. Sec. 45. REIMBURSEMENT RATE FOR NEW CONTRACTOR. (1) Prospective reimbursement rates for a new contractor will be established within sixty days following receipt by the department of the properly completed projected budget required by section 67 of this act. Such reimbursement rates will become effective as of the effective date of the contract.

(2) Such reimbursement rates will be based on the contractor's projected cost of operations through December 31st of the year the contract becomes effective, and on costs and payment rates of the prior contractor, if any, and/or of other contractors in comparable circumstances.

(3) If a properly completed budget is not received at least sixty days prior to the effective date of the contract, the department will establish preliminary rates based on the other factors specified in subsection (2) of this section. These preliminary rates will remain in effect until a determination is made pursuant to section 46 of this act.

NEW SECTION. Sec. 46. RATE DETERMINATION—WHEN DETERMINED OR ADJUSTED. (1) Each contractor's reimbursement rates will be determined prospectively at least once each calendar year, to be effective July 1st.

(2) Rates may be adjusted as determined by the department to take into account variations of more than ten percent in the distribution of patient classifications from the prior reporting year, program changes, economic trends and conditions, and/or administrative review provided by section 78 of this act and shall be adjusted for any capitalized additions or replacements made as a condition for licensure or certification.

(3) Where the contractor participated in the provisions of prospective cost-related reimbursement in effect prior to the effective date of this act, such contractor's prospective rate effective July 1, 1981, will be determined utilizing his reported allowable costs for calendar year 1980.

(4) All prospective reimbursement rates for 1982 and thereafter shall be determined utilizing the prior year's audited cost reports.

NEW SECTION. Sec. 47. COST CENTERS. A contractor's reimbursement rates for medical care recipients will be determined utilizing audited cost report data within the following cost centers:

- (1) Nursing services;
- (2) Food;
- (3) Administration and operations; and
- (4) Property.

NEW SECTION. Sec. 48. NURSING SERVICES COST CENTER REIMBURSEMENT RATE. (1) The nursing services cost center shall include all costs related to the direct provision of nursing care and ancillary care including fringe benefits and payroll taxes for the nursing care and ancillary service personnel, and direct care supplies.

(2) For rate-setting purposes, the department shall determine standard hours for each classification established by the department pursuant to section 86 of this act. Such standard hours shall be the sum of the hours for nursing assistants, licensed practical nurses, and registered nurses.

(3) The standard base rate per classification shall be the sum of the products of at least ninety percent of the prevailing wages for the categories of nursing assistant, licensed practical nurse, and registered nurse, expressed as an hourly rate, based upon the state-wide salary survey conducted pursuant to RCW 41.06.160, multiplied by the respective components of the standard hours as determined in subsection (2) of this section.

(4) The nursing services cost center rate, excluding the special care rate provided by subsection (5) of this section, for each facility, shall be:

(a) The sum of the standard base rate per classification determined in subsection (3) of this section multiplied by the total patient days for the facility within each classification for the prior year, divided by the total patient days for the prior year for the facility, less special care patient days,

(b) Plus a factor to be determined annually by the department for the facility for fringe benefits, payroll taxes, ancillary care and direct care supplies; except that,

the factor shall reflect the level of employee benefits, provided or agreed to, payroll taxes assessed, and/or ancillary services provided within each facility.

(5) Where the standard hours for rate setting purposes in subsection (2) of this section do not reflect the exceptional custodial or nursing care required for a patient, the department, upon verification of such exceptional custodial or nursing care, will negotiate a special rate for exceptional care for such patient. Such special rate will:

(a) Include the factors described in subparagraph (2)(b) of this section; and

(b) Be reimbursed to the facility independently of the nursing services cost center rate provided by subsection (4) of this section.

NEW SECTION. Sec. 49. FOOD COST REIMBURSEMENT RATE. (1) The food cost center shall include all costs for bulk and raw food and beverages purchased for the dietary needs of medical care recipients.

(2) The food cost reimbursement rate for each facility shall be computed as follows:

$FR = (TFC/TPD) 1.15$, where

FR = the facility food cost center reimbursement rate;

TFC = the total of all reporting facilities' food cost center costs; and

TPD = the total patient days for the prior year of all reporting facilities.

(3) Unless extended by law for an additional period of time, on and after July 1, 1984, the food cost reimbursement rate for each facility shall be computed as follows:

$FR = (TFC/TPD)$, where

FR = the facility food cost center reimbursement rate;

TFC = the total of all reporting facilities' food cost center costs; and

TPD = the total patient days for the prior year of all reporting facilities.

NEW SECTION. Sec. 50. ADMINISTRATION AND OPERATIONS COST CENTER REIMBURSEMENT RATE. (1) The administration and operations cost center shall include all items not included in the cost centers of nursing services, food, and property.

(2) The administration and operations cost center reimbursement rate for each facility shall be based on the computation in this subsection and shall not exceed the eighty-fifth percentile of (a) the rates of all reporting facilities derived from the computation below, or (b) reporting facilities grouped in accordance with subsection (3) of this section:

$AR = TAC/TPD$, where

AR = the administration and operations cost center reimbursement rate for a facility;

TAC = the total costs of the administration and operations cost center plus the retained savings from such cost center as provided in section 18 of this act of a facility; and

TPD = the total patient days for a facility for the prior year.

(3) The secretary may group facilities based on factors which could reasonably influence cost requirements of this cost center, other than ownership or legal organization characteristics.

NEW SECTION. Sec. 51. PROPERTY COST CENTER. The property cost center rate for each facility shall be determined by dividing the sum of the reported allowable prior period actual depreciation costs, subject to sections 31 through 38 of this act, adjusted for any capitalized additions or replacements approved by the department, and the retained savings from such cost center, as provided in section 18 of this act, by the total patient days for the facility in the prior period. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the property cost center rate shall be adjusted to anticipated patient day level.

When a certificate of need for a new facility is requested, the department, in reaching its decision, shall take into consideration per-bed land and building construction costs for the facility which shall not exceed a maximum to be established by the secretary.

NEW SECTION. Sec. 52. ADJUSTMENT OF COST CENTER RATES. The rates determined in sections 48 through 51 of this act shall be adjusted by the department utilizing appropriate indices or other measures of economic trends and conditions projected for the ensuing year.

NEW SECTION. Sec. 53. RETURN ON INVESTMENT ALLOWANCE. (1) The department shall first establish a total state-wide return on investment pool for use in determining individual facility return on investment allowances.

(a) In establishing the total state-wide return on investment pool the department shall determine the sum of net invested funds as of the end of the most recent reporting period of all facilities participating in the medical care program.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in sections 33, 35, 36, and 37 of this act, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to section 36(1) of this act.

(c) The sum of net invested funds shall then be multiplied by 1.4 times the average of the rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund for the last completed calendar quarter prior to rate-setting to establish the total state-wide return on investment pool.

(2) The department shall establish for individual facilities return on investment allowances composed of two parts: A financing allowance and a variable return allowance.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by 1.07 times the average of the rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund for the last completed quarter prior to rate-setting, and dividing by the contractor's total patient days. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to the anticipated patient day level.

(b) In determining the variable return allowance:

(i) The department will first rank all facilities in numerical order from highest to lowest according to their average per diem allowable costs for the sum of the administration and operations and property cost centers for the previous reimbursement period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than five percent, by the total prospective rate for each facility, as determined in sections 45 through 51 of this act. The percentage amounts will be based on groupings of facilities according to the rankings as established in subparagraph (2)(b)(i) of this section. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(iii) Such percentage amounts shall be calculated so that the variable return allowance plus the financing allowance times the total patient days for each facility, when summed for all facilities, shall be as close in amount to the total state-wide

return on investment pool as is practical; except that, such percentage amounts for equivalent groups of facilities as determined in subparagraph (2)(b)(ii) of this section shall be no less than the percentage amounts as calculated pursuant to this subsection on July 1, 1981.

(c) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility, and shall be added to the prospective rates of each contractor as determined in sections 45 through 51 of this act.

(d) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to section 51 of this act, is more than the return on investment allowance determined according to section 53(2)(c) of this act, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1980, as determined by the department of general administration through an appraisal procedure, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under subparagraph (2)(d)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to section 51 of this act. The lesser of the two amounts shall be called the alternate return on investment allowance.

(iii) The return on investment allowance determined according to section 53(2)(c) of this act or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rates of the contractor as determined in sections 45 through 51 of this act.

(3) In the event that the department of health, education and welfare disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing both total state-wide return on investment pool and individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities.

(4) Each biennium, beginning in 1983, the secretary shall review the adequacy of return on investment allowances in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

NEW SECTION. Sec. 54. If the legislature changes the methodology of property reimbursement established in this 1980 act, no affected contractor shall be entitled thereafter to receive such benefits as a matter of contractual right.

NEW SECTION. Sec. 55. UPPER LIMITS TO REIMBURSEMENT RATES. (1) The reimbursement rates shall not exceed the contractor's customary charges to the general public for comparable services.

(2) Rates shall not exceed the limits set forth in 42 CFR 450.30(b)(6).

NEW SECTION. Sec. 56. NOTIFICATION OF RATES. The department will notify each contractor in writing of its prospective reimbursement rates at least

thirty days in advance of the effective date. Unless otherwise specified at the time it is issued, the rate will be effective from the first day of the month in which it is issued until a new rate becomes effective. If a rate is changed as the result of an appeal in accordance with section 78 of this act, it will be effective as of the date the appealed rate became effective.

NEW SECTION. Sec. 57. **ADJUSTMENTS REQUIRED DUE TO ERRORS OR OMISSIONS.** (1) Prospective rates are subject to adjustment by the department as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of its effective date, and of any amount due to the department or to the contractor as a result of the rate adjustment.

(2) The contractor shall pay an amount it owes the department resulting from an error or omission, or commence repayment in accordance with a schedule determined by the department, within sixty days after receipt of notification of the rate adjustment, unless the contractor contests the department's determination in accordance with the procedures set forth in section 78 of this act. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these proceedings. If a refund is not paid when due, the amount thereof may be deducted from current payments by the department.

(3) The department shall pay any amount it owes the contractor as a result of a rate adjustment within thirty days after it notifies the contractor of the rate adjustment.

(4) No adjustments will be made to a rate after final settlement, except as provided in section 17(2) of this act.

NEW SECTION. Sec. 58. **PUBLIC REVIEW OF RATE-SETTING.** The department shall provide all interested members of the public with an opportunity to review and comment on the proposed rate-setting factors, indices, measures, and guidelines not later than May 15th of each year prior to their being used to set rates.

NEW SECTION. Sec. 59. **PUBLIC DISCLOSURE OF RATE-SETTING METHODOLOGY.** In accordance with the provisions of section 82 of this act, the department will make available to the public full information regarding its factors, indices, measures, and guidelines.

PART F BILLING/PAYMENT

NEW SECTION. Sec. 60. **BILLING PERIOD.** A contractor shall bill the department for care provided to medical care recipients from the first through the last day of each calendar month.

NEW SECTION. Sec. 61. **BILLING PROCEDURE.** (1) A contractor shall bill the department each month by completing and returning a facility billing statement as provided by the department which shall include, but not be limited to:

- (a) Billing by cost center;
- (b) Total patient days; and
- (c) Patient days for medical care recipients.

The statement shall be completed and filed in accordance with rules and regulations established by the secretary.

(2) A contractor shall not bill the department for service provided to a recipient until an award letter of eligibility of such recipient pursuant to rules and regulations established according to the provisions of chapter 74.09 RCW has been received by the contractor except that, a contractor may bill and shall be reimbursed for all medical care recipients referred to the contractor's facility by the department prior to the receipt of the award letter of eligibility or the denial of such eligibility. At that time it may bill for service provided back through the date the recipient was admitted or became eligible.

(3) Billing shall cover the patient days of care.

NEW SECTION. Sec. 62. PAYMENT. (1) The department will reimburse a contractor for service rendered under the facility contract and billed in accordance with section 61 of this act.

(2) The amount paid will be computed using the appropriate rates assigned to the contractor.

(3) For each recipient, the department will pay an amount equal to the appropriate rates, multiplied by the number of patient days each rate was in effect, less the amount the recipient is required to pay for his or her care as set forth by section 63 of this act.

NEW SECTION. Sec. 63. CHARGES TO PATIENTS. (1) The department will notify a contractor of the amount each medical care recipient is required to pay for care provided under the contract and the effective date of such required contribution. It is the contractor's responsibility to collect that portion of the cost of care from the patient, and to account for any authorized reduction from his or her contribution in accordance with rules and regulations established by the secretary.

(2) If a contractor receives documentation showing a change in the income or resources of a recipient which will mean a change in his or her contribution toward the cost of care, this shall be reported in writing to the department within seventy-two hours and in a manner specified by rules and regulations established by the secretary. If necessary, appropriate corrections will be made in the next facility statement, and a copy of documentation supporting the change will be attached. If increased funds for a recipient are received by a contractor, an amount determined by the department shall be allowed for clothing and personal and incidental expense, and the balance applied to the cost of care.

(3) The contractor shall accept the reimbursement rates established by the department as full compensation for all services provided under the contract, certification as specified by Title XIX, and licensure under chapter 18.51 RCW. The contractor shall not seek or accept additional compensation from or on behalf of a recipient for any or all such services.

NEW SECTION. Sec. 64. SUSPENSION OF PAYMENT. (1) Payments to a contractor may be withheld by the department in each of the following circumstances:

(a) A required report is not properly completed and filed by the contractor within the appropriate time period, including any approved extension. Payments will be released as soon as a properly completed report is received;

(b) State auditors or authorized personnel in the course of their duties are refused access to a nursing home or are not provided with existing appropriate records. Payments will be released as soon as such access or records are provided;

(c) A refund in connection with an annual settlement or rate adjustment is not paid by the contractor when due. The amount withheld will be limited to the unpaid amount of the refund; and

(d) Payment for the final thirty days of service under a contract will be held pending final settlement when the contract is terminated.

(2) No payment will be withheld until written notification of the suspension is provided to the contractor, stating the reason therefor.

NEW SECTION. Sec. 65. TERMINATION OF PAYMENTS. All payments to a contractor will end no later than sixty days after any of the following occurs:

(1) A contract expires, is terminated or is not renewed;

(2) A facility license is revoked; or

(3) A facility is decertified as a Title XIX facility; except that, in situations where the secretary determines that residents must remain in such facility for a longer period because of the resident's health or safety, payments for such residents shall continue.

PART G
ADMINISTRATION

NEW SECTION. Sec. 66. **CONDITIONS OF PARTICIPATION.** In order to participate in the prospective cost-related reimbursement system established by this chapter, the person or legal organization responsible for operation of a facility shall:

- (1) Obtain a state certificate of need and/or federal capital expenditure review (section 1122) approval pursuant to chapter 70.38 RCW and Part 100, Title 42 CFR where required;
- (2) Hold the appropriate current license;
- (3) Hold current Title XIX certification;
- (4) Hold a current contract to provide services under this chapter; and
- (5) Comply with all provisions of the contract and all application regulations, including but not limited to the provisions of this chapter.

NEW SECTION. Sec. 67. **PROJECTED BUDGET FOR NEW CONTRACTORS.** (1) Each new contractor shall submit a projected budget to the department at least sixty days before its contract will become effective.

(2) The projected budget shall cover the period to December 31st from the date the contractor will enter the program. It shall be prepared on forms and in accordance with rules and regulations established by the secretary.

NEW SECTION. Sec. 68. **CHANGE OF OWNERSHIP.** (1) On the effective date of a change of ownership the department's contract with the old owner shall be terminated. The old owner shall give the department thirty days' written notice of such termination. When certificate of need and/or section 1122 approval is required pursuant to chapter 70.38 RCW and Part 100, Title 42 CFR, for the new owner to acquire the facility, and the new owner wishes to continue to provide service to recipients without interruption, certificate of need and/or section 1122 approval shall be obtained before the old owner submits a notice of termination.

(2) If the new owner desires to participate in the cost-related reimbursement system, it shall meet the conditions specified in section 66 of this act and shall submit a projected budget in accordance with section 67 of this act no later than sixty days before the date of the change of ownership. The facility contract with the new owner shall be effective as of the date of the change of ownership.

NEW SECTION. Sec. 69. **TERMINATION OF CONTRACT.** (1) When a facility contract is terminated for any reason, the old contractor shall submit final reports as required by section 4 of this act. Payment for care provided during the final thirty days of service under a contract will be held until the contractor has filed a properly completed final audited cost report, and final settlement has been determined, such settlement not to exceed sixty days following submittal of the final audited cost report.

(2) Following final settlement, a payment withheld pursuant to subsection (1) of this section will be sent to the contractor after any overpayment determined in connection with final settlement has been deducted. If the contractor contests the settlement determination in accordance with section 17 of this act, the department will hold the amount in dispute pending completion of the appeal process, but will release the balance of such payment to the contractor.

(3) The department will release a payment which would be withheld pursuant to subsection (1) of this section, provided a bond issued by a bonding company acceptable to the department is filed by the contractor. The bond shall:

- (a) Be in an amount equal to the released payment;
- (b) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies;
- (c) Provide that the full amount of the bond shall be paid to the department if a properly completed final audited cost report is not filed in accordance with this

chapter, or if financial records supporting this record are not preserved and made available to the auditor; and

(d) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond, shall be paid to the department in the event the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(4) If a contract is terminated solely in order for the same owner to contract with the department to deliver services to another classification of medical care recipients at the same facility, the contractor is not required to submit final cost reports, and payment for the final thirty days will not be withheld.

PART H

PATIENT TRUST FUNDS

NEW SECTION. Sec. 70. TRUST FUND ESTABLISHMENT. (1) Each contractor shall establish and maintain, as a service to the medical care recipient, a bookkeeping system incorporated into the business records for all recipient moneys entrusted to the contractor and received by the facility for the recipient.

(2) Such system will apply to a recipient who is:

(a) Incapable of handling his or her own money and the department or the recipient's guardian, relative, or physician makes written request of the facility to accept this responsibility; or

(b) Capable of handling his or her own money, but requests the facility in writing to accept this responsibility.

(3) The written requests provided in subsection (2) of this section shall be maintained by the contractor in the recipient's file.

(4) The recipient must be given at least a quarterly reporting of all financial transactions in his or her trust account. The representative payee, the guardian, and/or other designated agents of the recipient must be sent a copy of said reporting on the same basis as the recipient.

NEW SECTION. Sec. 71. TRUST FUND ACCOUNTS. (1) The contractor shall maintain a subsidiary ledger with an account for each recipient for whom the contractor has money in trust.

(2) Each account and related supporting records shall:

(a) Be kept current;

(b) Be balanced each month; and

(c) Show in detail, with supporting verification, all moneys received on behalf of the recipient and the disposition of all moneys so received.

(3) Records of each account shall be available for audit pursuant to section 14 of this act and shall be retained for a minimum of four years. When an account has attained the maximum limit established by rules and regulations promulgated by the secretary, the contractor will notify the department within five days.

(4) Any charge for medical services otherwise properly made to a recipient's trust account must be supported by a written denial of such services from the department.

NEW SECTION. Sec. 72. PETTY CASH FUND. (1) The contractor may maintain a petty cash fund originating from trust moneys of an amount determined by the department which shall be reasonable and necessary for the size of a facility and the needs of the recipients.

(2) Such petty cash fund shall be maintained as an imprest fund. All moneys over and above the trust fund petty cash amount shall be deposited intact, within twenty-four hours, in a trust fund checking account, separate and apart from any other bank account or accounts of the facility or other facilities.

(3) Cash deposits of recipient allowances from any source must be made intact to the trust account within one week from the time that payment of such allowances are received.

(4) Any related bankbooks, bank statements, checkbook, check register, and all voided and canceled checks, shall be made available for audit pursuant to section 14 of this act and shall be retained by the facility for not less than four years.

(5) No service charges for such checking account shall be paid from recipient trust moneys.

(6) The trust account per bank shall be reconciled monthly to the trust account per patient ledgers.

NEW SECTION. Sec. 73. TRUST MONEYS CONTROL/DISBURSEMENT. (1) Trust moneys shall be held in trust and are not to be turned over to anyone other than the recipient or the recipient's guardian without the written consent of the recipient, his designated agent as appointed by power of attorney, or an appropriate employee of the department designated by the secretary. Such trust moneys shall not be subject to attachment, execution, or other creditor remedies.

(2) When moneys are received, a receipt shall be filled out in duplicate; one copy shall be given to the person making payment of deposit, and the second copy shall be retained by the facility.

(3) Checks received by recipients shall be endorsed by the recipient. If the recipient is incapable of signing his or her name, the contractor shall secure the recipient's mark "X" followed by the printed name of the recipient and the signature of two witnesses.

(4) The recipient's trust account ledger sheet must be credited with any allowance received; referenced with the receipt number and supported by a copy of the deposit slip.

NEW SECTION. Sec. 74. TRUST MONEYS AVAILABILITY. Moneys held in trust for any recipient shall be available for his or her personal and incidental needs when requested by the recipient or one of the persons designated in section 73(1) of this act.

NEW SECTION. Sec. 75. PROCEDURE FOR REFUNDING TRUST MONEY. When a recipient is discharged and/or transferred, the balance of the recipient's trust account shall be returned either directly to the person within five days, or by mail. In either instance a receipt shall be obtained.

NEW SECTION. Sec. 76. LIQUIDATION OF TRUST FUND. (1) When a recipient has died, the contractor shall obtain a receipt from the next of kin, guardian, or duly qualified agent when releasing the balance of money held in trust. If there is no identified next of kin, guardian, or duly qualified agent, the department shall be contacted in writing within seven days for assistance in the release of the money held in trust.

(2) A check or other document showing payment to such next of kin, guardian, or duly qualified agent will serve as a receipt.

(3) Where the recipient leaves the facility without authorization and his or her whereabouts are not known:

(a) The facility will make a reasonable attempt to locate the missing recipient using the agencies of state or local government;

(b) If the recipient cannot be located after ninety days, the facility shall notify the department of revenue of the existence of abandoned property, pursuant to chapter 63.28 RCW. The facility will be required to deliver to the department of revenue the balance of the recipient's trust fund account within twenty days following such notification.

NEW SECTION. Sec. 77. DISPUTES. If a contractor wishes to contest the way in which a rule or contract provision relating to the prospective cost-related reimbursement system was applied to the contractor by the department, it shall first pursue the administrative review process set forth in section 78 of this act.

(2) The administrative review process in section 78 of this act need not be exhausted if a contractor wishes to challenge the legal validity of a statute, rule, or contract provision.

NEW SECTION. Sec. 78. ADMINISTRATIVE REVIEW PROCESS. (1) Within thirty days after a contractor is notified of an action or determination it wishes to challenge, the contractor shall request in writing that the secretary review such determination. The request shall be signed by the contractor or the licensed administrator of the facility, shall identify the challenged determination and the date thereof, and shall state as specifically as practicable the grounds for its contention that the determination was erroneous. Copies of any documentation on which the contractor intends to rely to support its position shall be included with the request.

(2) After receiving a request meeting the above criteria, the secretary or his designee will contact the contractor to schedule a conference for the earliest mutually convenient time. The conference shall be scheduled for no later than thirty days after a properly completed request is received unless both parties agree in writing to a specified later date.

(3) The contractor and appropriate representatives of the department shall attend the conference. In addition, representatives selected by the contractor may attend and participate. The contractor shall bring to the conference, or provide to the department in advance of the conference, any documentation on which it intends to rely to support its contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than thirty days after the initial session unless both parties agree in writing to a specific later date.

(4) A written decision by the secretary will be furnished to the contractor within thirty days after the conclusion of the conference. The secretary shall prepare such decision for the fiscal and other appropriate standing committees of the legislature.

(5) If the contractor desires review of an adverse decision of the secretary, it shall within thirty days following receipt of such decision request a fair hearing in writing in accordance with the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 79. DENIAL, SUSPENSION, REVOCATION OF LICENSE OR PROVISIONAL LICENSE—PENALTY. The department is authorized to deny, suspend, or revoke a license or provisional license or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed one thousand dollars per violation in any case in which it finds that the licensee, or any partner, officer, director, owner of five percent or more of the assets of the nursing home, or managing employee:

(1) Failed or refused to comply with the requirements of this chapter or the rules and regulations established hereunder; or

(2) Has knowingly or with reason to know made a false statement of a material fact in any record required by this chapter; or

(3) Refused to allow representatives or agents of the department to inspect all books, records, and files required by this chapter to be maintained or any portion of the premises of the nursing home; or

(4) Wilfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter; or

(5) Wilfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or the rules and regulations promulgated hereunder.

NEW SECTION, Sec. 80. The department shall adopt, promulgate, amend, and rescind such administrative rules as are necessary to carry out the policies and purposes of this chapter. In addition, at least annually the department shall review changes to generally accepted accounting principles and generally accepted auditing standards as approved by the financial accounting standards board, and the American institute of certified public accountants, respectively. The department shall adopt by administrative rule those approved changes which it finds to be consistent with the policies and purposes of this chapter.

NEW SECTION, Sec. 81. RESPONSIBILITY FOR AUDITS IN THE TRANSITION PERIOD. The department, pursuant to RCW 74.09.560, shall be responsible for the completion of all audits for cost reports covering all periods through December 31, 1980.

NEW SECTION, Sec. 82. DISCLOSURE. (1) Cost reports and their final audit reports with any accompanying schedule of questioned costs submitted to the secretary shall be subject to public disclosure pursuant to the requirements of chapter 42.17 RCW. Notwithstanding any other provision of law, financial statements and any accompanying schedules summarizing the adjustments to a contractor's financial records, reports on review of internal control and accounting procedures, and letters of comments or recommendations relating to suggested improvements in internal control or accounting procedures which are prepared pursuant to the requirements of this chapter shall be exempt from public disclosure.

(2) Regardless of whether any document or report submitted to the secretary pursuant to this chapter is subject to public disclosure, copies of such documents or reports shall be provided by the secretary, upon written request, to the legislature and to state agencies or state or local law enforcement officials who have an official interest in the contents thereof.

NEW SECTION, Sec. 83. DEVELOPMENT OF EXCEPTION PROFILE PROCESS. The office of the state auditor with the cooperation and assistance of the department shall develop an exception profile process to be utilized in the analysis required under section 11 of this act. This exception profile process shall be implemented not later than December 1, 1981.

Sec. 84. Section 74.09.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 213, Laws of 1975 1st ex. sess. and RCW 74.09.120 are each amended to read as follows:

(1) The department shall purchase necessary physician and dentist services by contract or "fee for service(---)".

(2) The department shall purchase hospital care by contract or by all inclusive day rate, or at a reasonable cost based on a ratio of charges to cost. Any hospital when requested by the department shall supply such information as necessary to justify its rate, charges or costs. All additional services provided by the hospital shall be purchased at rates established by the department after consultation with the hospital.

(3) The department shall purchase nursing home care by contract. (~~The department shall establish regulations for reasonable nursing home accounting and reimbursement systems which recognize relevant cost related factors for department of social and health services patients, including but not limited to the scope or level of services or care, requirements of staff, and physical plant, and a reasonable rate of return on investment; said formula shall provide that no payment shall be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records; including financial records, methods of administration, general and special dietary~~

programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system.))

(4) All other services and supplies provided under the program shall be secured by contract.

Sec. 85. Section 61, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.610 are each amended to read as follows:

The department shall assess the needs of each resident within thirty days after the resident's admission. The department shall use the patient assessment system developed ~~((under))~~ pursuant to RCW 18.51.310, as now or hereafter amended. Based upon the assessment of the resident's needs, the department shall assign each resident to a classification, developed by the patient care classification and standards task force pursuant to section 86 of this 1980 act, reflecting the level of care required by that resident. ~~((The classification system has at least five but not more than seven levels of care.))~~

This section shall apply to developmentally disabled residents as a separate system.

NEW SECTION. Sec. 86. (1) There is established a special task force to be known as the "patient care classification and standards task force," hereafter referred to in this section as "the task force." The task force shall terminate on December 31, 1980.

(2) The task force shall be composed of the following members:

(a) Two representatives of the nursing home industry appointed jointly by the president of the senate and the speaker of the house of representatives with such appointment made not later than twenty days following the effective date of this section. The persons appointed shall represent the following:

(i) One representative from the nursing home facility associations; and

(ii) One representative from nonprofit facilities;

(b) Two representatives from the department of social and health services appointed by the secretary and whose appointment shall be made not later than twenty days following the effective date of this section;

(c) Two representatives from nursing home consumer groups appointed jointly by the representatives appointed pursuant to subparagraphs (2)(a) and (b) of this section. The consumer group representatives shall be chosen within twenty days following the effective date of this section;

(d) Two representatives appointed by the governor and whose appointment shall be made not later than twenty days following the effective date of this section; and

(e) Four representatives from the legislature, two from the house and two from the senate, appointed by the speaker of the house of representatives and the president of the senate, respectively. The persons appointed shall represent the following standing committees:

(i) One from the house appropriations committee;

(ii) One from the house social and health services committee;

(iii) One from the senate ways and means committee; and

(iv) One from the senate social and health services committee.

(3) Not later than the thirtieth day following the effective date of this section, the task force members shall meet and:

(a) Elect a chairman of the task force from among the members, with such chairman presiding at all meetings and having administrative responsibility for the task force;

(b) Elect a vice-chairman of the task force from among the members, with such vice-chairman acting in the stead of the chairman upon the chairman's absence; and

(c) Adopt such procedural rules as necessary to carry out the responsibilities set forth in subsection (6) of this section.

(4) The task force shall provide progress reports to the appropriate legislative committees in each of the months of June and August 1980 and as otherwise requested.

(5) The office of financial management shall provide the support services and staff required by the task force.

(6) Not later than September 1, 1980, the task force shall present a report to the governor. The task force report shall also be presented by this same date to the legislature for its review and approval during the 1981 legislative session. Such report shall set forth the following:

(a) A patient classification system which reflects, as nearly as possible, the level of care required by each resident;

(b) Standard hours for each classification, with such standard hours to be expressed as either a range of hours or as a single standard hour per classification, except that such standard hours shall be the expressed composite of hours required for a nursing assistant, licensed practical nurse, and registered nurse;

(c) A draft of recommended legislation necessary for implementation of the task force recommendations pursuant to this section; and

(d) A fiscal note detailing the six-year fiscal impact of the task force recommendations pursuant to this section.

(7) The recommended legislation of the task force shall be subject to the approval of the legislature by March 1, 1981.

(8) The secretary shall adopt no later than March 31, 1981, the rules and regulations necessary to carry out the legislation approved in subsection (7) of this section.

NEW SECTION. Sec. 87. The department shall submit to the appropriate legislative committees not later than January 15, 1981, a report detailing the department's activities with regard to preplacement screening for medical care recipients, and the department's nursing home admissions policy. Such report shall include, but not be limited to, program descriptions, client flow analyses, programmatic impacts, and cost effectiveness analyses.

NEW SECTION. Sec. 88. Sections 1 through 83 and 92 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 89. Section captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 90. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.550;

(2) Section 2, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.560;

(3) Section 3, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.570;

(4) Section 4, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.580; and

(5) Section 5, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.590.

NEW SECTION. Sec. 91. (1) There is hereby appropriated from the general fund one hundred seventy-five thousand dollars, or as much thereof as may be necessary, to the office of financial management to carry out the purposes of sections 7 and 86 of this act.

(2) There is hereby appropriated from the general fund one hundred thirty-five thousand dollars, or as much thereof as may be necessary, to the office of the state auditor to carry out the purposes of section 83 of this act.

NEW SECTION. Sec. 92. If any part of this act is found by an agency of the federal government to be in conflict with federal requirements which are a prescribed condition to the receipts of federal funds to the state, the conflicting part of this act is hereby declared inoperative solely to the extent of the conflict and with

respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. In the event that any portion of this act is found to be in conflict with federal requirements which are a prescribed condition to the receipt of federal funds, the secretary, to the extent that the secretary finds it to be consistent with the general policies and intent of this chapter, may adopt such rules as to resolve a specific conflict and which do meet minimum federal requirements. In addition, the secretary shall submit to the next regular session of the legislature a summary of the specific rule changes made and recommendations for statutory resolution of the conflict.

NEW SECTION. Sec. 93. 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. 94. (1) Sections 2, 7, 83, 85, 86, and 91 of this 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.

(2) Section 27 of this act shall take effect on July 1, 1980.

(3) Sections 3, 4, 5, 6, 8, 9, 11, and 12 of this act shall take effect on July 1, 1981.

(4) All other sections of this act shall take effect on July 1, 1981, which shall be "the effective date of this act" where that term is used in this act."

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

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending section 74.09.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 213, Laws of 1975 1st ex. sess. and RCW 74.09.120; amending section 61, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.610; adding a new chapter to Title 74 RCW; creating new sections; repealing section 1, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.550; repealing section 2, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.560; repealing section 3, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.570; repealing section 4, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.580; repealing section 5, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.590; making appropriations; providing effective dates; and declaring an emergency."

On motion of Senator Fleming, the rules were suspended, Substitute House Bill No. 1534, 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. 1534, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Pullen—1.

Excused: Senator Matson—1.

SUBSTITUTE HOUSE BILL NO. 1534, 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 Fleming, Substitute House Bill No. 1534, as amended by the Senate, was ordered immediately transmitted to the House.

MESSAGE FROM THE HOUSE

March 12, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3537 with the following amendments:

On page 1, line 14, after "month" strike everything through "apply" on line 18. On page 2, following section 2, add sections to read as follows:

"Sec. 3. Section 7, chapter 283, Laws of 1969 ex. sess. as last amended by section 2, chapter 173, Laws of 1977 ex. sess. and RCW 28B.50.551 are each amended to read as follows:

The board of trustees of each community college district shall adopt for each community college under its jurisdiction written policies on granting leaves to employees of the district and those colleges, including but not limited to leaves for attendance at official or private institutions and conferences; professional leaves for personnel consistent with the provisions of RCW 28B.10.650; leaves for illness, injury, bereavement and emergencies, and except as otherwise in this section provided, all with such compensation as the board of trustees may prescribe, except that the board shall grant to all such persons leave with full compensation for illness, injury, bereavement and emergencies as follows:

(1) For persons under contract to be employed, or otherwise employed, for at least three quarters, ~~((at least fifteen days))~~ not more than twelve days per year, commencing with the first day on which work is to be performed; provisions of any contract in force on the effective date of this amendatory act which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(2) Such leave entitlement may be accumulated after the first three-quarter period of employment ~~((at a minimum rate of five days per quarter))~~ for full time employees ~~((up to a maximum of one hundred eighty days))~~, and may be taken at any time;

(3) Leave for illness, injury, bereavement and emergencies heretofore accumulated pursuant to law, rule, regulation or policy by persons presently employed by community college districts and community colleges shall be added to such leave accumulated under this section;

(4) Except as otherwise provided in this section or other law, accumulated leave under this section not taken at the time such person retires or ceases to be employed by community college districts or community colleges shall not be compensable;

(5) Accumulated leave for illness, injury, bereavement and emergencies under this section shall be transferred from one community college district or community college to another, to the state board for community college education, to the state superintendent of public instruction, to any educational service district, to any school district, or to any other institutions of higher learning of the state; and

(6) Leave accumulated by a person in a community college district or community college prior to leaving that district or college may, under the policy of the board of trustees, be granted to such person when he returns to the employment of that district or college.

Sec. 4. Section 3, chapter 10, Laws of 1972 ex. sess. as amended by section 108, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.100 are each amended to read as follows:

Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge all certificated and noncertificated employees, and fix, alter, allow and order paid their salaries and compensation;

(2) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and, emergencies for both certificated and noncertificated employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) For certificated and noncertificated employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed twelve days per year; provisions of any contract in force on the effective date of this amendatory act which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(d) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

~~((f))~~ (e) Leave provided in this proviso not taken shall accumulate from year to year ~~((up to a maximum of one hundred eighty days;))~~ and such accumulated time may be taken at any time during the school year but for purposes of payments for unused sick leave shall not exceed twelve days per year;

~~((e))~~ (f) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

~~((f))~~ (g) ~~((Accumulated leave under this proviso not taken at the time such person retires or ceases to be employed in the public schools shall not be compensable except in the following manner:))~~ Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire, if such leave is taken it may not be compensated under the provisions of sections 5 and 6 of this amendatory act;

~~((g))~~ (h) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction and offices of educational service district superintendents and boards, to and from such districts and such offices;

~~((h))~~ (i) Leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when he returns to the employment of the district.

When any teacher or other certificated employee leaves one school district within the state and commences employment with another school district within the state, he shall retain the same seniority, leave benefits and other benefits that he had in his previous position. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the

employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

A new attendance incentive program for all certificated and noncertificated employees of a school district is hereby created, and every school district board of directors shall establish and maintain such a program in the following manner. In January of the year following any year in which a minimum of sixty days of leave for illness or injury is accrued, and each January thereafter, any eligible employee may exercise an option to receive remuneration for unused leave for illness or injury accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued leave for illness or injury in excess of sixty days. Leave for illness or injury for which compensation has been received shall be deducted from accrued leave for illness or injury at the rate of four days for every one day's monetary compensation: **PROVIDED**, That no employee may receive compensation under this section for any portion of leave for illness or injury accumulated at a rate in excess of one day per month.

At the time of separation from school district employment due to retirement or death an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days accrued leave for illness or injury: **PROVIDED**, That an employee shall be entitled to all the benefits conferred by this section as of the effective date of this act, but the district may, in its discretion, delay payments due upon retirement or death, with interest at the rate of eight percent per year, to an eligible employee or the employee's estate until September 1, 1981.

Moneys received under this section shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

The superintendent of public instruction in its administration hereof, shall promulgate uniform rules and regulations to carry out the purposes of this section.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

Every educational service district board of directors shall establish an attendance incentive program for all certificated and noncertificated employees in the following manner. In January of the year following any year in which a minimum of sixty days of leave for illness or injury is accrued, and each January thereafter, any eligible employee may exercise an option to receive remuneration for unused leave for illness or injury accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued leave for illness or injury in excess of sixty days. Leave for illness or injury for which compensation has been received shall be deducted from accrued leave for illness or injury at the rate of four days for every one day's monetary compensation: **PROVIDED**, That no employee may receive compensation under this section for any portion of leave for illness or injury accumulated at a rate in excess of one day per month.

At the time of separation from educational service district employment due to retirement or death an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days accrued leave for illness or injury: **PROVIDED**, That an employee shall be entitled to all the benefits conferred by this section as of the effective date of this act, but the educational service district may, in its discretion, delay payments due upon retirement or death, with interest at the rate of eight

percent per year, to an eligible employee or the employee's estate until September 1, 1981.

Moneys received under this section shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

The superintendent of public instruction in its administration hereof, shall promulgate uniform rules and regulations to carry out the purposes of this section.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

NEW SECTION. Sec. 7. If any provision of this 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 2 of the title, after "RCW 41.04.340;" and before "and making" insert "amending section 7, chapter 283, Laws of 1969 ex. sess. as last amended by section 2, chapter 173, Laws of 1977 ex. sess. and RCW 28B.50.551; amending section 3, chapter 10, Laws of 1972 ex. sess. as amended by section 108, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.100; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapters 28A.21 and 28A.58 RCW"; and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

Senator McDermott moved the Senate concur in the House amendments to Substitute Senate Bill No. 3537.

POINT OF ORDER

Senator Guess: "Mr. President, members of the Senate. Senate Bill 3537 is a bill relating to sick leave entitlement for postsecondary education employees. It amends RCW 41.04 and makes an appropriation. Under rule 57 of the Senate, no amendment to any bill shall be allowed which shall change the scope and the object, and because of the amendment I raise the point of the scope and object on the bill.

"Mr. President, the House has amended on to the bill another bill which related to common schools and sick leave and community college employees sick leave and amends RCW 28B and RCW 28A and therefore it is outside of the scope and object."

Debate ensued.

At 5:20 p.m., the President declared the Senate to be at ease.

At 5:22 p.m., the President called the Senate to order.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Guess, the President finds that Substitute Senate Bill No. 3537 is a measure which deals with a sick leave incentive program for community college employees.

"The amendment proposed by the House of Representatives also deals with the sick leave incentive program for community college employees as well as establishes a similar program for common school employees.

"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 motion by Senator McDermott carried.

The Senate concurred in the House amendments to Substitute Senate Bill No. 3537.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3537, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 4; excused, 1.

Voting yea: Senators Bausch, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Voting nay: Senators Bluechel, Guess, Scott—3.

Absent or not voting: Senators Benitz, Fleming, Haley, Jones—4.

Excused: Senator Matson—1.

SUBSTITUTE SENATE BILL NO. 3536, 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 commenced consideration of the House Message on Substitute Senate Bill No. 2751.

On motion of Senator Lewis, Senators Benitz and Jones were excused.

MESSAGE FROM THE HOUSE

March 13, 1980.

Mr. President: The House has passed **SUBSTITUTE SENATE BILL NO. 2751** with the following amendments:

On page 3, after line 14, insert a new section as follows:

"Sec. 2. Section 4, chapter 232, Laws of 1957 and Section 3, chapter 238, Laws of 1967 and RCW 70.94.040 are each amended to read as follows:

Except where specified in a variance permit, as provided in RCW 70.94.181, it shall be unlawful for any person (~~knowingly~~) to cause air pollution or (~~knowingly~~) permit it to be caused in violation of this chapter, or of any ordinance, resolution, rule or regulation validly promulgated hereunder."

On page 1, line 4 of the title after "thereto;" insert "amending section 4, chapter 232, Laws of 1957 and section 3, chapter 238, Laws of 1967 and RCW 70.94.040;" and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Day, the Senate concurred in the House amendments to Substitute Senate Bill No. 2751.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2751, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley,

Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Donohue, Fleming—2.

Excused: Senators Benitz, Matson—2.

SUBSTITUTE SENATE BILL NO. 2751, 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, all measures considered and passed by the Senate today were ordered immediately transmitted to the House.

At 5:30 p.m., on motion of Senator Marsh, the Senate recessed until 7:10 p.m.

EVENING SESSION

The President called the Senate to order at 7:10 p.m.

MESSAGES FROM THE HOUSE

March 13, 1980.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

The Speakers have signed: HOUSE BILL NO. 1427, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE HOUSE BILL NO. 1533, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1427,

SUBSTITUTE HOUSE BILL NO. 1533.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3207,

SUBSTITUTE SENATE BILL NO. 3371,

SUBSTITUTE SENATE BILL NO. 3457,

SUBSTITUTE SENATE BILL NO. 3551.

MOTIONS

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

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

SENATE RESOLUTION 1980-231

By Senators Morrison, Bluechel, Gallagher, Matson and Walgren:

WHEREAS, Monday, March 10, marked the opening day of the annual slaughter of baby harp seals in Newfoundland; and

WHEREAS, The hunt is deemed by many to be unnecessary, inhumane treatment of the species for reasons of economy and fashion; and

WHEREAS, Once the pelts are removed from the pups, the carcasses are left wasted on the ice; and

WHEREAS, Although the quotas each year remain over 100,000, the Western Harp Seal population is steadily declining, and faces the danger of becoming a threatened species; and

WHEREAS, Both the United States Senate and House of Representatives voiced their opposition to the slaughter through passage of a joint resolution;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate adds its support to ban the mass inhumane slaughter of harp seal pups, and further urges that an international plan be adopted to allow the harp seal population to recover; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the President of the United States and to each member of Congress from the State of Washington.

MOTION

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

SENATE RESOLUTION 1980-236

By Senators Talmadge, Bausch, Bottiger, Jones, Talley and Clarke:

WHEREAS, The Senate Select Committee on Tort and Product Liability Reform was formed on July 6, 1979 pursuant to the provisions of Senate Resolution 1979-40; and

WHEREAS, The Select Committee was directed to study proposals for reform of the tort and insurance systems and their possible ramifications and to report its findings and recommendations to the Senate at the next regular session; and

WHEREAS, The Select Committee has held public hearings, gathered information on issues relevant to its study and solicited data from insurance companies through a questionnaire; and

WHEREAS, The Select Committee has issued an interim report outlining its activities and preliminary findings and recommendations; and

WHEREAS, The Select Committee in its interim report described those areas in which it felt further study was needed before any final recommendation could be made;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Select Committee on Tort and Product Liability Reform, as presently constituted, be directed to continue its study of proposals for reform of the tort and insurance systems and to report its findings and recommendations to the Senate prior to the commencement of the next regular session of the Legislature; and

BE IT FURTHER RESOLVED, That the Select Committee on Tort and Product Liability Reform, with the approval of its Senate Committee on Facilities and Operations, shall employ Senate staff and make such expenditures as are necessary for the completion of the tasks set forth in this resolution.

MOTION

Senator von Reichbauer moved adoption of the following resolution:

SENATE RESOLUTION 1980-237

By Senators von Reichbauer, Hurley, Walgren, Odegaard, Bottiger, Talley, Clarke, Bausch, Benitz, Bluechel, Bradburn, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, Wanamaker, Williams, Wilson, Wojahn, and Woody; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Charlie Johnson, Sergeant at Arms.

WHEREAS, Armand "Armie" Marion was a native of Seattle and the descendant of Washington State pioneers; and

WHEREAS, He was not only a talented musician and scratch golfer, but in his youth was a nationally ranked tennis player; and

WHEREAS, For more than twenty-five years he attended upon the Washington State legislature as a respected, knowledgeable lobbyist and was a charter member of the Washington State THIRD HOUSE; and

WHEREAS, His long service to the hotel industry included seven years as assistant manager of the Olympic in Seattle, thirteen as manager of the Winthrop in Tacoma, and a term as president of the Washington State Hotel Association; and

WHEREAS, During World War II he gained national acclaim by assisting McChord Air Force Base personnel in returning to hotels to which they belonged, over 1,000 towels left by men who were shipped overseas; and

WHEREAS, Over the years he helped to obtain approximately one million dollars in funds for the Fred Hutchinson Cancer Research Center to equip new laboratories at the Research Center; and

WHEREAS, As a talented musician he spent many hours at the piano leading his friends and colleagues in song;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington expresses its appreciation for the many years of service which Armand Marion devoted to the success of the legislative process; and

BE IT FURTHER RESOLVED, That members of the Senate of the State of Washington offer their deepest sympathy and condolences to his wife, Jean McCroskey Marion, and other members of his family by dedicating a moment of silence to the memory of their friend, Armand Marion; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate send copies of this resolution to Jean McCroskey Marion and other members of the family of the late Armand Marion.

REMARKS BY SENATOR von REICHBAUER

Senator von Reichbauer: "Mr. President, I will make my remarks quite brief because I knew Armie Marion less time than many members on the floor who perhaps would like to address themselves to Armie. I had the opportunity to meet Armie Marion through his sister-in-law, Mary Lee Carman of Tacoma before I joined the legislature and I had the opportunity to observe him in his service to this state of Washington in the drafting of money, in fact over one million dollars in funds for the Fred Hutchinson cancer research center. Earlier today we saw the Third House salute one of our members and oftentimes we forget how important the three houses are to the process of government. Armie Marion was a credit to the legislative process."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. I would like to have my name put on as a joint sponsor. I have known Armie Marion since he was a high school tennis

player and long before he married Jane McCroskey, he used to play the piano in the Delta Gamma house there on many occasions out at the University. He was a very lovable and talented person; and it was a great loss when he passed."

REMARKS BY SENATOR HURLEY

Senator Hurley: "Mr. President and members of the Senate. I have known Armie Marion for all the years since I have been in the legislature. And I would say he contributed more to the enjoyment of social functions around this legislature for the last twenty-five years, more than anybody else could possibly have. He was such a wonderful, social, happy person; and he would play the piano at a moment's notice and he would remain at that piano as long as there was a song to sing or a singer to sing one. Although he was a lobbyist, too, he never haunted the halls or the wings, because he found that he could do his lobbying in a better way. He certainly endeared himself to everybody that knew him, and I for one miss him sadly because when so much joy is gone from these legislative halls, you certainly miss it."

The motion by Senator von Reichbauer carried and the resolution was unanimously adopted.

A moment of silence was observed by the Senate in memory of Armand "Armie" Marion.

MOTIONS

On motion of Senator Lewis, Senators Gallagher and Pullen were excused.

On motion of Senator Walgren, the Committee on Local Government was relieved from further consideration of Substitute House Bill No. 1090.

On motion of Senator Walgren, the rules were suspended and Substitute House Bill No. 1090 was placed on today's second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1090, by Committee on Local Government (originally sponsored by Representatives Zimmerman and Charnley):

Modifying the law on warrants.

The bill was read the second time by sections.

Senator Wilson moved adoption of the following amendment by Senators Walgren and Wilson:

Strike everything after the enacting clause down through line 28 on page 5 and insert a section as follows:

"Section 1. Section 36.67.040, chapter 4, Laws of 1963 as last amended by section 5, chapter 142, Laws of 1969 and RCW 36.67.040 are each amended to read as follows:

The bonds shall bear the date of issue, shall be made payable to the bearer and bear interest (~~at a rate of not exceeding eight percent per year~~), payable semiannually, with coupons attached for each interest payment. Except as otherwise provided in RCW 39.44.100, the bonds and each coupon shall be signed by the chairman of the board of county commissioners, or in counties having an elected executive, the elected executive officer, and shall be attested by the clerk of the board, and the seal of such board shall be affixed to each bond, but not to the coupon. Each bond shall be printed, engraved, or lithographed on good bond paper."

Renumber remaining section consecutively.

There being no objection, on motion of Senators Odegaard and Wilson, Substitute House Bill No. 1090 and the pending amendment by Senators Wilson and Walgren was ordered held for consideration later today.

The Senate resumed consideration of the following House Message:

MESSAGE FROM THE HOUSE

March 3, 1980.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3603 with the following amendments:

On page 1, after line 15, insert the following:

"The purpose of this chapter is to assist the state and local governments in providing that protection but it is not the purpose of this chapter to provide funding for facilities which encourage development."

On page 1, line 26, after "for" insert ": (1)"

On page 1, line 29, after "enterprise" insert "; or (2) the construction of municipal wastewater facilities unless said facilities have been approved by a general purpose unit of local government in accordance with chapter 36.94 RCW, chapter 35.67 RCW, or RCW 56.08.020"

On page 2, line 5, strike "and any interest earned on the interim investment of these proceeds,"

On page 2, line 7, after "account", insert "Waste Disposal Facilities, 1980 hereby created"

On page 2, line 13, after "account," insert "Waste Disposal Facilities, 1980"

On page 2, line 22, after "this chapter." insert the following: "The department shall ensure that funds derived from the sale of bonds authorized under this chapter do not constitute more than seventy-five percent of the total cost of any waste disposal or management facility."

On page 2, after line 25, insert the following:

"At least one hundred fifty million dollars of the proceeds of the bonds authorized by this chapter shall be used exclusively for waste management systems capable of producing renewable energy or energy savings as a result of the management of the wastes. "Renewable energy" means, but is not limited to, the production of steam, hot water for steam heat, electricity, cogeneration, gas, or fuel through the use of wastes by incineration, refuse-derived fuel processes, pyrolysis, hydrolysis, or bioconversion, and energy savings through material recovery from waste source separation and/or recycling.

The department of ecology shall present a progress report of actual projects committed by the department to the senate committee on ways and means and the house of representatives committee on appropriations no later than November 30th of each year."

On page 3, after line 34, insert the following subsection:

"(5) "Department" means the department of ecology."

On page 4, strike section 8 and insert the following new section:

"NEW SECTION. Sec. 8. The waste disposal facilities bond redemption fund shall be used for the purpose of the payment of the principal of an redemption premium, if any, and interest on the bonds and the bond anticipation notes authorized to be issued under this chapter.

The state finance committee, on or before June 30 of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the waste disposal facilities bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date. The owner and holder of each of the bonds or the trustee for any of the bonds may be mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this chapter.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

The Senate resumed consideration of the House Message on Substitute Senate Bill No. 3603 from earlier today. At that time on motion of Senator Bottiger all of the House amendments were adopted with the exception of the amendment to page 1, line 15. Senator Shinpoch had moved the Senate do concur in that amendment.

The motion by Senator Shinpoch carried and the amendment was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3603, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 2; absent or not voting, 4; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Lee, Lewis, Marsh, Morrison, Odegaard, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—38.

Voting nay: Senators Lysen, Rasmussen—2.

Absent or not voting: Senators Conner, Fleming, McDermott, Moore—4.

Excused: Senators Benitz, Gallagher, Jones, Matson, Pullen—5.

SUBSTITUTE SENATE BILL NO. 3603, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1090, by Committee on Local Government (originally sponsored by Representatives Zimmerman and Charnley):

Modifying the law on warrants.

The Senate resumed consideration of Substitute House Bill No. 1090 from earlier today. The following amendment by Senators Wilson and Walgren had been moved for adoption:

Strike everything after the enacting clause down through line 28 on page 5 and insert a section as follows:

"Section 1. Section 36.67.040, chapter 4, Laws of 1963 as last amended by section 5, chapter 142, Laws of 1969 and RCW 36.67.040 are each amended to read as follows:

The bonds shall bear the date of issue, shall be made payable to the bearer and bear interest (~~at a rate of not exceeding eight percent per year~~), payable semiannually, with coupons attached for each interest payment. Except as otherwise provided in RCW 39.44.100, the bonds and each coupon shall be signed by the chairman of the board of county commissioners, or in counties having an elected executive, the elected executive officer, and shall be attested by the clerk of the board, and the seal of such board shall be affixed to each bond, but not to the coupon. Each bond shall be printed, engraved, or lithographed on good bond paper."

Re-number remaining section consecutively.

Senator Odegaard moved adoption of the following amendment to the amendment by Senators Wilson and Walgren:

Beginning on line 14, strike "~~at a rate of not exceeding eight percent per year~~)" and insert "at a rate of not exceeding (~~eight~~) twelve percent per year"

Debate ensued.

POINT OF ORDER

Senator Rasmussen: "I raise a Point of Order. How does this bill appear before us under the resolution we had; it is not related to energy, not related to appropriations, I really do not know how come we got this bill out here. The concurrent resolution, it is my understanding, cut off consideration."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, did you raise the Point of Order that this bill does not come within the provisions of the cutoff resolution? Then you are correct, Senator."

RULING BY THE PRESIDENT

President Cherberg: "Senate Concurrent Resolution No. 118 states 'Be it further resolved that after 4 p.m., Tuesday February 19, the thirty-seventh day of this session, neither the Senate nor the House shall consider any measures except measures originally containing a direct appropriation, a direct appropriation, matters relating to energy, messages pertaining to amendments, matters of difference between the Senate and House, conference and free conference reports, and matters pertaining to the business of the legislature'. The President believes the remarks by Senator Rasmussen are well taken and that SHB 1090 does not come within the provisions of the cutoff resolution, and therefore is not properly before the Senate."

MOTION

On motion of Senator Marsh, the Senate commenced consideration of the House Message on Substitute Senate Bill No. 3509.

MESSAGE FROM THE HOUSE

March 13, 1980.

Mr. President: The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 3509 on page 1, beginning on line 8; on page 1, after the enacting clause, and the title amendment, and once again asks the Senate to concur with said House amendments, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Bausch, the Senate concurred in the House amendments to Substitute Senate Bill No. 3509 on page 1, line 8 and page 1, line 4 by Representative Brown, and refuses to concur in the amendments by Revenue Committee to page 1, after the enacting clause, and page 1, line 1 and asks the House to recede therefrom.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 120, by Senators Odegaard and Walgren:

Insuring proper accounting and cost control procedures for office space used by the legislature.

MOTIONS

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

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

POINT OF INQUIRY

Senator Hayner: "Senator Odegaard, did you change, in this draft, the composition of this legislative committee?"

Senator Odegaard: "Yes, Senator Hayner, I guess we did not let you know about that change, and I am sorry; that came up in caucus, the concern about the make-up of the Senate committee. We had the committee on facilities and operations, I believe, in the original version. It was felt by many members in our caucus, they prefer to have two members of the Senate committee on facilities and operations and such other members that would be necessary to make an equal number with the House membership."

Senator Hayner: "As I read this, we could, the Republicans could be excluded completely from this committee."

Senator Odegaard: "Well, that is not the intent at all, Senator Hayner. . ."

Senator Hayner: "Well, I wonder if we could set that down just to make it clear?"

Senator Odegaard: "That is fine."

MOTIONS

On motion of Senator Marsh, Senate Concurrent Resolution No. 120 was held down one measure on third reading today.

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

MESSAGE FROM THE HOUSE

March 13, 1980.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 35, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 35, by Representatives King and Polk:

Adopting procedures for convening of special legislative session.

MOTIONS

On motion of Senator Morrison, the rules were suspended and House Concurrent Resolution No. 35 was advanced to second reading and read the second time in full.

Senator Morrison moved adoption of the following amendment by Senators Morrison and Marsh:

On page 1, line 16, after "session" insert ", the duration of the session which shall not exceed 30 days,"

POINT OF INQUIRY

Senator Lysen: "Senator Morrison, the thing that concerns me about this amendment is the debate that would take place in the process of calling ourselves into session, might be that I will agree to vote for calling for the session if we limit it to ten days and somebody else says 'five days' and somebody else says 'seven days' . . . 'fifteen days,' so how do you resolve the situation? We are already requiring two-thirds which appears to me to be something that is extremely remote anyway, and then you are adding another complicating factor of trying to debate the number of days and the negotiations of trying to get the two-thirds vote, it seems to me that you are really going to make it a very difficult problem here."

Senator Morrison: "Senator Lysen, I think if you will refer to sub (2) and sub (3) and (4) of the resolution, you will find that the authority to referee this dispute which you see occurring is placed specifically in the hands of the rules committee of the House and of the Senate. So I am presuming that the limitations would be suggested by them, if they do not get two-thirds of the members to go along with it, they will have to go back to the drawing board. I think it would be much easier, certainly would be to get my vote, to come back here, if there was a specified limit on the length of the session if, in fact, it was obvious from the subject matter that we did not need thirty days. So I think this is a very practical approach to the problem."

Senator Lysen: "So you would see that the rules committee would say they would recommend a special session for ten days and we would vote, based on that limit that they would set?"

Senator Morrison: "Yes, the resolution gives them that authority."

The motion by Senator Morrison carried and the amendment was adopted.

On motion of Senator Morrison, the rules were suspended, House Concurrent Resolution No. 35, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Lysen: "Senator Morrison, so you would, under the terms of the resolution as amended, once we were in session, would the body as a whole have the ability to amend the original limitation, either shorten or lengthen?"

Senator Morrison: "Senator Lysen, I think the body always has the privilege of amending the resolution; and I suppose the question I cannot answer is whether it could be amended by a majority or whether in fact, it would take the same two-thirds that agreed to call the session in the first place. I think the important goal is that we establish some ground rules whereby we could set up for a shorter session than the full thirty days. I am sure that it could be, in fact the resolution, the constitutional amendment specifies in it that if the session is to extend the purpose of the special session that it must do it by a two-thirds proposal. I would presume, in the same light then, that if we were to extend the number of days it would also require two-thirds of both the House and the Senate."

POINT OF INQUIRY

Senator Van Hollebeke: "Senator Morrison, was there more than one amendment acted on, the only one I find is the one that says on page 1, line 16, after 'session', add 'the duration of the session which shall not exceed thirty days' — that was the only one?"

Senator Morrison: "That is the only amendment."

Senator Van Hollebeke: "Okay. I do not know if I missed something you said but I got the impression from something you said, that you thought that the legislature could set the duration and be held to that, or did I misunderstand that?"

Senator Morrison: "That was the purpose of the amendment that in the resolution establishing the procedure for the session, that the legislature could specify the number of days as well as the purpose of the session and as well as the date when it would convene."

Senator Van Hollebeke: "And then be held to that unless there was a change made?"

Senator Morrison: "That is true."

Senator Van Hollebeke: "I am not reading the amendment as doing that and I do not know if others would agree with me on that or not. It would then read 'set forth the date and time for convening the legislature, the duration of which session shall not exceed thirty days'. I do not think it specifies there that they will set a duration or gives them the authority to set one of less than thirty days, and be held to that. I am not reading the total resolution as amended that way."

Senator Morrison: "I would read this resolution calling for convening a special session of the legislature 'shall set forth the date, the purposes, and the duration of the session not to exceed thirty days'."

Senator Van Hollebeke: "That is what it says. With the inclusion of the amendment that is before you."

Senator Morrison: "Attorneys from both the caucuses, democrat and republican, helped write it so I think we have it right."

Senator Van Hollebeke: "The second reading, I think you are right, I think it does, it is clear enough. Thank you."

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 35, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 3; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Donohue, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Voting nay: Senator Moore—1.

Absent or not voting: Senators Day, Fleming, McDermott—3.

Excused: Senators Benitz, Gallagher, Matson, Pullen—4.

HOUSE CONCURRENT RESOLUTION NO. 35, as amended by the Senate, having received the constitutional majority, was declared passed.

MOTION

At 8:01 p.m., on motion of Senator Walgren, the Senate was declared to be at ease subject to the Call of the President.

The President called the Senate to order at 8:15 p.m.

MOTION

On motion of Senator Walgren, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

February 13, 1980.

ENGROSSED HOUSE BILL NO. 1410, modifying taxation of gambling devices (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 12 after "incorporated" and before ";" insert the following: "or any device which is employed in such a manner as to qualify as an amusement game as defined in RCW 9.46.020 and rules and regulations of the commission."

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Clarke, Goltz, Jones, Matson, Morrison, Odegaard, Rasmussen, Sellar, Shinpoch.

MOTIONS

On motion of Senator Walgren, the rules were suspended and Engrossed House Bill No. 1410 was advanced to second reading and read the second time in full.

On motion of Senator Donohue, the committee amendment was not adopted.

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 1410 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. 1410 and the bill passed the Senate by the following vote: Yeas, 36; nays, 4; absent or not voting, 5; excused, 4.

Voting yea: Senators Bausch, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Gaspard, Goltz, Gould, Haley, Hansen, Henry, Hurley, Lewis, Lysen, Marsh, Moore, Morrison, Odegaard, Peterson, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—36.

Voting nay: Senators Bluechel, Lee, Quigg, Sellar—4.

Absent or not voting: Senators Fleming, Guess, Hayner, Jones, McDermott—5.

Excused: Senators Benitz, Gallagher, Matson, Pullen—4.

ENGROSSED HOUSE BILL NO. 1410, having received the 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. 2751,

SUBSTITUTE SENATE BILL NO. 3228,

SUBSTITUTE SENATE BILL NO. 3603.

MOTION

On motion of Senator Goltz, Senator McDermott was excused.

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 120, by Senators Odegaard and Walgren:

Insuring proper accounting and cost control procedures for office space used by the legislature.

The Senate resumed consideration of Senate Concurrent Resolution No. 120 on third reading from earlier today.

On motion of Senator Odegaard, the rules were suspended and Senate Concurrent Resolution No. 120 was returned to second reading.

On motion of Senator Odegaard, the following amendments were considered and adopted simultaneously:

On page 1, line 7, after "indicates a" strike "probable" and insert "possible"

On page 1, line 27, after "Operations," insert "one member from each party"

On page 1, line 30, after "committee" insert ", to be proportionately based on the percentage of party representation in the senate"

On page 2, line 4, after "on the" insert "possible"

On page 2, line 17, strike "to" and insert "by"

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

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 120 and the resolution passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Gallagher, Matson, McDermott, Pullen—5.

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

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 121, by Senators Woody and Gaspard:

Provisions of Senate Concurrent Resolution No. 118 suspended to permit legislature to consider Substitute House Bill No. 1090.

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

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1090, by Committee on Local Government (originally sponsored by Representatives Zimmerman and Charnley):

Modifying the law on warrants.

The Senate resumed consideration of Substitute House Bill No. 1090 from earlier today. A Point of Order had been raised by Senator Rasmussen and the Ruling by the President ruled the bill out of order. The adoption of Senate Concurrent Resolution No. 121 just preceding this action on Substitute House Bill No. 1090, the bill is again before the Senate.

POINT OF ORDER

Senator Rasmussen: "I raise the Point of Order. We have not passed the concurrent resolution as yet. The Senate has passed the concurrent resolution but the House has not."

RULING BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, your Point of Order is well taken. The President thought that in the interest of expediency and time, that the Senate could act on the measure, dependent upon future action by the House of Representatives."

Senator Rasmussen: "Mr. President, in light of the enlightenment that the President has given me, I shall withdraw my point of order."

President Cherberg: "Thank you, Senator Rasmussen."

There being no objection, on motion of Senator Rasmussen, the Point of Order was withdrawn.

The following amendment by Senators Wilson and Walgren had been moved for adoption earlier today:

Strike everything after the enacting clause down through line 28 on page 5 and insert a section as follows:

"Section 1. Section 36.67.040, chapter 4, Laws of 1963 as last amended by section 5, chapter 142, Laws of 1969 and RCW 36.67.040 are each amended to read as follows:

The bonds shall bear the date of issue, shall be made payable to the bearer and bear interest (~~((at a rate of not exceeding eight percent per year))~~), payable semiannually, with coupons attached for each interest payment. Except as otherwise provided in RCW 39.44.100, the bonds and each coupon shall be signed by the chairman of the board of county commissioners, or in counties having an elected executive, the elected executive officer, and shall be attested by the clerk of the board, and the seal of such board shall be affixed to each bond, but not to the coupon. Each bond shall be printed, engraved, or lithographed on good bond paper."

Renumber remaining section consecutively.

The following amendment by Senator Odegaard to the amendment by Senators Wilson and Walgren was adopted:

Beginning on line 14, strike "~~((at a rate of not exceeding eight percent per year))~~" and insert "at a rate of not exceeding ~~((eight))~~ twelve percent per year"

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

On motion of Senator Wilson, the following amendment by Senators Wilson and Walgren to the title was adopted:

In the title, page 1, line 1, after "government;" strike everything down through ".330;" on line 10 and insert "amending section 36.67.040, chapter 4, Laws of 1963 as last amended by section 5, chapter 142, Laws of 1969 and RCW 36.67.040;"

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 1090, 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 Wilson, Senator Ridder was excused.

POINT OF INQUIRY

Senator Quigg: "Senator Wilson, by increasing the limit on the amounts the counties can pay on these bonds, I wonder, I suppose I guess, that we are going to see the counties paying quite a bit more in interest on these bonds, and I wonder if there has been any consideration of the magnitude of that increased interest and whether or not we have any Initiative 62 implications here as we give the counties a gift of a bigger interest bill to pay through this measure?"

Senator Wilson: "Senator, in the first place, 62 of course is not involved at all since selling bonds is an optional decision by the counties and it is not mandated by the state. Secondly, I would not be supporting this bill at all if I did not feel that it was probably going to save some millions of dollars for the taxpayers of the state, because if the ceiling is not raised at this session, it will be at least a year before it can. Meanwhile the numerous capital construction projects various counties are planning will, if they cannot sell the bonds at the present rate which appears to be the case, will simply sit idle; and when they are built a year later or a longer period later, it will cost the taxpayers just that much more to pay for them."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1090, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 12; absent or not voting, 1; excused, 6.

Voting yea: Senators Bluechel, Bottiger, Bradburn, Clarke, Conner, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Henry, Lewis, Marsh, Moore, Morrison, Odegaard, Peterson, Quigg, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognilid, von Reichbauer, Wanamaker, Wilson, Woody—30.

Voting nay: Senators Bausch, Day, Donohue, Fleming, Hansen, Hurley, Jones, Lee, Lysen, Rasmussen, Williams, Wojahn—12.

Absent or not voting: Senator Walgren—1.

Excused: Senators Benitz, Gallagher, Matson, McDermott, Pullen, Ridder—6.

SUBSTITUTE HOUSE BILL NO. 1090, 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 8:40 p.m., on motion of Senator Marsh, the Senate was declared to be at ease subject to the call of the President.

At 9:20 p.m., the President called the Senate to order.

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:

1980-257	Alien land ownership, study
1980-258	School district funding, study
1980-259	Hazardous material transportation, study
1980-260	Padilla Bay sanctuary, study
1980-261	Bottom fish industry, study
1980-262	Veterans' home revolving fund, study
1980-263	Select committee, health care vendors
1980-264	Public development corporations, study
1980-265	Adoption laws, study

1980-267

Radioactive waste, interstate compact

MOTION

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

SENATE RESOLUTION 1980-240

By Senators McDermott, Hurley, Vognild, Day, Ridder, Gaspard, Moore, Van Hollebeke, Talmadge, Lysen, Wojahn, Walgren, Quigg, Fleming, Goltz, Hansen, Jones, Morrison, Williams and Woody:

WHEREAS, The history of the United States of American is deeply entwined with that of the island of Ireland; and

WHEREAS, Its traditional concern for international human rights and self-determination of all peoples compels the United States to play a positive role to seek an end to injustices, discrimination, and all types of violence in Northern Ireland;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Congress of the United States be asked to take all appropriate action to direct the United States government to encourage the British government to embark upon initiatives that would end all violations of human rights in Northern Ireland and promote self-determination of the whole people of the island of Ireland; and

BE IT FURTHER RESOLVED, That the Congress of the United States should take all appropriate action to ensure that no American economic or political aid will reinforce discrimination or any other human rights violations in Northern Ireland; and

BE IT FURTHER RESOLVED, That the Congress of the United States should take all appropriate action to ensure that all American enterprises operating in Northern Ireland are in full compliance with United States fair employment laws; and

BE IT FURTHER RESOLVED, That the Congress of the United States should pass and enact House Resolution 122, sponsored by Congressman Biaggi; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate of the State of Washington to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the congressional delegation from this state.

MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1980-241.

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

SENATE RESOLUTION 1980-241

By Senators Morrison and Vognild:

WHEREAS, The Department of Labor and Industries has been reluctant to implement a group dividend program for small employers within the state fund without statutory authority despite existing rules and regulations which would provide for such a program; and

WHEREAS, The legislature has passed Substitute Senate Bill No. 3169 which provides a group dividend program for small employers; and

WHEREAS, The legislature has authorized an appropriation of \$20,000.00 in the supplemental budget (House Bill No. 1526) to the Department of Labor and Industries for implementation of a group dividend program; and

WHEREAS, A group dividend program properly administered will encourage improved safety programs for small employers;

NOW, THEREFORE, BE IT RESOLVED, That the joint committee on workers' compensation, as established in section 3 of Substitute Senate Bill No. 3169, include in its study the issue of the implementation of the group dividend program contained in section 4 of the Substitute Senate Bill No. 3169; and

BE IT FURTHER RESOLVED, That the Senate request that the Department of Labor and Industries give an initial report to the joint committee on workers' compensation on the status of the group dividend program no later than October 1, 1980, and that the department provide a final report on the status of the group dividend program no later than January 1, 1981.

MOTION

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

SENATE RESOLUTION 1980-243

By Senators Wanamaker, Ridder, Talmadge, Hurley, Quigg, Peterson, Van Hollebeke, Conner, Vognild, Moore, McDermott, Talley, Day, Gaspard, Lysen, Goltz, Bausch, Williams, Haley and Gould:

WHEREAS, The Attorney General of the State of Washington issued a ruling on January 14, 1980 which reverses two prior Attorney General opinions, and places insurmountable difficulties in the way of current ferry system labor negotiations by including the system's contract employees under the jurisdiction of the State Employees Insurance Board; and

WHEREAS, Twelve unions cumulatively representing over 1,100 ferry system employees, all of whose contracts expire by June 30, 1980, are adversely affected by the Attorney General's ruling; and

WHEREAS, These employees have previously been ruled ineligible and exempt from SEIB restrictions and have negotiated and paid for their health plans from negotiated wage packages for over thirty years; and

WHEREAS, The implementation of this ruling could impose extensive costs on the state in the form of double payments and coverage, and instigate costly litigation over resulting labor disputes; and

WHEREAS, Conflicting legal advice, not statutory policy, has created this threatened interference with the historic and statutory rights of ferry system employees to bargain for benefits;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Attorney General be strongly urged to reexamine the above opinion and reconsider the conclusions reached therein regarding the legislative intent behind the applicable statutes; and

BE IT FURTHER RESOLVED, That the Senate requests the Department of Transportation, the Transportation Commission, the Washington State Ferry System, and the SEIB not to take any actions which could precipitate labor unrest during the coming months when ferry usage and demand is at its peak, until the legal uncertainties created by this Attorney General's opinion can be removed; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Attorney General, the Department of Transportation, the Transportation Commission, and the SEIB.

MOTION

Senator Odegaard moved adoption of the following resolution:

SENATE FLOOR RESOLUTION 1980-244

By Senators Walgren, Odegaard, Goltz, Conner, Talley, Hansen, Fleming, Williams, Wojahn and Hurley:

WHEREAS, The national rate of inflation has reached alarming proportions with little evidence that appropriate measures are being taken to bring it under control; and

WHEREAS, Interest rates have climbed to an all-time high threatening new limitations on credit and dislocations in housing and related industries; and

WHEREAS, A 'psychology of inflation' has developed whereby wages, prices and individual consumer purchasing decisions accept and anticipate inflationary increases;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington that the President, Congress, and the Federal Reserve Board take appropriate action for an immediate wage, price and interest freeze to be followed by mandatory wage, price and interest controls carefully designed to maximize their effectiveness and to promote public support for the program;

AND BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the Honorable Jimmy Carter, President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the Congress from the State of Washington, and to the Federal Reserve Board.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Lewis: "Mr. President, if a resolution passes, is it possible to have a minority report? Is it possible to have a minority report to a resolution, Mr. President?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator.

MOTION

Senator Guess moved that Senate Resolution 1980-244 be referred to the Committee on Rules.

Debate ensued.

MOTION

Senator Morrison moved that Senate Resolution 1980-244 be laid upon the table.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Morrison that Senate Resolution 1980-244 be laid upon the table.

ROLL CALL

The Secretary called the roll on the motion by Senator Morrison failed by the following vote: Yeas, 17; nays, 23; absent or not voting, 5; excused, 4.

Voting yea: Senators Bluechel, Bradburn, Clarke, Gould, Guess, Haley, Hansen, Hayner, Jones, Lee, Lewis, Morrison, Quigg, Scott, Sellar, Wanamaker, Wilson—17.

Voting nay: Senators Bausch, Bottiger, Conner, Day, Donohue, Gaspard, Goltz, Hurley, Lysen, Marsh, McDermott, Moore, Odegaard, Ridder, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—23.

Absent or not voting: Senators Fleming, Henry, Peterson, Rasmussen, Talley—5.

Excused: Senators Benitz, Gallagher, Matson, Pullen—4.

There being no objection, on motion of Senator Guess, the motion to refer Senate Resolution 1980-244 to the Committee on Rules was withdrawn.

MOTIONS

On motion of Senator Wilson, Senators Fleming and Talley were excused.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Resolution 1980-244.

ROLL CALL

The Secretary called the roll on the final passage of Senate Resolution 1980-244 and the resolution failed to pass the Senate by the following vote: Yeas, 18; nays, 23; absent or not voting, 3; excused, 5.

Voting yea: Senators Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hurley, Lysen, Marsh, McDermott, Odegaard, Peterson, Ridder, Vognild, Walgren, Williams, Wojahn—18.

Voting nay: Senators Bausch, Bluechel, Bradburn, Clarke, Gould, Guess, Haley, Hansen, Hayner, Jones, Lee, Lewis, Moore, Morrison, Quigg, Scott, Shinpoch, Talmadge, Van Hollebeke, von Reichbauer, Wanamaker, Wilson, Woody—23.

Absent or not voting: Senators Henry, Rasmussen, Sellar—3.

Excused: Senators Benitz, Gallagher, Matson, Pullen, Talley—5.

MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1980-245.

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

SENATE RESOLUTION 1980-245

By Senators Hurley, Bottiger and Woody:

WHEREAS, The state of Washington, the Northwest and the nation face serious shortages of all forms of energy and rising energy costs; and

WHEREAS, The consumption of energy in state and local government buildings is conspicuous in the eyes of the people of Washington; and

WHEREAS, There are substantial opportunities to reduce energy consumption in government buildings through simple energy housekeeping measures which cost little or nothing; and

WHEREAS, The reduction of the consumption of energy in government buildings would provide a positive example for the people of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That state and local government agencies are hereby urged to examine their use of energy, identify sensible low-cost methods of operation and maintenance which will lead to energy savings and to implement those methods as rapidly as possible; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the heads of all state agencies and the governing bodies of the counties of the state of Washington.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3537,
SUBSTITUTE SENATE BILL NO. 3603.

MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1980-235.

Senator von Reichbauer moved adoption of the following resolution:

SENATE RESOLUTION 1980-235

By Senator von Reichbauer:

WHEREAS, Frances G. Brown, Tour Guide of the State Capitol in the State of Washington, has energetically conducted informative tours of the State Capitol for over four years; and

WHEREAS, Frances Brown's background in public relations and her devotion to the public reflect her capability to give to her visitors above and beyond herself; and

WHEREAS, Frances Brown acts as a liaison between both the House and the Senate in coordinating tours; and

WHEREAS, Frances Brown's dedication, belief, and honesty in our democratic government implants that dedication, belief, and honesty in our visitors; and

WHEREAS, Frances Brown's devotion to the public extends to numerous community service and religious organizations;

NOW, THEREFORE, BE IT RESOLVED, That Frances Brown be recognized for her continuous and supportive service to the citizens of the State of Washington; and

BE IT FURTHER RESOLVED, That the Washington State Senate commends Frances Brown for her honest portrayal of the Legislature; and

BE IT FURTHER RESOLVED, That Frances Brown be commended for her efforts to instill in the visitors a sense of efficacy in government; and

BE IT FURTHER RESOLVED, That Frances Brown receive a copy of this resolution from the Secretary of the Senate.

On motion of Senator Gould, the following amendment to the resolution was adopted:

In the fourth "WHEREAS" strike "Democratic Government" and insert "democratic government"

The motion by Senator von Reichbauer carried and the resolution, as amended, was adopted.

MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1980-250.

Senator Morrison moved adoption of the following resolution:

SENATE RESOLUTION 1980-250

By Senators Morrison, Benitz and Bottiger:

WHEREAS, The steadily increasing demand for premium fuels, especially oil and gas, cannot continue to be met by traditional sources at traditional prices; and

WHEREAS, Alcohol fuels represent sources that can substitute for petroleum products now and increasingly through the 1980's; and

WHEREAS, The Washington Department of Commerce and Economic Development has recently completed a study of the technical and economic feasibility of

the production of ethanol for fuel in the state of Washington, verifying that a large-scale production of ethanol of around 50 million gallons produced annually located in the Columbia Basin area is both technically and economically very attractive; and

WHEREAS, Several groups of investors are in the process of developing such a plant in the Tri-Cities area; and

WHEREAS, There is a tremendous amount of unused energy in the form of waste heat produced on the Hanford Federal Reservation which could be utilized by an ethanol producing facility;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That those private industries interested in the production of ethanol for fuel, work jointly with the Washington Public Power Supply System, the Energy Facility Site Evaluation Council, and the federal government in locating ethanol facilities so that they may take advantage of the waste heat available from current or future nuclear power reactors on the Hanford Federal Reservation.

POINT OF INQUIRY

Senator Lysen: "Senator Morrison, don't you think with the massive deficit that WPPSS is mounting, that increases by billions every month, that we might need this waste heat to try to keep that deficit from increasing any more, if they can get any value out of it at all, we could try to use it to minimize that deficit which is growing by billions every month?"

Senator Morrison: "I think that is the thrust of the resolution, Senator Lysen, that they can sell some of that heat to some of these folks who otherwise are going to have to burn coal or natural gas to produce alcohol. Good idea."

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

MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1980-255.

Senator Conner moved adoption of the following resolution:

SENATE RESOLUTION 1980-255

By Senators Conner and Walgren:

WHEREAS, Jefferson and Clallam Counties were declared disaster areas on January 23, 1980 due to the economic hardship suffered as a result of the failure of the Hood Canal Bridge; and

WHEREAS, The two Washington State ferries now plying the water of Hood Canal provide a maximum of 210 vehicle spaces per hour to the Olympic Peninsula; and

WHEREAS, In 1978 the traffic across the Hood Canal Bridge on an average was 6,000 vehicles per day and up to 1,000 vehicles per hour in a peak hour; and

WHEREAS, With travel at a minimum on the Olympic Peninsula, the business communities of both Clallam and Jefferson Counties are facing another year of financial hardship; and

WHEREAS, The new Hood Canal Bridge is not scheduled to be open for traffic until mid 1982 at the earliest;

NOW, THEREFORE, BE IT RESOLVED, That the Governor of Washington State and the Washington State Transportation Commission continue to make every effort possible to minimize the extreme hardship imposed upon the people of the Olympic Peninsula until the replacement bridge is completed.

POINT OF INQUIRY

Senator Lysen: "Senator Conner, would, you say 'Now therefore be it resolved that the commission continue to make every effort possible to minimize the extreme hardship imposed upon the people of the Olympic peninsula'. Would this include the purchase of mini-ferries which now are available and would be in service now if they had gone ahead a year ago for fifteen million dollars which would have a greater capacity than the present service? Would this include those that you and I sponsored that amendment a year ago? The company was down here last week to the transportation committee and they still would like to build the ferries. They need the work; we need the ferries. Do you think that would be a possibility that would be included in the intent of this resolution?"

Senator Conner: "Well, I was the co-sponsor of the resolution that dealt with that particular measure and I am sure that we have attempted to impress upon the director of the department as well as the governor, the importance of that particular program."

Senator Lysen: "As I recall, Secretary Bulley said 'hindsight', he thought it was probably a pretty good idea if he knew a year ago that his bid would have been thrown out because it was written in violation of the state bidding law, and where only one company was eligible to bid, so the local contractors threw it out in a court suit, and whereas the federal government said they would not provide the money for the temporary bridge because the permanent bridge blew away, a temporary one might not last too long, and it was not, it could not get it built in time, so possibly this would still be a good idea. And the secretary did admit that a year ago he kind of wished he had gone ahead with it at that time."

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

MOTION

On motion of Senator Walgren, the following Senate Resolution was referred to the Committee on Rules:

1980-256

SPI/SBCCE area boundaries, study

MOTION

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

SENATE RESOLUTION 1980-268

By Senators Walgren, Odegaard, Hayner and Scott:

WHEREAS, The people of the state of Washington amended our Constitution at the November, 1979 general election to provide for annual sessions of the Washington State Legislature; and

WHEREAS, On January 14, 1980, a Regular Session of the Washington Legislature was convened for the first time in an even-numbered year; and

WHEREAS, This historic occasion marks a significant change in the operation of our Legislature; and

WHEREAS, Annual sessions will result in a legislative process which will afford the electorate an opportunity to become more informed on the issues and problems facing the people of this state on a more current basis; and

WHEREAS, Legislators will no longer operate under the uncertain conditions of the past relating to the existence of, or length of, any "special" session which might have been convened in an even-numbered year; and

WHEREAS, The result will be a more orderly, organized, and informed operation of the Legislature as viewed from the perspective of both the public and the legislators; and

WHEREAS, Each member of the Washington State Senate has served in a distinguished and meritorious manner during this historic session;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That this legislative body shall endeavor to carry out the constitutional mandate of the people in a form and manner befitting the needs, desires, and necessities of the people of the great state of Washington; and

BE IT FURTHER RESOLVED, That in support of the principles of this resolution each member of the Senate does hereby pledge to continue to devote his/her best energies and efforts in confronting the challenges and tasks which lie before them; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate present a suitably inscribed copy of this resolution to each member of the Senate as a remembrance of this historic 1980 session.

MOTIONS

On motion of Senator Goltz, all members were added as sponsors to Senate Resolution 1980-266.

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

SENATE RESOLUTION 1980-266

By Senators Walgren, Odegaard, Hayner, Scott, Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn and Woody:

WHEREAS, The historic first regular session of the Legislature in an even-numbered year is preparing to adjourn SINE DIE; and

WHEREAS, Members of this body represent all of the citizens of our state; and

WHEREAS, This body must employ competent and capable staff; and

WHEREAS, The Secretary of the Senate and his staff must manage the day-to-day administrative affairs of this body; and

WHEREAS, The Senate Research Center provides professional staff to the members and committees of the Senate; and

WHEREAS, The majority and minority caucuses employ persons to aid the members in their duties; and

WHEREAS, Many dedicated persons serve the several standing committees of the Senate in a variety of professions and occupations; and

WHEREAS, Services are provided by persons in the areas of security, paging, housekeeping, food services, chauffeurs, interns and all other persons who have rendered services to the Senate;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That our staff be congratulated for the outstanding way in which they have carried out their duties in aiding the members during this historic session; and

BE IT FURTHER RESOLVED, That the staff be extended our special commendation for a "job well done"; and

BE IT FURTHER RESOLVED, That suitably inscribed copies of this resolution be distributed to the staff as the Secretary of the Senate shall direct.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 894, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler,

Zimmerman, Valle, Nelson (D), Burns and Lux) (by Department of Social and Health Services request):

Regulating sources and uses of radiation.

REPORT OF STANDING COMMITTEE

February 20, 1980.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 894, regulating sources and uses of radiation (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 18, after "radiation," insert "which for the purposes of this chapter is"

On page 2, line 20, after "(\"laser\")" strike "microwaves"

On page 8, line 16, after "commission" insert a new section to read as follows:

"Sec. 6. Section 9, chapter 207, Laws of 1961 and RCW 70.98.090 are each amended to read as follows: The agency or its duly authorized representative shall have the power to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violation of the provisions of this chapter and rules and regulations issued thereunder, except that entry into areas under the exclusive jurisdiction of the federal government, or security areas under the direct or indirect jurisdiction of the federal government, shall be effected only with the concurrence of the federal government or its duly designated representative and that entry into a dwelling shall only be accomplished with a search warrant or other order of court."

Renumber remaining sections consecutively.

On page 8, line 22, strike all of line 22.

On page 1, line 10 of the title after ".080;" insert "amending section 9, chapter 207, Laws of 1961 and RCW 70.98.090;"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Hurley, Talmadge, Vogtild.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments to page 2, lines 18 and 20 were considered and adopted simultaneously.

Senator Day moved adoption of the committee amendment to page 8, line 16.

POINT OF INQUIRY

Senator Guess: "Senator Day, the committee amendment included 'that the head,' let's see. . ."

Senator Day: "This is all existing language except where we added that 'entry into a dwelling shall only be accomplished with a search warrant or other order of court'."

Senator Guess: "All right now, the amendment that was laid on our desk, then struck the entire section 6, is that right?"

Senator Day: "Well, the purpose of this renumbering, we will strike, then, new section 6 which is the appropriation. This will take its place, Senator Guess."

The motion by Senator Day carried and the committee amendment to page 8, line 16 was adopted.

On motion of Senator Day, the committee amendment to page 8, line 22 was adopted.

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

On page 8, beginning on line 17, strike all of section 6.

On motion of Senator Day, the committee amendment to the title was adopted:

On motion of Senator Day, the rules were suspended, Engrossed Substitute House Bill No. 894, 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 Guess: "Senator Day, what did the department describe when they said, and what kind of a pilot program are they going to have? Will you please outline that to us?"

Senator Day: "Well, when the department came before us, they pointed out that there were a lot of additional devices now that create nonionizing radiation, late use of laser beams and some industry use of ultra sound in not only medical uses but in other uses and that they felt that it was a thing out there that they really did not know what was happening and they were going in to industry and do some spot checking and that is what this is, an investigation for the potential dangers of this type of nonionizing radiation. They seemed to think it was quite important because it has expanded in use to some degree."

Senator Guess: "Senator Day, I read subsection 2 in section 2, that radiation means 'ionizing radiation including gamma rays, X rays, alpha beta particles and high speed electrons, neutrons, protons and other nuclear particles'."

Senator Day: "Well, you see that is all existing language, Senator Guess. Before it read 'ionizing radiation means' and we struck the 'ionizing' there and we just reworded that part of the existing law. And the addition is 'and nonionizing radiation'. You see it goes on from down there so . . ."

Senator Guess: "So that is what bothers me is that you are now changing radiation will then mean ionizing radiation and nonionizing radiation. Aren't we getting into a construction problem here by saying that radiation is both of them?"

Senator Day: "No, I think that we regulated ionizing radiation such as X rays before; the department has had an ongoing program, they have had a federal ongoing program; in fact we have about six agencies checking that. And that is why we refused twice before to extend that particular study, we felt there was enough being done. But this is to add nonionizing radiation specifically limited to ultra sound, etc. because of the expanded uses of those particular radiating devices. And so that is the purpose of this and no other purpose; and we tied it down with the amendment so we even inserted after 'radiation' on line 18, 'which for the purposes of this chapter is specifically limited to ultra sound, light amplification by simulated emission of radiation laser' struck 'micro waves' and left 'ultra violet light' in there, because we felt that micro waves are being manufactured and are subject to a number of tests already and we did not want to get into duplication there."

Senator Guess: "The last question, Senator Day. The department will now do a three hundred and sixty-eight thousand dollar job for nothing?"

Senator Day: "That comes as a surprise to me too, Senator Guess; it is three hundred and ninety-six thousand dollar job for nothing."

Senator Guess: "Well, nothing gets nothing is the way I have always figured it out. Is there any use to pass the bill without giving it a little money?"

Senator Day: "I think that there is because as I pointed out, they already have a department that has been checking ionizing radiation, and it is my understanding that a portion of this money in the fiscal note was to purchase the necessary devices which were not too expensive and apparently they feel they can do it without, and I am for that."

Senator Guess: "Thank you, Senator Day."

POINT OF ORDER

Senator Bradburn: "Mr. President, even though this bill originally did contain an appropriation, the body, in its judgment, has seen fit to strike that appropriation and since we are now past the cutoff, I would just like to know would it be appropriate for us to continue consideration of this bill?"

RULING BY THE PRESIDENT

President Cherberg: "Senator Bradburn, in reply to your Point of Order, the President rules that the Engrossed Substitute House Bill 894 would qualify on two counts, namely, it is a measure relating to energy, and it is a measure that originally contained a direct appropriation."

POINT OF INQUIRY

Senator Gould: "Senator Day, on page 3, subsection (7), it talks about registration. Does that in any way imply that an X-ray technician has to be utilized, it has to be an X-ray technician who utilizes an X-ray machine?"

Senator Day: "I believe that the purpose of that is to make certain that the department's testing program, which has been in effect for some time, gets to every device; so it is nothing but a matter of registering the device so they know that they can come and test it. Now they come to our office for example, and they test for stray radiation, they test for proper tube filtration, this type of thing to make certain that no soft rays or no stray rays; and of course, we even wear badges in the office to make certain that those stray rays are not in this type of thing. And all this registration program is designed to do is make certain the department knows where all those devices are."

POINT OF INQUIRY

Senator Quigg: "Senator Day, . . . just to follow up on that a little bit. I have had some calls from people in the nineteenth district that used X-ray equipment that say they have had problems with the department on the licensing or registration or whatever these devices. They are told to send in the money, put up a certificate, but do not worry about it and nobody is going to be out to check it any way; but you had better have your certificate up in case somebody comes by. I just wonder if we are setting up another nonprogram program."

Senator Day: "Well, that is all news to me, Senator. In our area they have been by to check. They do not come by every week, I will guarantee you that, but what they principally do is come by on a schedule that would just about take in the replacement time on equipment so every three or four years they check to see if you have had any changes in the device and if you have, why then they run some tests again."

Senator Quigg: "Do the vendors of this kind of equipment support it at all, is any maintenance or service agreements or those kinds of things, or are you pretty much left on your own?"

Senator Day: "Well, no, I think if you would have a serious problem then you get the maintenance crew out there and tell them what the problem is and they are the ones that are technically equipped to solve it; but basically it is a matter of filtration and of grounding and of stray radiation and the department can do a fairly decent job of checking those out, and then you call the serviceman if you have a problem and tell him what the problem is and you want to correct it and he checks after he has done whatever he is going to do to see that it is corrected."

Senator Quigg: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 894, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 18; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Hurley, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—25.

Voting nay: Senators Bluechel, Bradburn, Clarke, Goltz, Gould, Guess, Haley, Hansen, Hayner, Jones, Lee, Lewis, Morrison, Quigg, Scott, Sellar, Wanamaker, Wilson—18.

Absent or not voting: Senator Henry—1.

Excused: Senators Benitz, Gallagher, Matson, Pullen, Talley—5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 894, 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 returned to the first order of business.

REPORT OF STANDING COMMITTEE

March 13, 1980.

HOUSE BILL NO. 1545, making an appropriation to the state library (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Bausch, Clarke, Gaspard, Goltz, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Sellar, Shinpoch, Walgren, Wojahn.

MOTIONS

On motion of Senator Marsh, the rules were suspended and House Bill No. 1545 was advanced to second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, House Bill No. 1545 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. 1545, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Gallagher, Matson, Pullen, Talley—5.

HOUSE BILL NO. 1545, having received the 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, House Bill No. 1545 was ordered immediately transmitted to the House.

MESSAGE FROM THE HOUSE

March 13, 1980.

Mr. President: The House has receded from its amendments to SUBSTITUTE SENATE BILL NO. 3509 by the Revenue Committee to page 1, after the enacting clause, and page 1, line 1 of the title, and has passed the bill without said amendments, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Senator Odegaard, you indicated that dropping the one-third exclusion represented kind of a loss as compared to increasing the two levels. Are there some senior citizens, however, who will be taking a step backwards by virtue of this bill, and will find themselves with less of an exemption than they presently have?"

Senator Odegaard: "Senator Wilson, this is the first question I asked Representatives Sommers and Craswell when they brought this approach over and we met in my office because I had that same concern. And their response was that their staff and Norm Schut of the senior citizen lobby could find no cases where anyone would end up being taken out of the program because of this change. I have no guarantee that that would not happen. We did work out different possible cases and tried to think of all different possible cases, the maximum amount of social security received and other types of incomes or interest earnings or whatever, and in every case we worked up they actually came out a little bit better. But as I say, there is no guarantee, there might be somebody out there that might end up actually being cut out of the program. I at least sincerely hope that that is not the case, however, I believe there was the original approach by some of the members in the House revenue committee to not have increased the level by three thousand but only by two thousand; but they had that fear that maybe then they would be cutting some people out of the program, so they went for the three thousand to hope, at least to be sure of that. So that is the best I can, that I know, say on it."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Senator Wilson, there may be and well can be because of the escalation valuation that is going on. At the present time, of course, all valuations have been going up from forty to sixty percent, some places a hundred and two hundred percent. There may be some people affected; but if we can, we get back here in January of 1981 we still will not be able to handle that problem because this will only affect 1981 taxes and exemptions at that time. So for this year the people are all right and for '81 we will have to take a look then and we can make it retroactive then to the first of the year, so that we can cover those people in that instance."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3509, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Gallagher, Matson, Pullen, Talley—5.

SUBSTITUTE SENATE BILL NO. 3509, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

March 13, 1980.

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

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1763 with the Senate amendment on page 3, line 9.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The House has concurred in the Senate amendment to HOUSE CONCURRENT RESOLUTION NO. 35 and has adopted the resolution as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1147 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE SENATE BILL NO. 3371, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The Speakers have signed:
SUBSTITUTE SENATE BILL NO. 3207,
SUBSTITUTE SENATE BILL NO. 3457,
SUBSTITUTE SENATE BILL NO. 3551, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

At 10:45 p.m., on motion of Senator Walgren, the Senate was declared to be at ease subject to the Call of the President.

The President called the Senate to order at 11:30 p.m.

MOTION

On motion of Senator Walgren, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

REENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3, by Representatives Pruitt, Fuller and May (by Joint Board of Legislative Ethics request):

Adopting joint rules for forty-sixth legislature.

MOTIONS

On motion of Senator Walgren, the rules were suspended and Reengrossed House Concurrent Resolution No. 3 was advanced to second reading and read the second time in full.

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

On page 9, line 27, after "RULE 28." strike all material down to and including "Constitution." on line 31 and insert "The sessions of the legislature shall be held ~~((biennially))~~ annually, convening at 12 o'clock noon on the second Monday of January each ~~((odd))~~ year, as provided by ~~((chapter XX of the Laws of 1891 (44.04-010, RCW)))~~ RCW 44.04.010 in accordance with art. 2, section 12 of the state Constitution."

Senator Goltz moved adoption of the following amendment by Senators Woody and Goltz:

On page 10, line 49, after "(3)" strike all material down to and including "year;" on line 53 and insert "In any year in which a legislator is a candidate for public office, no poll may be conducted by or on behalf of such legislator during the period between June 1st and the general election day of that year: PROVIDED, That such polling is not prohibited during any special legislative session or during the thirty days preceding such session. A legislative committee may authorize or conduct a poll at any time if the poll conforms to subsections (1), (2) and (4) of this rule;"

POINT OF INQUIRY

Senator Day: "Senator Goltz, I note the way this is written this would prohibit a legislator from conducting a poll even if he paid for said poll. Is that your intent? What if he were campaigning and as part of his campaign he intended to pay for a poll of some type?"

Senator Goltz: "It is obviously the intent that the legislator should not be able to use public facilities to do this kind of polling. . . ."

Senator Day: ". . . or public funds?"

Senator Goltz: "That is correct. And so any poll which a candidate would make on his own behalf from his own campaign funds or personal funds, would not be covered by this rule."

POINT OF INQUIRY

Senator Scott: "Senator Goltz, what do subsections (1), (2) and (4) apply to?"

Senator Goltz: "(1), (2) and (4), I can read them, they are very short. Number (1) says 'Polling must be authorized by a legislator and confined to soliciting opinions or facts relative to legislative issues or studies'. (2) 'The identity of the legislator, legislative committee or party caucus conducting the poll must be disclosed to the person being polled'. And (4) 'That the polling complies with all other pertinent laws and rules'."

POINT OF INQUIRY

Senator von Reichbauer: "Senator Goltz, as I listen to you and I read this, I wonder why, why are we passing this?"

Senator Goltz: "Why are we passing a rule on polling? It is to prevent, and to assure the public that the employees and legislators are not using public facilities to conduct polls which would be to their advantage in a political campaign."

The motion by Senator Goltz carried and the amendment was adopted.

On motion of Senator Walgren, the rules were suspended, Reengrossed House Concurrent Resolution No. 3, 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 Reengrossed House Concurrent Resolution No. 3, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Absent or not voting: Senators Fleming, Hurley, Lysen—3.

Excused: Senators Benitz, Gallagher, Matson, Pullen, Talley—5.

REENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3, as amended by the Senate, having received the constitutional majority, was declared passed.

REPORT OF STANDING COMMITTEE

March 13, 1980.

ENGROSSED HOUSE BILL NO. 1433, appropriating funds for the state crime lab (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Bausch, Clarke, Gaspard, Goltz, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Sellar, Shinpoch, Walgren, Wojahn.

MOTIONS

On motion of Senator Marsh, the rules were suspended and Engrossed House Bill No. 1433 was advanced to second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 1433 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. 1433, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Absent or not voting: Senators Fleming, Hurley—2.

Excused: Senators Benitz, Gallagher, Matson, Pullen, Talley—5.

ENGROSSED HOUSE BILL NO. 1433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator von Reichbauer: "Earlier this session, Mr. President, in addressing a question about time, you quoted from Webster about the twenty-four-hour day. Is it the Chair's opinion that when the body came into session at twelve noon on the first day of the session, that the sixtieth day would end at twelve noon, tomorrow?"

REPLY BY THE PRESIDENT

President Cherberg: "That has nothing to do with parliament."

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3509.

SENATE CONCURRENT RESOLUTION NO. 120.

MESSAGE FROM THE HOUSE

March 12, 1980.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3250 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. This chapter may be known and cited as the "Nursing Homes Auditing and Cost Reimbursement Act of 1980."

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of establishing the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by an individual professionally designated either by the American institute of real estate appraisers as a member, appraisal institute (MAI), or by the society of real estate appraisers as a senior real estate analyst (SREA) or a senior real property

appraiser (SRPA). It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectable from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor

in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledge agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

(20) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

(21) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

(22) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(23) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(24) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

(25) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

(26) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

(27) "Net book value" means the historical cost of an asset less accumulated depreciation.

(28) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital

which shall be five percent of the allowable costs of each contractor for the previous calendar year.

(29) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(30) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

(31) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

(32) "Patient day" or "client day" means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

(33) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience as specified by the department;

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker who is a graduate of a school of social work;

(f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; and

(h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

(34) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

(35) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

(36) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

(37) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

(38) "Secretary" means the secretary of the department of social and health services.

(39) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended.

NEW SECTION. Sec. 3. PRINCIPLES OF REPORTING REQUIREMENTS. The principle inherent within sections 4 through 9 of this act is that the department shall receive complete, annual reporting of costs and financial condition of the contractor prepared and presented in a standardized manner.

NEW SECTION. Sec. 4. REPORT DUE DATE. (1) Not later than March 31, 1982, and each year thereafter, each contractor shall submit to the department an annual cost report, and such financial statements as are required by this chapter, for the period from January 1st through December 31st of the preceding year.

(2) Two extensions of not more than thirty days each after March 31st may be granted by the department upon receipt of a written request setting forth the circumstances which prohibit the contractor from compliance with such due date; except, that the secretary shall establish the grounds for extension in rule and regulation. Such request must be received by the department at least ten days prior to the due date.

(3) Not later than one hundred and twenty days following the termination of a contract, the contractor shall submit to the department a cost report, and such financial statements as are required by this chapter, for the period from January 1st through the date the contract terminated.

NEW SECTION. Sec. 5. IMPROPERLY COMPLETED OR LATE REPORTS. If either the cost report or the financial statements are not properly completed or if they are not received by the due date, all or part of any payments due under the contract may be withheld by the department until such time as the required cost report and financial statements are properly completed and received.

NEW SECTION. Sec. 6. COMPLETING REPORTS AND MAINTAINING RECORDS. (1) Cost reports shall be prepared in a standard manner and form, as determined pursuant to section 7 of this act, which shall provide for financial statements, an itemized list of allowable costs, and a preliminary settlement report. Costs reported shall be determined in accordance with generally accepted accounting principles and such additional rules and regulations as are established by the secretary.

(2) All financial statements of a contractor must be prepared in accordance with generally accepted accounting principles, such additional regulatory requirements developed pursuant to section 7 of this act, and such additional rules and regulations as are established by the secretary.

(3) The records shall be maintained on the accrual method of accounting and agree with or be reconcilable to the cost report and the financial statements.

NEW SECTION. Sec. 7. DEVELOPMENT OF ACCOUNTING AND AUDITING REQUIREMENTS. (1) The office of financial management shall, within seventy-five days after the effective date of this section, engage a consultant through competitive bids who will develop the following:

(a) A uniform chart of accounts;

(b) A standard cost report form, including financial statements which shall be in conformity with generally accepted accounting principles and such regulatory requirements established by this section as well as any relevant federal regulatory requirements;

(c) Regulatory reporting and accounting provisions which may be required; and

(d) Regulatory auditing provisions which may be required.

(2) Such consultant will develop the items specified in subsection (1) of this section:

(a) In cooperation with an advisory committee to be composed of representatives of the office of financial management, the legislature, the department, the office of the state auditor, the Washington society of certified public accountants, and the providers of nursing home services; and

(b) In a manner which will achieve the principles stated in sections 3 and 10 of this act.

(3) Such consultant shall provide ongoing financial consulting assistance to the patient task force created in section 86 of this act. The patient classification system and standard hours for each classification established by the task force must tie to the uniform chart of accounts, standard cost reports, and financial statements to allow the independent certified public accountant to express an opinion on the statement of expenditures presented in the annual cost report.

(4) Such consultant will complete the development of the items specified in subsection (1) of this section not later than October 1, 1980. The secretary will adopt rules and regulations necessary to implement the consultant's product not later than December 31, 1980, for use in the 1981 reporting year.

NEW SECTION. Sec. 8. REQUIREMENTS FOR RETENTION OF RECORDS BY THE CONTRACTOR. (1) All records supporting the required cost reports and financial statements, as well as trust funds established by section 70 of this act, shall be retained by the contractor for a period of four years following the filing of such reports at a location in the state of Washington specified by the contractor. The department may direct such records to be retained for a longer period if there remain unresolved questions on the cost reports and financial statements. All such records shall be made available upon demand to authorized representatives of the department, the office of the state auditor, and the United States department of health, education and welfare.

(2) When a contract is terminated, all payments due will be withheld until accessibility and preservation of the records within the state of Washington are assured.

NEW SECTION. Sec. 9. RETENTION OF REPORTS BY THE DEPARTMENT. The department will retain the required cost reports and financial statements for a period of one year after final settlement, or the period required under the provisions of chapter 40.14 RCW, whichever is greater.

PART B AUDIT

NEW SECTION. Sec. 10. PRINCIPLES OF AUDIT REQUIREMENTS. The principles inherent within sections 11 through 14 of this act are:

(1) To ascertain, through certified audit, that the costs for each year are accurately reported, thereby providing a valid basis for future rate determination;

(2) To ascertain, through certified audits of the cost reports, that cost reports properly reflect the financial statements of the contractor, particularly as they pertain to related organizations and beneficial ownership, thereby providing a valid basis for the determination of return as specified by this chapter;

(3) To ascertain, through the certified audit and the oversight of the office of the state auditor, that compliance with the accounting and auditing provisions of this chapter and the rules and regulations of the department as they pertain to these accounting and auditing provisions is proper and consistent; and

(4) To ascertain, through certified audits, that the responsibility of the contractor has been met in the maintenance of patient trust funds.

NEW SECTION. Sec. 11. DESK REVIEW. (1) The department shall analyze the submitted cost report and financial statements of each contractor to determine if the information is correct and complete. If the analysis finds that either the cost report or financial statements are incorrect or incomplete, the department shall take whatever steps are deemed necessary to obtain information from the contractor.

(2) The department shall accumulate data from the properly completed cost reports and financial statements for use in:

- (a) Exception profiling; and
- (b) Establishing rates.

(3) The department may further utilize such accumulated data for analytical, statistical, or informational purposes as it may deem necessary.

NEW SECTION. Sec. 12. TYPES OF EXAMINATIONS. Certified audits of the cost reports and patient trust accounts shall be conducted in accordance with the provisions of this chapter, as follows:

(1) The annual cost report of each contractor and the patient trust accounts under his control will be audited prior to submission to the department by an independent certified public accountant, licensed according to the provisions of chapter 18.04 RCW, who shall be engaged by the office of financial management through competitive bids. The office of financial management shall cause to be published a request for qualifications from independent certified public accountants. The office of financial management shall then select those independent certified public accountant firms which have qualified to participate in the competitive bid process through a request for proposals: **PROVIDED**, That during fiscal year 1982, for one hundred percent of the contractors, cost reports and patient trust accounts shall be audited: **PROVIDED FURTHER**, That during fiscal year 1983, for up to one hundred percent of the contractors, cost reports and patient trust accounts shall be audited. The requirements contained in this subsection shall not be required after June 30, 1983;

(2) Upon request of the secretary; and

(3) Upon termination of a contract.

NEW SECTION. Sec. 13. PREPARATION FOR AUDIT BY THE CONTRACTOR. (1) For the requirements of section 12(1) of this act, the contractor shall be notified by the accountant at least ten working days in advance of the engagement. Upon such notification, the contractor shall:

(a) Provide access to the facility, all records, and all working papers which are in support of the cost report, financial statements, and patient trust funds; and

(b) Prepare reconciliation of the cost report and financial statements with (i) applicable federal income and federal and state payroll tax returns and (ii) the records for the period covered by the cost report and financial statements.

(2) For the requirements of section 12(2) of this act, the contractor shall provide access to the facility and supply all records as required in subsection (1) of this section.

NEW SECTION. Sec. 14. SCOPE OF AUDIT. (1) The annual cost reports of contractors are required to be audited by an independent certified public accountant in accordance with generally accepted auditing standards established for audit of financial statements by the American institute of certified public accountants.

(2) Accompanying the annual cost report and accountant's report thereon shall be:

(a) A schedule of questioned costs, including dollar amounts being questioned and an explanation of the accountant's reason for questioning the allowability of such costs; except that, an amount, not less than five hundred dollars, shall be established by the secretary below which questioned costs need not be listed;

(b) A schedule summarizing the adjustments to the contractor's financial records as a result of the audit, including dollar amounts, the general ledger account or account group, and an explanation of the reason for adjustment; and

(c) A schedule summarizing the adjustments to the contractor's preliminary settlement report as a result of the audit.

(3)(a) The independent auditor shall perform separate audits on the trust funds established by section 70 of this act. Such audit shall be prepared in conformity with generally accepted auditing standards and additional rules and regulations established by the department.

(b) Accompanying the audit report on such trust funds shall be any letters of comments or recommendations relating to discrepancies or improvements in accounting procedures.

(4) The independent certified public accountant shall retain all working papers resulting from audits conducted pursuant to this section for a period of five years from the date the report was submitted to the department. The secretary shall have access to such retained working papers upon ten days' written notice to the independent certified public accountant.

PART C SETTLEMENT

NEW SECTION. Sec. 15. SETTLEMENT PROCESS. (1) The settlement process shall consist of:

(a) The evaluation of the preliminary settlement report by cost center contained within the cost report;

(b) The evaluation of the audit results, including disallowed costs; and

(c) The process of scheduling payment as to such underpayments or overpayments.

(2) In:

(a) Rulings on questioned costs; or

(b) Interpretations resulting in payment of the whole or a portion of a disallowed cost,

the department shall prepare and maintain such rulings and interpretations with full justification and explanation for the respective contractor and the appropriate standing committees of the legislature.

NEW SECTION. Sec. 16. SETTLEMENT. (1) Upon receipt of the preliminary settlement report, the department shall verify the accuracy of such report.

(2) Within thirty days after receipt of the audited reports by the secretary, the department will submit a proposed final settlement report by cost center to the contractor which rules on questioned costs, and fully substantiates disallowed costs, refunds, underpayments, and/or adjustments to the preliminary settlement report.

NEW SECTION. Sec. 17. DATE SETTLEMENT BECOMES FINAL. (1) The settlement will become final thirty days after the date the proposed final settlement report is submitted to the contractor, unless the contractor contests the determination. In the event of such action, the contractor has thirty days after the date the proposed final settlement report has been submitted to notify the department of such contesting pursuant to the provisions of section 78 of this act.

(2) A settlement will be reopened if necessary to make adjustments for findings resulting from an audit performed pursuant to this chapter.

NEW SECTION. Sec. 18. PAYMENT OF UNDERPAYMENTS—REFUND OF OVERPAYMENTS/ERRONEOUS PAYMENTS. (1) The state shall make payment of any underpayments within fifteen days of the date the settlement becomes final.

(2) The contractor found to have received either overpayments and/or erroneous payments shall refund such payments to the state within thirty days of the date the settlement becomes final, subject to the provisions of subsections (3), (4), and (5) of this section.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective audited allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded.

(4) Within the cost centers of administration and operations and property, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective, audited, allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of authorized medical care client days in which said rates were in effect. The secretary, by rule and regulation, shall establish the basis for the specific percentages of savings to the contractors. Such rules and regulations may provide for differences in the percentages allowed for each cost center to

individual facilities based on performance measures related to administrative efficiency.

(5) All allowances provided by section 53 of this act shall be retained by the contractor.

(6) In the event the contractor fails to make repayment in the time provided in subsection (2) of this section, the department shall either:

(a) Deduct the amount of refund due plus assessment of interest, as determined by the secretary, from payment amounts due the contractor; or

(b) In the instance the contract has been terminated, (i) deduct the amount of refund due plus an assessment of interest, determined by the secretary, from any payments due; or (ii) assess the amount due plus interest, as determined by the secretary, on the amount due.

(7) Where the facility is pursuing judicial or administrative remedies in good faith regarding settlement issues, the department shall not withhold from the facility current payment amounts the department claims to be due from the facility. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest, as payable on judgments, within sixty days of the date such decision is made.

PART D ALLOWABLE COSTS

NEW SECTION. Sec. 19. PRINCIPLES OF ALLOWABLE COSTS. (1) The substance of a transaction will prevail over its form.

(2) All documented costs which are ordinary, necessary, related to care of medical care recipients, and not expressly nonallowable, are to be allowable.

(3) Costs applicable to services, facilities, and supplies furnished to the provider by related organizations are allowable but at the cost to the related organization, provided they do not exceed the price of comparable services, facilities, or supplies that could be purchased elsewhere.

(4) The payment for property usage is to be independent of ownership structure and financing arrangements.

NEW SECTION. Sec. 20. OFFSET OF MISCELLANEOUS REVENUES.

(1) Allowable costs shall be reduced by the contractor whenever the item, service, or activity covered by such costs generates revenue or financial benefits other than through the contractor's normal billing for care services; except that, unrestricted grants, gifts, and endowments, and interest therefrom, will not be deducted from the allowable costs of a nonprofit facility.

(2) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documentation of cost, it shall be the full amount of the revenue received. Where financial benefits such as purchase discounts or rebates are received, the amount of the reduction shall be the amount of the discount or rebate.

NEW SECTION. Sec. 21. COSTS OF MEETING STANDARDS. All necessary and ordinary expenses a contractor incurs in providing care services will be allowable costs. These expenses include:

(1) Meeting licensing and certification standards;

(2) Meeting standards of providing regular room, nursing, ancillary, and dietary services, as established by department rule and regulation pursuant to chapter 211, Laws of 1979 ex. sess.; and

(3) Fulfilling accounting and reporting requirements imposed by this chapter.

NEW SECTION. Sec. 22. LIMIT ON COSTS TO RELATED ORGANIZATIONS. (1) Costs applicable to services, facilities, and supplies furnished by a related organization to the contractor shall be allowable only to the extent they do

not exceed the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere.

(2) Documentation of costs to the related organization shall be made available to the auditor at the time and place the records relating to the entity are audited. Payments to or for the benefit of the related organization will be disallowed where the cost to the related organization cannot be documented.

NEW SECTION. Sec. 23. INITIAL COST OF OPERATION. (1) The necessary and ordinary one-time expenses directly incident to the preparation of a newly constructed or purchased building by a contractor for operation as a licensed facility shall be allowable costs. These expenses shall be limited to start-up and organizational costs incurred prior to the admission of the first patient.

(2) Start-up costs shall include, but not be limited to, administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, and training; except, that they shall exclude expenditures for capital assets. These costs will be allowable in the administration and operations cost center if they are amortized over a period of not less than sixty months beginning with the month in which the first patient is admitted for care.

(3) Organizational costs are those necessary, ordinary, and directly incident to the creation of a corporation or other form of business of the contractor including, but not limited to, legal fees incurred in establishing the corporation or other organization and fees paid to states for incorporation; except, that they do not include costs relating to the issuance and sale of shares of capital stock or other securities. Such organizational costs will be allowable in the administration and operations cost center if they are amortized over a period of not less than sixty months beginning with the month in which the first patient is admitted for care.

NEW SECTION. Sec. 24. EDUCATION AND TRAINING. (1) Necessary and ordinary expenses of on-the-job training and in-service training required for employee orientation and certification training directly related to the performance of duties assigned will be allowable costs.

(2) Necessary and ordinary expenses of recreational and social activity training conducted by the contractor for volunteers will be allowable costs.

NEW SECTION. Sec. 25. OWNER OR RELATIVE—COMPENSATION. (1) Total compensation of an owner or relative of an owner shall be limited to ordinary compensation for necessary services actually performed.

(a) Compensation is ordinary if it is the amount usually paid for comparable services in a comparable facility to an unrelated employee, and does not exceed limits set out in this chapter.

(b) A service is necessary if it is related to patient care and would have had to be performed by another person if the owner or relative had not done it.

(2) The contractor, in maintaining customary time records adequate for audit, shall include such records for owners and relatives who receive compensation.

NEW SECTION. Sec. 26. COMPENSATION FOR ADMINISTRATIVE PERSONNEL. (1) Compensation for full-time administrative personnel, as defined in the contract between the contractor and such personnel, shall be an allowable cost, limited as follows:

(a) For calendar year 1981, the compensation of a licensed administrator of a facility having one hundred sixty or more beds shall not exceed thirty-two thousand dollars. The compensation of licensed administrators having beds not exceeding:

- (i) Seventy-nine; and
- (ii) One hundred fifty-nine;

shall be established by the department on a calendar year basis. The maximum compensation of these three categories of facilities may be adjusted in subsequent calendar years by the department through rule and regulation.

(b) The compensation of a licensed assistant administrator for a facility having eighty or more beds shall not exceed seventy-five percent of the compensation received by the licensed administrator of the facility.

(c) The compensation of a registered administrator-in-training shall not exceed sixty percent of the compensation received by the licensed administrator of the facility.

(2) If the licensed administrator, licensed assistant administrator, or registered administrator-in-training regularly work fewer than forty hours per week, the allowable compensation will be the product of the full-time compensation multiplied by the percentage derived from the division of the actual hours worked by forty hours.

(3) The contractor shall maintain customary time records for the licensed administrator, assistant administrator, and/or administrator-in-training.

NEW SECTION. Sec. 27. DISCLOSURE AND APPROVAL OF COST ALLOCATION. (1) The contractor shall disclose to the department:

(a) The nature and purpose of all costs which represent allocations of joint facility costs; and

(b) The methodology of the allocation utilized.

(2) Such disclosure shall be made not later than September 30, 1980, for the following year and not later than September 30th for each year thereafter; except that a new contractor shall submit the first year's disclosure together with the submissions required by section 67 of this act.

(3) The department shall approve such methodology not later than December 31, 1980, and not later than December 31st for each year thereafter. Such approval shall include, but not be limited to, the assurance that:

(a) The services involved are necessary and nonduplicative; and

(b) Costs are allocated in accordance with benefits received from the resources represented by those costs.

(4) An approved methodology may be revised or amended subject to approval as provided in subsection (3) of this section and rules and regulations adopted by the department.

NEW SECTION. Sec. 28. MANAGEMENT AGREEMENTS. (1) Management fees will be allowed only if:

(a) A written management agreement both creates a principal/agent relationship between the contractor and the manager, and sets forth the items, services, and activities to be provided by the manager; and

(b) Documentation demonstrates that the services contracted for were actually delivered.

(2) To be allowable, fees must be for necessary, nonduplicative services. Allowable fees for general management services, including the portion of a management fee which is not allocated to specific services such as accounting, are limited to

(a) the maximum allowable compensation under section 26 of this act of the licensed administrator and, if the facility has at least eighty beds, of an assistant administrator, less

(b) actual compensation received by the licensed administrator and by the assistant administrator and administrator-in-training, if any.

In computing maximum allowable compensation under section 26 of this act for a facility with at least eighty beds, include the maximum compensation of an assistant administrator even if an assistant administrator is not employed.

(3) A management fee paid to or for the benefit of a related organization will be allowable to the extent it does not exceed the lower of:

(a) The limits set out in subsection (2) of this section; or

(b) The lower of the actual cost to the related organization of providing necessary services related to patient care under the agreement, or the cost of comparable

services purchased elsewhere. Where costs to the related organization represent joint facility costs, the measurement of such costs shall comply with section 27 of this act.

(4) A copy of the agreement must be received by the department at least sixty days before it is to become effective. A copy of any amendment to a management agreement must also be received by the department at least thirty days in advance of the date it is to become effective.

(5) Central office costs for general management services, including the portion of a management expense which is not allocated to specific services, such as accounting, shall be subject to the management fee limits determined in subsections (2) and (3) of this section.

NEW SECTION. Sec. 29. EXPENSE FOR CONSTRUCTION INTEREST.

(1) Interest expense and loan origination fees relating to construction of a facility incurred during the period of construction shall be capitalized and amortized over the life of the facility pursuant to section 36 of this act. The period of construction shall extend from the date of the construction loan to the date the facility is put into service for patient care.

(2) For the purposes of this chapter, the period provided for in subsection (1) of this section shall not exceed the project certificate of need time period pursuant to RCW 70.38.125.

NEW SECTION. Sec. 30. OPERATING LEASES OF EQUIPMENT.

Rental or lease costs under arm's-length operating leases of office equipment shall be allowable to the extent the cost is necessary and ordinary.

NEW SECTION. Sec. 31. CAPITALIZATION. The following costs shall be capitalized:

(1) Expenses for facilities or equipment with historical cost in excess of five hundred dollars per unit and a useful life of more than one year from the date of purchase; and

(2) Expenses for equipment with historical cost of five hundred dollars or less per unit if either:

(a) The item was acquired in a group purchase where the total cost exceeded five hundred dollars; or

(b) The item was part of the initial stock of the facility.

(3) Dollar limits in this section may be adjusted for economic trends and conditions by the department as established by rule and regulation.

NEW SECTION. Sec. 32. DEPRECIATION EXPENSE. Depreciation expense on depreciable assets which are required in the regular course of providing patient care will be an allowable cost. It shall be computed using the depreciation base, lives, and methods specified in this chapter.

NEW SECTION. Sec. 33. DEPRECIABLE ASSETS. Tangible assets of the following types in which a contractor has an interest through ownership or leasing are subject to depreciation:

(1) Building – the basic structure or shell and additions thereto;

(2) Building fixed equipment – attachments to buildings, including, but not limited to, wiring, electrical fixtures, plumbing, elevators, heating system, and air conditioning system. The general characteristics of this equipment are:

(a) Affixed to the building and not subject to transfer; and

(b) A fairly long life, but shorter than the life of the building to which affixed;

(3) Major movable equipment including, but not limited to, beds, wheelchairs, desks, and x-ray machines. The general characteristics of this equipment are:

(a) A relatively fixed location in the building;

(b) Capable of being moved as distinguished from building equipment;

(c) A unit cost sufficient to justify ledger control;

(d) Sufficient size and identity to make control feasible by means of identification tags; and

(c) A minimum life greater than one year;

(4) Minor equipment including, but not limited to, waste baskets, bed pans, syringes, catheters, silverware, mops, and buckets which are properly capitalized. No depreciation shall be taken on items which are not properly capitalized as directed in section 31 of this act. The general characteristics of minor equipment are:

(a) In general, no fixed location and subject to use by various departments;

(b) Small in size and unit cost;

(c) Subject to inventory control;

(d) Large number in use; and

(e) Generally, a useful life of one to three years;

(5) Land improvements including, but not limited to, paving, tunnels, underpasses, on-site sewer and water lines, parking lots, shrubbery, fences, and walls where replacement is the responsibility of the contractor; and

(6) Leasehold improvements – betterments and additions made by the lessee to the leased property, which become the property of the lessor after the expiration of the lease.

NEW SECTION. Sec. 34. LAND—DEPRECIATION—COST—IMPROVEMENTS. Land is not depreciable. The cost of land includes but is not limited to, off-site sewer and water lines, public utility charges necessary to service the land, governmental assessments for street paving and sewers, the cost of permanent roadways and grading of a nondepreciable nature, and the cost of curbs and sidewalks, replacement of which is not the responsibility of the contractor.

NEW SECTION. Sec. 35. METHODS OF DEPRECIATION. (1) Buildings, land improvements, and fixed equipment shall be depreciated using the straight-line method of depreciation. Major-minor equipment shall be depreciated using either the straight-line method, the sum-of-the-years' digits method, or declining balance method not to exceed one hundred fifty percent of the straight line rate. Contractors who have elected to take either the sum-of-the-years' digits method or the declining balance method of depreciation on major-minor equipment may change to the straight-line method without permission of the department.

(2) The annual provision for depreciation shall be reduced by the portion allocable to use of the asset for purposes which are neither necessary nor related to patient care.

(3) No further depreciation shall be claimed after an asset has been fully depreciated unless a new depreciation base is established pursuant to section 36 of this act.

NEW SECTION. Sec. 36. DEPRECIATION BASE. (1) The depreciation base shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's length transaction and preparing it for use, less goodwill, and less accumulated depreciation which has been incurred during periods that the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsections (2), (3), and (4) of this section and sections 35 and 37 of this act. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The depreciation base of the assets will not exceed such fair market value.

(2) The historical cost of donated assets, or of assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(3) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(4) (a) Where depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) Subparagraph (4)(a) of this section shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(c) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(d) Where the depreciable asset is a donation or distribution between related organizations, the base shall be the lesser of (i) fair market value, less salvage value, or (ii) the depreciation base the related organization had or would have had for the asset under a contract with the department.

NEW SECTION. Sec. 37. LIVES. (1) Except for new buildings, the contractor shall use lives which reflect the estimated actual useful life of the asset and which shall be no shorter than guideline lives as established by the department. The shortest life which may be used for new buildings is thirty years. Lives shall be measured from the date on which the assets were first used in the medical care program or from the date of the most recent arm's-length acquisition of the asset, whichever is more recent. In cases where section 36(4)(a) of this act does apply, the shortest life that may be used for buildings is the remaining useful life under the prior contract. In all cases, lives shall be extended to reflect periods, if any, when assets were not used in or as a facility.

(2) Building improvements shall be depreciated over the remaining useful life of the building, as modified by the improvement.

(3) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement.

(4) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

NEW SECTION. Sec. 38. RETIREMENT OF DEPRECIABLE ASSETS.

(1) Where depreciable assets are disposed of through sale, trade-in, scrapping, exchange, theft, wrecking, or fire or other casualty, depreciation shall no longer be taken on the assets. No further depreciation shall be taken on permanently abandoned assets.

(2) Where an asset has been retired from active use but is being held for stand-by or emergency service, and the department has determined that it is needed and can be effectively used in the future, depreciation may be taken.

NEW SECTION. Sec. 39. HANDLING OF GAINS AND LOSSES UPON RETIREMENT OF DEPRECIABLE ASSETS. If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset,

provided that a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset.

NEW SECTION. Sec. 40. TEMPORARY CONTRACT LABOR. Costs for the purchased services of temporary contract labor shall be allowable only to the extent they do not exceed the average of the usual and customary rate for the wages and benefits of the facility's comparable permanent staff, as reimbursed pursuant to sections 48 and 50 of this act.

NEW SECTION. Sec. 41. UNALLOWABLE COSTS. (1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this act;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by section 29 of this act;

(f) Salaries or other compensation of officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or violating principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

- (w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;
 - (x) Expenses of profit-sharing plans;
 - (y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;
 - (z) Personal expenses and allowances of owners or relatives;
 - (aa) All expenses of maintaining professional licenses or membership in professional organizations;
 - (bb) Costs related to agreements not to compete;
 - (cc) Amortization of goodwill;
 - (dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;
 - (ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;
 - (ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;
 - (gg) Lease acquisition costs and other intangibles not related to patient care;
 - (hh) All rental or lease costs other than those provided in section 30 of this act;
- and

(ii) All audit costs incurred pursuant to section 12(1) of this act.

NEW SECTION. Sec. 42. **PRINCIPLES OF RATE-SETTING.** The following principles are inherent in sections 43 through 59 of this act:

- (1) Reimbursement rates will be set prospectively on a per patient day basis;
- (2) Rates will be established not lower than the level which is reasonably expected to be adequate to reimburse in full the actual, allowable costs of a facility which is economically and efficiently operated and to provide care which meets the needs of a medical care recipient in compliance with applicable standards; and
- (3) The rates so established will take into account economic conditions and trends during the period to be covered by such rates.

NEW SECTION. Sec. 43. **PROSPECTIVE REIMBURSEMENT RATES.** (1) The department, as provided by this chapter, will determine prospective cost-related reimbursement rates for services provided to medical care recipients. Each rate so determined shall represent the contractor's maximum compensation within each cost center for each patient day for such medical care recipient.

(2) As required, the department may modify such maximum per patient day rates pursuant to the administrative review provisions of section 78 of this act.

(3) The maximum prospective reimbursement rates for the administration and operations and the property cost centers and the return on investment allowance shall be established based upon a minimum facility occupancy level of eighty-five percent.

NEW SECTION. Sec. 44. **LIMITATION OF SERVICES SUBJECT TO COST REIMBURSEMENT.** Only those services which are authorized for a facility pursuant to the medical care program shall be reimbursed under this chapter.

NEW SECTION. Sec. 45. **REIMBURSEMENT RATE FOR NEW CONTRACTOR.** (1) Prospective reimbursement rates for a new contractor will be established within sixty days following receipt by the department of the properly completed projected budget required by section 67 of this act. Such reimbursement rates will become effective as of the effective date of the contract.

(2) Such reimbursement rates will be based on the contractor's projected cost of operations through December 31st of the year the contract becomes effective, and

on costs and payment rates of the prior contractor, if any, and/or of other contractors in comparable circumstances.

(3) If a properly completed budget is not received at least sixty days prior to the effective date of the contract, the department will establish preliminary rates based on the other factors specified in subsection (2) of this section. These preliminary rates will remain in effect until a determination is made pursuant to section 46 of this act.

NEW SECTION. Sec. 46. RATE DETERMINATION—WHEN DETERMINED OR ADJUSTED. (1) Each contractor's reimbursement rates will be determined prospectively at least once each calendar year, to be effective July 1st.

(2) Rates may be adjusted as determined by the department to take into account variations of more than ten percent in the distribution of patient classifications from the prior reporting year, program changes, economic trends and conditions, and/or administrative review provided by section 78 of this act and shall be adjusted for any capitalized additions or replacements made as a condition for licensure or certification.

(3) Where the contractor participated in the provisions of prospective cost-related reimbursement in effect prior to the effective date of this act, such contractor's prospective rate effective July 1, 1982, will be determined utilizing his reported allowable costs for calendar year 1981.

(4) All prospective reimbursement rates for 1983 and thereafter shall be determined utilizing the prior year's audited cost reports.

NEW SECTION. Sec. 47. COST CENTERS. A contractor's reimbursement rates for medical care recipients will be determined utilizing audited cost report data within the following cost centers:

- (1) Nursing services;
- (2) Food;
- (3) Administration and operations; and
- (4) Property.

NEW SECTION. Sec. 48. NURSING SERVICES COST CENTER REIMBURSEMENT RATE. (1) The nursing services cost center shall include all costs related to the direct provision of nursing care and ancillary care including fringe benefits and payroll taxes for the nursing care and ancillary service personnel, and direct care supplies.

(2) For rate-setting purposes, the department shall determine standard hours for each classification established by the department pursuant to section 86 of this act. Such standard hours shall be the sum of the hours for nursing assistants, licensed practical nurses, and registered nurses.

(3) The standard base rate per classification shall be the sum of the products of at least ninety percent of the prevailing wages for the categories of nursing assistant, licensed practical nurse, and registered nurse, expressed as an hourly rate, based upon the state-wide salary survey conducted pursuant to RCW 41.06.160, multiplied by the respective components of the standard hours as determined in subsection (2) of this section.

(4) The nursing services cost center rate, excluding the special care rate provided by subsection (5) of this section, for each facility, shall be:

(a) The sum of the standard base rate per classification determined in subsection (3) of this section multiplied by the total patient days for the facility within each classification for the prior year, divided by the total patient days for the prior year for the facility, less special care patient days,

(b) Plus a factor to be determined annually by the department for the facility for fringe benefits, payroll taxes, ancillary care and direct care supplies; except that, the factor shall reflect the level of employee benefits, provided or agreed to, payroll taxes assessed, and/or ancillary services provided within each facility.

(5) Where the standard hours for rate setting purposes in subsection (2) of this section do not reflect the exceptional custodial or nursing care required for a patient, the department, upon verification of such exceptional custodial or nursing care, will negotiate a special rate for exceptional care for such patient. Such special rate will:

(a) Include the factors described in subparagraph (2)(b) of this section; and

(b) Be reimbursed to the facility independently of the nursing services cost center rate provided by subsection (4) of this section.

NEW SECTION. Sec. 49. FOOD COST REIMBURSEMENT RATE. (1) The food cost center shall include all costs for bulk and raw food and beverages purchased for the dietary needs of medical care recipients.

(2) The food cost reimbursement rate for each facility shall be computed as follows:

$FR = (TFC/TPD) 1.15$, where

FR = the facility food cost center reimbursement rate;

TFC = the total of all reporting facilities' food cost center costs; and

TPD = the total patient days for the prior year of all reporting facilities.

(3) Unless extended by law for an additional period of time, on and after July 1, 1984, the food cost reimbursement rate for each facility shall be computed as follows:

$FR = (TFC/TPD)$, where

FR = the facility food cost center reimbursement rate;

TFC = the total of all reporting facilities' food cost center costs; and

TPD = the total patient days for the prior year of all reporting facilities.

NEW SECTION. Sec. 50. ADMINISTRATION AND OPERATIONS COST CENTER REIMBURSEMENT RATE. (1) The administration and operations cost center shall include all items not included in the cost centers of nursing services, food, and property.

(2) The administration and operations cost center reimbursement rate for each facility shall be based on the computation in this subsection and shall not exceed the eighty-fifth percentile of (a) the rates of all reporting facilities derived from the computation below, or (b) reporting facilities grouped in accordance with subsection (3) of this section:

$AR = TAC/TPD$, where

AR = the administration and operations cost center reimbursement rate for a facility;

TAC = the total costs of the administration and operations cost center plus the retained savings from such cost center as provided in section 18 of this act of a facility; and

TPD = the total patient days for a facility for the prior year.

(3) The secretary may group facilities based on factors which could reasonably influence cost requirements of this cost center, other than ownership or legal organization characteristics.

NEW SECTION. Sec. 51. PROPERTY COST CENTER. The property cost center rate for each facility shall be determined by dividing the sum of the reported allowable prior period actual depreciation costs, subject to sections 31 through 38 of this act, adjusted for any capitalized additions or replacements approved by the department, and the retained savings from such cost center, as provided in section 18 of this act, by the total patient days for the facility in the prior period. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the property cost center rate shall be adjusted to anticipated patient day level.

When a certificate of need for a new facility is requested, the department, in reaching its decision, shall take into consideration per-bed land and building construction costs for the facility which shall not exceed a maximum to be established by the secretary.

NEW SECTION. Sec. 52. ADJUSTMENT OF COST CENTER RATES. The rates determined in sections 48 through 51 of this act shall be adjusted by the department utilizing appropriate indices or other measures of economic trends and conditions projected for the ensuing year.

NEW SECTION. Sec. 53. RETURN ON INVESTMENT ALLOWANCE. (1) The department shall first establish a total state-wide return on investment pool for use in determining individual facility return on investment allowances.

(a) In establishing the total state-wide return on investment pool the department shall determine the sum of net invested funds as of the end of the most recent reporting period of all facilities participating in the medical care program.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in sections 33, 35, 36, and 37 of this act, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to section 36(1) of this act.

(c) The sum of net invested funds shall then be multiplied by 1.4 times the average of the rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund for the last completed calendar quarter prior to rate-setting to establish the total state-wide return on investment pool.

(2) The department shall establish for individual facilities return on investment allowances composed of two parts: A financing allowance and a variable return allowance.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by 1.07 times the average of the rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund for the last completed quarter prior to rate-setting, and dividing by the contractor's total patient days. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to the anticipated patient day level.

(b) In determining the variable return allowance:

(i) The department will first rank all facilities in numerical order from highest to lowest according to their average per diem allowable costs for the sum of the administration and operations and property cost centers for the previous reimbursement period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than five percent, by the total prospective rate for each facility, as determined in sections 45 through 51 of this act. The percentage amounts will be based on groupings of facilities according to the rankings as established in subparagraph (2)(b)(i) of this section. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(iii) Such percentage amounts shall be calculated so that the variable return allowance plus the financing allowance times the total patient days for each facility, when summed for all facilities, shall be as close in amount to the total state-wide

return on investment pool as is practical; except that, such percentage amounts for equivalent groups of facilities as determined in subparagraph (2)(b)(ii) of this section shall be no less than the percentage amounts as calculated pursuant to this subsection on July 1, 1982.

(c) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility, and shall be added to the prospective rates of each contractor as determined in sections 45 through 51 of this act.

(d) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to section 51 of this act, is more than the return on investment allowance determined according to section 53(2)(c) of this act, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1980, as determined by the department of general administration through an appraisal procedure, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under subparagraph (2)(d)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to section 51 of this act. The lesser of the two amounts shall be called the alternate return on investment allowance.

(iii) The return on investment allowance determined according to section 53(2)(c) of this act or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rates of the contractor as determined in sections 45 through 51 of this act.

(3) In the event that the department of health, education and welfare disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing both total state-wide return on investment pool and individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities.

(4) Each biennium, beginning in 1983, the secretary shall review the adequacy of return on investment allowances in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

NEW SECTION. Sec. 54. If the legislature changes the methodology of property reimbursement established in this 1980 act, no affected contractor shall be entitled thereafter to receive such benefits as a matter of contractual right.

NEW SECTION. Sec. 55. **UPPER LIMITS TO REIMBURSEMENT RATES.** (1) The reimbursement rates shall not exceed the contractor's customary charges to the general public for comparable services.

(2) Rates shall not exceed the limits set forth in 42 CFR 450.30(b)(6).

NEW SECTION. Sec. 56. **NOTIFICATION OF RATES.** The department will notify each contractor in writing of its prospective reimbursement rates at least

thirty days in advance of the effective date. Unless otherwise specified at the time it is issued, the rate will be effective from the first day of the month in which it is issued until a new rate becomes effective. If a rate is changed as the result of an appeal in accordance with section 78 of this act, it will be effective as of the date the appealed rate became effective.

NEW SECTION. Sec. 57. ADJUSTMENTS REQUIRED DUE TO ERRORS OR OMISSIONS. (1) Prospective rates are subject to adjustment by the department as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of its effective date, and of any amount due to the department or to the contractor as a result of the rate adjustment.

(2) The contractor shall pay an amount it owes the department resulting from an error or omission, or commence repayment in accordance with a schedule determined by the department, within sixty days after receipt of notification of the rate adjustment, unless the contractor contests the department's determination in accordance with the procedures set forth in section 78 of this act. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these proceedings. If a refund is not paid when due, the amount thereof may be deducted from current payments by the department.

(3) The department shall pay any amount it owes the contractor as a result of a rate adjustment within thirty days after it notifies the contractor of the rate adjustment.

(4) No adjustments will be made to a rate after final settlement, except as provided in section 17(2) of this act.

NEW SECTION. Sec. 58. PUBLIC REVIEW OF RATE-SETTING. The department shall provide all interested members of the public with an opportunity to review and comment on the proposed rate-setting factors, indices, measures, and guidelines not later than May 15th of each year prior to their being used to set rates.

NEW SECTION. Sec. 59. PUBLIC DISCLOSURE OF RATE-SETTING METHODOLOGY. In accordance with the provisions of section 82 of this act, the department will make available to the public full information regarding its factors, indices, measures, and guidelines.

PART F BILLING/PAYMENT

NEW SECTION. Sec. 60. BILLING PERIOD. A contractor shall bill the department for care provided to medical care recipients from the first through the last day of each calendar month.

NEW SECTION. Sec. 61. BILLING PROCEDURE. (1) A contractor shall bill the department each month by completing and returning a facility billing statement as provided by the department which shall include, but not be limited to:

- (a) Billing by cost center;
- (b) Total patient days; and
- (c) Patient days for medical care recipients.

The statement shall be completed and filed in accordance with rules and regulations established by the secretary.

(2) A contractor shall not bill the department for service provided to a recipient until an award letter of eligibility of such recipient pursuant to rules and regulations established according to the provisions of chapter 74.09 RCW has been received by the contractor except that, a contractor may bill and shall be reimbursed for all medical care recipients referred to the contractor's facility by the department prior to the receipt of the award letter of eligibility or the denial of such eligibility. At that time it may bill for service provided back through the date the recipient was admitted or became eligible.

(3) Billing shall cover the patient days of care.

NEW SECTION. Sec. 62. PAYMENT. (1) The department will reimburse a contractor for service rendered under the facility contract and billed in accordance with section 61 of this act.

(2) The amount paid will be computed using the appropriate rates assigned to the contractor.

(3) For each recipient, the department will pay an amount equal to the appropriate rates, multiplied by the number of patient days each rate was in effect, less the amount the recipient is required to pay for his or her care as set forth by section 63 of this act.

NEW SECTION. Sec. 63. CHARGES TO PATIENTS. (1) The department will notify a contractor of the amount each medical care recipient is required to pay for care provided under the contract and the effective date of such required contribution. It is the contractor's responsibility to collect that portion of the cost of care from the patient, and to account for any authorized reduction from his or her contribution in accordance with rules and regulations established by the secretary.

(2) If a contractor receives documentation showing a change in the income or resources of a recipient which will mean a change in his or her contribution toward the cost of care, this shall be reported in writing to the department within seventy-two hours and in a manner specified by rules and regulations established by the secretary. If necessary, appropriate corrections will be made in the next facility statement, and a copy of documentation supporting the change will be attached. If increased funds for a recipient are received by a contractor, an amount determined by the department shall be allowed for clothing and personal and incidental expense, and the balance applied to the cost of care.

(3) The contractor shall accept the reimbursement rates established by the department as full compensation for all services provided under the contract, certification as specified by Title XIX, and licensure under chapter 18.51 RCW. The contractor shall not seek or accept additional compensation from or on behalf of a recipient for any or all such services.

NEW SECTION. Sec. 64. SUSPENSION OF PAYMENT. (1) Payments to a contractor may be withheld by the department in each of the following circumstances:

(a) A required report is not properly completed and filed by the contractor within the appropriate time period, including any approved extension. Payments will be released as soon as a properly completed report is received;

(b) State auditors or authorized personnel in the course of their duties are refused access to a nursing home or are not provided with existing appropriate records. Payments will be released as soon as such access or records are provided;

(c) A refund in connection with an annual settlement or rate adjustment is not paid by the contractor when due. The amount withheld will be limited to the unpaid amount of the refund; and

(d) Payment for the final thirty days of service under a contract will be held pending final settlement when the contract is terminated.

(2) No payment will be withheld until written notification of the suspension is provided to the contractor, stating the reason therefor.

NEW SECTION. Sec. 65. TERMINATION OF PAYMENTS. All payments to a contractor will end no later than sixty days after any of the following occurs:

(1) A contract expires, is terminated or is not renewed;

(2) A facility license is revoked; or

(3) A facility is decertified as a Title XIX facility; except that, in situations where the secretary determines that residents must remain in such facility for a longer period because of the resident's health or safety, payments for such residents shall continue.

PART G
ADMINISTRATION

NEW SECTION. Sec. 66. CONDITIONS OF PARTICIPATION. In order to participate in the prospective cost-related reimbursement system established by this chapter, the person or legal organization responsible for operation of a facility shall:

(1) Obtain a state certificate of need and/or federal capital expenditure review (section 1122) approval pursuant to chapter 70.38 RCW and Part 100, Title 42 CFR where required;

(2) Hold the appropriate current license;

(3) Hold current Title XIX certification;

(4) Hold a current contract to provide services under this chapter; and

(5) Comply with all provisions of the contract and all application regulations, including but not limited to the provisions of this chapter.

NEW SECTION. Sec. 67. PROJECTED BUDGET FOR NEW CONTRACTORS. (1) Each new contractor shall submit a projected budget to the department at least sixty days before its contract will become effective.

(2) The projected budget shall cover the period to December 31st from the date the contractor will enter the program. It shall be prepared on forms and in accordance with rules and regulations established by the secretary.

NEW SECTION. Sec. 68. CHANGE OF OWNERSHIP. (1) On the effective date of a change of ownership the department's contract with the old owner shall be terminated. The old owner shall give the department thirty days' written notice of such termination. When certificate of need and/or section 1122 approval is required pursuant to chapter 70.38 RCW and Part 100, Title 42 CFR, for the new owner to acquire the facility, and the new owner wishes to continue to provide service to recipients without interruption, certificate of need and/or section 1122 approval shall be obtained before the old owner submits a notice of termination.

(2) If the new owner desires to participate in the cost-related reimbursement system, it shall meet the conditions specified in section 66 of this act and shall submit a projected budget in accordance with section 67 of this act no later than sixty days before the date of the change of ownership. The facility contract with the new owner shall be effective as of the date of the change of ownership.

NEW SECTION. Sec. 69. TERMINATION OF CONTRACT. (1) When a facility contract is terminated for any reason, the old contractor shall submit final reports as required by section 4 of this act. Payment for care provided during the final thirty days of service under a contract will be held until the contractor has filed a properly completed final audited cost report, and final settlement has been determined, such settlement not to exceed sixty days following submittal of the final audited cost report.

(2) Following final settlement, a payment withheld pursuant to subsection (1) of this section will be sent to the contractor after any overpayment determined in connection with final settlement has been deducted. If the contractor contests the settlement determination in accordance with section 17 of this act, the department will hold the amount in dispute pending completion of the appeal process, but will release the balance of such payment to the contractor.

(3) The department will release a payment which would be withheld pursuant to subsection (1) of this section, provided a bond issued by a bonding company acceptable to the department is filed by the contractor. The bond shall:

(a) Be in an amount equal to the released payment;

(b) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies;

(c) Provide that the full amount of the bond shall be paid to the department if a properly completed final audited cost report is not filed in accordance with this

chapter, or if financial records supporting this record are not preserved and made available to the auditor; and

(d) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond, shall be paid to the department in the event the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(4) If a contract is terminated solely in order for the same owner to contract with the department to deliver services to another classification of medical care recipients at the same facility, the contractor is not required to submit final cost reports, and payment for the final thirty days will not be withheld.

PART H

PATIENT TRUST FUNDS

NEW SECTION. Sec. 70. TRUST FUND ESTABLISHMENT. (1) Each contractor shall establish and maintain, as a service to the medical care recipient, a bookkeeping system incorporated into the business records for all recipient moneys entrusted to the contractor and received by the facility for the recipient.

(2) Such system will apply to a recipient who is:

(a) Incapable of handling his or her own money and the department or the recipient's guardian, relative, or physician makes written request of the facility to accept this responsibility; or

(b) Capable of handling his or her own money, but requests the facility in writing to accept this responsibility.

(3) The written requests provided in subsection (2) of this section shall be maintained by the contractor in the recipient's file.

(4) The recipient must be given at least a quarterly reporting of all financial transactions in his or her trust account. The representative payee, the guardian, and/or other designated agents of the recipient must be sent a copy of said reporting on the same basis as the recipient.

NEW SECTION. Sec. 71. TRUST FUND ACCOUNTS. (1) The contractor shall maintain a subsidiary ledger with an account for each recipient for whom the contractor has money in trust.

(2) Each account and related supporting records shall:

(a) Be kept current;

(b) Be balanced each month; and

(c) Show in detail, with supporting verification, all moneys received on behalf of the recipient and the disposition of all moneys so received.

(3) Records of each account shall be available for audit pursuant to section 14 of this act and shall be retained for a minimum of four years. When an account has attained the maximum limit established by rules and regulations promulgated by the secretary, the contractor will notify the department within five days.

(4) Any charge for medical services otherwise properly made to a recipient's trust account must be supported by a written denial of such services from the department.

NEW SECTION. Sec. 72. PETTY CASH FUND. (1) The contractor may maintain a petty cash fund originating from trust moneys of an amount determined by the department which shall be reasonable and necessary for the size of a facility and the needs of the recipients.

(2) Such petty cash fund shall be maintained as an imprest fund. All moneys over and above the trust fund petty cash amount shall be deposited intact, within twenty-four hours, in a trust fund checking account, separate and apart from any other bank account or accounts of the facility or other facilities.

(3) Cash deposits of recipient allowances from any source must be made intact to the trust account within one week from the time that payment of such allowances are received.

(4) Any related bankbooks, bank statements, checkbook, check register, and all voided and canceled checks, shall be made available for audit pursuant to section 14 of this act and shall be retained by the facility for not less than four years.

(5) No service charges for such checking account shall be paid from recipient trust moneys.

(6) The trust account per bank shall be reconciled monthly to the trust account per patient ledgers.

NEW SECTION. Sec. 73. TRUST MONEYS CONTROL/DISBURSEMENT. (1) Trust moneys shall be held in trust and are not to be turned over to anyone other than the recipient or the recipient's guardian without the written consent of the recipient, his designated agent as appointed by power of attorney, or an appropriate employee of the department designated by the secretary. Such trust moneys shall not be subject to attachment, execution, or other creditor remedies.

(2) When moneys are received, a receipt shall be filled out in duplicate; one copy shall be given to the person making payment of deposit, and the second copy shall be retained by the facility.

(3) Checks received by recipients shall be endorsed by the recipient. If the recipient is incapable of signing his or her name, the contractor shall secure the recipient's mark "X" followed by the printed name of the recipient and the signature of two witnesses.

(4) The recipient's trust account ledger sheet must be credited with any allowance received; referenced with the receipt number and supported by a copy of the deposit slip.

NEW SECTION. Sec. 74. TRUST MONEYS AVAILABILITY. Moneys held in trust for any recipient shall be available for his or her personal and incidental needs when requested by the recipient or one of the persons designated in section 73(1) of this act.

NEW SECTION. Sec. 75. PROCEDURE FOR REFUNDING TRUST MONEY. When a recipient is discharged and/or transferred, the balance of the recipient's trust account shall be returned either directly to the person within five days, or by mail. In either instance a receipt shall be obtained.

NEW SECTION. Sec. 76. LIQUIDATION OF TRUST FUND. (1) When a recipient has died, the contractor shall obtain a receipt from the next of kin, guardian, or duly qualified agent when releasing the balance of money held in trust. If there is no identified next of kin, guardian, or duly qualified agent, the department shall be contacted in writing within seven days for assistance in the release of the money held in trust.

(2) A check or other document showing payment to such next of kin, guardian, or duly qualified agent will serve as a receipt.

(3) Where the recipient leaves the facility without authorization and his or her whereabouts are not known:

(a) The facility will make a reasonable attempt to locate the missing recipient using the agencies of state or local government;

(b) If the recipient cannot be located after ninety days, the facility shall notify the department of revenue of the existence of abandoned property, pursuant to chapter 63.28 RCW. The facility will be required to deliver to the department of revenue the balance of the recipient's trust fund account within twenty days following such notification.

NEW SECTION. Sec. 77. DISPUTES. If a contractor wishes to contest the way in which a rule or contract provision relating to the prospective cost-related reimbursement system was applied to the contractor by the department, it shall first pursue the administrative review process set forth in section 78 of this act.

(2) The administrative review process in section 78 of this act need not be exhausted if a contractor wishes to challenge the legal validity of a statute, rule, or contract provision.

NEW SECTION. Sec. 78. ADMINISTRATIVE REVIEW PROCESS. (1) Within thirty days after a contractor is notified of an action or determination it wishes to challenge, the contractor shall request in writing that the secretary review such determination. The request shall be signed by the contractor or the licensed administrator of the facility, shall identify the challenged determination and the date thereof, and shall state as specifically as practicable the grounds for its contention that the determination was erroneous. Copies of any documentation on which the contractor intends to rely to support its position shall be included with the request.

(2) After receiving a request meeting the above criteria, the secretary or his designee will contact the contractor to schedule a conference for the earliest mutually convenient time. The conference shall be scheduled for no later than thirty days after a properly completed request is received unless both parties agree in writing to a specified later date.

(3) The contractor and appropriate representatives of the department shall attend the conference. In addition, representatives selected by the contractor may attend and participate. The contractor shall bring to the conference, or provide to the department in advance of the conference, any documentation on which it intends to rely to support its contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than thirty days after the initial session unless both parties agree in writing to a specific later date.

(4) A written decision by the secretary will be furnished to the contractor within thirty days after the conclusion of the conference. The secretary shall prepare such decision for the fiscal and other appropriate standing committees of the legislature.

(5) If the contractor desires review of an adverse decision of the secretary, it shall within thirty days following receipt of such decision request a fair hearing in writing in accordance with the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 79. DENIAL, SUSPENSION, REVOCATION OF LICENSE OR PROVISIONAL LICENSE—PENALTY. The department is authorized to deny, suspend, or revoke a license or provisional license or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed one thousand dollars per violation in any case in which it finds that the licensee, or any partner, officer, director, owner of five percent or more of the assets of the nursing home, or managing employee:

(1) Failed or refused to comply with the requirements of this chapter or the rules and regulations established hereunder; or

(2) Has knowingly or with reason to know made a false statement of a material fact in any record required by this chapter; or

(3) Refused to allow representatives or agents of the department to inspect all books, records, and files required by this chapter to be maintained or any portion of the premises of the nursing home; or

(4) Wilfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter; or

(5) Wilfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or the rules and regulations promulgated hereunder.

NEW SECTION. Sec. 80. The department shall adopt, promulgate, amend, and rescind such administrative rules as are necessary to carry out the policies and purposes of this chapter. In addition, at least annually the department shall review changes to generally accepted accounting principles and generally accepted auditing standards as approved by the financial accounting standards board, and the American institute of certified public accountants, respectively. The department shall adopt by administrative rule those approved changes which it finds to be consistent with the policies and purposes of this chapter.

NEW SECTION. Sec. 81. RESPONSIBILITY FOR AUDITS IN THE TRANSITION PERIOD. The department, pursuant to RCW 74.09.560, shall be responsible for the completion of all audits for cost reports covering all periods through December 31, 1980.

NEW SECTION. Sec. 82. DISCLOSURE. (1) Cost reports and their final audit reports with any accompanying schedule of questioned costs submitted to the secretary shall be subject to public disclosure pursuant to the requirements of chapter 42.17 RCW. Notwithstanding any other provision of law, financial statements and any accompanying schedules summarizing the adjustments to a contractor's financial records, reports on review of internal control and accounting procedures, and letters of comments or recommendations relating to suggested improvements in internal control or accounting procedures which are prepared pursuant to the requirements of this chapter shall be exempt from public disclosure.

(2) Regardless of whether any document or report submitted to the secretary pursuant to this chapter is subject to public disclosure, copies of such documents or reports shall be provided by the secretary, upon written request, to the legislature and to state agencies or state or local law enforcement officials who have an official interest in the contents thereof.

NEW SECTION. Sec. 83. DEVELOPMENT OF EXCEPTION PROFILE PROCESS. The office of the state auditor with the cooperation and assistance of the department shall develop an exception profile process to be utilized in the analysis required under section 11 of this act. This exception profile process shall be implemented not later than December 1, 1981.

Sec. 84. Section 74.09.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 213, Laws of 1975 1st ex. sess. and RCW 74.09.120 are each amended to read as follows:

(1) The department shall purchase necessary physician and dentist services by contract or "fee for service((-+))".

(2) The department shall purchase hospital care by contract or by all inclusive day rate, or at a reasonable cost based on a ratio of charges to cost. Any hospital when requested by the department shall supply such information as necessary to justify its rate, charges or costs. All additional services provided by the hospital shall be purchased at rates established by the department after consultation with the hospital.

(3) The department shall purchase nursing home care by contract. (~~The department shall establish regulations for reasonable nursing home accounting and reimbursement systems which recognize relevant cost related factors for department of social and health services patients, including but not limited to the scope or level of services or care, requirements of staff, and physical plant, and a reasonable rate of return on investment, said formula shall provide that no payment shall be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary~~)

programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system.)

(4) All other services and supplies provided under the program shall be secured by contract.

Sec. 85. Section 61, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.610 are each amended to read as follows:

The department shall assess the needs of each resident within thirty days after the resident's admission. The department shall use the patient assessment system developed ~~((under))~~ pursuant to RCW 18.51.310, as now or hereafter amended. Based upon the assessment of the resident's needs, the department shall assign each resident to a classification, developed by the patient care classification and standards task force pursuant to section 86 of this 1980 act, reflecting the level of care required by that resident. ~~((The classification system has at least five but not more than seven levels of care:))~~

This section shall apply to developmentally disabled residents as a separate system.

NEW SECTION. Sec. 86. (1) There is established a special task force to be known as the "patient care classification and standards task force," hereafter referred to in this section as "the task force." The task force shall terminate on December 31, 1980.

(2) The task force shall be composed of the following members:

(a) Two representatives of the nursing home industry appointed jointly by the president of the senate and the speaker of the house of representatives with such appointment made not later than twenty days following the effective date of this section. The persons appointed shall represent the following:

(i) One representative from the nursing home facility associations; and

(ii) One representative from nonprofit facilities;

(b) Two representatives from the department of social and health services appointed by the secretary and whose appointment shall be made not later than twenty days following the effective date of this section;

(c) Two representatives from nursing home consumer groups appointed jointly by the representatives appointed pursuant to subparagraphs (2)(a) and (b) of this section. The consumer group representatives shall be chosen within twenty days following the effective date of this section;

(d) Two representatives appointed by the governor and whose appointment shall be made not later than twenty days following the effective date of this section; and

(e) Four representatives from the legislature, two from the house and two from the senate, appointed by the speaker of the house of representatives and the president of the senate, respectively. The persons appointed shall represent the following standing committees:

(i) One from the house appropriations committee;

(ii) One from the house social and health services committee;

(iii) One from the senate ways and means committee; and

(iv) One from the senate social and health services committee.

(3) Not later than the thirtieth day following the effective date of this section, the task force members shall meet and:

(a) Elect a chairman of the task force from among the members, with such chairman presiding at all meetings and having administrative responsibility for the task force;

(b) Elect a vice-chairman of the task force from among the members, with such vice-chairman acting in the stead of the chairman upon the chairman's absence; and

(c) Adopt such procedural rules as necessary to carry out the responsibilities set forth in subsection (6) of this section.

(4) The task force shall provide progress reports to the appropriate legislative committees in each of the months of June and August 1980 and as otherwise requested.

(5) The office of financial management shall provide the support services and staff required by the task force.

(6) Not later than September 1, 1980, the task force shall present a report to the governor. The task force report shall also be presented by this same date to the legislature for its review and approval during the 1981 legislative session. Such report shall set forth the following:

(a) A patient classification system which reflects, as nearly as possible, the level of care required by each resident;

(b) Standard hours for each classification, with such standard hours to be expressed as either a range of hours or as a single standard hour per classification, except that such standard hours shall be the expressed composite of hours required for a nursing assistant, licensed practical nurse, and registered nurse;

(c) A draft of recommended legislation necessary for implementation of the task force recommendations pursuant to this section; and

(d) A fiscal note detailing the six-year fiscal impact of the task force recommendations pursuant to this section.

(7) The recommended legislation of the task force shall be subject to the approval of the legislature by March 1, 1981.

(8) The secretary shall adopt no later than March 31, 1981, the rules and regulations necessary to carry out the legislation approved in subsection (7) of this section.

NEW SECTION. Sec. 87. The department shall submit to the appropriate legislative committees not later than January 15, 1981, a report detailing the department's activities with regard to preplacement screening for medical care recipients, and the department's nursing home admissions policy. Such report shall include, but not be limited to, program descriptions, client flow analyses, programmatic impacts, and cost effectiveness analyses.

NEW SECTION. Sec. 88. Sections 1 through 83 and 92 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 89. Section captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 90. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.550;

(2) Section 2, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.560;

(3) Section 3, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.570;

(4) Section 4, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.580; and

(5) Section 5, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.590.

NEW SECTION. Sec. 91. (1) There is hereby appropriated from the general fund one hundred seventy-five thousand dollars, or as much thereof as may be necessary, to the office of financial management to carry out the purposes of sections 7 and 86 of this act.

(2) There is hereby appropriated from the general fund one hundred thirty-five thousand dollars, or as much thereof as may be necessary, to the office of the state auditor to carry out the purposes of section 83 of this act.

NEW SECTION. Sec. 92. If any part of this act is found by an agency of the federal government to be in conflict with federal requirements which are a prescribed condition to the receipts of federal funds to the state, the conflicting part of this act is hereby declared inoperative solely to the extent of the conflict and with

respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. In the event that any portion of this act is found to be in conflict with federal requirements which are a prescribed condition to the receipt of federal funds, the secretary, to the extent that the secretary finds it to be consistent with the general policies and intent of this chapter, may adopt such rules as to resolve a specific conflict and which do meet minimum federal requirements. In addition, the secretary shall submit to the next regular session of the legislature a summary of the specific rule changes made and recommendations for statutory resolution of the conflict.

NEW SECTION. Sec. 93. 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. 94. (1) Sections 2, 7, 83, 85, 86, and 91 of this 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.

(2) Section 27 of this act shall take effect on July 1, 1980.

(3) Sections 3, 4, 5, 6, 8, 9, 11, and 12 of this act shall take effect on July 1, 1981.

(4) All other sections of this act shall take effect on July 1, 1982, which shall be "the effective date of this act" where that term is used in this act." and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Fleming, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3250.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3250, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Gallagher, Matson, Pullen, Talley—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3250, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 13, 1980.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3636 with the following amendments:

On page 1, after line 30, insert a new section to read as follows:

"Section 1. Section 4, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.580 are each amended to read as follows:

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, except in the cost centers of administration and operations and property, and all portions of payments received which are attributable to unreasonable or nonallowable costs as determined by federal or state regulations."

Renumber remaining sections accordingly.

On page 5, line 23, after "a physician" insert:

"PROVIDED, That a resident of a facility licensed pursuant to Chapter 18.51 RCW but not certified by the federal government under Title XVIII or Title XIX of the Social Security Act as now or hereafter amended shall not be required to receive the continuing supervision of a health care practitioner licensed pursuant to Chapter 18.22, 18.25, 18.32, 18.57, 18.71, and 18.83 RCW, nor shall the state of Washington require such continuing supervision as a condition of licensing"

On page 10, after line 34, insert the following:

"NEW SECTION. Sec. 20. 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."

Renumber the sections consecutively and correct internal references accordingly., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Fleming, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3636.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3636, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; nays, 11; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bradburn, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hurley, Jones, Lee, Lewis, Marsh, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Woody—32.

Voting nay: Senators Bottiger, Conner, Lysen, McDermott, Moore, Ridder, Talmadge, Vognild, Williams, Wilson, Wojahn—11.

Absent or not voting: Senator Henry—1.

Excused: Senators Benitz, Gallagher, Matson, Pullen, Talley—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3636, 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 third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

Office of the Governor, March 11, 1980.

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:

A. L. McFall, appointed March 11, 1980, for a term ending September 30, 1981, as a member of the Board of Trustees, Community College District No. 3.

Sincerely,
DIXY LEE RAY
Governor.

MOTION

On motion of Senator Walgren, the rules were suspended and the Senate commenced consideration of gubernatorial appointment 271.

MOTION

On motion of Senator Walgren, the appointment of A. L. McFall as a member of the Board of Trustees, Community College District 3, was confirmed.

APPOINTMENT OF A. L. McFALL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Gallagher, Matson, Pullen, Talley—5.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

Office of the Governor, March 13, 1980.

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

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

Pinckney M. Rohrback, reappointed March 13, 1980, for a term ending September 30, 1983, as a member of the Board of Trustees, Community College District No. 7.

Sincerely,
DIXY LEE RAY
Governor.

MOTION

On motion of Senator Goltz, the rules were suspended and the Senate commenced consideration of gubernatorial appointment 272.

MOTION

On motion of Senator Goltz, the appointment of Pinckney M. Rohrback as a member of the Board of Trustees, Community College District 7, was confirmed.

APPOINTMENT OF PINCKNEY M. ROHRBACK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Gallagher, Matson, Pullen, Talley—5.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

Office of the Governor, March 13, 1980.

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:

Nancy S. Rust, appointed March 13, 1980, for a term ending September 30, 1984, succeeding Robert G. Leonard as a member of the Board of Trustees, Community College District No. 7.

Sincerely,
DIXY LEE RAY
Governor.

Referred to the Committee on Rules.

MESSAGE FROM THE GOVERNOR
PARTIAL VETO SUBSTITUTE SENATE BILL NO. 3164

Office of the Governor, March 10, 1980.

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

I am returning herewith without my approval as to one section of SUBSTITUTE SENATE BILL 3164 entitled:

"AN ACT Relating to urban area state parks".

Section 5 of this bill provides for the transfer of the Auburn Game Farm from the Game Commission to the State Parks and Recreation Commission for the purpose of preserving this property as an urban area state park. An appropriation of \$1,500,000 is made from General Fund—State revenues to compensate the Game Commission for the property.

While I strongly support the concept of urban area state parks, there is a necessity to be consistent with the priorities of the Statewide Comprehensive Outdoor Reaction Plan and the Interagency Committee for Outdoor Recreation Plan (IAC) if utilization of our scarce resources is to be most effective.

In addition, land acquisition projects submitted through the IAC are eligible for federal matching funds and should be maximized to the extent possible.

The effective date of this transfer is to be accomplished by July 31, 1981, the next biennium. This has the effect of obligating future legislatures.

Consequently, I have vetoed Section 5 and will ask the IAC to evaluate this proposal in their capital budget development plan for the 1981-83 biennium.

With the exception of Section 5, which I have vetoed, the remainder of Substitute Senate Bill 3164 is approved.

SINCERELY,
DIXY LEE RAY
Governor.

Referred to Rules.

MESSAGES FROM THE HOUSE

March 13, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE SENATE BILL NO. 3537, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The Speakers have signed: HOUSE CONCURRENT RESOLUTION NO. 35, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE SENATE BILL NO. 2751, SUBSTITUTE SENATE BILL NO. 3228, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The House has adopted: SENATE CONCURRENT RESOLUTION NO. 121, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE SENATE BILL NO. 3603, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

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

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE HOUSE BILL NO. 1147, HOUSE BILL NO. 1410, HOUSE BILL NO. 1545, SUBSTITUTE HOUSE BILL NO. 1763, and the same are herewith transmitted.

VITO T. CHIECHI. Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3250,
SENATE CONCURRENT RESOLUTION NO. 121.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1147,
HOUSE BILL NO. 1410,
HOUSE BILL NO. 1545,
SUBSTITUTE HOUSE BILL NO. 1763,
HOUSE CONCURRENT RESOLUTION NO. 35.

MOTION

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

MOTIONS

On motion of Senator Walgren, any member so indicating may be added as additional sponsor to Senate Resolution 1980-269.

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

SENATE RESOLUTION 1980-269

By Senators Walgren and von Reichbauer:

WHEREAS, In support of the continued freedom of the seventeen million people in the Republic of China on Taiwan; and

WHEREAS, The Republic of China on Taiwan is the sovereign and legitimate government of the seventeen million free Chinese living there; and

WHEREAS, The Republic of China on Taiwan is a faithful ally of the United States of America; and

WHEREAS, The Shanghai Communique signed in 1972 between Chou En-Lai and Richard Nixon acknowledged that both Peking and Taipei claim to be the legitimate government of all China; and

WHEREAS, The Shanghai Communique did not preclude diplomatic relations with both Taipei and Peking;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That President Carter is urged to establish official government relations with the Republic of China, and that the Congress of the United States is urged to take any necessary action to provide specific security guarantees for Republic of China; and

BE IT FURTHER RESOLVED, That the President and the Congress demand written guarantees from the leadership of the People's Republic of China that it will not use military force to reunify the Republic of China (Taiwan) with the mainland, and that the President and the Congress provide military material necessary to guarantee the security and continued freedom of the people of Taiwan; and

BE IT FURTHER RESOLVED, That all citizens of our state are urged to join in support for the freedom of the Republic of China and that the Secretary of the Senate transmit copies of this resolution to the President of the United States and to each member of the congressional delegation from the State of Washington.

MOTIONS

On motion of Senator Talmadge, Senators Moore and Talmadge were excused.

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

MESSAGES FROM THE HOUSE

March 13, 1980.

Mr. President: The House has concurred in the Senate amendments to REENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The Speakers have signed: SENATE CONCURRENT RESOLUTION NO. 121, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The Speakers have signed:
SUBSTITUTE SENATE BILL NO. 3250,
SUBSTITUTE SENATE BILL NO. 3509, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

MOTION

At 1:27 a.m., on motion of Senator Walgren, the Senate was declared to be at ease.

The President called the Senate to order at 1:40 a.m.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 3636.

MOTION

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

SENATE RESOLUTION 1980-270

By Senators Walgren, Odegaard, Hayner and Scott:

WHEREAS, The Facilities and Operations committee has been doing an excellent job of handling the interim affairs of the Senate;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee as presently constituted, be continued to act in the same capacity and with the same powers, duties and authorities as designated in SFR 1979-53.

MOTION

On motion of Senator Walgren, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 122, by Senators Walgren, Odegaard, Hayner and Scott:

Notifying the governor that the legislature is about to adjourn SINE DIE.

MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 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.

MESSAGES FROM THE HOUSE

March 13, 1980.

Mr. President: The Speakers have signed: HOUSE CONCURRENT RESOLUTION NO. 3, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1090 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE SENATE BILL NO. 3636, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk
VITO T. CHIECHI, Chief clerk.

March 13, 1980.

Mr. President: The Speakers have signed: SUBSTITUTE HOUSE BILL NO. 1090, HOUSE BILL NO. 1433, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

March 13, 1980.

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

DEAN R. FOSTER, Chief Clerk.
VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1090,
HOUSE BILL NO. 1433,

HOUSE CONCURRENT RESOLUTION NO. 3.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 122.

MESSAGES FROM THE HOUSE

March 13, 1980.

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

DEAN R. FOSTER, Chief Clerk.

MOTION

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

SENATE RESOLUTION 1980-271

By Senators Walgren, Odegaard, Hayner and Scott:

BE IT RESOLVED, By the Senate, that a committee consisting of three members of the Senate be appointed to notify the House that the Legislature is about to adjourn SINE DIE.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1980-271, President Cherberg appointed Senators Odegaard, Scott and Goltz to notify the House of Representatives that the Senate is ready to adjourn SINE DIE.

MOTION

On motion of Senator Walgren, the committee appointments were confirmed.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Concurrent Resolution No. 122, President Cherberg appointed Senators Fleming, Woody and Haley 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 is about to adjourn SINE DIE.

MOTION

On motion of Senator Walgren, the committee appointments were confirmed.

COMMITTEE FROM HOUSE NOTIFYING
SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of a committee from the House of Representatives. The committee, comprised of Representatives Deccio, Flint, Valle and Becker 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.

President Pro Tempore Henry assumed the Chair.

MOTION

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

SENATE RESOLUTION 1980-272

By Senators Walgren, Odegaard, Hayner and Scott:

BE IT RESOLVED, By the Senate that all bills, memorials, joint resolutions and concurrent resolutions in possession of the Secretary of the Senate be indefinitely postponed.

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 1980-271 comprised of Senators Odegaard, Scott and Goltz 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.

MOTION

On motion of Senator Walgren, any study resolutions remaining on the desk of the Secretary of the Senate were referred to the Committee on rules.

Senator Walgren assumed the Chair.

REPORT OF SPECIAL COMMITTEE APPOINTED
TO NOTIFY THE GOVERNOR OF ADJOURNMENT
SINE DIE

The Senate members of the special committee appointed under provisions of Senate Concurrent Resolution No. 122, comprised of Senators Fleming, Woody and Haley 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.

MOTIONS

On motion of Senator Walgren, the Senate Journal of the Sixtieth Day, Forty-sixth Legislature, 1980 Regular Session, was approved.

At 2:07 a.m., on motion of Senator Walgren, the Senate of the Forty-sixth Legislature, 1980 Regular 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**

—1980—

FORTY-SIXTH LEGISLATURE

REGULAR SESSION

Office of the Governor, April 4, 1980.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval **SUBSTITUTE SENATE BILL NO. 2977** entitled:

“An Act relating to energy conservation.”

I am vetoing Substitute Senate Bill No. 2977 for technical reasons. The intent of section 6 was to prohibit retroactive application of the amended law by exempting any building, to be renovated or constructed, for which an agency had completed a life cycle cost analysis by December 31, 1980. However, as worded, section 6 exempts the agency rather than the building. Thus, any agency that has ever done a life cycle cost analysis would not have to comply with the new law; this is not acceptable. Also unacceptable is signing the bill without it containing a clause that clearly makes its application prospective only.

As the bill undoubtedly will be reintroduced next session, all public agencies that would be affected should study the bill's provisions and be prepared to implement them. Life cycle cost analysis is an important element in our response to the demands of our energy situation and it is unfortunate that this bill is technically faulty.

For these reasons, I have determined to veto Substitute Senate Bill No. 2977.

Respectfully submitted,
DIXY LEE RAY
Governor.

Office of the Governor, April 4, 1980.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to part of **SUBSTITUTE SENATE BILL NO. 3207** entitled:

“An Act relating to superior court judges.”

Substitute Senate Bill No. 3207 creates five additional superior court judgeships in King County which have been made dependent upon county approval. I have no problem with the creation of the judgeships or the county approval conditions. However, the last five lines of the bill, added as a House amendment to the original Senate bill, provide an elective procedure for the

selection of judges to the newly created positions. I cannot support this provision for the reason that such procedure destroys the Governor's historic right to appoint judges to the newly created positions.

The State Supreme Court in *Fain v. Chapman* 89 Wn 2d 48, 569 P. 2d 1135 (1977) said the following about new judgeships:

"The provisions of Article 4, Section 5 of the constitution provide the framework within which newly created judgeships must be filled. The applicable provisions provides:

If a vacancy occurs in the office of judge of the superior court, the governor shall appoint a person to hold the office until the election and qualification of the judge to fill the vacancy, which election shall be at the next succeeding general election."

Since the governor has had this power in the past I am bound by the commands of my office to protect this historic authority so that it may remain a viable power for this and subsequent administrations.

I have given due consideration to the technical issue involved with this veto and am satisfied that the veto is within my authority. The issue that I mention is of course veto of less than a physical section. During the 1979 legislative session, a similar bill creating new judgeships was passed. It also provided for election procedures but the procedures were set out in a separate section. There was no question, at that time that I could separately veto the election procedures without invalidating the whole bill. There is no substantive change in the circumstances this time. Although the election procedures and judgeships creation have been placed together within one physical section, the subject matters remain separable. The State Supreme Court in *Apartment Ass'ns v. Evans* 88 Wn 2d 563, 564 P. 2d 788(1977) indicates that as long as the subject matter is separable, a veto may affect one part without the other.

For these reasons, I have determined to veto the last five lines of Substitute Senate Bill No. 3207.

Respectfully submitted,
DIXY LEE RAY
Governor.

Office of the Governor, April 4, 1980.
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to several sections SENATE BILL NO. 3240 entitled:

"An Act relating to state government."

The sections of this bill that establish legislative rules review committees and the procedures for that review are not necessary. All aspects of sections one through nine and 16 through 22, with the exception of publishing the notice of legislative dissent, can be accomplished within existing statutory authority and present administrative procedures.

With the exception of sections one through nine and 16 through 22 which I have vetoed, the remainder of Senate Bill No. 3240 is approved.

Respectfully submitted,
DIXY LEE RAY
Governor.

Office of the Governor, April 4, 1980.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to two sections of SUBSTITUTE SENATE BILL NO. 3509 entitled:

“An Act relating to property tax relief.”

As a result of combining several legislative measures into one bill, RCW 84.36.381 has been amended by both sections 1 and 4 of this act and RCW 84.36.387 has been amended by both sections 2 and 6 of this act. Since the amendments by sections 1 and 2 of the act are duplicative of the amendments by section 4 and 6 and since leaving them all in this act will cloud the status of RCW 84.36.381 and 84.36.387, I have vetoed sections 1 and 2.

With the exception of sections 1 and 2, which I have vetoed, the remainder of Substitute Senate Bill No. 3509 is approved.

Respectfully submitted,
DIXY LEE RAY
Governor.

Office of the Governor, April 4, 1980.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to three sections of SUBSTITUTE SENATE BILL NO. 3636 entitled:

“An Act relating to nursing homes.”

This bill makes some necessary revisions in the nursing care standards which were passed during the 1979 legislative session. Several of these items were found to be in conflict with federal regulations or proved to be difficult to administer. However, several amendments to the bill made during the waning hours of the session will, I believe, produce certain unintended effects.

Section 1 was considered earlier in committee but withdrawn for the very reasons I have vetoed it. Although it may have been intended as a positive incentive to permit the retention of savings from management efficiencies, the inadvertent effect would be to allow operators to retain overpayments or to unconscionably retain funds intended as wage increases for support personnel. This would undoubtedly create legal disputes between the Department of Social and Health Services and the federal government as well as nursing home operators.

Sections 2 and 3 permit private patients or their guardians to deny access of state inspectors . . . “to their person, their comprehensive plans of care

and their medical records . . .” Although this may have been intended to preserve the privacy of private patients, it would undermine the ability of the Department of Social and Health Services to assure quality of care for all nursing home residents — both those who are publicly and privately supported. Denying access to the state inspectors would only serve to increase the vulnerability of frail elderly and disabled nursing home residents. It also might jeopardize the ability of the department to certify compliance of facilities with federal regulations necessary for participation in the Medicare and Medicaid programs.

For the foregoing reasons, I have vetoed Sections 1, 2, and 3. The remainder of the bill is approved.

Respectfully submitted,
DIXY LEE RAY
Governor.

**GOVERNOR'S MESSAGES ON SENATE BILLS SIGNED
AFTER ADJOURNMENT**

—1980—

FORTY-SIXTH LEGISLATURE

REGULAR SESSION

Office of the Governor, April 1, 1980.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on April 1, 1980, Governor Ray approved the following Senate Bills entitled:

SUBSTITUTE SENATE BILL NO. 2963: Relating to Education.

SENATE BILL NO. 3181: Relating to Revenue and Taxation.

SUBSTITUTE SENATE BILL NO. 3457: Relating to State Government.

SUBSTITUTE SENATE BILL NO. 3551: Relating to Alcohol Fuels.

SENATE BILL NO. 3574: Relating to Appropriations.

SUBSTITUTE SENATE BILL NO. 3603: Relating to the Financing of Pollution Control Facilities.

Very truly yours,

H.B. HANNA

Legal Counsel.

Office of the Governor, April 4, 1980.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on April 4, 1980, Governor Ray approved the following Senate Bills:

SENATE BILL NO. 2433: Relating to Unemployable Persons.

SUBSTITUTE SENATE BILL NO. 2751: Relating to Air and Water Pollution Control.

SUBSTITUTE SENATE BILL NO. 3250: Relating to Nursing Homes.

SUBSTITUTE SENATE BILL NO. 3228: Relating to Motor Vehicles.

SUBSTITUTE SENATE BILL NO. 3257: Relating to Poison Control, Drug Information.

SUBSTITUTE SENATE BILL NO. 3321: Relating to Education.

SENATE BILL NO. 3371: Relating to Tidelands.

SUBSTITUTE SENATE BILL NO. 3385: Relating to Criminal Justice.

SUBSTITUTE SENATE BILL NO. 3537: Relating to Appropriations.

Very truly yours,

H.B. HANNA

Legal Counsel.

1980 SENATE ROSTER

FORTY-SIXTH LEGISLATURE—REGULAR SESSION

JOHN A. CHERBERG, President

SIDNEY R. SNYDER, Secretary

AL HENRY, President Pro Tempore
DON L. TALLEY, Vice President Pro Tempore

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
BAUSCH, DEL	22	Thurston, part	1241 Rogers Ct. SW Olympia 98502	44	Washington	D	Safety Engineer, Seattle Stevedore Co.	S—1977-77 Ex.; 79-79 Ex.; 80 H—1973-73 Ex., 73 2nd Ex.; 74 Ex.; 75-75 1st Ex., 75-76 2nd Ex.
BENITZ, MAX E.	8	Yakima, part Benton	Rt. 2, Box 2521 Prosser 99350	63	Kansas	R	Agri-Business	S—1975-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.; 80 H—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.
BLUECHEL, ALAN	45	King, part	9901 N.E. 124th, No. 505 Kirkland 98033	55	Alberta, Canada	R	President, Loctwall Corporation	S—1975-75 Ex.; 75-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.; 80 H—1967-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.
BOTTIGER, R. TED	2	Pierce, part Thurston, part	8849 Pacific Ave. Tacoma 98444	47	Washington	D	Attorney	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.; 80 H—1965-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.
BRADBURN, BRUCE A.	44	King, part	10531 Valmay N.W. Seattle 98177	38	Illinois	R	V.P.-Treasurer Ikon Corp.	S—Appointed 12/31/79 1980
CLARKE, GEORGE W.	41	King, part	1111 Hoge Bldg. Seattle 98104	73	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.; 79-79 Ex.; 80 H—1967-67 Ex.; 69-69 Ex.; 70 Ex.

Senate Roster—1980, Forty-Sixth Legislature—Regular Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
CONNER, PAUL H.	24	Clallam-Mason-Jefferson-Thurston, part	195 Pinnell Rd. Sequim 98382	54	Washington	D	Self-employed	S—Appointed 1957, 79-79 Ex.; 80 H—1959-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex.; 75-76 2nd Ex.; 77-77 Ex.
DAY, WILLIAM S. "Bill"	4	Spokane, part Whitman, part	2721 E. Sprague Spokane 99202	57	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.; 79-79 Ex.; 80 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 99328	58	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.; 79-79 Ex.; 80
FLEMING, GEORGE	37	King, part	1100 Lk. Wash. Blvd. So. Seattle 98144	41	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.; 79-79 Ex.; 80 H—1969-69 Ex.; 70 Ex.
GALLAGHAN, ART	26	Kitsap, part Pierce, part	3911 - 55th St. Ct. N.W. Gig Harbor 98335	56	California	R	Consultant—Fisheries	S—1979-79 Ex.; 80
GASPARD, MARCUS S.	25	King, part Pierce, part	8220 - 191st Ave. E. Sumner 98390	31	Washington	D	Accountant	S—1977-77 Ex.; 79-79 Ex.; 80 H—1973-73 Ex.; 73 2nd Ex.; 74 Ex.; 75-75 1st Ex.; 75-76 2nd Ex.

Senate Roster—1980, Forty-Sixth Legislature—Regular Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Political		Legislative Sessions Served
					Birthplace	Party Occupation	
GOLTZ, H. A. "BARNEY"	42	Whatcom, part	3003 Vallette St. Bellingham 98225	55	Minnesota	D College Administrator	S—1975-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.; 80 H—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.
GOULD, SUSAN E.	21	Snohomish, part	19225 - 92nd W. Edmonds 98020	50	Washington	R	S—1975-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.; 80
GUESS, SAM C.	6	Spokane, part	W. 408 - 33rd Ave. Spokane 99203	70	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.; 79-79 Ex.; 80
HALEY, TED	28	Pierce, part	5800 - 100th St. S.W. #30 Tacoma 98499	57	Washington	R Physician	S—1980 H—1975-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.
HANSEN, FRANK "TUB"	13	Kittitas Grant, part Yakima, part	Star Route, Box 73 Moses Lake 98837	66	Washington	D Retired Rancher	S—1979-79 Ex.; 80 H—1973-73 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 454 Walla Walla 99362	60	Oregon	R Homemaker	S—1977-77 Ex.; 79-79 Ex.; 80 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	68	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.; 79-79 Ex.; 80 H—1941-45-51-51 Ex., 51 2nd Ex.; 55-55 Ex.

Senate Roster—1980, Forty-Sixth Legislature—Regular Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
HURLEY, MARGARET	3	Spokane, part	E. 730 Boone Spokane 99202	....	Minnesota	D	Educator	S—1980 H—1953-53 Ex.; 55-55 Ex.; 57-59-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.
JONES, JOHN D.	48	King, part	18 Bridlewood Circle Kirkland 98033	56	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.; 79-79 Ex.; 80 H—1971-71 Ex.; 72 Ex.
LEE, ELEANOR	33	King, part	P.O. Box 66274 Burien 98166	48	Illinois	R	Business Manager	S—1979-79 Ex.; 80 H—1975-75 Ex., 75-76 2nd Ex.; 77-77 Ex.
LEWIS, R. H. "BOB"	5	Spokane, part	3308 Columbia Circle Spokane 99205	54	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.; 79-79 Ex.; 80
LYSEN, KING	31	King, part	12864 Shorecrest Dr. SW Seattle 98146	37	Minnesota	D	Real Estate and Investments	S—1979-79 Ex.; 80 H—1971-71 Ex.; 72 Ex.; 73-73 Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.
MARSH, DAN	49	Clark, part	P.O. Box 54 Vancouver 98663	42	Oregon	D	Attorney	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.; 80 H—1965-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.

Senate Roster—1980, Forty-Sixth Legislature—Regular Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
MATSON, JIM	14	Yakima, part	Rt. 2, Box 2311 Selah 98942	52	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.; 79-79 Ex.; 80
McDERMOTT, JAMES A.	43	King, part	1650 - 22nd Ave. East Seattle 98112	43	Illinois	D	Physician	S—1975-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.; 80 H—1971-71 Ex.
MOORE, RAY	36	King, part	1722 Bigelow Ave. N. Seattle 98109	68	Washington	D	Businessman	S—1979-79 Ex.; 80
MORRISON, SID W.	15	Yakima, part	Rt. 1, Box 220-AA Zillah 98953	46	Washington	R	Farmer	S—1975-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.; 80 H—1967-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.
ODEGAARD, GARY M.	20	Lewis-Wahkiakum-Cowlitz, part Pacific, part Thurston, part	3415 Ives Rd. Centralia 98531	40	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.; 79-79 Ex.; 80
PETERSON, LOWELL	40	San Juan-Skagit-Whatcom, part	Box 249 Concrete 98237	58	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.; 79-79 Ex.; 80
PULLEN, KENT	47	King, part	22844 - 172nd S.E. Kent 98031	37	Texas	R	Chemist	S—1975-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.; 80 H—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.

Senate Roster—1980, Forty-Sixth Legislature—Regular Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political		Legislative Sessions Served
						Party	Occupation	
QUIGG, J. T.	19	Grays Harbor, part Pacific, part	613 North K St. Aberdeen 98520	32	Washington	R	Construction/ Transportation	S—1979-79 Ex.; 80
RASMUSSEN, A. L. "SLIM" ..	29	Pierce, part	5415 A St. Tacoma 98408	70	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.; 79-79 Ex.; 80 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	50	Washington	D	Housewife	S—1974 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.; 80
SCOTT, GEORGE W.	46	King, part	8821 Paisley Dr. N.E. Seattle 98115	42	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.; 79-79 Ex.; 80 H—1969-69 Ex.; 70 Ex.
SELLAR, GEORGE L.	12	Chelan, Douglas-Grant, part Okanogan, part	1324 Terrace Dr. E. Wenatchee 98801	50	Illinois	R	Manager, Eye and Ear Optical	S—Appointed 1/7/72 1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.; 80
SHINPOCH, A. N. "BUD"	11	King, part	361 Maple Ave. N.W. Renton 98055	55	Oklahoma	D	Manager, The Boeing Company	S—Appointed 12/7/77 1979-79 Ex.; 80 H—1970 Ex.; 71-71 Ex.; 72 Ex.; 73-73 Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.

Senate Roster—1980, Forty-Sixth Legislature—Regular Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
TALLEY, DON L.	18	Clark, part Cowlitz, part	4460 Pleasant Hill Rd. Kelso 98626	61	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.; 79-79 Ex.; 80
TALMADGE, PHIL	34	King, part	4006 – 53rd S.W. Seattle 98116	28	Washington	D	Attorney	S—1979-79 Ex.; 80
VAN HOLLEBEKE, RAY	1	King, part Snohomish, part	18735 – 53rd N.E. Seattle 98155	50	Illinois	D	Businessman	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.; 80
VOGNILD, LARRY L.	38	Snohomish	3201 Wetmore Everett 98201	48	Washington	D	Self-employed	S—1979-79 Ex.; 80
von REICHBAUER, PETER ...	30	King, part	401-A Legislative Bldg. Olympia 98504	35	Washington	D	Self-employed, Synergistic Investments	S—1974 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.; 80
WALGREN, GORDON L.	23	Kitsap, part	Five/10 Bldg. 510 Washington Bremerton 98310	46	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.; 79-79 Ex.; 80 H—1967-67 Ex.
WANAMAKER, F. "PAT"	10	Island-Snohomish, part	519 W. Wanamaker Rd. Coupeville 98239	69	Washington	R	Retired Farmer	S—1973-73 1st Ex.; 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; 79-79 Ex.; 80 H—1967-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.

Senate Roster—1980, Forty-Sixth Legislature—Regular Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
WILLIAMS, AL	32	King, part	4801 Fremont N. Seattle 98103	49	North Dakota	D	Architect	S—Appointed 2/4/78 1979-79 Ex.; 80 H—1970 Ex.; 71-71 Ex.; 72 Ex.; 73-73 Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.
WILSON, BRUCE A.	7	Ferry-Lincoln-Pend Oreille-Stevens- Okanogan, part Spokane, part	P.O. Box F Omak 98841	58	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.; 79-79 Ex.; 80
WOJAHN, R. LORRAINE	27	Pierce, part	3592 East Kay St. Tacoma 98404	59	Washington	D	Housewife	S—1977-77 Ex.; 79-79 Ex.; 80 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, DIANNE H.	39	King, part Snohomish, part	24328 - 47th Woodinville 98072	....	Washington	D	.....	S—Appointed 9/27/77 1979-79 Ex.; 80

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	68	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.; 79-79 Ex.; 80
SNYDER, SIDNEY R.	Secretary of the Senate	P.O. Box 531 Long Beach 98631	52	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.; 79-79 Ex.; 80 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	67	Washington	D	Merchant	S—Elected 1957-59-61-63-65-67-69- 70-71-72-73-74-75-76-77-79-80 H—House Member 1951 Served as Sergeant at Arms 1955

**STANDING COMMITTEES OF THE SENATE
FORTY-SIXTH LEGISLATURE
REGULAR SESSION**

—1980—

JOHN A. CHERBERG, President
AL HENRY, President Pro Tempore
DON L. TALLEY, Vice President Pro Tempore
SIDNEY R. SNYDER, Secretary

AGRICULTURE (6)—HANSEN, CHAIRMAN; Benitz, Day, Gaspard, Wanamaker, Wilson.

COMMERCE (6)—VAN HOLLEBEKE, CHAIRMAN; WOJAHN, VICE CHAIRMAN; Hurley, Morrison, Quigg, Williams.

CONSTITUTIONS AND ELECTIONS (9)—WOODY, CHAIRMAN; Bottiger, Haley, Henry, Lewis, Marsh, Peterson, Pullen, Ridder.

ECOLOGY (7)—WILLIAMS, CHAIRMAN; Bradburn, Donohue, Goltz, Guess, Hansen, Scott.

EDUCATION (7)—McDERMOTT, CHAIRMAN; GASPARD, VICE CHAIRMAN; Gould, Hayner, Morrison, Ridder, Talmadge.

ENERGY AND UTILITIES (10)—BOTTIGER, CHAIRMAN; Benitz, Gould, Hayner, Hurley, Lewis, Lysen, Williams, Wilson, Woody.

FINANCIAL INSTITUTIONS AND INSURANCE (8)—BAUSCH, CHAIRMAN; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

HIGHER EDUCATION (7)—GOLTZ, CHAIRMAN; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

JUDICIARY (10)—MARSH, CHAIRMAN; TALMADGE, VICE CHAIRMAN; Bottiger, Clarke, Hayner, Hurley, Jones, Pullen, Van Hollebeke, Woody.

LABOR (7)—LYSEN, CHAIRMAN; VOGNILD, VICE CHAIRMAN; Matson, McDermott, Moore, Morrison, Sellar.

LOCAL GOVERNMENT (9)—WILSON, CHAIRMAN; Bluechel, Bradburn, Fleming, Henry, Lee, Moore, Sellar, Talley.

NATURAL RESOURCES (11)—PETERSON, CHAIRMAN; CONNER, VICE CHAIRMAN; Gallagher, Haley, Lee, Lysen, Odegaard, Quigg, Rasmussen, Talley, Vognild.

PARKS AND RECREATION (7)—von REICHBAUER, CHAIRMAN; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

RULES (14)—LIEUTENANT GOVERNOR JOHN A. CHERBERG, CHAIRMAN; Clarke, Conner, Fleming, Gaspard, Guess, Hayner, Matson, Odegaard, Ridder, Sellar, Shinpoch, Talley, Walgren, Wojahn.

SOCIAL AND HEALTH SERVICES (8)—DAY, CHAIRMAN; MOORE, VICE CHAIRMAN; Bradburn, Haley, Hurley, Pullen, Talmadge, Vognild.

STATE GOVERNMENT (7)—RASMUSSEN, CHAIRMAN; SHINPOCH, VICE CHAIRMAN; Day, Gallagher, Gould, McDermott, Wanamaker.

TRANSPORTATION (12)—HENRY, CHAIRMAN; TALLEY, VICE CHAIRMAN; Conner, Gallagher, Guess, Hansen, Lee, Peterson, Quigg, Van Hollebeke, von Reichbauer, Wanamaker.

WAYS AND MEANS (20)—DONOHUE, CHAIRMAN; McDERMOTT, VICE CHAIRMAN; Bausch, Bluechel, Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Matson, Morrison, Odegaard, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Walgren, Wojahn.

**INDIVIDUAL COMMITTEE ASSIGNMENTS
OF THE SENATE
FORTY-SIXTH LEGISLATURE
REGULAR SESSION**

—1980—

- BAUSCH (Del)—Chairman: Financial Institutions and Insurance; Parks and Recreation, Ways and Means.
- BENITZ (Max E.)—Agriculture, Energy and Utilities; Higher Education.
- BLUECHEL (Alan)—Financial Institutions and Insurance, Local Government, Ways and Means.
- BOTTIGER (R. Ted)—Chairman: Energy and Utilities; Constitutions and Elections, Judiciary.
- BRADBURN (Bruce A.)—Ecology, Local Government and Social and Health Services.
- CLARKE (George)—Financial Institutions and Insurance, Judiciary, Rules, Ways and Means.
- CONNER (Paul)—Vice Chairman: Natural Resources; Rules, Transportation.
- DAY (William S. "Bill")—Chairman: Social and Health Services; Agriculture, Financial Institutions and Insurance, State Government.
- DONOHUE (Hubert F.)—Chairman: Ways and Means; Ecology, Financial Institutions and Insurance.
- FLEMING (George)—Local Government, Rules, Ways and Means.
- GALLAGHAN (Art)—Natural Resources, State Government, Transportation.
- GASPARD (Marcus S.)—Vice Chairman: Education; Agriculture, Rules, Ways and Means.
- GOLTZ (H.A. "Barney")—Chairman: Higher Education; Ecology, Ways and Means.
- GOULD (Susan E.)—Education, Energy and Utilities, State Government.
- GUESS (Sam C.)—Ecology, Higher Education, Rules, Transportation.
- HALEY (Ted)—Constitutions and Elections, Natural Resources, Social and Health Services.
- HANSEN (Frank "Tub")—Chairman: Agriculture; Ecology, Transportation.
- HAYNER (Jeannette)—Education, Energy and Utilities, Judiciary, Rules.
- HENRY (Al)—Chairman: Transportation; Constitutions and Elections, Local Government.
- HURLEY (Margaret)—Commerce, Energy and Utilities, Judiciary, Social and Health Services.
- JONES (John D.)—Financial Institutions and Insurance, Judiciary, Ways and Means.
- LEE (Eleanor)—Local Government, Natural Resources, Transportation.
- LEWIS (R.H. "Bob")—Constitutions and Elections, Energy and Utilities, Parks and Recreation.
- LYSEN (King)—Chairman: Labor; Energy and Utilities, Natural Resources.
- MARSH (Dan)—Chairman: Judiciary; Constitutions and Elections, Ways and Means.
- MATSON (Jim)—Labor, Rules, Ways and Means.
- McDERMOTT (James A.)—Chairman: Education; Vice Chairman: Ways and Means; Labor, State Government.
- MOORE (Ray)—Vice Chairman: Social and Health Services; Labor, Local Government.
- MORRISON (Sid W.)—Commerce, Education, Labor, Ways and Means.

- ODEGAARD (Gary M.)—Higher Education, Natural Resources, Rules, Ways and Means.
- PETERSON (Lowell)—Chairman: Natural Resources; Constitutions and Elections, Transportation.
- PULLEN (Kent)—Constitutions and Elections, Judiciary, Social and Health Services.
- QUIGG (J. T.)—Commerce, Natural Resources, Parks and Recreation, Transportation.
- RASMUSSEN (A.L. "Slim")—Chairman: State Government; Natural Resources, Ways and Means.
- RIDDER (Ruthe)—Constitutions and Elections, Education, Rules, Ways and Means.
- SCOTT (George W.)—Ecology, Higher Education, Ways and Means.
- SELLAR (George L.)—Labor, Local Government, Rules, Ways and Means.
- SHINPOCH (A. N. "Bud")—Vice Chairman: State Government; Higher Education, Rules, Ways and Means.
- TALLEY (Don L.)—Vice Chairman: Transportation; Local Government, Natural Resources, Rules.
- TALMADGE (Phil)—Vice Chairman: Judiciary; Education, Social and Health Services.
- VAN HOLLEBEKE (Ray)—Chairman: Commerce; Judiciary, Transportation.
- VOGNILD (Larry)—Vice Chairman: Labor; Natural Resources, Social and Health Services.
- von REICHBAUER (Peter)—Chairman: Parks and Recreation; Financial Institutions and Insurance, Higher Education, Transportation.
- WALGREN (Gordon L.)—Financial Institutions and Insurance, Rules, Ways and Means.
- WANAMAKER (F. "Pat")—Agriculture, Parks and Recreation, State Government, Transportation.
- WILLIAMS (Al)—Chairman: Ecology; Commerce, Energy and Utilities.
- WILSON (Bruce A.)—Chairman: Local Government; Agriculture, Energy and Utilities.
- WOJAHN (R. Lorraine)—Vice Chairman: Commerce; Parks and Recreation, Rules, Ways and Means.
- WOODY (Dianne H.)—Chairman: Constitutions and Elections; Energy and Utilities, Judiciary, Parks and Recreation.

**STATUTORY AND SELECT
COMMITTEE APPOINTMENTS
—1980—**

**ACTUARY, OFFICE OF, SPECIAL COMMITTEE
(RCW 44.44.010)**

SENATORS

Marcus Gaspard
John D. Jones
Ruthe Ridder

REPRESENTATIVES

Helen Sommers
Ren Taylor
Frank J. Warnke

**ARTS COMMISSION, WASHINGTON STATE
(RCW 43.46.020)**

SENATOR

James A. McDermott

REPRESENTATIVE

Joan Houchen

**ARTS COMMITTEE, JOINT LEGISLATIVE
(RCW 44.42.030)**

SENATORS

Del Bausch
Alan Bluechel
Susan E. Gould
Al Williams

REPRESENTATIVES

Frances North
John O'Brien
Paul Sanders
Shirley Winsley

**BUDGET COMMITTEE, LEGISLATIVE
(RCW 44.28.010)**

SENATORS

George W. Clarke
Hubert F. Donohue
George Fleming
Jim Matson
Sid W. Morrison
A. L. "Slim" Rasmussen
George L. Sellar

REPRESENTATIVES

Otto Amen
John A. Bagnariol
Alex A. Deccio
Wayne Ehlers
Gary Nelson
Alan Thompson
Frank J. Warnke
Bob Williams

**CAPITOL FACILITIES, JOINT LEGISLATIVE COMMITTEE ON
(SCR 120, 1980)**

SENATORS

Del Bausch
Sam C. Guess
John D. Jones
George Fleming
Gordon Walgren
Al Williams

REPRESENTATIVES

Albert Bauer
Duane Berentson
Richard "Dick" King
John L. O'Brien
E. G. "Pat" Patterson
William Polk

**COLUMBIA INTERSTATE COMPACT COMMISSION
(RCW 43.57.010)**

SENATORS

Al Henry
Jim Matson

REPRESENTATIVES

Dennis L. Heck
Rolland Schmitt

**CRIME INTELLIGENCE ADVISORY BOARD
(RCW 43.43.858)**

SENATORS

Del Bausch
George W. Clarke
Jim Matson
A. L. "Slim" Rasmussen

REPRESENTATIVES

Alex A. Deccio
Wayne Ehlers
Walt O. Knowles
Earl F. Tilly

**EDUCATION COMMISSION OF THE STATES
(RCW 28A.92.020)**

SENATOR

Ruthe Ridder

REPRESENTATIVES

Rod Chandler
Phyllis K. Erickson

**ENERGY AND UTILITIES, JOINT COMMITTEE ON
(RCW 44.39.010)**

SENATORS

Max E. Benitz
R. Ted Bottiger
King Lysen

REPRESENTATIVES

R. M. "Dick" Bond
Geraldine McCormick
Marion Kyle Sherman
Steve Tupper

**ENERGY FAIR '83 COMMISSION
(RCW 46.96C.030)**

SENATORS

Max E. Benitz
R. Ted Bottiger
Marcus S. Gaspard

REPRESENTATIVES

Richard "Doc" Hastings
Ray Isaacson
Geraldine McCormick

**ETHICS BOARD, JOINT LEGISLATIVE
(RCW 44.60.020)**

SENATORS

Art Gallagher
H. A. "Barney" Goltz
George L. Sellar
Bruce A. Wilson

REPRESENTATIVES

Irv Greengo
William J. S. "Bill" May
Paul Pruitt
Roger Van Dyken

**GAMBLING COMMISSION, WASHINGTON STATE
(RCW 9.46.040)**

SENATORS

Ray Van Hollebeke
F. "Pat" Wanamaker

REPRESENTATIVES

Brad Owen
Gene Struthers

**HIGHER EDUCATION RECIPROCITY, JOINT COMMITTEE ON
(HCR 29, 1980)**

SENATORS

Max E. Benitz
H. A. "Barney" Goltz
Sam C. Guess
Peter von Reichbauer

REPRESENTATIVES

Dan Grimm
Dennis C. Heck
Michael R. McGinnis
Hal Zimmerman

**HOME RULE COMMITTEE, JOINT
(SHB 76, Ch. 194, '79 Ex.1)**

SENATORS

Paul Conner
Art Gallagher
Sam C. Guess
George L. Sellar
Bruce A. Wilson
Dianne H. Woody

REPRESENTATIVES

Donn Charnley
Avery Garrett
Frances C. North
Wilma Rosbach
Roger Van Dyken
Hal Zimmerman

**INSURANCE BOARD, STATE EMPLOYEES
(RCW 41.05.020)**

SENATOR

R. Lorraine Wojahn

REPRESENTATIVES

Ron Keller
Irving Newhouse

**INTERNATIONAL PERFORMING FESTIVAL ARTS
STEERING COMMISSION
(RCW 43.31.950)**

SENATORS

Alan Bluechel
A. N. "Bud" Shinpoch

REPRESENTATIVES

Duane Berenson
Frank J. Warnke

**JAIL COMMISSION
(RCW 70.48.030)**

SENATORS

Jeannette Hayner
Peter von Reichbauer

REPRESENTATIVES

Mary Kay Becker
Joan Houchen

**JUDICIAL COUNCIL
(RCW 2.52.010)**

SENATORS

George W. Clarke
Dan Marsh
Ray Van Hollebeke
R. Lorraine Wojahn

REPRESENTATIVES

Irving Newhouse
Rick Smith
Earl F. Tilly
(Chief Justice to Appoint)

**LEAP COMMITTEE
(RCW 44.48)**

SENATORS

Hubert F. Donohue
John D. Jones
Sid W. Morrison
A. L. "Slim" Rasmussen

REPRESENTATIVES

John A. Bagnariol
Dan McDonald
Joe Taller
Alan Thompson

**MUNICIPAL RESEARCH COUNCIL
(RCW 43.110.010)**

SENATORS

George Fleming
R. H. "Bob" Lewis
Gordon L. Walgren

REPRESENTATIVES

Donn Charnley
Frances C. North
Dolores Teutsch
Hal Zimmerman

**OCEANOGRAPHIC COMMISSION OF WASHINGTON
(RCW 43.94.020)**

SENATORS

Art Gallagher
A. L. "Slim" Rasmussen
Don L. Talley

REPRESENTATIVES

Richard "Dick" King
Walt Sprague
Jerry L. Vrooman

**SALMON ADVISORY COUNCIL
(RCW 75.18.110)**

SENATOR

Lowell Peterson

REPRESENTATIVES

John Martinis
Rolland Schmitten

**SCIENCE AND TECHNOLOGY, JOINT AD HOC
COMMITTEE ON
(HCR 33, 1980)**

SENATORS

H. A. "Barney" Goltz
Kent Pullen
A. N. "Bud" Shinpoch

REPRESENTATIVES

R. M. "Dick" Bond
Ray Isaacson
Richard "Dick" King
Georgette Valle

**STATUTE LAW COMMITTEE
(RCW 1.08.001)**

SENATORS

George W. Clarke
Phil Talmadge

REPRESENTATIVES

Walt O. Knowles
Irving Newhouse
Rick Smith

**SUNSET ACT, SELECT JOINT COMMITTEE ON THE WASHINGTON
(RCW 43.131.120)**

SENATORS

William S. "Bill" Day
 Marcus Gaspard
 Susan E. Gould
 F. "Pat" Wanamaker
 R. Lorraine Wojahn

REPRESENTATIVES

Bruce Addison
 Bob Eberle
 Wayne Ehlers
 Richard "Dick" King
 George W. Walk

**TIMBER TAXATION ADVISORY COMMITTEE, JOINT LEGISLATIVE
(RCW 84.33.200)**

SENATORS

Del Bausch
 H. A. "Barney" Goltz
 Jim Matson
 Sid W. Morrison
 George L. Sellar
 Gordon L. Walgren
 R. Lorraine Wojahn

REPRESENTATIVES

Wendell Brown
 Ellen Craswell
 Helen Fancher
 S. E. "Sid" Flanagan
 John Martinis
 Rolland Schmitt
 Gary H. Scott
 Helen Sommers

**TRADE FAIRS, ADVISORY COUNCIL ON INTERNATIONAL
(RCW 43.31.090)**

SENATORS

Hubert F. Donohue
 R. H. "Bob" Lewis

REPRESENTATIVES

John A. Bagnariol
 Duane Berentson

**TRANSPORTATION COMMITTEE, LEGISLATIVE
(RCW 44.40.010)**

SENATORS

Paul Conner
 Sam C. Guess
 Frank "Tub" Hansen
 Lowell Peterson
 J. T. Quigg
 George L. Sellar
 Don L. Talley
 Ray Van Hollebeke
 Peter von Reichbauer
 Gordon L. Walgren
 F. "Pat" Wanamaker
LIAISON:
 Del Bausch
 Marcus Gaspard
 Phil Talmadge

REPRESENTATIVES

Duane Berentson
 Donn Charnley
 Harold Clayton
 Dan Dawson
 P. J. "Jim" Gallagher
 John Martinis
 Geraldine McCormick
 E. G. "Pat" Patterson
 Marion Kyle Sherman
 Earl F. Tilly
 George W. Walk
 Simeon R. "Sim" Wilson

**WASHINGTON/BRITISH COLUMBIA GOVERNMENTAL COOPERATION,
JOINT LEGISLATIVE COMMITTEE ON
(SCR 106, 1979)**

SENATORS

George W. Clarke
Bruce A. Wilson

REPRESENTATIVES

Helen Fancher
Gary H. Scott

**WORKERS' COMPENSATION, SELECT JOINT COMMITTEE ON
(SSB 3169, Ch. 129, 1980)**

SENATORS

John D. Jones
Sid Morrison
Ruthe Ridder
Larry L. Vognild

REPRESENTATIVES

Harold Clayton
Richard "Dick" King
Eugene V. Lux
Irving Newhouse

**SENATE BILLS PASSED BY SENATE AND HOUSE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

**1980
FORTY-SIXTH LEGISLATURE
REGULAR SESSION**

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
2nd Sub 2381	Superior court clerks, fees	70	3/ 4/80	6/12/80
2433	Unemployable persons defined	174	4/ 4/80	4/ 4/80
Sub 2616	Minors, disc jockeys, taverns	22	2/28/80	6/12/80
2nd Sub 2748	Irrigation district board compensation	23	2/28/80	6/12/80
Sub 2751	Pollution control facilities	175	4/ 4/80	6/12/80
2963	Common schools, funds	154	4/ 1/80	*
	*Part 9/1/81; part 4/1/80			
Sub 2977	Renewable energy practices		VETOED	
3011	Beaver tag elimination trapper fee	24	2/28/80	6/12/80
Sub 3133	School busses vehicle license fees	88	3/10/80	6/12/80
Sub 3140	City-county housing	25	2/28/80	6/12/80
Sub 3164	Urban state parks priorities	89	3/10/80	6/12/80**
Sub 3169	Workers' compensation modified	129	3/12/80	6/12/80
3181	Solar energy system tax exempt	155	4/ 1/80	4/ 1/80
3183	Hood Canal bridge	2	2/ 1/80	2/ 1/80
Sub 3184	Liberty townsite purchase	90	3/10/80	6/12/80
3190	School sports transportation	91	3/10/80	6/12/80
Sub 3195	Heart Lake purchase	4	2/14/80	6/12/80
3202	Basic sciences repealer	26	2/28/80	6/12/80
Sub 3207	Superior court King county	183	4/ 4/80	6/12/80**
3211	Special purpose districts	92	3/10/80	6/12/80
3214	Road contract awards	93	3/10/80	6/12/80
3219	Lewis and Clark commemorated	5	2/14/80	6/12/80
3220	Civil judgment procedures	94	3/10/80	5/1/80
Sub 3224	County weed boards	95	3/10/80	3/10/80
Sub 3226	Prescriptions	71	3/ 4/80	6/12/80
Sub 3228	Motor vehicle emission control	176	4/ 4/80	6/12/80
3235	Fire commissioners, compensation	27	2/28/80	6/12/80
3236	Hit and run personal injuries	97	3/10/80	7/ 1/80
Sub 3237	Franchises, highway utilities	28	2/28/80	6/12/80
3240	Coordinated Review and Accountability Act enacted	186	4/ 4/80	6/12/80**
3241	Military recruiters access	96	3/10/80	6/12/80
3244	LEOFF elective membership	130	3/12/80	6/12/80
3245	Clarifying public retirement	29	2/28/80	6/12/80
Sub 3250	Nursing home cost system	177	4/ 4/80	*
	*Part 7/1/81; part 7/1/82			
3253	Electricians rearranged	30	2/28/80	6/12/80**
Sub 3256	Fish tax modified	98	3/10/80	7/ 1/80
Sub 3257	Poison control, drug information	178	4/ 4/80	4/ 4/80
Sub 3271	PERS members transfers JRS	7	2/19/80	2/19/80
3280	Real estate brokers and sales	72	3/ 4/80	3/ 4/80
3282	Business corporation act modified	99	3/10/80	*
	*Part 1/1/80; part 6/12/80			
Sub 3297	Modifying law on warrants	100	3/10/80	3/10/80

**Partial Veto

Senate Bill No.	Subject	Chapter Number	Date Signed	Effective Date
Sub 3309	Ocularists regulated	101	3/10/80	6/12/80
3318	Insurance revisions	102	3/10/80	6/12/80
3320	Agencies, summary orders	31	2/28/80	6/12/80
Sub 3321	Ballots receipt	179	4/ 4/80	6/12/80
Sub 3330	University hospitals, purchases	103	3/10/80	6/12/80
3331	Dangerous commodities transportation	104	3/10/80	6/12/80
3334	Lien, enforcement judgments	105	3/10/80	6/12/80
Sub 3359	Election, caucus conflicts	3	2/ 6/80	2/ 6/80
3362	Election precinct boundary line notification	107	3/10/80	6/12/80
3371	Padilla Bay sanctuary	180	4/ 4/80	6/12/80
3378	Civil service transfers sheriff	108	3/10/80	3/10/80
Sub 3385	Fires reporting fire marshal	181	4/ 4/80	4/ 4/80
3404	Disestablishing accounts	32	2/28/80	6/12/80
Sub 3405	Administrative practices, licensing	33	2/28/80	6/12/80
3406	School fund abolished	6	2/14/80	6/12/80
3415	Hearing aid dogs, white cane	109	3/10/80	6/12/80
3422	Port districts, facilities	110	3/10/80	6/12/80
Sub 3457	Crime victims insurance	156	4/ 1/80	4/ 1/80
3474	Landlords firewood liability	111	3/10/80	6/12/80
3487	Retirement plan credits	112	3/10/80	6/12/80
3499	Fragile children aid	106	3/10/80	6/12/80
Sub 3509	Senior citizen property tax relief	185	4/ 4/80	6/12/80**
Sub 3537	Sick leave program community colleges	182	4/ 4/80	6/12/80
Sub 3551	Alcohol fuels tax incentive	157	4/ 1/80	6/12/80
Sub 3558	Fleet opportunity board	113	3/10/80	6/12/80
3565	Temporary driving permit	114	3/10/80	6/12/80
3574	Delinquency prevention program	158	4/ 1/80	6/12/80
Sub 3581	School property lease, rental	115	3/10/80	6/12/80
3593	Unappropriated lands	116	3/10/80	6/12/80*
	*Contingent on passage by voters of SJR 132			
Sub 3603	Pollution control, exempt bonds	159	4/ 1/80	*
	*Bond issue 11/80			
Sub 3611	Municipal pension funds	34	2/28/80	6/12/80
Sub 3629	Tax incentive alcohol fuels	131	3/12/80	6/12/80
Sub 3636	Nursing home care standards	184	4/ 4/80	* **
	*Part 4/4/80; part 6/12/80			

**Partial Veto

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY THE SENATE AND HOUSE**

**1980
· FORTY-SIXTH LEGISLATURE
REGULAR SESSION**

SENATE JOINT RESOLUTION

<i>Number</i>	<i>Subject</i>
132	Modifying the state's disclaimer of rights to unappropriated public lands.

SENATE CONCURRENT RESOLUTIONS

118	Bills reintroduced, cut-off.
120	Insuring proper accounting and cost control procedures for office space used by the legislature.
121	Amending SCR 118.
122	Adjournment SINE DIE.

HOUSE BILLS PASSED BY SENATE AND HOUSE SHOWING THE ACTION BY THE GOVERNOR THEREON

1980 REGULAR SESSION FORTY-SIXTH LEGISLATURE

House Bill No.	Subject	Chapter Number	Date Signed	Effective Date
Sub 19	Civil rights restoration	75	3/ 7/80	6/12/80
Sub 38	Career development civil service employment	118	3/10/80	6/12/80
209	Discretionary review/decision	76	3/ 7/80	6/12/80
277	Comic book regulation repealed	36	3/ 4/80	6/12/80
322	Fire code hand-held candles	8	2/22/80	6/12/80
357	Higher education student association	49	3/ 3/80	6/12/80**
Sub 382	Smoke detectors required	50	3/ 3/80	6/12/80
Sub 395	Chiropractors, revising laws	51	3/ 3/80	3/ 3/80
427	Search warrants use limited	52	3/ 3/80	6/12/80
Sub 440	Parents school bus rides	122	3/11/80	6/12/80
542	Education TV commission abolish, create	123	3/11/80	6/12/80**
Sub 551	Pornography, children	53	3/ 3/80	6/12/80
646	Waste management revisions	144	4/ 1/80	6/12/80
Sub 714	Taking of crabs	133	3/13/80	3/13/80
762	Savings and loan negotiable transfers	54	3/ 3/80	***
783	Retirement, Washington state patrol	77	3/ 7/80	6/12/80
Sub 799	DSHS certain civil service exempt	73	3/ 6/80	6/12/80
Sub 810	Compensating tax forest land	134	3/13/80	6/12/80
829	Family court funding	124	3/11/80	6/12/80
878	Sewer districts, powers	12	2/22/80	6/12/80
Sub 1016	Sales, use exemptions	37	3/ 4/80	3/ 4/80
Sub 1090	Warrants revisions	145	4/ 1/80	4/ 1/80
2nd Sub 1141	Park reservation system	38	3/ 4/80	6/12/80
Sub 1147	Grand jury state-wide	146	4/ 1/80	6/12/80
Sub 1210	Remote second class school district	39	3/ 4/80	6/12/80
1371	County road projects	40	3/ 4/80	1/ 1/81
Sub 1397	Urban transportation systems, taxes	147	4/ 1/80	6/12/80
1406	Motor vehicle offenses double amendment	148	4/ 1/80	*
	*Part 1/1/81; part 4/1/80			
1410	Gambling devices taxation			VETOED
Sub 1413	State energy fair, 1983	161	4/ 4/80	6/12/80
1414	Students financial aid	13	2/22/80	6/12/80
Sub 1416	Credit unions	41	3/ 4/80	6/12/80
1418	Traffic infractions	128	3/12/80	3/12/80
Sub 1419	Renewable energy resources	149	4/ 1/80	6/12/80
Sub 1422	Courts of limited jurisdiction	162	4/ 4/80	*
	*Part 5/1/80; part 6/12/80; part 1/1/81			
1427	Public transit excise tax	163	4/ 4/80	4/ 4/80
Sub 1429	Shellfish, private tidelands	55	3/ 3/80	6/12/80
1432	School district director terms	35	2/28/80	*
	*Part 6/18/80; part 2/28/80			
1433	State crime lab appropriation	164	4/ 4/80	4/ 4/80

**Partial Veto.

***Contains contingent effective date to provide that this bill is not effective until Congress authorizes negotiable order of withdrawal accounts for all financial institutions in Washington State.

<i>House Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
1434	Prosecuting attorneys recall	42	3/ 4/80	6/12/80
1435	Fire district equipment use	43	3/ 4/80	6/12/80
1444	Low income utility fees	150	4/ 1/80	6/12/80
1447	Game code revisions	78	3/ 7/80	7/ 1/80
1453	Wood study program, energy		VETOED	
Sub 1454	County funds investment	56	3/ 3/80	6/12/80
Sub 1457	Joint health departments	57	3/ 3/80	3/ 3/80
1458	Public assistance recipients, nursing homes	79	3/ 7/80	6/12/80
1460	Blind schools salaries	58	3/ 3/80	6/12/80
1463	Mandatory attendance waiver	59	3/ 3/80	6/12/80
1464	Recreation vehicles sanitary systems rest areas	60	3/ 3/80	7/ 1/80
1465	Legislative ethics boards	165	4/ 4/80	6/12/80
Sub 1466	School district bid levels	61	3/ 3/80	6/12/80
Sub 1471	Insurance revisions	135	3/13/80	6/12/80
1475	Legislative sessions terminology	87	3/ 7/80	6/12/80**
Sub 1480	Students, programs, fees	80	3/ 7/80	6/12/80
Sub 1481	Higher institutions, waivers	62	3/ 3/80	6/12/80
1483	Referendum 37 appropriation	136	3/13/80	3/13/80
Sub 1485	Controlled substances	138	3/13/80	3/13/80
1486	Razor-clamming licenses	81	3/ 7/80	7/ 1/80
Sub 1492	Public employee certain insurance	120	3/10/80	6/12/80
1495	Educational services registration exemption	82	3/ 7/80	3/ 7/80
Sub 1496	Health insurance conversion rights	10	2/22/80	6/12/80
Sub 1499	Low income senior citizens utilities	160	4/ 1/80	6/12/80
1508	Ride sharing vans tax exempt	166	4/ 4/80	4/ 4/80
Sub 1510	Franchise termination	63	3/ 3/80	6/12/80
Sub 1511	Legend drugs identification	83	3/ 7/80	6/12/80
Sub 1515	Health care planning	139	3/13/80	*
	*Part 1/1/81; part 6/12/80			
Sub 1516	In-home services requirements	137	3/13/80	6/12/80
1518	Oil, gas leases, state lands	151	4/ 1/80	6/12/80
Sub 1520	DSHS criminal records access	125	3/11/80	6/12/80
1521	Property transfers public assistance	84	3/ 7/80	6/12/80
1524	Salary surveys, public employees	11	2/22/80	6/12/80
Sub 1533	DSHS appropriation	167	4/ 4/80	4/ 4/80
1545	State library appropriation	168	4/ 4/80	4/ 4/80
1555	Protecting unique wildlife	44	3/ 4/80	6/12/80
Sub 1558	Fire code dwellings access	64	3/ 3/80	3/ 3/80
1568	Gasohol use state vehicles	169	4/ 4/80	6/12/80
Sub 1575	Primitive roads classification	45	3/ 4/80	6/12/80
1585	Double amendment RCW 18	46	3/ 4/80	3/ 4/80
1586	Double amendment RCW 28A	47	3/ 4/80	3/ 4/80
1587	Double amendment RCW 51	14	2/22/80	2/22/80
1588	Double amendment RCW 67	16	2/22/80	2/22/80
1589	Double amendment RCW 72	17	2/22/80	2/22/80
1593	Model traffic ordinance	65	3/ 3/80	6/12/80
1597	School bonds energy efficient	170	4/ 4/80	6/12/80
1598	Salmon advisory council	66	3/ 3/80	6/12/80
1604	Retirement system funds	126	3/11/80	3/11/80
Sub 1609	Airport projects aid	67	3/ 3/80	6/12/80
Sub 1610	Creating the state investment board		VETOED	
1620	Transportation appropriation	119	3/10/80	3/10/80
1624	Salmon enhancement bonding	15	2/22/80	6/12/80
Sub 1630	Alcohol motor vehicle use	140	3/13/80	3/13/80
1643	School construction bonds	141	3/13/80	3/13/80

**Partial Veto

APPENDIX

<i>House Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
1658	Administrative contingency fund	142	3/13/80	3/13/80
1663	Contractor's registration number	68	3/ 3/80	6/12/80
Sub 1676	School discipline	171	4/ 4/80	6/12/80
1681	State patrol crime lab	69	3/ 3/80	6/12/80
1685	Parking facilities regulation	127	3/11/80	6/12/80
1686	School district expenditures	18	2/22/80	6/12/80
Sub 1688	State government efficiency energy use	172	4/ 4/80	4/ 4/80
Sub 1729	Adoption consent parents	85	3/ 7/80	3/ 7/80
1762	Interlocal, county drug fund	19	2/22/80	2/22/80
Sub 1763	Legislative art committee	173	4/ 4/80	6/12/80**
Sub 1778	Drivers' license stations	121	3/10/80	3/10/80
Sub 1807	Hazardous cargo transportation	20	2/22/80	6/12/80
1829	Voter registration schools, fire hall	48	3/ 4/80	6/12/80
1841	Meals, sales and use tax	86	3/ 7/80	6/12/80
1843	Inventory/energy efficiency/safety audit existing school facilities			VETOED
Sub 1852	School districts' special elections			VETOED
1870	Bill of lading hazardous cargo	132	3/13/80	7/ 1/80
1950	Banking, drive-in facilities	9	2/22/80	6/12/80
Sub 1952	Unemployment compensation, changes	74	3/ 6/80	*
	*Part 6/30/80, part 6/12/80			
1976	Pollution control facilities	21	2/22/80	6/12/80
Sub 1981	Jail bonds	143	3/13/80	3/13/80
Sub 1983	Motor vehicle insurance	117	3/10/80	9/ 1/80
Sub 1988	Mobile homes, movement, rent	152	4/ 1/80	4/ 1/80
Sub 1989	Manufactures homes	153	4/ 1/80	6/12/80

**Partial Veto

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY THE SENATE AND HOUSE**

**1980
FORTY-SIXTH LEGISLATURE
REGULAR SESSION**

HOUSE JOINT MEMORIALS

<i>Number</i>	<i>Subject</i>
24	Requesting federal help in promoting use of wood to relieve energy shortage.
25	Requesting federal help in promoting development of geothermal resources.
Sub 31	Requesting Congress to designate one federal agency to process complicated energy licensing applications.

HOUSE JOINT RESOLUTION

Sub 37	Establishing a judicial performance and disciplinary commission.
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HOUSE CONCURRENT RESOLUTIONS

3	Adopting joint rules.
22	Notifying governor that legislature is organized.
23	Joint session January 15, 1980.
Sub 29	Providing for a joint legislative committee to consult with like members from other states on higher education reciprocity programs.
33	Creating a 1980 joint ad hoc committee on science and technology.
35	Providing for the convening of special legislative sessions.

INDEX

**TITLE AND HISTORY OF SENATE AND HOUSE BILLS,
MEMORIALS AND RESOLUTIONS**

ALSO

TOPICAL INDEX

TITLE AND HISTORY OF SENATE BILLS

NUMBER, AUTHOR, SUBJECT	<i>Introduction, First Reading, Referral</i>	<i>Report of Committee</i>	<i>Second Reading</i>
2004. Senator Van Hollebeke: Modifying the law on the board of prison terms and paroles.	SCR 118, 4	.....	.....
2012. Senators Rasmussen and Conner: Increasing jury fees.	SCR 118, 4	.....	.....
2014. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senator Rasmussen): Regulating solar energy.	SCR 118, 4	.....	.....
2017. Senator Rasmussen: Allowing boards of county commissioner to expand to five members.	SCR 118, 4	57	.....
2020. Senator Matson: Providing for birth records of adopted children.	SCR 118, 4	.....	.....
2023. (SECOND SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Donohue, McDermott and Odegaard): Creating a personnel appeals board and setting out its powers and duties.	SCR 118, 4	.....	.....
2024. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Donohue, Matson, Odegaard, Scott and Conner): Extending the 106% limit to state levies for schools.	SCR 118, 4	.....	.....
2025. Senators Donohue, Scott, Odegaard, Conner, and Walgren: Limiting state leases of real property.	SCR 118, 4	.....	.....
2029. Senators Shinpoch and Bausch: Limiting automobile insurers' ability to refuse to renew automobile insurance policies.	SCR 118, 4	.....	.....
2034. Senators Rasmussen, Odegaard, Clarke and Conner (by Legislative Budget Committee request). Repealing sections authorizing forest tree nursery at Washington State University...	SCR 118, 4	.....	.....
2043. Senator Talmadge: Lifting the threshold for awarding attorneys fees in actions for damages.	SCR 118, 4	.....	.....
2044. Senators Lewis, Talley and Conner: Authorizing golfing organizations to conduct golfing calcuttas under the gambling laws.	SCR 118, 4	.....	.....
2048. Senator Goltz: Allowing local authorities to set certain speed limits.	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2055. (SUBSTITUTE) Committee on Education (originally sponsored by Senators Odegaard and Gould): Mandating course for teachers in how to identify children with learning/language disabilities.	SCR 118, 4	57	.....
2055. (SECOND SUBSTITUTE) (originally sponsored by Senators Odegaard and Gould): Mandating course for teachers in how to identify children with learning/language disabilities. ....	.....	.....	103
2084. (ENGROSSED) Senator Conner: Exempting nonprofit youth organizations from the timber excise tax.	SCR 118, 4	143	.....
2084. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senator Conner: Exempting nonprofit youth organizations from the timber excise tax. ....	.....	.....	261
2086. Senator Conner: Permitting the use of motorized wheelchairs on sidewalks and in public places.	SCR 118, 4	.....	.....
2092. Senators Odegaard, Talley, Conner, Vognild, Quigg: Permitting the digging of clams for another person who is physically disabled. ...	SCR 118, 4	.....	.....
2104. Senators Day and Moore: Extending the list of classes against which discrimination is an unfair practice.	SCR 118, 4	.....	.....
2108. Senators Talley and Wanamaker (by Board of Pilotage Commissioners request): Revising laws on pilots of vessels.	SCR 118, 4	.....	.....
2125. Senators Day, Odegaard and Vognild: Establishing and regulating the occupation of denturism, to perform work on dentures.	SCR 118, 4	.....	.....
2133. Senators McDermott and Gould: Allowing costs incurred relating to sale and issuance of school district bonds to be deducted from bond proceeds.	SCR 118, 4	.....	.....
2135. Senator Conner (by Legislative Transportation Committee request): Providing for judges to issue a temporary driver's license to a petitioner for an occupational driver's license. ..	SCR 118, 4	.....	.....
2154. Senators Goltz and Benitz: Limiting use of funds received for community college military programs.	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2157. Senators Bausch and Bluechel: Revising laws relating to savings and loan associations.	SCR 118, 4	.....	.....
2162. Senator Van Hollebeke: Raising the minimum limits of financial responsibility for motor vehicle accidents.	SCR 118, 4	.....	.....
2165. Senators Talley, Henry and Guess: Replacing authority for the department of transportation to approve airport sites.	SCR 118, 4	.....	.....
2171. Senators Marsh, Jones, Clarke, Hayner (by Department of Social and Health Services request): Modifying commitment procedures for the mentally ill.	SCR 118, 4	.....	.....
2174. Senators Van Hollebeke, Guess, Conner, Wojahn, Lee, Talley, Lewis, Gaspard, Bradburn and Hurley: Prohibiting the unlawful possession and sale of drug-related paraphernalia.	SCR 118, 4	73	210
2177. (SUBSTITUTE) Committee on Local Government (originally sponsored by Senators Wilson, Walgren, North, Gallagher and Woody): Permitting counties to set their own monetary limit for day labor on county roads.	SCR 118, 4	.....	.....
2203. Senators Bottiger and North: Granting enforcement powers to the department for water system laws.	SCR 118, 4	.....	.....
2204. (ENGROSSED) Senators Woody, Odegaard, Conner, Peterson, Newschwander, von Reichbauer and Talley: Modifying the provisions for free hunting and fishing licenses.	SCR 118, 4	79	175
2209. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senators Wanamaker, Henry, Sellar and Donohue): Requiring the seller of a vehicle to have a Washington title.	SCR 118, 4	.....	.....
2212. (SECOND SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Woody, Henry, von Reichbauer, Benitz, Conner and Gaspard): Authorizing national guard assistance scholarships.	SCR 118, 4	.....	.....
2213. (ENGROSSED SUBSTITUTE) Judiciary Committee (originally sponsored by Senators Marsh, Talmadge, Hayner, Clarke and Jones): Making various changes in the juvenile justice act of 1977.	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

<i>Third Reading</i>	.....	215	.....	177	.....
<i>Other Action</i>	.....	210	.....	625, 1005	.....
<i>Vote on Final Passage</i>	.....	215	.....	177	.....
<i>House Messages</i>	.....	.....	.....	626, 1005	.....
<i>Signed by President of Senate</i>	.....	.....	.....	.....	.....
<i>Signed by House Speakers</i>	.....	.....	.....	.....	.....
<i>Action by the Governor</i>	.....	.....	.....	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2214. Senators Talley, Rasmussen, Peterson and Henry: Establishing a presidential preference primary.	SCR 118, 4	.....	.....
2215. Senators Talley, Peterson, Donohue and Woody: Prohibiting theft, concealment, or injury to dogs.	SCR 118, 4	.....	.....
2223. Senators Day, von Reichbauer, Sellar and Jones: Requiring approval and announcement of prior agreement on damages in civil actions.	SCR 118, 4	.....	.....
2229. Senators Walgren and Marsh: Revising the criminal code.	SCR 118, 4	.....	.....
2235. Senators Fleming, McDermott, Talmadge and Wojahn: Making January 15th a school holiday, Human Relations Day, being the anniversary of the birth of Martin Luther King, Jr.	SCR 118, 4	.....	.....
2236. Senators Ridder, Lysen, Lee, Goltz, Walgren, Moore, McDermott, Vognild and Talmadge: Providing collective bargaining rights for certain personnel of institutions of higher education.	SCR 118, 4	59	152, 158
2237. Senators Day, Donohue, Conner, Wilson, Gaspard, Newschwander, Wanamaker, North, Lee, Morrison, Gallagher, Quigg, Van Hollebeke, Goltz, Vognild, Hayner, Jones, Bluechel, Sellar, Guess, Peterson, Shinpoch, Moore, Walgren, Odegaard, Fleming, Ridder, Rasmussen, von Reichbauer, Marsh, McDermott, Talmadge, Woody, Talley, Wojahn, Williams, Bausch (by Governor Ray request): Modifying and extending the senior citizens service act.	SCR 118, 4	.....	.....
2238. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Rasmussen, Goltz, Conner, Guess, Lee, Jones, Lewis, Newschwander, Clarke, Quigg, Morrison, Sellar and Benitz) (by Executive request): Requiring the payment of interest on state obligations.	SCR 118, 4	.....	.....
2240. Senators Walgren, Donohue, Odegaard, Fleming, Conner, Ridder, Goltz, Vognild, Woody, Wojahn, Shinpoch, Quigg, Morrison, Wanamaker, Guess, North, Gallagher, Gould, Peterson, Lee, Benitz, Sellar, Lewis, Clarke, Gaspard, Bausch (by Governor Ray request): Modifying the retirement systems of public employees, teachers, and state patrol officers..	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2241. Senators Donohue, Fleming, McDermott, Conner, Guess, Quigg, Goltz, Ridder, Woody, Sellar, Jones, Newschwander, Gallagher, Morrison, Benitz and Talmadge (by Governor Ray request): Providing for immunization of the children in this state.	SCR 118, 4	.....	.....
2257. Senators Clarke, Rasmussen and Bluechel (by Legislative Budget Committee request): Relating to public printing.	SCR 118, 4	.....	.....
2259. Senators Day, Marsh, Talmadge, Hayner, Jones, and Wanamaker: Excluding certain professional organizations from the definition of "insurer".	SCR 118, 4	166	.....
2262. Senators Odegaard, Wilson, Day, Matson, Woody, Morrison, Fleming, Gould, Gaspard, Moore, Donohue, Vognild and Talmadge: Authorizing local governments to administer senior citizen programs.	SCR 118, 4	.....	.....
2264. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Senators McDermott, Gould and Shlapoch): Enacting the Controlled Substances Therapeutic Research Act.	SCR 118, 4	.....	.....
2267. Senators Conner, Lee, Talley, Quigg and Gaspard: Authorizing satellite facilities for credit unions.	SCR 118, 4	.....	.....
2268. (SUBSTITUTE) Committee on Local Government (originally sponsored by Senator Conner): Modifying the procedures for county road administration.	SCR 118, 4	.....	.....
2272. Senators Day, Quigg, Wanamaker and Hayner: Requiring continuing education for nurses. ...	SCR 118, 4	.....	.....
2278. Senators Talley, Guess and Henry: Requiring whistle posts before certain railroad crossings..	SCR 118, 4	.....	.....
2299. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senators Gaspard, Bottiger and Moore): Requiring railroads to provide first aid training for certain employees.	SCR 118, 4	237	301
2315. Senators Peterson, Talley and Quigg: Making unlawful the obtaining of game licenses by fraud.	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2316. (SUBSTITUTE) Committee on Commerce (originally sponsored by Senators Van Hollebeke, Wojahn and Morrison) (by Department of Licensing request): Regulating real estate brokers and salespersons.	SCR 118, 4	.....	.....
2318. Senators Rasmussen, Gould and Fleming (by State Treasurer request): Revising laws relating to state accounts and funds.	SCR 118, 4	.....	.....
2322. Senators Peterson, Talley and Quigg: Authorizing the director of game to permit hunting from a vehicle when necessary to control wildlife populations.	SCR 118, 4	.....	.....
2325. Senators Bottiger, Gould, Rasmussen and McDermott (by Superintendent of Public Instruction request): Mandating state fire marshal to make all plan reviews and construction inspections relating to fire prevention and safety in the schools and allowing imposition of fees for the same.	SCR 118, 4	.....	.....
2332. Senators North and Wilson (by Insurance Commissioner request): Authorizing certain educational requirements for insurance agents and broker's licenses.	SCR 118, 4	.....	.....
2333. Senators Hansen, Clarke, Hayner, Talley, Bausch and Bluechel: Modifying tort and product liability law.	SCR 118, 4	.....	.....
2335. (ENGROSSED SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Fleming, Jones, Ridder, Morrison, Day, McDermott, North and Lee) (by Senate Select Committee on Nursing Homes of the 45th Legislature request): Establishing a nursing home audit and cost reimbursement system.	SCR 118, 4	.....	.....
2341. Senators Henry, Wanamaker and Peterson: Modifying maximum size restrictions on motor vehicles.	SCR 118, 4	.....	.....
2342. Senators Marsh, Jones, Van Hollebeke, Talmadge and Bottiger: Adding a court reporter to the judicial council.	SCR 118, 4	.....	.....
2343. Senators Henry, Wanamaker and Peterson: Authorizing truck semitrailers to pull a second trailer.	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2349. Senators Bottiger, Lewis and Woody (by Utilities and Transportation Commission request): Modifying penalties for failure to pay certain regulatory fees.	SCR 118, 4	.....	.....
2351. Senators Benitz, Hansen and Morrison : Modifying the law on the determination of water rights.	SCR 118, 4	.....	.....
2352. Senators Benitz, Gaspard and Morrison : Changing the complaint procedure against water well contractors.	SCR 118, 4	.....	.....
2363. Senator Rasmussen (by Military Department request): Modifying procedures for promotion of officers in the state militia.	SCR 118, 4	.....	.....
2367. Senators Peterson, Talley and Quigg : Revising laws relating to use of certain areas for aquaculture.	SCR 118, 4	.....	.....
2372. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Wilson and Lewis): Providing for postponement of an election to fill a partisan elective office becoming vacant shortly before the primary.	SCR 118, 4	57	.....
2372. (SECOND SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Wilson and Lewis): Providing for postponement of an election to fill a partisan elective office becoming vacant shortly before the primary. ....	.....	.....	184
2373. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Woody, Lewis and Bottiger): Enumerating executive branch officials required to file personal financial disclosure reports.	SCR 118, 4	.....	.....
2381. Senators Talmadge, Bottiger and Gallagher : Revising superior court clerk's fees.	SCR 118, 4	180	.....
2381. (SECOND SUBSTITUTE) Judiciary Committee (originally sponsored by Senators Talmadge, Bottiger and Gallagher): Revising superior court clerk's fees. ....	.....	.....	245
2391. Senators Hansen and Wanamaker : Revising the formula for distribution of fuel tax revenues to counties.	SCR 118, 4	.....	.....
2396. Senators Wilson, Matson, Donohue and Hayner : Exempting certain intra-family transfers from the excise tax on real estate transfers. ..	SCR 118, 4	180	249

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2400. Senators Rasmussen, Walgren and Morrison (by Military Department request): Modifying various provisions relating to the state militia.	SCR 118, 4	.....	.....
2404. Senators Wilson, Sellar and Odegaard (by State Auditor request): Fixing the intervals between audits for local governments.	SCR 118, 4	.....	.....
2405. Senators Peterson, Talley and Wanamaker: Renaming the department of game and the state game commission.	SCR 118, 4	.....	.....
2408. Senators Rasmussen, Shinpoch and Newschwander (by Office of Financial Management request): Authorizing the director of financial management to evaluate and satisfy certain sundry claims against the state.	SCR 118, 4	.....	.....
2412. Senators Rasmussen, Shinpoch and Newschwander (by Office of Financial Management request): Modifying procedures for payment of travel expenses of state employees.	SCR 118, 4	.....	.....
2414. (SUBSTITUTE) Judiciary Committee (originally sponsored by Senators Gaspard, Pullen and Bottiger): Establishing certain procedures to inform and assist victims of crimes.	SCR 118, 4	.....	.....
2418. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senator Henry): Insuring accuracy and proper usage of driver's records.	SCR 118, 4	.....	.....
2420. (SUBSTITUTE) Committee on Labor (originally sponsored by Senators Lysen and Pullen): Prohibiting certain terms in employment agreement relating to inventions by employees.	SCR 118, 4	.....	.....
2423. Senators Bausch and Jones: Modifying the application of insurance laws to title insurers.	SCR 118, 4	.....	.....
2426. Senators Bluechel, Rasmussen, Scott, Shinpoch and Woody (by Legislative Budget Committee request): Mandating school districts to buy their liability insurance through the risk management office in the department of general administration.	SCR 118, 4	.....	.....
2427. Senators Peterson, Wanamaker and Goltz: Appropriating funds for realignment of state route 20.	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2428. Senators Day, Moore, Jones, Odegaard, McDermott, Ridder, Wojahn and Quigg: Revising the definition of "gravely disabled" for those with mental illness.	SCR 118, 4	.....	.....
2429. Senators Lysen, Moore, Vognild and Morrison: Clarifying administrative provisions of the public employment relations commission.	SCR 118, 4	.....	.....
2431. Senators Lysen, Moore, Vognild and Morrison: Including port districts within collective bargaining laws.	SCR 118, 4	.....	.....
2433. (ENGROSSED) Senators Day, Ridder and Shinpoch: Revising the definition of unemployed persons.	SCR 118, 4	143	273, 284
2443. Senators Wilson, Sellar and Talley: Relating to local government.	SCR 118, 4	143	.....
2443. (SUBSTITUTE) Committee on Local Government (originally sponsored by Senators Wilson, Sellar and Talley): Reconstituting the state building code advisory council. ....	.....	.....	292
2454. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senator Woody): Making various changes in the voter registration laws.	SCR 118, 4	57	.....
2455. Senator Woody: Amending public disclosure laws.	SCR 118, 4	.....	.....
2461. Senators Rasmussen, McDermott and Wanmaker (by Utilities and Transportation Commission request): Redesignating the utilities and transportation commission as the public service commission.	SCR 118, 4	.....	.....
2465. (SECOND SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Odegaard, Goltz, Donohue, McDermott and Williams): Prorating on a twelve-month basis the retirement credit of classified employees of institutions of higher education.	SCR 118, 4	.....	.....
2470. Senators Henry, Conner and Lee (by Superintendent of Public Instruction request): Implementing law relating to warning signals and use thereof on school buses.	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2473. Senators Lewis and von Reichbauer (by Parks and Recreation Commission request): Providing for use of moneys derived from sale of state parks land.	SCR 118, 4	.....	.....
2475. Senators Moore, Day, McDermott, Quigg and Ridder : Revising laws relating to homemaker services.	SCR 118, 4	166	.....
2477. Senators Conner, Walgren and Rasmussen : Modifying the definition of marine employees.	SCR 118, 4	.....	.....
2480. Senator Henry : Forbidding operation of a motor vehicle with a load not properly secured.	SCR 118, 4	.....	.....
2485. (SUBSTITUTE) Judiciary Committee (originally sponsored by Senators Day, Marsh, Donohue, Clarke, von Reichbauer, Talmadge and Quigg): Authorizing summary probation after commitment.	SCR 118, 4	.....	.....
2487. Senators Henry, Hansen, Peterson, Day, Van Hollebeke, Vognild, Sellar, Matson, Donohue, Walgren and von Reichbauer : Establishing a maximum state speed limit of sixty five miles per hour.	SCR 118, 4	.....	.....
2494. (ENGROSSED SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senator Bottiger): Granting the power of eminent domain to certain energy facilities.	SCR 118, 4	394	.....
2494. (SECOND SUBSTITUTE) Committee on Energy and Utilities (Originally sponsored by Senator Bottiger): Granting the power of eminent domain to certain energy facilities. ....	.....	.....	713
2495. (SUBSTITUTE) Judiciary Committee (originally sponsored by Senator Bottiger): Establishing penalties for curfew violation by juveniles	SCR 118, 4	.....	.....
2501. Senators Benitz, Gaspard and Hansen : Modifying powers of public utility districts relating to conservation, utilization, development and management of water resources.	SCR 118, 4	155	249
2507. Senators Talley, Wilson, Conner, Vognild, Woody and Odegaard : Increasing the compensation of certain fire district commissioners. ..	SCR 118, 4	.....	.....
2517. Senators McDermott, Gould, Ridder, Morrison and Gaspard (by Superintendent of Public Instruction request): Creating program of remediation assistance to public school students who are deficient in basic skills achievement.	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2518. (SUBSTITUTE) Committee on Education (originally sponsored by Senators McDermott, Matson and Gaspard) (by Superintendent of Public Instruction request): Implementing law relating to use of school plants for community activities and making an appropriation therefor.	SCR 118, 4	.....	.....
2530. Senator Day: Relating to on-site sewage systems.	SCR 118, 4	.....	.....
2561. Senators Benitz, Woody and Hayner: Exempting from the fire code hand-held candles in religious ceremonies.	SCR 118, 4	.....	.....
2563. (ENGROSSED) Senators von Reichbauer, Lewis, Gaspard and Sellar: Reorganizing and renaming the interagency committee for outdoor recreation.	SCR 118, 4	59	.....
2563. (SUBSTITUTE) Committee on Parks and Recreation (originally sponsored by Senators von Reichbauer, Lewis, Gaspard and Sellar): Reorganizing and renaming the interagency committee for outdoor recreation. ....	.....	.....	197
2566. Senators Scott and Shinpoch: Disestablishing an inactive program of state aid to county probation services.	SCR 118, 4	217	301
2576. Senators Hansen, Gaspard and Benitz: Authorizing dissolution of certain agricultural co-ops upon a two-thirds vote of the members voting on the issue.	SCR 118, 4	.....	.....
2579. Senators Lewis, Goltz, McDermott and Van Hollebeke: Protecting children from exploitation through prostitution or pornography.	SCR 118, 4	339	.....
2580. Senators Lysen, Morrison, Van Hollebeke, Quigg, Walgren, Rasmussen, Shinpoch, Gaspard and Woody: Adjusting workers' compensation payments.	SCR 118, 4	.....	.....
2581. Senators Wojahn and Pullen (by State Employees' Insurance Board request): Permitting the state employees insurance board to self fund any insurance program under its jurisdiction.	SCR 118, 4	237	.....
2581. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Wojahn and Pullen) (by State Employees' Insurance Board request): Permitting the state employees insurance board to self fund any insurance program under its jurisdiction. ....	.....	.....	302

TITLE AND HISTORY OF SENATE BILLS—Continued

<i>Third Reading</i>	<i>Other Action</i>	<i>Vote on Final Passage</i>	<i>House Messages</i>	<i>Signed by President of Senate</i>	<i>Signed by House Speakers</i>	<i>Action by the Governor</i>
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TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2584. Senators Henry, Sellar and Talley: Authorizing a security force for operating agencies. . .	SCR 118, 4	.....	.....
2585. Senators Day and Peterson: Revising laws relating to substitutions of prescription drugs. . .	SCR 118, 4	.....	.....
2589. Senators Day and Peterson: Revising laws relating to substitutions of prescription drugs. . .	SCR 118, 4	.....	.....
2598. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senators Bottiger, Bluechel, Goltz, Lysen, Woody and North): Authorizing tax credits for cogeneration facilities.	SCR 118, 4	.....	.....
2607. Senators Van Hollebeke, Quigg and Morrison: Regulating the provision of private security services.	SCR 118, 4	.....	.....
2608. Senators Keefe, Guess, Lewis and Day (by Department of Transportation request): Providing for issuance of refunding bonds in exchange for outstanding Spokane river toll bridge revenue bonds held by certain retirement systems.	SCR 118, 4	.....	.....
2616. Senators Bausch, von Reichbauer, Morrison, Ridder and Vognild: Authorizing persons under twenty-one years of age to be on the premises of liquor licensees for certain professional purposes.	SCR 118, 4	217	.....
2616. (SUBSTITUTE) Committee on Commerce (originally sponsored by Senators Bausch, von Reichbauer, Morrison, Ridder and Vognild): Authorizing persons under twenty-one years of age to be on the premises of liquor licensees for certain professional purposes. ....	.....	.....	302
2620. Senator Donohue (by Department of Revenue request): Modifying the law on unclaimed property.	SCR 118, 4	.....	.....
2626. Senators Bausch, Wojahn and Wanamaker: Authorizing savings and loan associations to permit use of negotiable transfer from accounts.	SCR 118, 4	.....	.....
2629. Senators Bausch, Wojahn and Wanamaker: Prohibits an association from carrying a demand account.	SCR 118, 4	.....	.....
2632. Senators Gaspard, Jones and Walgren: Modifying the definition of "debenture company"..	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2644. Senators Lysen, Conner and Morrison (by Department of Employment Security request): Making the minimum weekly unemployment compensation benefit equal to fifteen percent of the state average weekly wage.	SCR 118, 4	.....	.....
2658. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senators Guess and Henry): Providing for truck fees consistent with the international registration plan.	SCR 118, 4	.....	.....
2659. Senators Rasmussen, Jones and Shinpoch (by Department of Social and Health Services request): Exempting certain positions in the department of social and health services from the state civil service law.	SCR 118, 4	.....	.....
2666. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senators Quigg, Bottiger and Guess): Specifying rights and liabilities contracts involving underground utility facilities.	SCR 118, 4	.....	.....
2667. (ENGROSSED) Senators McDermott, Walgren and Morrison: Providing for library assistance.	SCR 118, 4	166, 266	.....
2676. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Wajahn, Gould and Rasmussen): Requiring the preparation, filing, and distribution of notice of the economic impact of proposed agency rule making.	SCR 118, 4	.....	.....
2679. Senator Williams: Providing for successor clauses in certain employment contracts.	SCR 118, 4	.....	.....
2682. Senator Goltz: Modifying appeal and notice provisions of the state environmental policy act.	SCR 118, 4	.....	.....
2684. Senator Williams: Requiring insurance premium studies.	SCR 118, 4	.....	.....
2691. Senators Bottiger, North and Benitz: Adding designee of the office of archeology and historic preservation to energy facility site evaluation council.	SCR 118, 4	.....	.....
2708. Senator McDermott: Relating to education. ..	SCR 118, 4	.....	.....
2716. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senator Woody): Implementing the annual session constitutional amendment.	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2720. Senator Rasmussen: Relating to public employment.	SCR 118, 4	.....	.....
2721. (SUBSTITUTE) Committee on State Government (originally sponsored by Senator Rasmussen): Creating the state general obligation bond retirement fund.	SCR 118, 4	.....	.....
2722. Senator Rasmussen: Relating to state government.	SCR 118, 4	.....	.....
2731. Senator Day (by Insurance Commissioner request): Regulating health care service contractors.	SCR 118, 4	.....	.....
2734. Senators Bausch, Walgren and Clarke: Modifying provisions for honoring an adverse claim to a deposit on the books of a bank or trust company.	SCR 118, 4	.....	.....
2735. Committee on Transportation (originally sponsored by Senators von Reichbauer and Rasmussen): Requiring radio communications equipment on trains.	SCR 118, 4	.....	.....
2747. Senators Conner, Bottiger, Peterson, Marsh, Day, Rasmussen and Gaspard: Authorizing re-opening for six months period of rights to claim compensation under 1972 veterans' bonus act.	SCR 118, 4	.....	.....
2748. Senators Day and Benitz: Increasing the compensation of members of the board of directors for irrigation districts.	SCR 118, 4	217	.....
2748. (SECOND SUBSTITUTE) Committee on Agriculture (originally sponsored by Senators Day and Benitz): Increasing the compensation of members of the board of directors for irrigation districts. ....	.....	.....	303
2749. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Peterson, Day, Quigg, Odegaard, Wanamaker and Goltz): Transferring Northern State Hospital from the department of general administration to the department of social and health services.	SCR 118, 4	.....	.....
2750. Senator Day: Revising laws relating to the department of social and health services.	SCR 118, 4	.....	.....
2751. Senators Rasmussen, Newschwander and Ly- sen: Pertaining to pollution control facilities...	SCR 118, 4	73	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2751. (SUBSTITUTE) Committee on Ecology (originally sponsored by Senators Rasmussen, Newschwander and Lysen): Pertaining to pollution control facilities.			201
2755. Senators Gaspard, von Reichbauer and Lewis: Modifying requirements for state park pass for disabled persons.	SCR 118, 4		
2756. Senators Guess and Hansen: Exempting certain department of transportation records from public disclosure.	SCR 118, 4		
2764. Senators Van Hollebeke, Jones and Bottiger: Revising the rate of interest on certain loans or transactions.	SCR 118, 4		
2771. (SUBSTITUTE) Judiciary Committee (originally sponsored by Senators Lysen, Goltz and Shinpoch): Providing for civil immunity for persons who give elected officials information on matters affecting the public.	SCR 118, 4		
2773. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Shinpoch and Bluechel): Modifying the bond issue for the "people's lodge" regional Indian facility.	SCR 118, 4		
2778. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senators Guess and Hansen): Permitting tonnage to be purchased on a monthly basis.	SCR 118, 4		
2782. Senators Hansen, Henry, Wanamaker and Guess: Authorizing the sale of general obligation bonds for highway improvements.	SCR 118, 4		
2783. Senators Van Hollebeke, Quigg and Vognild (by Insurance Commissioner, Fire Marshal request): Requiring transient accommodations to meet fire safety standards before receiving a license.	SCR 118, 4		
2785. Senators von Reichbauer and Quigg: Requiring each appointment to the parks and recreation commission to be from a different congressional district.	SCR 118, 4		
2790. (SUBSTITUTE) Committee on Parks and Recreation (originally sponsored by Senator von Reichbauer): Providing a property tax exemption for property held for park purposes by nonprofit organizations.	SCR 118, 4		

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2850. Senators Marsh and North: Regulating floating home moorages.	SCR 118, 4	262	.....
2854. Senators Quigg, Lysen and Newschwander: Resolving conflict between public employees' collective bargaining agreements and the policy of the employer.	SCR 118, 4	.....	.....
2855. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senators Henry, Clarke and Bluechel): Establishing penalties for unlawful use of preferential lanes.	SCR 118, 4	.....	.....
2858. Senators Goltz, Odegaard, von Reichbauer and Guess: Seeking to make uniform the sections pertaining to selection and terms of boards of regents and trustees of certain institutions of higher education.	SCR 118, 4	.....	.....
2860. Senators Talley, Jones and Marsh: Redefining income from employment of a retired judge.	SCR 118, 4	.....	.....
2862. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Scott and Odegaard): Deleting reference to certain obsolete funds and accounts.	SCR 118, 4	.....	.....
2865. (ENGROSSED SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Odegaard, Ridder, Talmadge, Fleming, Peterson, Wilson, Goltz and Walgren): Regulating political advertising.	SCR 118, 4	238	.....
2865. (SECOND SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Odegaard, Ridder, Talmadge, Fleming, Peterson, Wilson, Goltz and Walgren): Regulating political advertising. ....	.....	.....	304
2871. Senators Hayner, Marsh and Lewis: Prohibiting possession of a deadly weapon in a detention facility.	SCR 118, 4	.....	.....
2879. Senator Gould: Relating to education.	SCR 118, 4	.....	.....
2893. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senator Woody): Creating an additional position of state representative at large.	SCR 118, 4	.....	.....
2895. Senators Ridder, von Reichbauer, Lee and McDermott: Requiring child restraint systems in automobiles.	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2896. Senators Conner, Morrison and Rasmussen: Implementing the law relating to fund raising events under gambling law.	SCR 118, 4	.....	.....
2901. Senators Bausch and Clarke (by Insurance Commissioner request): Changing the laws on service of process against an unauthorized insurer.	SCR 118, 4	.....	.....
2908. Senator Henry: Revising laws relating to motor vehicle equipment.	SCR 118, 4	.....	.....
2914. Senator Day: Relating to developmental disabilities.	SCR 118, 4	315	.....
2915. Senator Day: Revising laws relating to convulsive treatment and medical malpractice. ..	SCR 118, 4	.....	.....
2916. Senators Henry, Wanamaker, Talley, Hansen, Guess and Lee: Prescribing aircraft hazard zones.	SCR 118, 4	.....	.....
2919. Senators Woody, Jones and Van Hollebeke: Authorizing substitution of a court reporter based upon prejudice against a party or attorney in an action or proceeding.	SCR 118, 4	.....	.....
2921. Senators Gaspard and Wanamaker: Authorizing family farm permits for each member of a marital community.	SCR 118, 4	.....	.....
2922. Senators Rasmussen, Scott and Shinpoch (by Department of Retirement request): Providing for a building for the public employees system.	SCR 118, 4	194	.....
2922. (SECOND SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Rasmussen, Scott and Shinpoch) (by Department of Retirement request): Providing for a building for the public employees retirement system. ....	.....	.....	374
2924. Senators Marsh and Hayner: Revising procedures for juvenile records.	SCR 118, 4	.....	.....
2926. Senator Lysen: Requiring geoduck clam harvesters to meet safety standards.	SCR 118, 4	.....	.....
2933. Senators Benitz, Hansen and Day: Implementing law relating to approval of plats in irrigation districts.	SCR 118, 4	.....	.....
2956. Senator Henry: Relating to transportation. ..	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
2963. Senator Donohue: Relating to education and making an appropriation.	SCR 118, 4	740	.....
2963. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senator Donohue): Relating to education and making an appropriation. ....	.....	.....	787
2969. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senator Donohue): Providing for the inspection of private commercial docks.	SCR 118, 4	.....	.....
2970. Senator Goltz: Relating to legislative ethics...	SCR 118, 4	770	.....
2974. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senator Bottiger): Requiring oil transfer facilities to use domestic pipelines.	SCR 118, 4	.....	.....
2977. Senator Bottiger: Relating to energy conservation.	SCR 118, 4	218	.....
2977. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senator Bottiger): Providing for renewable energy practices and devices. ....	.....	.....	710
2978. Senator Bottiger: Relating to energy conservation.	SCR 118, 4	.....	.....
2980. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senator Bottiger): Providing for auditing of operating agencies.	SCR 118, 4	.....	.....
2990. Senators Rasmussen, Wojahn, Gaspard and Gallagher: Providing for Expo '89.	SCR 118, 4	.....	.....
3011. (ENGROSSED) Senator Bausch: Eliminating the beaver tag requirement and increasing the trapper's license fee.	SCR 118, 4	74	182
3014. Senators Marsh, Bottiger, Hayner and Clarke: Permitting the interstate return of runaway juvenile regardless of whether an adjudication was pending when the juvenile ran away.	SCR 118, 4	.....	.....
3019. (SUBSTITUTE) Committee on Ecology (originally sponsored by Senators Goltz and Williams): Revising laws relating to shoreline management.	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3026. Senators Bottiger, Ridder, Gould and Hayner: Placing habitual truancy within the Juvenile Justice Act.	SCR 118, 4	.....	.....
3030. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Odegaard, Walgren, Wilson, Donohue, Rasmussen, von Reichbauer, McDermott, Day, Williams, Lysen, Peterson, Wojahn, Ridder, Moore, Vognild and Talmadge): Establishing procedures for legislative review of administrative rules.	SCR 118, 4	.....	.....
3038. Senators Goltz, Newschwander, Wilson and Sellar (by Joint Board of Legislative Ethics request): Extending the scope of the legislative ethics law and establishing a statute of limitations for complaints thereunder.	SCR 118, 4	.....	.....
3039. Senators McDermott, Hayner, Moore and Gould: Mandating school boards to adopt policy assuring parental access to classrooms and school sponsored activities.	SCR 118, 4	.....	.....
3042. (SUBSTITUTE) Committee on Labor (originally sponsored by Senator Lysen): Staggering the terms of the public employment relations commissioners.	SCR 118, 4	.....	.....
3044. (SUBSTITUTE) Committee on Commerce (originally sponsored by Senator Van Hollebeke): Requiring leases for certain objects occupying or moored above public waters for more than thirty days.	SCR 118, 4	.....	.....
3047. Senator Benitz: Relating to cloud seeding. ...	SCR 118, 4	267	.....
3063. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senator Bottiger): Creating a division of energy within the utilities and transportation commission and setting forth its powers and duties.	SCR 118, 4	.....	.....
3065. (THIRD SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Woody, Walgren, Odegaard, Bausch, Peterson, Day, Henry, Bottiger, Marsh, Donohue, Shinpoch and Wilson): Establishing procedures for the selection and operation of a redistricting commission.	SCR 118, 4	.....	.....
3069. Senators Bottiger and North: Establishing standards for heat pumps.	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3080. Senators Bottiger, Goltz and North: Directing the UTC to develop policies which will minimize the cost of utility service to customers.	SCR 118, 4	400	.....
3087. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senators Bottiger, North and Talley): Facilitating the use of wood, or wood derived fuels, or natural gas for home heating.	SCR 118, 4	.....	.....
3092. Senators Day, Scott and Talmadge: Revising directives on child welfare service.	SCR 118, 4	.....	.....
3094. (SUBSTITUTE) Committee on Local Government (originally sponsored by Senators Bottiger and Walgren): Modifying laws relating to sewerage, water, and drainage systems.	SCR 118, 4	.....	.....
3105. Senators Benitz, Rasmussen and Talley (by Department of Veterans Affairs request): Revising laws relating to preference in public employment.	SCR 118, 4	.....	.....
3105. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Benitz, Rasmussen and Talley) (by Department of Veterans Affairs request): Revising laws relating to preference in public employment. ..	SCR 118, 4	.....	.....
3106. Senators Benitz and Rasmussen (by Department of Veterans Affairs request): Revising laws relating to veterans' preference for public employment.	SCR 118, 4	.....	.....
3108. Senators McDermott, Gould and Gaspard: Exempting school buses from the motor vehicle excise tax.	SCR 118, 4	218	.....
3108. (SUBSTITUTE) Committee on Education (originally sponsored by Senators McDermott, Gould and Gaspard): Exempting school buses from the motor vehicle excise tax. ....	.....	.....	304, 306
3118. (ENGROSSED SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Walgren, Odegaard, Wojahn and Vognild): Revising state laws on elections.	SCR 118, 4	.....	.....
3120. Senators Lysen, Bottiger and North: Modifying the membership and powers of the joint committee on energy and utilities.	SCR 118, 4	.....	.....
3121. Senators Walgren, Rasmussen and Wilson: Moving the time for filing the rule purpose statement from adoption to notice.	SCR 118, 4	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3123. Senators Lysen, Vognild, Moore and Talmadge: Regulating employee-employer relationships.	SCR 118, 4	88	.....
3128. (ENGROSSED SUBSTITUTE) Judiciary Committee (originally sponsored by Senator von Reichbauer): Compensating crime victims from profits of the criminal.	SCR 118, 4	.....	.....
3130. Senators McDermott, Hayner, Gaspard and Morrison: Implementing law relating to sale or lease of school district or educational service district surplus property.	SCR 118, 4	238	.....
3130. (SUBSTITUTE) Committee on Education (originally sponsored by Senators McDermott, Hayner, Gaspard and Morrison): Implementing law relating to sale or lease of school district or educational service district surplus property. ....	.....	.....	329
3132. (ENGROSSED) Senator Bausch: Directing the state fire marshal to collect and analyze fire data.	SCR 118, 4	.....	.....
3133. Senators Scott, Gould and Gaspard: Exempting all school buses from payment of vehicle license fees.	SCR 118, 4	238	.....
3133. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senators Scott, Gould and Gaspard): Exempting all school buses from payment of vehicle license fees. ....	.....	.....	306
3136. Senator Goltz: Exempting additional records from public inspection and copying under public disclosure act.	SCR 118, 4	167	.....
3136. (SECOND SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senator Goltz): Exempting additional records from public inspection and copying under public disclosure act. ....	.....	.....	250, 251
3140. (ENGROSSED SUBSTITUTE) Committee on Local Government (originally sponsored by Senators Walgren, Goltz and Rasmussen): Authorizing combined city-county housing authorities.	SCR 118, 4	60	185
3142. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Walgren, Rasmussen and Wilson): Making various changes in the administrative procedure act and in the state register act.	SCR 118, 4

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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3143. Senator Goltz: Disallowing tenure for faculty hired at community colleges as replacements for faculty on leave.	SCR 118, 4	.....	.....
3163. Senators Walgren, von Reichbauer, Ridder, McDermott, Day, Talmadge, Moore, Wilson, Fleming, Odegaard, Rasmussen, Bausch, Wojahn, Goltz, Gaspard, Woody and Conner: Protecting the privacy of initiative and referendum petitioners.	6	218	.....
3164. Senators von Reichbauer, Fleming, Lewis and Ridder: Authorizing and establishing priorities for urban state parks.	6	60	.....
3164. (SUBSTITUTE) Committee on Parks and Recreation (originally sponsored by Senators von Reichbauer, Fleming, Lewis and Ridder): Authorizing and establishing priorities for urban state parks. ....	.....	.....	103
3165. Senators Goltz, Woody, Conner and Odegaard: Exempting programs allowing students to obtain high school diploma or certificates from overall dollar amount limitation on higher institution tuition and fee waiver.	6	155	.....
3166. Senator Bausch: Modifying contracting powers of school districts.	6	.....	.....
3167. Senators Hansen and Benitz: Abolishing priority to beneficial use of water where prior reversion occurred.	6	.....	.....
3168. Senator Moore: Limiting the size of professional service corporations.	6	.....	.....
3169. Senator Conner: Modifying workers' compensation period for temporary total disability. ..	6	194	.....
3169. (SUBSTITUTE) Committee on Labor (originally sponsored by Senator Conner): Modifying workers' compensation period for temporary total disability. ....	.....	.....	293
3170. Senators Day, Moore, Talley, Conner, Jones and Bausch (by Department of Social and Health Services request): Appropriating moneys to implement Referendum 37 (facilities for handicapped.)	6	238, 267	.....
3171. Senators Day and Moore (by Department of Social and Health Services request): Granting DSHS investigative personnel access to the central registry of child protective services. ..	6

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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3172. Senators Day, Moore, Vognild and Jones (by Department of Social and Health Services request): Regulating transfers of property by persons seeking eligibility for public assistance.	7	.....	.....
3173. Senators Day and Moore (by Department of Social and Health Services request): Granting DSHS personnel access to criminal records when investigating applicants for child care agency licenses.	7	.....	.....
3174. Senators Moore, Talmadge, Vognild, Fleming, Jones and McDermott: Authorizing civil actions for violations of legislative intent.	7	.....	.....
3175. Senators Talley, Woody, Lee, Gallagher, Conner, Bausch, Odegaard and Peterson: Permitting the public to cut free firewood on state lands prior to slash burning.	7	144	280
3176. Senators Talley, Odegaard and Van Hollebeke: Revising laws counting military service toward retirement.	7	.....	.....
3177. Senators Conner and Lee: Requiring the department of fisheries to report on salmon hatchery and spawning escapement.	7	144	.....
3178. Senator Conner: Regulating use of salmon eggs by the department of fisheries.	7	.....	.....
3179. Senators Shinpoch, Rasmussen and von Reichbauer: Expanding the membership of the horse racing commission.	7	144	.....
3179. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Shinpoch, Rasmussen and von Reichbauer): Expanding the membership of the horse racing commission. ....	.....	.....	226
3180. Senators Conner, Odegaard and Peterson: Requiring energy facility site certifications to be approved by the voters of the affected county.	7	.....	.....
3181. Senators Gaspard, Rasmussen, Wojahn and Lee: Modifying the solar energy system tax exemption.	8	51	113
3182. Senators Bottiger, Gaspard, Lee and Bradburn: Authorizing bonds for waste disposal and energy generation facilities.	8	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3183. Senators Walgren, Conner, Guess, Lee and Gal- laghan (by Department of Transportation re- quest): Facilitating the restoration of trans- portation services interrupted by the sinking of the Hood Canal floating bridge.	8	28	55
3184. Senators Hansen and Talmadge: Authorizing Kittitas county to purchase and convey lands known as the Liberty townsite.	8	74	.....
3184. (SUBSTITUTE) Committee on Agriculture (originally sponsored by Senators Hansen and Talmadge): Authorizing Kittitas county to pur- chase and convey lands known as the Liberty townsite. ....	.....	.....	113
3185. Senators Hansen, Benitz and Conner: Modifi- ing minimum rental requirements for oil and gas leases on state lands.	8	144	251
3186. Senators Hansen, Benitz and Conner: Allow- ing the commissioner of public lands or his agent to vote and serve as director in certain irrigation districts.	8	88	.....
3186. (SUBSTITUTE) Committee on Agriculture (originally sponsored by Senators Hansen, Ben- nitz and Conner): Allowing the commissioner of public lands or his agent to vote and serve as director in certain irrigation districts. ....	.....	.....	271
3187. Senators Hansen, Benitz, Conner and Lee: Al- lowing exchange of public lands to further pub- lic land management.	8	181	.....
3187. (SUBSTITUTE) Committee on Agriculture (originally sponsored by Senators Hansen, Ben- nitz, Conner and Lee): Allowing exchange of public lands to further public land manage- ment. ....	.....	.....	286, 289
3188. Senator Odegaard: Appropriating funds for the illumination of the Fort Columbia tunnel on state route 101.	8	.....	.....
3189. Senators Odegaard and Rasmussen: Providing attendance incentive programs for employees of school districts and educational service dis- tricts.	8	262, 323	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3190. Senators Odegaard and Talley: Authorizing transportation of members of the public to school sports activities by school transportation when such transportation has been authorized for students and school employees supervising same.	9	218	307
3191. Senators Odegaard, Vognild, Bausch, Rasmussen and Scott: Modifying the state employee attendance incentive program.	9	267, 323	.....
3191. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Odegaard, Vognild, Bausch, Rasmussen and Scott): Modifying the state employee attendance incentive program. ....	.....	.....	355
3192. Senators Odegaard, Shinpoch, Wojahn, Gaspard, Woody, Talmadge, von Reichbauer, Goltz, Talley, Williams, Conner, Donohue, Bausch, Rasmussen, Guess, Walgren and Peterson: Adjusting the senior citizens' property tax relief income limits by the consumer price index. ..	9	238	.....
3192. (SUBSTITUTE) Committees on Ways and Means (originally sponsored by Senators Odegaard, Shinpoch, Wojahn, Gaspard, Woody, Talmadge, von Reichbauer, Goltz, Talley, Williams, Conner, Donohue, Bausch, Rasmussen, Guess, Walgren and Peterson): Adjusting the senior citizens' property tax relief income limits by the consumer price index. ....	.....	.....	341
3193. Senators Odegaard, Goltz, Conner, Peterson and Wilson: Increasing local government participation in the energy site certification procedures.	9	167	.....
3193. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senators Odegaard, Goltz, Conner, Peterson and Wilson): Increasing local government participation in energy site certification procedures. ..	.....	.....	387
3194. Senator Hansen: Revising laws relating to use of pesticides.	9	.....	.....
3195. Senators Peterson, Wanamaker and von Reichbauer: Providing for the purchase of the Heart Lake property by the parks and recreation commission.	9	89

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307	703	307, 703	703	725	771	Signed p. 902 CH. 91, L. 1980
.....	270, 355
355	356
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342	342
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391	392
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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3195. (SUBSTITUTE) Committee on Parks and Recreation (originally sponsored by Senators Peterson, Wanamaker and von Reichbauer): Providing for the purchase of the Heart Lake property by the parks and recreation commission.			201
3196. Senator Day: Revising laws regulating veterinary medicine.	31	218	
3197. Senators Moore and Day: Creating a commission on families and children.	31	155	
3198. Senator Talmadge: Requiring bicycles to yield to passing motor vehicles.	31		
3199. Senators Talmadge, Vognild, Odegaard and Lee: Requiring automobile liability insurance	31		
3200. Senators Talmadge, Quigg, Moore, Wojahn, Shinpoch and von Reichbauer: Establishing the office of mental health ombudsman.	32	156	421, 423
3201. Senators Moore and Day: Assisting needy families with day care services.	32	156	285, 351, 352
3202. Senator Day: Repealing law relating to basic sciences.	32	167	282
3203. Senator Gould: Revising the civil liability of parents for actions of children.	32		
3204. Senators Rasmussen and Gallagher: Establishing a department of fish and wildlife.	32		
3205. Senators Williams, Rasmussen and Woody: Permitting the names of absentee ballot applicants to be private.	35	218	
3206. Senators Talmadge, Pullen and Woody: Providing for separate punishment for crimes committed in conjunction with other crimes...	35		
3207. Senators Talmadge, Clarke, Marsh, McDermott and Van Hollebeke: Adding five judges to the King county superior court.	35		
3207. (SUBSTITUTE) Judiciary Committee (originally sponsored by Senators Talmadge, Clarke, Marsh, McDermott and Van Hollebeke): Adding five judges to the King county superior court.			272, 278

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201	201	419	423	425	Signed p. 480 CH. 4, L. 1980
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425	376, 421	425
353	286, 351	353
282	282	607	609	683	Signed p. 767 CH. 26 L. 1980
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278	272, 1024	279, 1025	1024	1095	1122	Signed p. 1164 CH. 183, L. 1980 P.V.

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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3208. Senator Talmadge: Modifying restrictions on charter boat licenses.	35	.....	.....
3209. Senators Talley, Walgren, Henry and Odegaard: Providing safety standards for commercial docks.	35	.....	.....
3210. Senators Day, Jones, Talmadge and Van Hollebeke: Extending privileged communications to nurse-patient dialogue.	35	195	356
3211. Senators Moore, Vognild, Hansen and Sellar: Increasing special purpose district commissioners' compensation.	35	144	299, 347
3212. Senator Conner: Modifying the expiration dates of hunting and fishing licenses.	36	.....	.....
3213. Senators Bausch, Bluechel and Henry: Regulating moped traffic.	36	315	.....
3214. Senators Wilson and Guess: Repealing a limitation on road contract awards.	36	108	271
3215. Senators Rasmussen, Van Hollebeke, Quigg and Gallagher: Requiring disclosure of certain information to persons taking professional examinations conducted by the state.	36	.....	.....
3216. Senator Talmadge: Regulating political contributions and solicitations.	36	.....	.....
3217. Senator Talmadge: Requiring a transportation study relating to the Fauntleroy ferry terminal.	36	.....	.....
3218. Senator Goltz: Authorizing notaries public to solemnize marriages.	36	.....	.....
3219. Senators Talley, Marsh, Henry, Odegaard and von Reichbauer: Commemorating the 175th anniversary of the Lewis and Clark expedition...	36	238	308
3220. Senators Talmadge, Hayner and Vognild: Modifying procedures for civil judgments.	36	89	185
3221. Senators Talmadge and Moore: Revising the law on adoption.	37	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3222. Senators Talmadge, Day, Vognild, Bausch, Conner and Moore: Requiring medical insurers to periodically update reimbursement rates.	37	219	.....
3223. Senators Bausch, Gaspard, Talmadge and Moore: Modifying contracting powers of school districts.	37	.....	.....
3224. Senator Hansen: Revising laws governing elections of county weed board members.	37	181	.....
3224. (SUBSTITUTE) Committee on Agriculture (originally sponsored by Senator Hansen): Revising laws governing elections of county weed board members. ....	.....	.....	253
3225. Senators Rasmussen, Odegaard, Donohue, Woody, Conner and Williams: Increasing the senior citizen property tax exemption.	37	.....	.....
3226. Senators Day and Henry: Revising laws relating to prescriptions.	37	195	.....
3226. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Senators Day and Henry): Revising laws relating to prescriptions. ....	.....	.....	254
3227. Senators Clarke and Van Hollebeke (by Judicial Council request): Modifying the laws governing traffic infractions.	37	.....	.....
3228. Senator Williams: Modifying the motor vehicle emission control law.	38	167	.....
3228. (SUBSTITUTE) Committee on Ecology (originally sponsored by Senator Williams): Modifying the motor vehicle emission control law.. ....	.....	.....	308
3229. Senators Talley and Sellar: Increasing fees for motor vehicle licensing agents.	38	315	.....
3230. Senators Van Hollebeke and Clarke (by Judicial Council request): Providing for subsistence, lodging, and travel expenses of pro tem judges.	38	.....	.....
3231. Senators Clarke and Van Hollebeke (by Judicial Council request): Providing for sentencing after appeals from police court.	38	.....	.....
3232. Senators Rasmussen, Donohue, Clarke and Odegaard: Modifying inheritance and gift tax laws.	38	195

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.....	253
254	639	254, 640	639	694	771	Signed p. 902 CH. 95, L. 1980
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254	254	609	625	683	Signed p. 812 CH. 71, L. 1980
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.....	308
308	1026-1027	310, 1027	1025	1105	1158	Signed p. 1168 CH. 176, L. 1980
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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3232. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Rasmussen, Donohue, Clarke and Odegaard): Modifying inheritance and gift tax laws. ....	.....	.....	254
3233. Senators Peterson and Quigg: Revising the game code.	38	.....	.....
3234. Senators Walgren, Odegaard, Wilson, Fleming, Rasmussen and Matson: Establishing procedures for review of administrative rules by the attorney general.	53	167	283
3235. Senators Lewis, Wilson and Sellar: Modifying restrictions on compensation of fire commissioners:	53	195	293
3236. Senators Walgren, Clarke, Hayner, Wojahn, Matson and Pullen: Making an attended hit and run involving personal injury a class C felony.	53	167	255
3237. Senator Henry: Relating to highways.	53	167	.....
3237. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senator Henry): Regulating the granting of franchises to use highway-related utilities. ....	.....	.....	261
3238. Senators Walgren, Clarke, Wojahn, Hayner, Odegaard, Talley, Bausch and Quigg: Appropriating funds for the state crime lab.	54	.....	.....
3239. Senators Marsh, Guess and Henry (by Department of Licensing request): Permitting findings of traffic infractions to be used as reason for driver license suspension.	54	.....	.....
3240. Senators Walgren, Odegaard, Wilson, von Reichbauer, Marsh, Woody, Wojahn, Peterson, Vognild, Fleming, Day, Ridder, Rasmussen, Hurley, Moore, Talmadge and Talley: Enacting the Coordinated Review and Accountability Act of 1980.	54	168	290
3241. Senators Talmadge, Scott, Conner and Day: Allowing military recruiters equal access to common schools and institutions of higher education.	54	181, 219	311
3242. Senators Gallagher, Rasmussen and Lee: Transferring fisheries enforcement to the Washington state patrol.	62

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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3243. Senators Henry, Quigg and Talley: Providing for household goods storage warehouses.	63	144	277
3244. Senators Donohue, Shinpoch, Jones, Wojahn, Gaspard, Scott and Lee: Providing certain elective membership in the LEOFF retirement system.	63	195	256
3245. Senators Donohue, Shinpoch, Jones, Wojahn, Gaspard and Scott: Clarifying certain public retirement laws.	63	195	257
3246. Senators Donohue, Shinpoch, Jones, Gaspard and Scott: Providing for error corrections in public retirement systems' records and payments.	64	205	.....
3246. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Donohue, Shinpoch, Jones, Gaspard and Scott): Providing for error corrections in public retirement systems' records and payments. ....	.....	.....	257
3247. Senator Van Hollebeke: Authorizing collection agencies to do business with the state and political subdivisions.	64	219	.....
3248. Senators Day and Wojahn: Revising laws relating to health care for alcoholics.	64	.....	.....
3249. Senators Shinpoch, Donohue, Jones, Wojahn and Scott: Implementing law relating to rates to be paid by employers under state teachers' retirement system.	64	205	.....
3250. Senators Fleming, Jones, Day, Sellar, McDermott, Ridder and Morrison (by Senate Select Committee on Nursing Homes request): Establishing a nursing home audit and cost reimbursement system.	64	181	.....
3250. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Fleming, Jones, Day, Sellar, McDermott, Ridder and Morrison) (by Senate Select Committee on Nursing Homes request): Establishing a nursing home audit and cost reimbursement system. ....	.....	.....	227
3251. Senators Goltz and Benitz: Authorizing students attending college in another state to receive financial aid when reciprocity agreement exists with institution students attend...	64	156	312

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277	278
256	642, 703	256	642, 702, 768	778	812	Signed p. 1016 CH. 130, L. 1980
257	257	551	607	624	Signed p. 767 CH. 29, L. 1980
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257, 259	258, 260	260
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228	1154	233, 1154	1125	1159	1160	Signed p. 1168 CH. 177, L. 1980
312	313

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3252. Senators Bluechel and Talley: Deleting exemption of first class cities with respect to breaking down certain public works contracts.	65
3253. Senators Rasmussen and Matson: Rearranging the law on electricians.	65	144	272
3254. Senators Ridder, Day, Donohue and Jones: Exempting certain medically necessary items from the sales and use tax.	65	205	259
3255. Senators Donohue, Peterson and Rasmussen: Relating to standards established by the state for real property.	65	315	.....
3256. Senators Gallagher, Rasmussen and Lee: Modifying the fish tax.	66	206	.....
3256. (SUBSTITUTE) Committee on Natural Resources (originally sponsored by Senators Gallagher, Rasmussen and Lee): Modifying the fish tax. ....	.....	.....	258
3257. Senators Day, Donohue and Haley: Establishing a program of poison control and drug information service.	66	219	.....
3257. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Senators Day, Donohue and Haley): Establishing a program of poison control and drug information service. ....	.....	.....	313
3258. Senators Talmadge, Woody and Walgren: Modifying provisions relating to enhanced penalties for crimes committed with firearms.	66	219	324, 330
3259. Senator McDermott: Providing for a commission on families and children.	66	.....	.....
3260. Senators Bottiger and Woody: Restricting the use of electric resistance space heating.	66	.....	.....
3261. Senators Walgren, Gaspard, Lee, McDermott and Odegaard: Defining earnable compensation for purposes of fractional service credit in the teachers' retirement system.	67	.....	.....
3262. Senators Bausch, Talley and Lee: Making miscellaneous changes in law relating to credit unions.	67	206

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273	273	551	607	624	
259	259
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258	643	258, 643	643	694	771	Signed p. 902 CH. 98, L. 1980
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313	315	812	844	903	Signed p. 1168 CH. 178, L. 1980
330	325	330
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3262. (SUBSTITUTE) Committee on Financial Institutions and Insurance (originally sponsored by Senators Bausch, Talley and Lee): Making miscellaneous changes in law relating to credit unions.			294
3263. Senators Hayner and Talmadge: Providing for change of venue in criminal cases for the purpose of selecting a jury.	67		
3264. Senators Bottiger, Willams and Woody: Regulating radioactive materials.	67		
3265. Senator Bottiger: Relating to radioactive waste disposal.	67		
3266. Senators Bottiger and Willams: Reconstituting the board of directors of certain operating agencies.	67		
3267. Senator Pullen: Appropriating funds for capital projects of the parks and recreation commission.	67	219	
3268. Senators Odegaard, Bottiger, Walgren, Matson, Gallagher and Peterson (by Department of Natural Resources request): Creating a program to study the use of wood for energy and heat.	68	239	
3269. Senators Woody, Bottiger, Willams, Lewis, Hurley and Lee: Providing tax credits for renewable energy materials and equipment.	68		
3270. Senators Talmadge and Moore: Modifying provisions relating to election precincts.	68		
3271. Senators McDermott, Shinpoch and Jones: Providing for membership transfers by former PERS members now in the judicial retirement system.	68	267	
3271. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators McDermott, Shinpoch and Jones): Providing for membership transfers by former PERS members now in the judicial retirement system. ..			351
3272. Senator Pullen: Increasing interest limit on securities issued by television reception improvement districts.	68		
3273. Senators Bottiger and Woody: Requiring use of renewable energy sources to heat new swimming pools.	68	220	761

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351	499	352, 499	498	523	552	Signed p. 606 CH. 7, L. 1980
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762	762

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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3274. Senator Bottiger: Providing for renewable energy practices and devices.	68	.....	.....
3275. Senators Goltz and Benitz: Adding exemption to educational services registration act.	68	156	.....
3276. Senators Rasmussen, Walgren, Donohue, McDermott, Odegaard, Gallagher, Haley, Ridder and Hurley: Providing salaries for school directors based on classification of district.	69	.....	.....
3277. Senators Odegaard, Day, Conner, Moore, Peterson, Woody, Ridder, Bausch, Van Hollebeke, Fleming, Vognild, Shinpoch, Williams, Wojahn, Hurley, Hansen, Jones, Quigg, Gaspard, Donohue, Wilson, Talmadge, Wanamaker and von Reichbauer: Limiting the revaluation of senior citizen residences to the time of transfer.	69	.....	.....
3278. Senator Conner: Providing state scholarship program waiving tuition fees at state's institutions of higher education for academic excellence.	69	267	.....
3279. Senators Shinpoch, Donohue, Walgren and Gaspard: Authorizing transfer of retirement system membership by law enforcement officers.	69	267	.....
3280. Senators Van Hollebeke, Wojahn, Quigg and Hurley (by Department of Licensing request): Revising laws relating to real estate brokers and salesmen.	69	109	186
3281. Senators Hayner and Talmadge: Providing for reimbursement of certain local criminal justice costs.	69	.....	.....
3282. Senators Marsh, Hayner and Talmadge: Modifying the business corporation act.	69	74	183
3283. Senators Hansen, Guess and Benitz: Relating to special fuels.	75	.....	.....
3284. Senators Haley, Rasmussen and Bluechel: Prohibiting hospitals from requiring professional staff to carry malpractice insurance.	75	.....	.....
3285. Senators Lysen, Morrison and McDermott: Insuring that certain health and safety inspections will be performed at energy facilities. ..	75	168

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186, 244	190	245	609	625	683	Signed p. 812 CH. 72, L. 1980
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183	654	183, 655	643	694	771	Signed p. 902 CH. 99, L. 1980
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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3285. (SUBSTITUTE) Committee on Labor (originally sponsored by Senators Lysen, Morrison and McDermott): Insuring that certain health and safety inspections will be performed at energy facilities.			370
3286. Senators Guess, Benitz and Quigg: Repealing the state motor vehicle emission control program.	76		
3287. Senators Hansen and Sellar: Relating to agricultural production.	76		
3288. Senator Van Hollebeke: Selecting juries for courts of limited jurisdiction.	76	168	260
3289. Senator Quigg: Relating to the transportation of hazardous materials.	76		
3290. Senators Day, Jones, Moore and Hurley: Providing a special program for naive criminals...	76	239	888
3291. Senator Woody: Altering the membership of the public disclosure commission.	76		
3292. Senator Jones: Revising laws relating to qualification of electrical inspections.	76		
3293. Senator Walgren: Modifying provisions authorizing transfers of membership to the judicial retirement system.	77		
3294. Senators Talmadge and McDermott: Increasing the license fee for carrying a concealed weapon.	77		
3295. Senators Walgren, von Reichbauer and Wajahn: Increasing the salary of full time district court judges.	77		
3296. Senators Walgren, Shinpoch, Goltz, Bluechel and Hayner: Exempting musical, dance, artistic, dramatic and literary associations from property taxation.	77		
3297. Senators Wilson, Rasmussen and Lewis: Modifying the law on warrants.	77	195	
3297. (SUBSTITUTE) Committee on Local Government (originally sponsored by Senators Wilson, Rasmussen and Lewis): Modifying the law on warrants.			294
3298. Senator von Reichbauer: Relating to parks and recreation.	77	156	

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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3299. Senator Pullen: Assuring an absolute right to a jury trial in all cases.	77	.....	.....
3300. Senator Matson: Modifying credit interest rates.	78	.....	.....
3301. Senator Pullen: Enacting the Public Safety Act of 1980.	78	.....	.....
3302. Senators Vognild, Day, Hansen, Lewis, Clarke, Bluechel, Peterson, Odegaard, Moore, Gaspard, Talmadge, Walgren, Bausch, Wojahn, Fleming and Woody: Modifying penalties for attempted arson.	78	239	325
3303. Senators Jones, Day, Lee, Gallagher, Quigg, Donohue, Guess and Woody: Providing for the gradual reassessment of property.	78	.....	.....
3304. Senator Pullen: Modifying procedures for property tax classification of open space land.	79	.....	.....
3305. Senators Haley, Bottiger and Guigg: Requiring energy-related court cases receive priority. ...	79	681	.....
3306. Senators Guess, Bottiger, Bluechel and Woody: Exempting materials for earth-sheltered housing from the sales tax.	79	.....	.....
3307. Senators Guess, Bottiger and Bluechel: Exempting materials for passive solar housing from the sales and use tax.	79	.....	.....
3308. Senators Henry, Guess and Quigg: Revising motor vehicle tonnage licensing.	79	267	.....
3309. Senators Day, Jones, Talmadge and Moore: Regulating oculists.	80	181	.....
3309. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Senators Day, Jones, Talmadge and Moore): Regulating oculists. ....	.....	.....	279
3310. Senator Jones: Modifying disability provisions of the law enforcement officers' and fire fighters' retirement system.	80	.....	.....
3311. Senators Benitz, Hurley, Guess and Lee: Modifying provisions governing beer retailers.	80	.....	.....
3312. Senators Jones, Ridder, Haley, Talmadge, Day, Bradburn, Wojahn and Fleming: Authorizing a new facility for the developmentally disabled.	80	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3313. Senators Vognild, Matson, Walgren, Hansen, Guess, Day, Woody, Jones, Sellar, von Reichbauer and Morrison: Authorizing equine research and stallion awards.	80	693	.....
3314. Senator Hayner: Authorizing professional service corporations composed of attorneys to act as the personal representative in probate cases.	80	.....	.....
3315. Senators Hayner, Jones, Bluechel and Woody: Exempting sales and use of prepared meals to certain senior citizens from taxation.	80	.....	.....
3316. Senator McDermott: Revising laws relating to industrial insurance.	81	.....	.....
3317. Senators Bausch and Clarke (by Insurance Commissioner request): Revising laws relating to insurance.	81	206	339
3318. Senators Bausch and Clarke (by Insurance Commissioner request): Revising laws relating to insurance.	81	206	340
3319. Senators McDermott and Hayner (by Superintendent of Public Instruction request): Utilizing accrual basis instead of cash basis in recognition of certain expenditures relating to school districts.	81	220	326
3320. Senators Bottiger and Clarke: Permitting agencies to issue summary orders in contested cases.	81	168	282
3321. Senators McDermott and Hayner (by Superintendent of Public Instruction request): Providing for receipt of certain ballots if not postmarked when received.	81	220	.....
3321. (SUBSTITUTE) Committee on Education (originally sponsored by Senators McDermott and Hayner) (by Superintendent of Public Instruction request): Providing for receipt of certain ballots if not postmarked when received. ....	.....	.....	327
3322. Senators Vognild, Day, Clarke, Bluechel, Peterson, Fleming, Odegaard, Gaspard, Lewis, Hansen, Moore, Walgren, Bausch, Wojahn, Talmadge and Woody (by Senate Select Committee on Arson request): Providing for reporting of fire data.	82	239	327

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<i>Third Reading</i>	<i>Other Action</i>	<i>Vote on Final Passage</i>	<i>House Messages</i>	<i>Signed by President of Senate</i>	<i>Signed by House Speakers</i>	<i>Action by the Governor</i>
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340	340
340	660	340, 661	656	694	771	Signed p. 902 CH. 102, L. 1980
326	326
282	282	607	609	683	Signed p. 768 CH. 31, L. 1980
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327	933	327, 933	930	995	1016	Signed p. 1168 CH. 179, L. 1980
327	327

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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3323. Senators Vognild, Day, Clarke, Bluechel, Wojahn, Woody, Odegaard, Gaspard, Hansen, Walgren, Bausch, Peterson, Lewis and Pullen (by Senate Select Committee on Arson request): Extending the statute of limitations on arson.	82	343	.....
3324. Senators Jones, Scott and Bradburn: Modifying disability procedures under the law enforcement officers' and fire fighters' retirement system.	82	.....	.....
3325. Senator Hayner: Modifying the amount paid for redemption of property.	82	156	.....
3326. Senators Bradburn, Walgren, Talmadge and Hayner: Modifying permissible grounds for intercepting private communications.	82	.....	.....
3327. Senator Goltz (by Office of Financial Management request): Increasing the authorized amount of bonds for higher education capital improvements.	82	.....	.....
3328. Senators Walgren, Rasmussen and Gallaghan: Providing that civil service employees may not lose their jobs due to withdrawal of local funds.	82	.....	.....
3329. Senators Van Hollebeke, Wojahn, Walgren and Vognild: Revising definition of charitable or nonprofit organizations.	83	239	.....
3330. Senators Day, Moore and Talmadge: Permitting university hospitals to make purchases directly from cooperative hospital service organizations.	89	181	.....
3330. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Senators Day, Moore and Talmadge): Permitting university hospitals to make purchases directly from cooperative hospital service organizations. ....	.....	.....	295
3331. Senators Henry, Guess and Talley: Establishing penalties for the illegal transportation of dangerous commodities.	89	145	291
3332. Senators Talley, Van Hollebeke, Jones, Conner and Sellar: Modifying maximum fees charged by notaries public.	89	196	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3333. Senators Scott and Talmadge: Modifying provisions regulating the termination of a franchise.	89	.....	.....
3334. Senators Talmadge, Jones, Sellar and Conner: Extending the lien and enforcement of judgments to ten years.	90	220	336
3335. Senators Talley, Van Hollebeke, Jones, Sellar and Conner: Extending the Statute of Limitations on oral contracts to six years.	90	.....	.....
3336. Senators Ridder and Bausch: Authorizing teachers as option upon retirement under teacher's retirement act to receive creditable service or service credit unused sick leave or receive compensation for same.	90	.....	.....
3337. Senators Talley and Van Hollebeke: Modifying the law on the commencement of civil actions in justice court.	90	220	.....
3338. Senators Talley and Matson: Relating to charges for credit.	90	.....	.....
3339. Senator Goltz: Relating to vocational education.	90	.....	.....
3340. Senator Goltz: Relating to vocational-technical institutions.	90	.....	.....
3341. Senator Goltz: Relating to the commission for vocational education.	90	.....	.....
3342. Senator Henry: Relating to transportation. ...	91	.....	.....
3343. Senator Henry: Relating to transportation funding.	91	.....	.....
3344. Senator Henry: Relating to highways.	91	.....	.....
3345. Senator Henry: Relating to transportation. ...	91	.....	.....
3346. Senator Henry: Relating to transportation funding.	91	.....	.....
3347. Senator Bottiger: Relating to renewable energy development.	91	.....	.....
3348. Senator Bottiger: Relating to renewable energy development.	91	.....	.....
3349. Senator Bottiger: Relating to energy conservation.	91	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3350. Senator Bottiger: Relating to energy conservation.	91	.....	.....
3351. Senators Henry, McDermott, Woody and Lee: Exempting federal surplus and excess property donated to a political subdivision from use taxation.	91	.....	.....
3352. Senator Bottiger: Relating to radioactive waste disposal.	91	.....	.....
3353. Senator Woody: Relating to lobbyist reporting.	91	.....	.....
3354. Senator Woody: Providing for voter registration.	91	.....	.....
3355. Senator Woody: Relating to census correspondence lists.	91	.....	.....
3356. Senator Woody: Insuring fair campaign practices.	91	.....	.....
3357. Senator Woody: Relating to campaign finance reporting.	92	.....	.....
3358. Senator Woody: Relating to declaration of candidacy.	92	.....	.....
3359. Senator Woody: Relating to elections.	92	206	.....
3359. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senator Woody): Avoiding a conflict between dates of political caucuses and elections. ....	.....	.....	249, 252
3360. Senator Woody: Enacting the precinct act of 1980.	92	.....	.....
3361. Senator Woody: Regulating financial affairs reporting.	92	.....	.....
3362. Senator Woody: Correcting laws relating to election precincts.	92	220	329
3363. Senators Odegaard, Conner, Goltz, Talmadge and McDermott: Allowing certain public employees credit for military service without need to restore withdrawn contributions not affecting creditable service.	92	268	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3363. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Odegaard, Conner, Goltz, Talmadge and McDermott): Allowing certain public employees credit for military service without need to restore withdrawn contributions not affecting creditable service.			354
3364. Senator Bluechel: Removing limitations on rates of interest.	92		
3365. Senators Hansen, Gaspard and Benitz: Providing for compensation for members of planning commissions and board of adjustments.	92		
3366. Senators Wojahn, Rasmussen and Jones: Establishing a two-year demonstration project on adoptive services for special need children.	93	239, 268, 433	
3366. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Wojahn, Rasmussen and Jones): Establishing a two-year demonstration project on adoptive services for special need children.			745
3367. Senators Shinpoch, Rasmussen, Jones, Bradburn and Moore: Creating the state investment board.	93		
3368. Senators Moore, Woody, Talmadge, Shinpoch, Morrison, Bottiger, Quigg and Gaspard: Modifying the mobile home landlord-tenant act. ..	94	239	331
3369. Senators McDermott and Vognild: Including certain court personnel under the public employee's collective bargaining laws.	94	316	
3370. Senators Guess, Hayner and Jones: Establishing a joint committee on revenue and taxation.	94		
3371. Senators Peterson, Wanamaker and Goltz (by Department of Ecology request): Establishing the Padilla Bay estuarine sanctuary in Skagit county.	94	220	718
3372. Senators Rasmussen, Scott and Odegaard: Modifying the law on public employment salary surveys.	94	206	342
3373. Senators McDermott, Ridder, Talmadge, Gaspard, Lee, Morrison and von Reichbauer: Implementing law relating to student discipline in common schools.	94	221	

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745	745
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331	331
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718	1028	718, 1028	1028	1095	1122	Signed p. 1168 CH. 180, L. 1980
342	342
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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3374. Senators Bottiger and Pullen: Reimbursing political subdivisions for criminal justice costs incurred as a result of crimes committed by residents of the Rainier school.	94	.....	.....
3375. Senator Lysen: Providing for the sale of state surplus salmon and salmon eggs.	95	.....	.....
3376. Senators Walgren, Van Hollebeke and Rasmusen: Directing OFM to report to the legislature on permits, licenses, and inspection requirements by state agencies.	95	681	.....
3376. (SUBSTITUTE) Committee on State Government: Directing OFM to report to the legislature on permits, licenses, and inspection requirements by state agencies. ....	.....	.....	762
3377. Senators Bottiger, Jones and Van Hollebeke: Providing for interest and cost on personal injury judgments.	95	.....	.....
3378. Senators Moore, Vognild and Van Hollebeke: Authorizing county civil service transfers to the sheriff's office without meeting competitive examination requirements.	95	196	332
3379. Senator McDermott: Requiring compliance with local land use plans.	95	.....	.....
3380. Senators McDermott, Henry, Quigg, Vognild and Lysen: Restricting the processing of timber from certain public lands.	95	.....	.....
3381. Senators Scott, Clarke, Lewis, Guess, Gallagher, Lee and Bradburn: Establishing a countercyclical budget and economic stabilization account.	95	.....	.....
3382. Senators Guess, Hayner and Jones: Establishing a joint committee on appropriations.	95	.....	.....
3383. Senators Bausch, Gaspard, Wojahn, Talley and von Reichbauer: Modifying provisions for receiving credit for military service.	95	.....	.....
3384. Senator Van Hollebeke: Relating to business regulation.	96	.....	.....
3385. Senators Walgren and Donohue: Relating to criminal justice.	96	809	.....
3385. (SUBSTITUTE) Judiciary Committee (originally sponsored by Senators Walgren and Donohue): Revising laws relating to the reporting of fires to the state fire marshal.	813

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Third Reading	Other Action	Vote on Final Passage	House Messages	Signed by President of Senate	Signed by House Speakers	Action by the Governor
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766	766
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332	670	332, 670	670	694	771	Signed p. 902 CH. 108, L. 1980
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813	813	995	995	1016	Signed p. 1168 CH. 181, L. 1980

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3386. Senator Wilson: Relating to transportation regulation.	96	.....	.....
3387. Senator Goltz: Relating to community colleges.	96	.....	.....
3388. Senator Goltz: Relating to postsecondary education.	96	.....	.....
3389. Senator Goltz: Relating to postsecondary education.	96	612	.....
3389. (SUBSTITUTE) Committee on Higher Education (originally sponsored by Senator Goltz): Providing state-wide Washington State Scholar program for high school students offering scholarships waiving tuition, operating and services and activities fees in state's institutions of higher education. ....	.....	.....	746
3390. Senator Goltz: Relating to higher education...	96	.....	.....
3391. Senator Van Hollebeke: Relating to the Washington coordinate system.	96	.....	.....
3392. Senator Woody: Relating to public disclosure.	96	240	.....
3393. Senators Walgren, Conner, Peterson and von Reichbauer: Relating to the Washington state ferry system.	96	.....	.....
3394. Senators Walgren, Conner, Peterson and von Reichbauer: Relating to transportation.	96	.....	.....
3395. Senators McDermott and Donohue: Relating to the Washington state library.	96	.....	.....
3396. Senators Walgren, Conner, Peterson and von Reichbauer: Relating to the Washington state ferry system.	96	.....	.....
3397. Senators Williams and McDermott: Requiring review of cost-effectiveness of alternatives in planning electrical generating facilities.	97	.....	.....
3398. Senators Matson and Jones: Placing limitation of salaries and compensation paid to school district employees.	97	.....	.....
3399. Senator Bottiger: Establishing a program of misdemeanor probation and parole services in justice court.	97
3400. Senator Bausch: Regulating electrologists. ...	97

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3401. Senator Bottiger: Authorizing bonds for energy systems.	97
3402. Senators Bottiger and Talley: Requiring a study of nuclear emergency preparedness.	97
3403. Senators Van Hollebeke, Clarke and Talmadge (by Judicial Council request): Providing for review of proceedings in courts of limited jurisdiction.	97	.....	.....
3404. Senators Scott, Odegaard and Lee: Disestablishing various state funds and accounts.	98	196	332
3405. Senators Day, Gallagher and Rasmussen (by Department of Licenses request): Regulating administrative practice and procedure applicable to licenses and licensing.	98	240	.....
3405. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Day, Gallagher and Rasmussen): Regulating administrative practice and procedure applicable to licenses and licensing. ....	.....	.....	333
3406. Senators Scott, Odegaard and Lee: Abolishing current state school fund and transferring moneys therein to common school construction fund.	98	221	333
3407. Senators Quigg, Bottiger, Scott and Lee: Promoting energy conservation actions.	98	.....	.....
3408. Senator Bottiger: Authorizing bonds for energy systems.	98	.....	.....
3409. Senators Quigg, Bottiger and Henry: Exempting securities of corporations producing energy resources from inheritance and gift taxes.	98	.....	.....
3410. Senators Talmadge and Clarke: Modifying qualifications of justice court commissioners who hear and dispose of cases.	99	.....	.....
3411. Senator Donohue: Relating to revenue and taxation.	99	.....	.....
3412. Senators Quigg, Bottiger, Henry and Lee: Exempting vans used for ride-sharing from sales, use, and motor vehicle excise taxation.	99	240	334

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332	332	551	607	624	Signed p. 768 CH. 32, L. 1980
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333	333	551	607	624	Signed p. 768 CH. 33, L. 1980
333	334	419	423	425	Signed p. 480 CH. 6, L. 1980
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3413. Senators Gallagher and Conner: Modifying provisions relating to state sale of reversionary rights in tidelands.	99
3414. Senators Talmadge and Clarke: Requiring annual report on courts of limited jurisdiction. ..	99	.....	.....
3415. Senators Day, Fleming, Moore, Talmadge, Vog- nild, Wanamaker and Henry: Including hear- ing aid dogs under the white cane law.	99	196	295
3416. Senators Goltz, Sellar, Wilson and Gallagher (by Joint Board of Legislative Ethics request): Specifying disciplinary action that may be taken by the legislative ethics board.	99	.....	.....
3417. Senator Clarke: Relating to insurance.	99	.....	.....
3418. Senator Donohue: Enacting the higher educa- tion bond act of 1980.	99	.....	.....
3419. Senators Donohue, Walgren and Shinpoch: Re- vising laws relating to public employees' de- ferred compensation plans.	99	.....	.....
3420. Senators Bottiger and Benitz: Appropriating funds for a feasibility study of constructing waste energy resource recovery facilities in various locations in the state.	100	408	.....
3420. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senators Bot- tigger and Benitz): Appropriating funds for a feasibility study of constructing waste energy resource recovery facilities in various locations in the state. ....	.....	.....	717
3421. Senators Woody, Bottiger, Benitz and Wilson: Providing tax credit for low interest conserva- tion loans.	100	.....	.....
3422. Senators Henry, Benitz, Hansen and Talley: Increasing port districts' authority to operate facilities for the movement of freight and pas- sengers.	100	206	348, 358
3423. Senators Pullen and Peterson: Requiring cer- tain language to appear in hunting licenses and license applications.	100	.....	.....
3424. Senators Conner and Rasmussen: Limiting spe- cial veteran's license plates to honorably dis- charged disabled veterans.	100	268	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3425. Senators Hansen, Bottiger and Benitz: Modifying provisions relating to fish protective devices on hydroelectric and water supply projects.	100	433	752
3426. Senator Donohue: Relating to revenue and taxation.	100	.....	.....
3427. Senator Donohue: Relating to education.	100	.....	.....
3428. Senator Donohue: Relating to education.	100	.....	.....
3429. Senator Donohue: Enacting the higher education bond act of 1980.	101	.....	.....
3430. Senator Donohue: Enacting the community college bond act of 1980.	101	.....	.....
3431. Senator Donohue: Relating to education.	101	.....	.....
3432. Senator Donohue: Relating to facilities for the handicapped.	101	.....	.....
3433. Senator Donohue: Relating to grant payments.	101	.....	.....
3434. Senator Donohue: Relating to the budget. ...	101	.....	.....
3435. Senator Donohue: Relating to the state library.	101	.....	.....
3436. Senator Donohue: Relating to revenue and taxation.	101	.....	.....
3437. Senator Donohue: Relating to mental health... ..	101	.....	.....
3438. Senator Donohue: Relating to revenue and taxation.	101	.....	.....
3439. Senators Guess and Scott: Making a capital appropriation to Eastern Washington University.	116	.....	.....
3440. Senators Shinpoch, Scott, Bausch and Odegaard: Appropriating funds for capital projects at the Evergreen State College.	116	.....	.....
3441. Senator Van Hollebeke: Transferring limited partnership filing requirements to the department of licensing.	116	240	.....
3442. Senators Peterson, Gallagher and Gaspard: Prohibiting ownership of commercial salmon fishing licenses by alien corporations.	117	207

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3442. (SUBSTITUTE) Committee on Natural Resources (originally sponsored by Senators Peterson, Gallagher and Gaspard): Prohibiting ownership of commercial salmon fishing licenses by alien corporations.			290
3443. Senator Peterson: Relating to Heart Lake. ...	117		
3444. Senator Pullen: Supplementing law relating to civil commitment procedures.	117		
3445. Senators Pullen, Bottiger, Hurley and Gaspard: Permitting restitution to be combined with a fine or imprisonment as a criminal penalty.	117		
3446. Senators Sellar, Bausch and Quigg: Authorizing port district commission to appoint district treasurer under certain specified conditions. ...	117		
3447. Senators Odegaard and Talley: Appropriating money to replace state forest lands at Seaquest.	117	434	
3447. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Odegaard and Talley): Appropriating money to replace state forest lands at Seaquest.			731
3448. Senator McDermott: Permitting cities to regulate parking facilities not owned by the city.	117		
3449. Senators Donohue and Matson: Allowing exhibitor to waive prohibition against blind bidding for motion pictures.	118		
3450. Senator Pullen: Exempting family day care homes from federal interagency day care requirements.	118		
3451. Senator Haley: Establishing a measurement of damages in tort actions.	118		
3452. Senators Peterson and Woody: Establishing recount procedures for state and local measures.	118	221	334
3453. Senator Haley: Utilizing unused elementary schools to expand services under certain community programs in pilot project.	118		
3454. Senators Donohue, Matson and Odegaard (by Superintendent of Public Instruction request): Implementing law relating to a 1979 bond issue for common school plant facilities.	118		

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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3455. Senators Lysen and Lee: Requiring surplus port property to be sold by competitive bid. . .	118	.....	.....
3456. Senator Bausch: Relating to savings and loan associations.	118	.....	.....
3457. Senator Rasmussen: Relating to state government.	118	741	.....
3457. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senator Rasmussen): Clarifying legislative intent as to the phrase "public or private insurance" as used in the victims of crime compensation act. ....	.....	.....	783
3458. Senator Talley: Relating to fisheries.	118	.....	.....
3459. Senator Bausch: Relating to credit unions. . .	118	.....	.....
3460. Senator Lysen: Relating to public employees collective bargaining.	118	.....	.....
3461. Senator Peterson: Relating to fisheries.	119	.....	.....
3462. Senator Peterson: Relating to fisheries.	119	.....	.....
3463. Senator Talley: Relating to fraternal clubs. . .	119	.....	.....
3464. Senator Lysen: Relating to industrial insurance.	119	.....	.....
3465. Senator Lysen: Relating to labor relations. . . .	119	.....	.....
3466. Senator Van Hollebeke: Relating to alcoholic beverages.	119	.....	.....
3467. Senator Van Hollebeke: Relating to consumer protection.	119	.....	.....
3468. Senator Van Hollebeke: Relating to licensing. . . .	119	.....	.....
3469. Senator Peterson: Relating to shoreline management.	119	.....	.....
3470. Senator Peterson: Relating to forest practices. . . .	119	.....	.....
3471. Senator Peterson: Relating to forest practices. . . .	119	.....	.....
3472. Senator Peterson: Relating to shoreline management.	119	.....	.....
3473. Senators Gaspard, Matson, McDermott and Morrison (by Superintendent of Public Instruction request): Providing for inventory and energy efficiency and safety audit of existing school facilities.	119	145	422, 429

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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3474. Senators Peterson and Talley: Protecting land-owners from tort liability for unintentional injuries to persons cutting firewood on the property.	119	207	296
3475. Senators Bottiger, Woody, Quigg and Williams (by Attorney General request): Providing for independent service stations.	120	928	.....
3476. Senators Moore, Talmadge, Lewis and Quigg: Making arbitration panel created for uniformed personnel impasse procedures a state agency for certain purposes.	120	221	350
3477. Senators Bluechel and Wilson: Clarifying the powers of sewer districts.	120	.....	.....
3478. Senators Wojahn, Clarke, Ridder, Quigg, Gaspard, von Reichbauer, Van Hollebeke, Rasmussen, Lee, Gould, Haley, Moore, Talmadge, Morrison and Odegaard: Making it a class C felony to buy or sell a child.	120	262	335
3479. Senators Talley, Gallagher and Peterson: Directing that vehicles and boats used by fish and game enforcement officers be equipped with CB radios.	120	207	.....
3480. Senator McDermott: Implementing law relating to exemption of historical sites from certain taxation.	120	.....	.....
3481. Senator McDermott: Mandating biennial review and update of land management and sustained yield plans on educational trust lands.	120	221	.....
3482. Senators Vognild and Walgren: Removing marine employees from restrictions which might otherwise be imposed by state employees insurance board.	120	182	.....
3482. (SUBSTITUTE) Committee on Labor (originally sponsored by Senators Vognild and Walgren): Removing marine employees from restrictions which might otherwise be imposed by state employees insurance board. ....	.....	.....	349
3483. Senators Rasmussen, Lewis, Jones and Moore: Raising the B&O tax exemption.	120	.....	.....
3484. Senators Matson and Morrison: Adding one superior court judge in Yakima county.	120

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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3485. Senators Odegaard, Rasmussen, Walgren, Wilson and Donohue: Requiring administrative agencies to periodically review and readopt their rules.	121	316	.....
3486. Senators Gould, Quigg, Gallagher, Bluechel, Hayner and Lewis: Encouraging energy conservation by permitting certain municipalities to give long-term garbage collection contracts, increasing penalties for overloaded trucks, studying more efficient traffic flow, requiring initial treatment of solid waste, and permitting mining of garbage dumps for recyclable material.	121	.....	.....
3487. Senator Lysen: Allowing transfer of certain retirement plan credits for persons having transferred employment between certain state universities.	121	196	349
3488. Senator Talley: Regulating leasing of aircraft hangars.	121	.....	.....
3489. Senators Gaspard, Bottiger and Rasmussen: Requiring class 1 railroads to provide a caboose on all freight trains.	121	.....	.....
3490. Senators Goltz, von Reichbauer and Lewis: Enumerating permitted uses of an official's public office fund.	121	.....	.....
3491. Senator Talley: Authorizing increased state assistance to local airports.	121	.....	.....
3492. Senators Hayner, Talmadge, Wanamaker and Sellar: Revising laws relating to juvenile delinquents.	121	.....	.....
3493. Senators Walgren, Conner and Henry: Making an appropriation to the department of transportation.	121	.....	.....
3494. Senators Walgren and Bausch: Revising laws relating to deferred compensation plans.	122	240	.....
3494. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Walgren and Bausch): Revising laws relating to deferred compensation plans. ....	.....	.....	442
3495. Senators Quigg, Hurley and Pullen: Establishing procedures for furloughs for prisoners. ..	122

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3497. Senator Walgren: Awarding attorney's fees to a party prevailing in a civil suit by the state or agency appeal against the party.	122
3498. Senators Hansen, Donohue, Guess and Quigg: Establishing procedures for environmental litigation.	122	.....	.....
3499. Senators Day, Jones, Bradburn and Morrison: Providing a program to aid fragile children. ...	122	207	311
3500. Senator Day: Revising powers of boundary review boards.	122	.....	.....
3501. Senators Hurley and Day: Revising laws relating to adoption.	122	.....	.....
3502. Senators Bottiger, Goltz, Odegaard, von Reichbauer, Peterson, Rasmussen, Gaspard, Wojahn, Day and Talmadge (by Governor Ray request): Prohibiting storage or disposal of out-of-state low level radioactive wastes from certain states.	123	.....	.....
3503. Senators Bottiger, Donohue, Rasmussen, Odegaard, Scott, Peterson, Goltz, Van Hollebeke, Jones, Lewis and Wojahn (by Governor Ray request): Creating a department of energy.	123	.....	.....
3504. Senators Henry, Matson, Talley, Benitz, Peterson, Morrison and Bausch: Modifying the laws on timber land valuations.	123	.....	.....
3505. Senator McDermott: Relating to tax incentives for on-site child care facilities.	124	.....	.....
3506. Senator Walgren (by Select Committee on Criminal Justice request): Relating to the Washington state patrol.	124	.....	.....
3507. Senator Matson: Exempting margin transactions from the usury law.	124	.....	.....
3508. Senator Walgren (by Senate Select Committee on Criminal Justice request): Relating to the criminal justice training commission.	124

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3509. Senator Bausch: Granting property tax relief to senior citizens owning a residence by a lease for life.	124	240
3509. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senator Bausch): Granting property tax relief to senior citizens owning a residence by a lease for life. ....	.....	.....	340
3510. Senator Van Hollebeke: Relating to business regulation.	124	.....	.....
3511. Senator Rasmussen: Relating to state government.	125	.....	.....
3512. Senator Van Hollebeke: Relating to tourism...	125	.....	.....
3513. Senator McDermott: Relating to crippled children's services.	125	455	.....
3514. Senator McDermott: Relating to licensure of dental technicians.	125	.....	.....
3515. Senator Morrison: Relating to cloud seeding...	125	268	.....
3515. (SUBSTITUTE) Committee on Agriculture (originally sponsored by Senator Morrison): Regulating cloud seeding. ....	.....	.....	781, 782, 794, 795
3516. Senator Morrison: Relating to energy conservation.	125	.....	.....
3517. Senator Lee: Relating to state patrol funding.	125	.....	.....
3518. Senator Talley: Relating to game.	125	.....	.....
3519. Senator Rasmussen: Relating to state government.	125	622	.....
3519. (SUBSTITUTE) Committee on Constitutions and Elections (originally sponsored by Senator Rasmussen): Revising the public disclosure law. ....	.....	.....	745
3520. Senator Talley: Relating to dog racing.	125	.....	.....
3521. Senator Van Hollebeke: Relating to commerce.	125	.....	.....
3522. Senator Morrison: Relating to unemployment insurance.	125	.....	.....
3523. Senator Walgren (by Senate Select Committee on Criminal Justice request): Relating to adult corrections.	125

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3525. Senator Van Hollebeke: Relating to consumer protection.	125
3526. Senator von Reichbauer: Relating to parks and recreation.	125	156, 723
3526. (SUBSTITUTE) Committee on Parks and Recreation (originally sponsored by Senator von Reichbauer): Appropriating funds for sewage disposal systems at marine state parks. ....	.....	.....	774
3527. Senator Van Hollebeke: Relating to business regulation.	126	.....	.....
3528. Senator Van Hollebeke: Relating to gambling.	126	.....	.....
3529. Senator Talley: Relating to gambling.	126	.....	.....
3530. Senator Van Hollebeke: Relating to professional licensing.	126	.....	.....
3531. Senator Gallagher: Relating to the department of fisheries.	126	.....	.....
3532. Senator Gallagher: Relating to the game department.	126	.....	.....
3533. Senators Fleming and Ridder: Relating to public assistance grants.	126	.....	.....
3534. Senator Odegaard: Relating to social and health services.	126	.....	.....
3535. Senators Hansen, Benitz and Gaspard: Relating to agricultural commodity commissions. ...	126	.....	.....
3536. Senators Hansen, Benitz, Gaspard, Wanamaker, Wilson, Day and Morrison (by Senate Committee on Agriculture request): Relating to alcohol fuels.	126	.....	.....
3537. Senator Odegaard: Relating to appropriations.	126	770	.....
3537. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senator Odegaard): Establishing a sick leave incentive program for community colleges. ....	.....	.....	788
3538. Senator Morrison: Relating to property tax exemptions.	126
3539. Senator Morrison: Relating to radioactive wastes.	126

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3541. Senator von Reichbauer: Relating to hazardous transportation.	126
3542. Senator Odegaard: Relating to energy.	127
3543. Senator Odegaard: Relating to appropriations.	127	.....	.....
3544. Senator Van Hollebeke: Relating to interest rates.	127	.....	.....
3545. Senator Quigg: Providing for voter approval of water district revenue bonds.	127	.....	.....
3546. Senators Guess and Talley: Providing procedure for judicial enforcement of liens for certain utility service charges.	127	221	.....
3546. (SUBSTITUTE) Committee on Local Government (originally sponsored by Senators Guess and Talley): Providing procedure for judicial enforcement of liens for certain utility service charges. ....	.....	.....	779, 801
3547. Senators Walgren and Rasmussen: Providing for the development of mediation and arbitration procedures for labor disputes with public employees.	127	.....	.....
3548. Senators Donohue and Matson: Creating the archaeological repository account.	127	.....	.....
3549. Senators Benitz, Hansen, Morrison, Henry, Conner, Gould, Bottiger, Gallagher, Wojahn, Hayner, Moore, Woody, Walgren, Matson, Talley, McDermott, Gaspard, Lewis, Quigg, Bluechel, Day, Wanamaker, Clarke, Sellar, von Reichbauer, Wilson, Scott, Jones, Haley, Talmadge, Hurley and Goltz: Providing for wine and grape research.	127	221	.....
3550. Senator Quigg: Authorizing private retail sale of premixed cocktails.	127	.....	.....
3351. Senators Hansen, Day, Benitz, Wanamaker and Morrison (by Senate Committee on Agriculture request): Establishing temporary tax incentives for alcohol fuels.	128	157	.....
3551. (SUBSTITUTE) Committee on Agriculture (originally sponsored by Senators Hansen, Day, Benitz, Wanamaker and Morrison): Establishing temporary tax incentives for alcohol fuels.	368

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370	800, 1007	370, 1007	800, 1006	1095	1122	Signed p. 1168 CH. 157, L. 1980

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3552. Senators Day, Moore, Hayner, Quigg, Shinpoch and Morrison: Creating a utility stamp program for the elderly.	128	394
3553. Senators Quigg, Guess and Moore: Relating to state highways and ferries.	128	.....	.....
3554. Senators Gould and Wojahn: Mandating a two-year pilot registration program in lieu of licensing for family day care homes.	128	.....	.....
3555. Senator Gallagher: Valuing open space land with no current use for tax purposes.	128	.....	.....
3556. Senator Goltz: Providing for prorated vehicle license fees.	128	.....	.....
3557. Senators Wojahn, Talley, Gould, Marsh, Vognild, Woody and Haley: Appropriating funds for the treatment alternatives to street crime programs.	128	.....	.....
3558. Senators Conner, Vognild, Rasmussen and Peterson: Creating a fleet opportunity board and setting forth its powers and duties and providing for the expiration thereof.	128	207	.....
3558. (SUBSTITUTE) Committee on Natural Resources (originally sponsored by Senators Conner, Vognild, Rasmussen and Peterson): Creating a fleet opportunity board and setting forth its powers and duties and providing for the expiration thereof .....	.....	.....	337
3559. Senator Bausch: Providing for the approval of title insurance forms and rates.	128	240	345
3560. Senators Goltz and Shinpoch: Giving college and university students limited responsibility for recommending programs paid with services and activities fees.	129	.....	.....
3561. Senator Bausch: Modifying the law on the examination of insurers.	129	241	.....
3561. (SUBSTITUTE) Committee on Financial Institutions and Insurance (originally sponsored by Senator Bausch): Modifying the law on the examination of insurers. ....	.....	.....	346
3562. Senator Donohue: Relating to appropriations.	129
3563. Senators Vognild and Lewis: Revising the state fireworks law.	129

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3564. Senators Talmadge and Wojahn: Permitting the salary of the administrator for the courts to be set by the supreme court.	130
3565. Senator Henry: Increasing the time for which a temporary permit for driving trucks, buses, or cabs may be issued.	130	222	337
3566. Senators Conner, Quigg, Moore and Gallagher: Exempting certain subdividing for lease from platting requirements	130	.....	.....
3567. Senator Morrison: Clarifying computation of the social security offset under industrial insurance.	130	.....	.....
3568. Senators Quigg and Conner: Establishing commercial net fishing areas.	130	.....	.....
3569. Senators Henry, Van Hollebeke, Goltz, Guess and Quigg: Clarifying responsibility for motor vehicle violations.	130	.....	.....
3570. Senators Henry and Matson: Mandating approval by department of natural resources of shoreline management master program affecting state-owned lands.	131	.....	.....
3571. Senators Goltz, Guess, Scott, Benitz, Shinpoch, von Reichbauer and Odegaard: Providing study for institute of applied technology.	131	268	.....
3571. (SUBSTITUTE) Committee on Higher Education (originally sponsored by Senators Goltz, Guess, Scott, Benitz, Shinpoch, von Reichbauer and Odegaard): Providing study for institute of applied technology. ....	.....	.....	725
3572. Senators Hayner and Gould: Modifying applications of the real estate excise tax.	131	.....	.....
3573. Senators Ridder, Talmadge, Hayner and Wojahn: Clarifying child-support obligations of stepparents.	131	.....	.....
3574. Senators Odegaard, Sellar, Moore, Walgren, Conner, Donohue and Day: Maintaining the delinquency prevention services program without significant changes.	131	222	338
3575. Senators Scott, Ridder and Gould: Mandating study of effects of drugs on human system in health classes as part of basic education.	131	222	344

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3576. Senators Hansen, Benitz, Gaspard, Wanamaker, Wilson, Day and Morrison (by Senate Committee on Agriculture request): Exempting alcohol fuels from the liquor control laws.	131	157	368
3577. Senator Gaspard: Studying the feasibility of siting additional correctional facilities at present sites.	131	.....	.....
3578. Senators Benitz and Hayner: Providing for apprentice training facilities.	131	222	.....
3579. Senators Conner, Moore and Gallagher: Modifying provisions for adopting a sewer or water district comprehensive plan.	132	.....	.....
3580. Senator Hansen: Modifying the application of the state environmental policy act to energy exploration.	132	.....	.....
3581. Senators McDermott, Gould, Talmadge, Hayner, Gaspard, Ridder and Morrison: Supplementing law relating to lease or rental of school property of whatsoever kind.	132	182	.....
3581. (SUBSTITUTE) Committee on Education (originally sponsored by Senators McDermott, Gould, Talmadge, Hayner, Gaspard, Ridder and Morrison): Supplementing law relating to lease or rental of school property of whatsoever kind. ....	.....	.....	296
3582. Senators Vognild, Moore, Talmadge, Conner and Walgren: Requiring a meeting of all persons required to sign an injured worker's accident report.	132	.....	.....
3583. Senators Jones and Fleming (by Department of Social and Health Services request): Modifying resident care standards for nursing homes.	132	.....	.....
3584. Senator Haley: Increasing the funding of family court.	132	.....	.....
3585. Senators Henry and Jones: Authorizing sale of certain tidelands and shorelands to adjacent owners upon departmental approval.	132	.....	.....
3586. Senators Fleming, Jones, Ridder and McDermott: Authorizing the department of social and health services to purchase and operate nursing homes.	133

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296	676	297, 676	675	694	771	Signed p. 902 CH. 115, L. 1980
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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3587. Senators Jones and Fleming (by Department of Social and Health Services request): Modifying licensing provisions for nursing homes.	133	316	.....
3588. Senator Wilson (by Office of Financial Management request): Modifying provisions relating to jail bonds.	133	.....	.....
3589. Senators Williams, Bottiger and Hansen: Establishing a hydroelectric policy task force.	133	622	.....
3589. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senators Williams, Bottiger and Hansen): Establishing a hydroelectric policy task force. ....	.....	.....	751
3590. Senator Haley: Requiring parents to pay part of the costs of their child's residential care. ...	133	.....	.....
3591. Senator Haley: Creating a state-wide special inquiry judge.	133	.....	.....
3592. Senator Fleming: Recalculating levies when statutory rates would be exceeded.	133	.....	.....
3593. Senators Henry, Guess, Van Hollebeke, Gallagher, Quigg, Lee, Matson, von Reichbauer, Goltz, Donohue, Lewis, Talley, Peterson, Moore, Rasmussen, Day, Benitz, Odegaard, Walgren, Wanamaker, Talmadge and Hansen: Vesting rights of the state in unappropriated public lands.	133	207	297
3594. Senators Quigg, Rasmussen and Gallagher: Appropriating funds for the South Fork Willapa fish hatchery.	133	.....	.....
3595. Senator Odegaard: Providing for real estate excise taxation of used mobile homes.	134	.....	.....
3596. Senators Quigg, Moore, Pullen, Benitz and Van Hollebeke: Authorizing the investment in gold by the state.	134	.....	.....
3597. Senators Goltz and Wilson: Broadening the authority of cities to operate off-street parking facilities.	134	262	.....
3598. Senators Gallagher, Wojahn, Talley, Lee, von Reichbauer, Gould, Woody, Haley, Quigg and Rasmussen: Establishing requirements for public restroom facilities.	134	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3599. Senators Walgren, Clarke, Donohue, Shinoch, Morrison, Wojahn and Hayner (by Senate Select Committee on Criminal Justice request): Making appropriations for criminal justice.	134	.....	.....
3600. Senator Haley: Establishing a state transportation authority to implement a program for mass transportation systems.	134	.....	.....
3601. Senators McDermott, Morrison and Conner: (by Department of Employment Security request): Modifying provisions of the administrative contingency fund.	134	.....	.....
3602. Senator Walgren: Exempting the legislative information system from the jurisdiction of the data processing authority.	134	241	.....
3602. (SUBSTITUTE) Committee on State Government (originally sponsored by Senator Walgren): Exempting the legislative information system from the jurisdiction of the data processing authority. ....	.....	.....	300
3603. Senators Donohue, Williams, Bluechel, Odegaard, Gould, Gallagher, Wojahn, Talley and McDermott (by Governor Ray request): Authorizing a bond issue for pollution control facilities.	134	268	.....
3603. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Donohue, Williams, Bluechel, Odegaard, Gould, Gallagher, Wojahn, Talley and McDermott) (by Governor Ray request): Authorizing a bond issue for pollution control facilities. ....	.....	.....	354
3604. Senator Bottiger: Limiting large political contributions.	135	241	.....
3605. Senator Morrison: Clarifying computation of the social security offset under industrial insurance.	135	.....	.....
3606. Senator Haley: Expanding electronic surveillance authorization for certain law enforcement agencies.	135	.....	.....
3607. Senator Gallagher: Adding certain prison inmates to workers covered under industrial insurance.	135

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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3608. Senators Vognild, Morrison, Moore and Conner (by Department of Employment Security request): Making miscellaneous changes in law relating to unemployment compensation.	135	.....	.....
3609. Senators Vognild and Conner: Requiring unemployment benefits for striking employees if the factory still operates.	135	.....	.....
3610. Senators Moore, Talmadge, Henry, Walgren and Odegaard: Establishing a redistricting advisory task force.	135	.....	.....
3611. Senators Lewis and Day: Authorizing the investment of municipal pension funds in state authorized investments.	135	241	.....
3611. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Lewis and Day): Authorizing the investment of municipal pension funds in state authorized investments. ....	.....	.....	347
3612. Senators Henry, Van Hollebeke, Goltz, Guess and Quigg: Funding highway activities of the state patrol from increased vehicle license fees.	135	.....	.....
3613. Senator Haley: Suspending indicted public officials from office.	136	.....	.....
3614. Senator Matson: Increasing maximum loan amount, term of contract, and interest rates on consumer finance loans.	136	.....	.....
3615. Senators Wilson, Donohue, Odegaard, von Reichbauer, Peterson, Rasmussen, Day, Talley, Walgren, Goltz and Wojahn (by Governor Ray request): Providing funds for local governments for disaster relief.	136	.....	.....
3616. Senators Odegaard, Bottiger, Goltz, Lewis and Peterson (by Governor Ray request): Requiring local approval of nuclear energy facility sites which are outside the boundaries of the Hanford site.	136	.....	.....
3617. Senator Haley: Changing the method of execution of the death penalty.	136	.....	.....
3618. Senator Donohue: Providing for the capital acquisition, development and improvement of municipal park facilities.	136	222

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347	347	551	607	624	Signed p. 768 CH. 34, L. 1980
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NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3618. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senator Donohue): Providing for the capital acquisition, development and improvement of municipal park facilities.			343
3619. Senator Lewis: Waiving the continuing education requirement for insurance agents or brokers licensed for twenty years or more. ...	136		
3620. Senator Matson: Allowing financial institutions to charge eighteen percent interest on real estate secured loans.	137		
3621. Senators Walgren, Clarke, Donohue, Shinpoch, Wojahn, Morrison and Hayner (by Senate Select Committee on Criminal Justice request): Creating special criminal justice task forces.	137	145	
3621. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Walgren, Clarke, Donohue, Shinpoch, Wojahn, Morrison and Hayner) (by Senate Select Committee on Criminal Justice request): Creating special criminal justice task forces.			371
3622. Senators Van Hollebeke and Rasmussen: Establishing a model assistance and reemployment project for injured workers.	137	434	
3623. Senator Quigg: Imposing a conditional harvest tax on Western Red cedar.	137		
3624. Senators Benitz, Hansen and Morrison: Permitting home-made family wine to be entered in contests.	137	222	
3625. Senator Haley: Exempting certain drugs from the sales and use tax.	137		
3626. Senator Haley: Requiring the western state hospital to employ a full-time chief of security with law enforcement experience.	137		
3627. Senators Moore, Talmadge, Fleming, Odegaard, Henry and Walgren: Providing an exhibit to educate the public on problems of the handicapped.	137	316	
3628. Senators Moore and Talmadge: Authorizing bonds for the Seattle center resident theater.	137		

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TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3629. Senators Hansen, Benitz, Day, Wanamaker, Gaspard and Morrison (by Senate Committee on Agriculture request): Providing tax incentives for alcohol fuels.	138	157	.....
3629. (SUBSTITUTE) Committee on Agriculture (originally sponsored by Senators Hansen, Benitz, Day, Wanamaker, Gaspard and Morrison) (by Senate Select Committee on Agriculture request): Providing tax incentives for alcohol fuels. ....	.....	.....	372
3630. Senator Walgren: Requiring reporting by campaign contributors outside Washington state.	138	.....	.....
3631. Senators Vognild and Morrison: Revising the industrial insurance law.	138	.....	.....
3632. Senator Williams: Modifying the law on property tax relief.	138	.....	.....
3633. Senator McDermott: Relating to the energy facility site evaluation council.	138	.....	.....
3634. Senator Quigg: Relating to commercial fishing.	138	.....	.....
3635. Senator Quigg: Relating to energy conservation.	139	.....	.....
3636. Senator Fleming: Relating to nursing homes... ..	139	724	.....
3636. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senator Fleming): Modifying resident care standards for nursing homes. ....	.....	.....	883
3637. Senator Jones: Relating to nursing homes.	139	.....	.....
3638. Senator Benitz: Relating to agriculture.	139	.....	.....
3639. Senator Benitz: Relating to education.	139	.....	.....
3640. Senators Hansen, Benitz and Gaspard: Relating to irrigation districts.	139	.....	.....
3641. Senator Quigg: Relating to credit unions.	139	.....	.....
3642. Senator Odegaard: Relating to revenue and taxation.	139	.....	.....
3643. Senator Odegaard: Relating to energy.	139	.....	.....
3644. Senator Wilson: Relating to local government.	139	.....	.....
3645. Senator Wilson: Relating to local government.	139	.....	.....

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR, SUBJECT	Introduction, First Reading, Referral	Report of Committee	Second Reading
3646. Senator Woody: Relating to census correspondence lists.	139	.....	.....
3647. Senator Odegaard: Relating to the energy facility site evaluation council.	139	.....	.....
3648. Senators Vognild and Walgren: Relating to marine employee collective bargaining.	139	.....	.....
3649. Senator Woody: Relating to federal decennial census.	139	.....	.....
3650. Senators Fleming and Jones: Relating to nursing homes.	140	.....	.....
3651. Senator Odegaard: Relating to the juvenile justice act.	140	.....	.....
3652. Senators Walgren, Conner, Wilson, Shipoch, Gould, Bluechel and Jones: Relating to the taxation of artistic and cultural organizations.	140	.....	.....
3653. Senators Walgren and Williams: Relating to oil transfers.	140	.....	.....
3654. Senator Conner: Relating to boat pilotage.....	140	.....	.....
3655. Senators Hansen, Benitz, Gaspard, Day, Wanamaker, Wilson, and Morrison (by Senate Committee on Agriculture request): Relating to alcohol fuel districts.	140	.....	.....
3656. Senators Hansen, Benitz, Gaspard, Wanamaker, Wilson and Day (by Senate Committee on Agriculture request): Relating to alcohol fuels.	140	.....	.....
3657. Senators Odegaard, Sellar, Moore, Walgren, Conner and Donohue: Enacting the delinquency prevention services program act of 1980.	140	.....	.....
3658. Senators Hansen and Benitz: Relating to water rights.	140	.....	.....
3659. Senators Fleming and Jones: Relating to resident care and nursing homes.	140	.....	.....
3660. Senator Wilson: Relating to local government.	140	.....	.....
3661. Senator Henry: Relating to enforcement provisions for motor freight carriers.	140	316	.....

TITLE AND HISTORY OF SENATE JOINT MEMORIALS

NUMBER, SPONSOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee
102. Senator Conner: Requesting federal action to curb certain practices of the national park services in acquiring land.	SCR 118, 4	.....
103. Senators Bausch, Odegaard, Bottiger and Conner: Requesting the continued use of the Olympia postmark. ...	SCR 118, 4	.....
104. Senators Jones, Walgren, Gould and Fleming: Memorializing the President and Congress to urge the extension of the German statute of limitations on Nazi war criminals.	SCR 118, 4	.....
105. Senators Vognild, Peterson, Wanamaker, Day, Goltz, Talley, von Reichbauer, Woody, Williams, Ridder, Moore, Gaspard, Talmadge and Van Hollebeke: Asking the United States supreme court for a speedy resolution of Indian fishing treaty issues.	SCR 118, 4	.....
106. (ENGROSSED) Senators Wojahn, Newschwander, Bottiger, Rasmussen, Gaspard and Gallagher: Requesting federal aid for the Milwaukee railroad.	SCR 118, 4	.....
108. Senator von Reichbauer: Requesting federal aid in training local emergency response teams to deal with accidents involving transport of hazardous materials.	SCR 118, 4	.....
109. Senator von Reichbauer: Requesting the federal government to provide an improved placarding system to mark transporters of hazardous materials.	SCR 118, 4	.....
110. Senator Hansen: Requesting the federal government to keep the Stampede Pass weather observation station a manned station.	SCR 118, 4	.....
111. (ENGROSSED) Senator von Reichbauer: Asking Congress and the administration to leave responsibility for handling accidents involving transport of hazardous materials at local level.	SCR 118, 4	.....
112. Senators Gaspard, Bottiger, Goltz and Morrison: Requesting federal support in revising regulation against youths berry picking.	140	223
113. Senators Peterson, Rasmussen and Talley: Memorializing Congress to enact legislation to assist the state's fishing industry.	141	208
114. Senators Walgren, Conner and Henry: Requesting Congress to appropriate money to replace the Hood Canal bridge.	141	269

TITLE AND HISTORY OF SENATE JOINT RESOLUTIONS

NUMBER, SPONSOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee
101. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Donohue, Matson, Odegaard, Scott, Gaspard, Conner, Walgren, Marsh and Lee): Amending the constitution to allow property tax relief	SCR 118, 4	.....
109. Senators Fleming, Scott, Van Hollebeke, Gould, Talmadge, Lee, Bottiger, Moore, Wojahn and Ridder: Ratifying a proposed amendment to the U.S. Constitution providing for representation of the District of Columbia in the Congress. .	SCR 118, 4	.....
114. Senators North, Wilson, Lewis and Hayner: Amending the constitution to grant counties home-rule powers.	SCR 118, 4	.....
116. Senators Hayner, Marsh, North and Lee: Establishing a judicial qualifications commission to conduct judicial disciplinary proceedings.	SCR 118, 4	.....
122. Senator Woody: Amending the state constitution.	SCR 118, 4	770
125. Senators Woody, Odegaard, Bausch, Walgren, Peterson, Day, Henry, Bottiger, Marsh, Donohue and Shinpoch: Amending the constitution.	SCR 118, 4	.....
126. Senators Odegaard, Rasmussen, Walgren, Wilson, Ridder, Jones, Goltz, Talley, Peterson, Gaspard, Fleming, Day, Vog-nild, McDermott, Woody, Williams, Wojahn and Hurley: Authorizing tax relief for owner-occupied residence.	101	.....
127. Senator Talley: Limiting liability of municipal corporations.	101	.....
128. Senators Donohue and Shinpoch: Exempting the state operating budget from the requirement that amendments be set forth in full.	102	.....
129. Senator Haley: Permitting the motor vehicle fund to be used for public transportation purposes.....	102	.....
130. Senator Bausch: Authorizing property tax rental relief. ..	141	.....
131. Senator Haley: Regulating the practice of law.	141	.....
132. Senators Henry, Guess, Van Hollebeke, Gallaghan, Lee, Quigg, Moore, Rasmussen, Day, Benitz, Odegaard, Walgren, Wanamaker, Talmadge and von Reichbauer: Modifying the state's disclaimer of rights to unappropriated public lands.	141	241

TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS

NUMBER, SPONSOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee
103. (SUBSTITUTE) Committee on Local Government (originally sponsored by Senators Wilson, Sellar, Talley and Hayner): Making legislative determinations regarding proposed jail standards.	SCR 118, 4	.....
111. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senator Lysen): Providing for joint meetings of house and senate committees on energy and utilities.	SCR 118, 4	.....
118. Senators Walgren, Odegaard, Hayner and Scott: Reintroducing bills and establishing a schedule for the 1980 regular session.	SCR 118, 4	.....
119. Senators Moore, Talmadge, Odegaard, Henry and Walgren: Establishing a redistricting advisory task force.	141	.....
120. Senators Odegaard and Walgren: Insuring proper accounting and cost control procedures for office space used by the legislature.	1101	.....
121. Senators Woody and Gaspard: Provisions of SCR 118 suspended to permit legislature to consider SHB 1090.	1106	.....
122. Senators Walgren, Odegaard, Hayner and Scott: Notifying the governor that the legislature is about to adjourn SINE DIE.	1161	.....

TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS

<i>Signed by House Speakers</i>	<i>Signed by President of the Senate</i>	<i>Message From House</i>	<i>Vote on Final Passage</i>	<i>Other Action in Senate</i>	<i>Third Reading</i>	<i>Second Reading and Amendments</i>
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62	44	30	4	4	4
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1158	1125	1122	1106	1102, 1105	1102, 1106	1102, 1105
1160	1159	1158	1106	1106	1106	1106
1162	1162	1161	1161	1161, 1162, 1163	1161	1161

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER, SPONSOR AND SUBJECT

157. **Senators Walgren, Odegaard, Hayner and Scott:** Senate organized, House notified.
158. **Senators Walgren, Odegaard, Hayner and Scott:** Adopts rules of the senate of the 1980 regular session, amended.
159. **Senators Fleming, Goltz, Wojahn, Talley, Ridder, Jones, Bluechel, Haley and Bradburn:** Homage to Dr. Martin Luther King, Jr.
160. **Senator Gaspard:** Pierce county Bengals football team honored.
161. **Senators Walgren, Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Hurley, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Quigg and Lee:** Expressing sorrow upon death of George Meany, labor leader.
162. **Senators Walgren, Hansen, Goltz, Gaspard, Shinpoch, Henry, Morrison, Lysen, Talmadge, Moore, Jones, Bluechel and Peterson:** Expressing sorrow on death of Honorable William O. Douglas, supreme court justice.
163. **Senator Benitz:** Electric energy, Skagit county.
164. **Senator Lysen:** Imported fish, tariffs.
165. **Senators Haley, Vognild, Goltz, Rasmussen, Bradburn, Gould, Wojahn, Lee, Pullen, Hansen, Bausch, Jones, Ridder, Fleming, Hayner and Wanamaker:** Requesting relocation of XXII Summer Olympiad.
166. **Senators Moore, Henry, Odegaard, Benitz, Bradburn, Morrison, Day, Quigg, Talmadge, Woody, Lysen, Lewis, Jones, Vognild, Shinpoch, Van Hollebeke, Fleming, McDermott and von Reichbauer:** Urging preservation of Seattle Center.
167. **Senators Pullen, Marsh, Talmadge and Hayner:** Trial by jury, study.
168. **All members:** Commending Mt. Tahoma High School football team.
169. **Senators McDermott, Walgren, Conner, Rasmussen, Talmadge, Odegaard and Goltz:** Urging reorganization of Milwaukee Railroad.
170. **All members:** Commending Canadians for protection of American diplomats and citizens in Iran during crisis.
171. **Senators Lewis, Day, Hurley and Guess:** Preserving Fort George Wright National Cemetery historical significance.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS

Introduction, First Reading, Referral	Report of Committee	Second Reading	Third Reading	Other Action	Vote on Final Passage
4	4	4 Adopted
					27 Adopted
					406 Adopted
26	405	.....	393, 405	as Amended
43	44 Adopted
56	56 Adopted
56	57 Adopted
105	105	106 Adopted
.....	* Energy & Utilities 687	.....
177	178 Adopted
178	178 Adopted
178	179 Adopted
.....	* Rules 676	.....
202	203 Adopted
203	203 Adopted
235	235 Adopted
687	687 Adopted

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, SPONSOR AND SUBJECT

172. **Committee on Parks and Recreation:** Trust land purchases, study.
173. **Committee on Parks and Recreation:** Park and recreation consultation practices, study.
174. **Senators Conner and Talley:** Salmon hatchery study.
175. **Senator Vognild:** Sympathy extended to family of Howard Dalton.
176. **Senators Pullen, Benitz, Bottiger and Scott:** Fusion energy systems.
177. **Senators Hayner, Marsh and Talmadge:** Joint tenant accounts, study.
178. **Senators Guess and Bottiger:** Coal exploration, state land.
179. **Senators Rasmussen, Pullen, Benitz, Guess, Hayner, Goltz, Henry, Talley and Jones:** Federal regional systems three member select legislative committee.
180. **Senator Goltz:** Pat Locker, congratulations for athletic activity.
181. **Senators von Reichbauer and Gaspard:** Congratulations for sponsorship of Washington Games for Physically Disabled Citizens.
182. **Committee on Parks and Recreation:** Washington rivers, recreational use, study. ...
183. **Senators Lysen, Walgren and Conner:** Hood Canal tug, Frances W., investigation. ...
184. **Senators Gaspard, Bottiger, Odegaard, Hansen, Gallagher, Goltz, Morrison and Benitz:** Removing restriction on berry picking from department of labor to environmental protection agency.
185. **Senator Wanamaker:** Urging Congress appropriate five million dollars of authorized funds to purchase key parcels of property, Ebey's Landing Historic Reserve, Whidbey Island.
186. **Senators Rasmussen and Gallagher:** Program management in selected state agencies, study.
187. **Senators Day, Walgren, Donohue, Hurley, Gaspard, Moore, Quigg, Vognild, Wanamaker, Jones, Bradburn, Scott, Shipoch, Bausch, Wilson, Ridder, Williams, Wajahn, Goltz, Van Hollebeke, Fleming, Hayner, Guess, Odegaard, Woody, Bluechel, Lee, Hansen, Conner, Haley, Lewis, Morrison, Pullen, McDermott and Rasmussen:** Urging acquisition of McNeil Island.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

Introduction, First Reading, Referral	Report of Committee	Second Reading	Third Reading	Other Action	Vote on Final Passage
				★ Rules 676	.....
				★ Rules 676	.....
430	430 Adopted
431	431	431 Adopted
				★ Energy & Utilities 687	.....
				★ Rules 676	.....
				★ Energy & Utilities 687	.....
				★ Rules 676	.....
620	620 Adopted
687	687 Adopted
				★ Rules 688	.....
				★ Rules 677, 678	.....
689	689 Adopted
688	688 Adopted
				★ Rules 803	.....
678	679 Adopted

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, SPONSOR AND SUBJECT

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193. **Senators Hansen, Benitz, Gaspard and Bottiger:** Yakima River Basin Water Enhancement Project, study.
194. **Senators Hansen, Fleming, Bluechel, Haley, Bottiger, Hurley, Lysen, Williams, Wilson, Woody, Benitz, Gould, Hayner and Lewis:** Schools, solar heat use commended.
195. **Senators Lewis, Bottiger, Hurley, Lysen, Williams, Wilson, Woody, Benitz, Gould and Hayner:** Senior citizens' center Highline, West Central Spokane Community, passive solar energy systems, commended.
196. **Senators Conner, Bottiger, Hurley, Lysen, Williams, Wilson, Woody, Benitz, Gould, Hayner and Lewis:** Clallam County commended on use of passive solar heating system.
197. **Senators Morrison, Benitz, Hansen, Wilson and Hayner:** High School rodeo national, Washington State, commended.
198. **Senators Day, Odegaard, Peterson, Vognild and Moore:** Denture services, study. ...
199. **Senators McDermott and Talmadge:** Surplus school property, study.
200. **All members:** Gabe McManus, regrets to family.
201. **Senators Lysen, McDermott, Talmadge, Van Hollebeke, Williams, Rasmussen and Hurley:** Urging acquisition of mini-ferries.
202. **Senators Conner, Rasmussen and Talley:** Voluntary prayer, public gatherings, school children, amendment urged.
203. **Senators Marsh, Woody, Bottiger, Talmadge, Van Hollebeke, Hurley, Hayner and Clarke:** Judicial information system urged.
204. **Senators Talmadge, Hayner and Marsh:** Juvenile court legislation, study.
205. **All members:** Captain Bob G. Hanna, firefighter, Spokane City fire department, sympathy to family.
206. **Senators Sellar, Williams and von Reichbauer:** Sewage disposal problems, Lake Chelan, study.
207. **Senators von Reichbauer, Walgren, Hayner and McDermott:** Gubernatorial appointments, select committee study guidelines.
208. **Senator Van Hollebeke:** Small business, laws, study.
209. **Senator Van Hollebeke:** Polygraph use, study.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

Introduction, First Reading, Referral	Report of Committee	Second Reading	Third Reading	Other Action	Vote on Final Passage
803	804 Adopted
804	805 Adopted
805	805 Adopted
805	806 Adopted
806	806 Adopted
.....	★ Rules 806	.....
.....	★ Rules 806	.....
807	807 Adopted
.....	★ Trans- portation 808	.....
875	876 Adopted
877	878 Adopted
.....	★ Rules 876	.....
814	814 Adopted
.....	★ Rules 876	.....
.....	★ Rules 876	.....
.....	★ Rules 876	.....
.....	★ Rules 876	.....

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, SPONSOR AND SUBJECT

188. **Senator von Reichbauer:** Parks, fee structure, study.
189. **All members:** Commending Steve and Phil Mahre, skiers.
190. **Senators Day, Talmadge, Bradburn, Hurley, Moore, Haley, Pullen, Vognild and Gaspard:** Developmentally disabled, services, study.
191. **Senators McDermott, Talmadge, Gaspard, Ridder, Gould, Morrison and Hayner:** Public meetings, basic education program.
192. **Gracie Hansen,** distinguished citizen for achievements in public limelight.
210. **Senator Quigg:** Bob Hoonan, forty years service, Grays Harbor community, commended.
211. **Senators Donohue, Shinpoch, Scott, Walgren, Jones, Bausch, Gaspard, Day and Vognild:** Health standards, LEOFF, study.
212. **Senator von Reichbauer:** Seashore conservation act, study.
213. **Senators Moore, Van Hollebeke and Bausch:** International commercial activities, select committee, study.
214. **Senators Hurley, von Reichbauer, Henry, McDermott and Goltz:** Heavy rail transit, study.
215. **Senators Donohue and Shinpoch:** Judicial retirement system, study.
216. **Senator Bottiger:** EFSEC, study.
217. **Senators Talmadge and Vognild:** Privacy rights, study.
218. **Senators Talmadge, Marsh and Wilson:** Eminent domain, study.
219. **Senator Talmadge:** Election law provisions, study.
220. **Senators Hurley, Pullen, Day, Van Hollebeke, Gallagher, Marsh, Hayner, Rasmussen, Quigg, Lysen and Guess:** Family planning clinics.
221. **Senators Haley, Bottiger, Talmadge and Marsh:** Organized crime, study.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

Introduction, First Reading, Referral	Report of Committee	Second Reading	Third Reading	Other Action	Vote on Final Passage
				★ Rules 689	.....
720		721 Adopted
				★ Rules 803	.....
				★ Rules 803	.....
803		803 Adopted
876		876 Adopted
				★ Rules 877	.....
				★ Rules 877	.....
				★ Rules 877	.....
				★ Trans- portation 877	.....
				★ Rules 891	.....
				★ Rules 891	.....
				★ Rules 891	.....
				★ Rules 891	.....
881		★ Rules 891
				★ Rules 891	.....

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, SPONSOR AND SUBJECT

222. Senators Henry, Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hurley, Jones, Lee, Lewis, Marsh, Matson, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson and Wojahn: States rights, public lands.
223. Senators Talley and Sellar: Revenue bonds, study.
224. Senators Walgren, Odegaard, Bausch, Benitz, Bluechel, Bottiger, Bradburn, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Henry, Hurley, Jones, Lee, Lewis, Lysen, Matson, McDermott, Moore, Morrison, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn and Woody: Senator Dan Marsh, a job well done.
225. Senator Van Hollebeke: Consumer protection, study.
226. Senators von Reichbauer and Goltz: Urging establishment of select committee undertake review of college athletics.
227. Senators Hurley, Pullen, Day, Van Hollebeke, Gallagher, Marsh, Hayner, Rasmussen, Quigg, Lysen and Guess: Family planning clinics.
228. Senator Williams: Water quality problems, study.
229. Senators Donohue, Rasmussen and Gallagher: Government lobbying, study.
230. Senators Lysen, Walgren and Day: Migration, Washington State study.
231. Senators Morrison, Bluechel, Gallagher, Matson and Walgren: Opposing harp seal pup slaughter.
232. Senator von Reichbauer: Motor vehicle inspection study.
233. Senators von Reichbauer and Gaspard: Open space, tax, study.
234. Senator von Reichbauer: Boating safety, study.
235. Senator von Reichbauer: Commending Frances Brown, tour guide.
236. Senators Talmadge, Bausch, Bottiger, Jones, Talley and Clarke: Tort and product liability reform directing study continue.
237. All members: Extending sympathy to family of Armand "Armie" Marion.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

Introduction, First Reading, Referral	Report of Committee	Second Reading	Third Reading	Other Action	Vote on Final Passage
925	926 Adopted
.....	★ Rules 925	.....
892	892, 900	900 Adopted
.....	★ Rules 925	.....
.....	★ Rules 925	.....
891	892 Adopted
.....	★ Rules 925	.....
.....	★ Rules 925	.....
.....	★ Rules 1015	.....
1095	1096 Adopted
.....	★ Rules 1015	.....
.....	★ Rules 1015	.....
.....	★ Rules 1015	.....
1113	1113 Adopted
1096	1096 Adopted
1096	1097-1098	1097 Adopted

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, SPONSOR AND SUBJECT

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238. Senators Bausch, Walgren and Gallagher: Post-retirement funding, study.
239. Senators Rasmussen and Conner: Veterans' cemetery, study.
240. Senators McDermott, Hurley, Vognild, Day, Ridder, Gaspard, Moore, Van Hollebeke, Talmadge, Lysen, Wojahn, Walgren, Quigg, Fleming, Goltz, Hansen, Jones, Morrison, Williams and Woody: Human rights, Ireland, urging Congress enact HR 122.
241. Senators Morrison and Vognild: Group dividend program, study.
242. Senators Lysen, Vognild and McDermott: Economic conversion, study.
243. Senators Wanamaker, Ridder, Talmadge, Hurley, Quigg, Peterson, Van Hollebeke, Conner, Vognild, Moore, McDermott, Talley, Day, Gaspard, Lysen, Goltz, Bausch, Williams, Haley and Gould: Ferry employment, SEIB.
244. Senators Walgren, Odegaard, Conner, Talley, Hansen, Goltz, Fleming, Williams, Wojahn and Hurley: Wage and price controls.
245. Senators Hurley, Bottiger and Woody: Energy use, government buildings.
246. Senators Gallagher, Haley, Lee and von Reichbauer: Public toilet facilities availability.
247. Senators McDermott, Gaspard, Talmadge, Shinpoch, Bluechel, Goltz, Gould, Ridder and Jones: Handicapped children services, study.
248. Senators Bausch and Day: Medicare insurance policy, study.
249. Senator von Reichbauer: Bicycle accidents, study.
250. Senators Morrison, Benitz and Bottiger: Ethanol facilities.
251. Senator Morrison: Health care cost reimbursement program, appoint select committee, study.
252. Senators Van Hollebeke, Walgren, Wojahn, Morrison and Quigg: International trade, study.
253. Senator Day, Guess, Haley, Talmadge, Pullen and Gould:
254. Senators Jones, Fleming, McDermott and Shinpoch: Child day care, study.
255. Senators Conner and Walgren: Hood Canal bridge replacement.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

Introduction, First Reading, Referral	Report of Committee	Second Reading	Third Reading	Other Action	Vote on Final Passage
.....	★ Rules 1015	.....
.....	★ Rules 1015	.....
1109	1109 Adopted
1109	1110 Adopted
.....	★ Rules 1015	.....
1110	1110 Adopted
1110	1111	1112 Adopted
1112	1112 Adopted
.....	★ Rules 1015	.....
.....	★ Rules 1015	.....
.....	★ Rules 1015	.....
.....	★ Rules 1015	.....
1113	1114 Adopted
.....	★ Rules 1015	.....
.....	★ Rules 1015	.....
.....	★ Rules 1015	.....
.....	★ Rules 1015	.....
1114	1115 Adopted

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, SPONSOR AND SUBJECT

256. **Senators Goltz, Shinpoch, Benitz, Odegaard, Scott and Guess:** SPI, SBCCE, area boundaries.
257. **Senators Guess, Talmadge, Van Hollebeke, Woody and Marsh:** Alien land ownership, study.
258. **Senators McDermott, Walgren and Ridder:** School district funding study.
259. **Senator von Reichbauer:** Hazardous material transportation, study.
260. **Senator Peterson:** Padilla Bay sanctuary, study.
261. **Senators Rasmussen, Gallagher, Peterson and Walgren:** Bottom fish industry, study.
262. **Senators Rasmussen, Walgren and Gallagher:** Veteran's home fund, study.
263. **Senators Walgren and Morrison:** Select committee on health care vendor rates be established.
264. **Senator Williams:** Public development corporations, study.
265. **Senators Quigg, Talmadge and Gould:** Adoption laws, study.
266. **All members:** Senate staff, appreciation.
267. **Senators Williams and Guess:** Radioactive waste compact.
268. **Senators Walgren, Odegaard, Hayner and Scott:** Annual legislative sessions.
269. **Senators Walgren and von Reichbauer:** Urging official government relations with Republic of China (Taiwan).
270. **Senators Walgren, Odegaard, Hayner and Scott:** Facilities and operations committee, continuation.
271. **Senators Walgren, Odegaard, Hayner and Scott:** Adjournment Sine Die, House notified.
272. **Senators Walgren, Odegaard, Hayner and Scott:** Bills, memorials, resolutions indefinitely postponed.

★Referred to committee indicated.

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
10. (ENGROSSED SECOND SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Winsley, Erickson, Sommers, Barr, Craswell, Fuller, Whiteside and Fancher): Raising the property tax delinquency interest rate and shortening delinquency payment period.	171	172	.....
19. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Nelson (Dick), Knowles, Pruitt and Brekke) (by House Committee on Judiciary of the 45th Legislature request): Restoring the civil rights of persons convicted of infamous crimes upon their final discharge by the parole board.	30, 694	42	400
29. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Ehlers, Taller, Struthers, Nelson (G. A.), Walk, Sanders, Barr, Jovanovich, Barnes, Williams, Oliver, Knowles, Scott, Whiteside, Pruitt, Granlund, Sherman, Brekke, Brown) (by House Committee on State Government of 45th Legislature request): Creating a joint legislative committee to review agency rules.	147	.....	.....
31. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Ehlers, Taller, Struthers, Walk, Sanders and Addison): Creating rules review committees and procedures.	263	263	.....
38. (ENGROSSED SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Taller, Ehlers, Sommers, Nelson (G. A.) and Sanders): Establishing a program of training and career development for state civil service employees.	224	225	395
39. (SECOND SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Ehlers, Taller, Sommers, Struthers, Walk, Nelson (G. A.) and Clayton): Making uniform the compensation of various boards and commissions.	317	318	.....
43. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representative Fancher): Authorizing certain persons to obtain contractors' bonds at reduced rates.	30	42	376

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE

<i>Second Reading and Amendments</i>	<i>Third Reading</i>	<i>Vote on Final Passage</i>	<i>Other Action</i>	<i>Signed by House Speakers</i>	<i>Signed by President of Senate</i>	<i>Action by the Governor</i>
483	484	484	.....	770	775	CH. 75, L. 1980
.....	.....	.....	147-152	.....	.....	.....
730	730	730	.....	797	797	CH. 118, L. 1980
.....
.....	.....	.....	SCR 118, 677	.....	.....	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
45. (SUBSTITUTE) Committee on Agriculture (originally sponsored by Representatives Clayton, Kredler and Smith (C.) (by House Committee on Agriculture of the 45th Legislature request): Increasing the scope of crop liens. . .	208	208	.....
46. (ENGROSSED) Representative Clayton (by Committee on Agriculture of the 45th Legislature request): Providing for promoting markets for state agricultural products.	224	225	.....
51. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representative Keller) (by House Committee on Judiciary of the 45th Legislature request): Requiring statements on convicted persons for the parole board.	30	42	.....
52. Representative Keller (by Committee on Judiciary of the 45th Legislature request): Permitting municipal courts to be terminated by city ordinance at any time.	30	42	.....
71. Representatives Taller and Adams: Redefining toilet units for purposes of mandating free use thereof.	30	43	455
98. (SUBSTITUTE) Committee on Constitution (originally sponsored by Representative Hurley): Prescribing the dispositions of gifts received by governor.	74	83	.....
105. (SUBSTITUTE) Committee on Insurance (originally sponsored by Representatives Douthwaite, Sanders and Rohrbach): Setting standards for the escrow officer's examination.	30	43	.....
115. Representatives Vrooman and North (by Committee on Local Government of the 45th Legislature request): Authorizing private construction and improvement of county roads.	89	102	425
131. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Warnke and Owen): Providing for board members after the merger of special purpose districts.	30	43	425
132. (ENGROSSED) Representatives Warnke, Owen and Whiteside: Permitting the board to designate a treasurer in special purpose districts. . .	30	43	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
168. (REENGROSSED) Representatives Warnke, Struthers, Salatino, Sanders, Fuller, Addison, Greengo and Maxie (by Legislative Committee on Commerce request): Excluding babysitting referral services from the definition of employment agency.	74	83	426
182. Representatives Nelson (Gary), Warnke and Greengo (by Legislative Committee on Commerce request): Establishing the innovation service institute.	317	318	.....
200. (SECOND SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Erickson, Winsley, Erak, Ehlers, Scott, Warnke, Gruger, Grimm, Walk, Kreidler, Owen, Grandlund, North, Becker and Bender): Expanding real estate excise tax.	361	362	.....
207. (ENGROSSED) Representatives Newhouse and Winsley (by Judicial Council request): Providing procedure for determining reasonable attorney's fees in eminent domain proceedings.	30	43	.....
209. Representatives Winsley, Smith (Rick) and Newhouse (by Judicial Council request): Authorizing discretionary review of administrative agency decisions by the court of appeals.	89, 694	102	401
238. (REENGROSSED) Representatives Hurley, Taylor, McGinnis, Blair, Burns, Sprague and Toller: Providing for urban parks.	75	83	.....
240. (SECOND SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Sommers, Newhouse, Warnke, Flanagan, Erickson, Winsley, Bond and Sanders): Making real estate excise tax a state tax.	171	172	408
277. Representatives Warnke, Walk, Addison and Williams: Repealing regulation of comic books.	30	43	376
284. Representatives Sommers, Warnke and Gallagher: Establishing labeling requirements for frozen fish.	112	141	426
299. (SECOND SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Nelson (G. A.) and Sommers): Modifying the 106% levy lid calculation.	171	172	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
312. (ENGROSSED SUBSTITUTE) Committee on Commerce (originally sponsored by Representative Nelson (G. A.): Revising the laws regulating engineers and land surveyors.	171	172	455
315. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Warnke, Greengo, Sanders, Addison, May, Fuller, Walk, Salatino, Owen, Oliver, Gallagher, Struthers, Douthwaite and North): (by Governor Ray request): Establishing criteria for the regulation of professions and occupations	112	141	409
318. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Winsley, Smith (R.), Deccio, Addison and Tilly): Revising the law on adoption.	224	225	.....
322. (ENGROSSED) Representatives Isaacson, Pruitt, Oliver, Brekke, Hastings, Hurley, Sanders, North, Addison, Greengo and Struthers: Exempting from the fire code hand held candles in religious ceremonies.	74	83	384
325. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Sprague, Sanders, Greengo and Bond): Removing the inequalities on taxpayer overpayments.	172	172	.....
340. (SUBSTITUTE) Committee on Institutions (originally sponsored by Representatives Struthers, Becker, Dunlap, Clayton, Smith (C. P.) and Bond) (by Department of Social and Health Services request): Requiring parents to support their children in juvenile institutions.	224	225	.....
357. (ENGROSSED) Representatives Thompson, Zimmerman and Gruger: Placing student associations at institutions of higher education under open public meetings act.	30, 613	43	384
370. (ENGROSSED SECOND SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Bender, Chandler, Charnley, Gruger, Burns, Eng, Valle, Nelson (G.), Winsley, Brekke, Teutsch, Pruitt, Schmitten, Nelson (D.), Mitchell and Douthwaite): Mandating funds for programs for gifted students.	224	225	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
382. (ENGROSSED SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Gallagher, Wilson, Brown, Martinis and Van Dyken): Requiring smoke detectors in certain dwelling units.	376, 614	377	409
391. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Erickson and Thompson): Requiring approval and announcement of prior agreement on damages in civil actions.	30	43	.....
395. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Adams, Whiteside, Thompson, Haley, Pruitt, Gruger, Wilson, Salatino, McCormick, Mitchell, Schmitten, Taller, Bauer, King, Lux, Kriedler, Erak, Newhouse, Deccio, Martinis and Brown): Revising laws regulating chiropractors.	224, 614	225	395
397. (ENGROSSED) Representatives O'Brien, Polk and Burns (by State Treasurer request): Revising laws relating to state accounts and funds.	31	43	.....
405. (ENGROSSED SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Bond, Galloway, Nelson (G.A.), Sommers, Nelson (D.), Hastings, McDonald and Struthers): Changing the law on tax deferral.	75	83	.....
427. (ENGROSSED) Representatives Smith (R), Newhouse, Thompson, Winsley, Knowles, Chandler, Sherman, Haley and Erak: Limiting the use of search warrants.	75, 625	83	434
440. (SUBSTITUTE) Committee on Education (originally sponsored by Representatives Sherman, Chandler and Sanders) (by Superintendent of Public Instruction request): Authorizing parents to ride school bus or other student transportation vehicle upon request by school officials or employees.	75, 772	83	401
451. (SUBSTITUTE) Committee on Transportation (originally sponsored by Representatives Gallagher, Martinis, Wilson, Smith (C. P.), Clayton and Garrett): Establishing new procedures for the removal of abandoned motor vehicles from private property.	75	83	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
476, 487	488	489	476	683	685	CH. 50, L. 1980
.....
450	452	452	.....	684	684	CH. 51, L. 1980
.....
.....
484	484	485	.....	683	685	CH. 52, L. 1980
462	463	463, 772	772	799	800	CH. 122, L. 1980
.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
461. (ENGROSSED) Representatives Wilson and Vrooman: Requiring improvement of property acquired under eminent domain.	75	83	.....
465. Representatives Douthwaite, Burns and Lux: Clarifying ownership of leased personal property for tax purposes.	75	84	.....
498. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives O'Brien and Garrett) (by Governor Ray request): Modifying terms of imprisonment for certain crimes.	75	84	456
515. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Kriedler, Taller and Keller): Providing for increased fund raising activities for the capitol museum.	75	84	.....
520. Representatives Adams, Haley, Kriedler and McGinnis: Revising laws regulating the practice of medicine.	74	84	409
540. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Ehlers and Erickson): Providing deduction from business and occupation tax, and exemptions from sales and use taxes for nonprofit organizations.	172	172	.....
541. (SECOND SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Ehlers, Lux and Gallagher): Updating the state building code.	317	318	.....
542. (REENGROSSED) Representatives Bauer, Chandler, Erickson, Barnes, Blair, Thompson, Patterson, Galloway, Heck, Whiteside, McGinnis, Taylor and Hurley: Abolishing existing educational television commission and creating another; setting out its powers and duties, and making appropriations thereto.	224, 778	226	401
551. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Brown, Winsley, Gallagher, Pruitt, Vrooman, Jovanovich, Scott, Owen, Granlund, Smith (R.), Erickson, Grimm, Walk, Brekke, McGinnis, Burns, Nelson (D.), Clayton, Hughes, North, Tilly, Hurley, Bender and Smith (C.P.): Prohibiting pornography involving children.	75, 624	84	401

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
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.....	SCR 118, 677
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.....	SCR 118, 677
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.....	343
728	729	730	477, 558	799	800	CH. 123, L. 1980 P.V.
471	471	472	684	684	CH. 53, L. 1980

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
561. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Sanders, Nelson (G.), Bond, McDonald and McGinnis): Regulating rental of space for aircraft.	317	318	.....
613. (ENGROSSED) Representatives King, Winsley, Owen, Monohon 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.	182	191	434
614. (ENGROSSED) Representatives Lux, Douthwaite, Burns, Valle, Ehlers, Zimmerman and King: Including notice to terminate tenancy within the definition of retaliatory action.	361	362	.....
639. (SUBSTITUTE) Committee on Transportation (originally sponsored by Representative Sherman, Charnley and Wilson): Regulating private carriers.	75	84	.....
644. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Tilly, Gallagher, Smith (R.), Newhouse and Clayton): Protecting against the use of fraudulent stop-payment orders.	75	84	.....
646. (ENGROSSED) Representatives Valle, Barr, Gruger, Scott, Granlund, Jovanovich and Lux): Revising the law on waste management.	377, 874	377	456
714. (ENGROSSED SUBSTITUTE) Committee on Natural Resources (originally sponsored by Representatives Vrooman, Schmitt, Martinis and Wilson): Regulating the taking of crab. ..	171, 772, 812	173	385
721. Representatives Sanders, Warnke and Green-go: Clarifying registration requirements for contractors.	75	84	.....
726. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Douthwaite, Patterson, Burns and McGinnis): Authorizing certain higher education employees to select a retirement program.	89	102	.....
762. Representatives Winsley and Eng: Authorizing savings and loan associations to permit use of negotiable transfer from accounts.	75, 624	84	157

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
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757	760	761, 875	874	903	903	CH. 144, L. 1980
449	449	450	772	864	864	CH. 133, L. 1980
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444	444	444	684	684	CH. 54, L. 1980

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
763. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Douthwaite, Patterson, Burns and McGinnis): Authorizing certain higher education employees to select a retirement program.	89	102	.....
779. (REENGROSSED SUBSTITUTE) Committee on Insurance (originally sponsored by Representative Tupper) (by Insurance Commissioner request): Modifying the laws on insurance. ..	74	84	.....
783. Representatives Douthwaite, McDonald and Taller (by Department of Retirement Systems request): Revising laws relating to retirement of state patrol officers.	75, 695	84	479
799. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Taller and Ehlers) (by Department of Social and Health Services request): Exempting certain positions in the department of social and health services from the state civil service law.	112, 624	141	395
807. Representatives Thompson and Blair (by Deferred Compensation Committee request): Allowing certain investments of deferred compensation funds.	75	85	.....
810. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Barr, Sommers, Craswell, Thompson and Fuller): Modifying the law on forest lands and open space, agricultural, and timber lands.	224, 810	226	456
814. Representatives Charnley, Wilson, Valle and Jovanovich: Establishing certain duties for the last driver of a runaway car involved in an accident.	75	85	.....
819. (ENGROSSED) Representatives Bond, Nelson (D.), Sanders, Addison, Flanagan Brown, Hastings, Granlund, Greengo, Craswell and McGinnis: Allowing sales tax refunds for the return of partial amounts of a bulk commodity.	317	318	.....
829. (ENGROSSED) Representatives Haley, Kriedler, Craswell, Thompson and Smith (R.): Increasing the funding of family court.	225, 778	226	385
841. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Keller, Winsley, Vrooman and Kreidler): Modifying the law on the listing of omitted property. ..	112	141	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
858. (ENGROSSED SUBSTITUTE) Committee on Institutions (originally sponsored by Representatives Struthers, McGinnis, Houchen and Smith (C.): Requiring recipients to pay the costs of various social and health services. . .	112	141	.....
870. (ENGROSSED) Representatives Thompson Lux and Williams: Permitting seventeen year old minors to donate blood without parental consent.	75	85	.....
878. Representative Knowles: Clarifying the powers of sewer districts.	182	191	426
894. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Zimmerman, Valle, Nelson (D.), Burns and Lux) (by Department of Social and Health Services request): Regulating sources and uses of radiation.	377	378	623
898. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Kriedler, Whiteside, Becker and Adams): Revising laws relating to health officers.	377	378	409
903. (ENGROSSED) Representatives Teutsch and Zimmerman (by Secretary of State request): Revising requirements for recording and filing documents for private organizations.	74	85	395
943. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Nelson (G. A.) and Sommers): Limiting the growth of certain county tax levies.	75	85	456
981. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives O'Brien, Zimmerman, Polk, Salatino and Ehlers): Regulating sale on consignment of works of fine art.	377	378	.....
1000. (ENGROSSED SECOND SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Oliver, McCormick, Nelson (D.), Amen, Sanders, Haley, Barr, Clayton and Fuller): Granting a temporary tax exemption for sales and use of alcohol in gasohol and related production facilities.	171	173	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1008. (SUBSTITUTE) Committee on Natural Resources (originally sponsored by Representatives McDonald, Vrooman, Schmitt, Owen and Wilson): Requiring the department of fisheries to collect data on transfers of commercial fishing vessels and licenses	75	85	426
1016. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Newhouse and Sommers): Dividing sales and use exemption subsections into separate sections.	171	173	426
1065. (SUBSTITUTE) Committee on Rules (originally sponsored by Representatives Erickson and Oliver): Controlling conflicts of interest.	74	85	456
1073. (ENGROSSED SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Representative McCormick): Establishing an energy commission.	844	845	.....
1084. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Zimmerman and Charnley): Partially reimbursing counties for certain costs in criminal cases involving a change of venue.	112	142	.....
1090. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Zimmerman and Charnley): Modifying the law on warrants.	317, 1161	318	.....
1093. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Charnley and Zimmerman): Authorizing special purpose districts to spend funds to recruit and reimburse job candidates.	361	362	426
1106. Representatives Struthers and Becker (by Department of Social and Health Services request): Providing for prisoner leaves of absence for volunteer community service projects and for medical and dental care.	75	85	401
1107. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Walk and Fancher): Revising rule-making authority of the state personnel board.	75	85	401

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
			SCR 118, 677			
486	486	486		623	625	CH. 37, L. 1980
1098, 1100, 1106	1107	1108	1098, 1100	1161	1161	CH. 145, L. 1980
			SCR 118, 677			
			SCR 118, 677			
			SCR 118, 677			

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1141. (ENGROSSED SECOND SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Hurley, Zimmerman North, Winsley, Charnley, Fuller, Granlund, Nelson (G), Clayton, Sprague, Wilson and Tilly): Establishing a reservation system for state park campsites.	263	263	434
1143. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Sherman, Zimmerman and Charnley): Revising laws relating to extraterritorial activities of certain special purpose districts.	317	318	.....
1147. (ENGROSSED SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Walk Schmitten, Pruitt, Fancher, Hughes, Haley, Grimm, Brown and Adams): Providing for a state-wide special inquiry judge proceeding.	75, 1122	85	1017
1177. (SUBSTITUTE) Committee on State Government (originally sponsored by Representative Kriedler): Providing for state employees who suffer serious illnesses and injuries.	377	378	.....
1183. (ENGROSSED SECOND SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Smith (R) and Knowles): Revising the criminal code.	361	362	456
1193. Representative Clayton (by Department of Employment Security request): Revising the basis upon which benefits are paid to certain persons under unemployment compensation.	89	102	.....
1197. Representatives Pruitt, Fuller, Van Dyken, May and Nelson (D.) (by Joint Board of Legislative Ethics request): Extending the scope of the legislative ethics laws and establishing a statute of limitations for complaints thereunder.	182	191	.....
1205. (SUBSTITUTE) Committee on Natural Resources (originally sponsored by Representatives Amen, Patterson and Charnley): Adding part of the Snake river to the scenic river systems.	317	318	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
519	519	520	624	625	CH. 38, L. 1980
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1017-1021	1023	1023	1021	1158	1159	CH. 146, L. 1980
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.....	SCR 118, 677
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TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1210. (ENGROSSED SUBSTITUTE) Committee on Education (originally sponsored by Representatives Galloway, Whiteside, Vrooman, Erickson, Van Dyken and Zimmerman): Authorizing certain exceptions relating to second class school districts respecting beneficial interest in contracts.	171	173	401
1254. Representatives Sprague, Garrett, Bender and Wilson: Establishing procedures for adding areas to cities in public transportation benefit areas.	317	318	395
1262. Representatives Addison, Sommers, Craswell, Sanders, Galloway, Hastings, Greengo, Brown, Erickson, Granlund and Flanagan: Removing postage costs from sales tax.	317	318	.....
1263. Representatives Polk Knowles, Newhouse and Sherman: Requiring bonds for certain actions against public bodies.	112	142	.....
1359. (SUBSTITUTE) Committee on Institutions (originally sponsored by Representative Becker): Relating to insurance of juvenile community service workers.	75	85	409
1371. (ENGROSSED) Representatives Charnley and Zimmerman: Relating to county road projects.	377	378	426
1397. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives May, Fuller, Gallagher, Sanders, Salatino, Owen, Scott, Bond, Brekke, Maxie, Stratton, McCormick, Knowles, Hughes Heck and Burns): Exempting motor vehicle fuel used by urban transportation systems from the sales and use tax.	799, 995	802	928
1398. (SUBSTITUTE) Committee on Constitution, Elections and Governmental Ethics (originally sponsored by Representatives Sanders and Bond): Modifying the laws governing initiatives and referendums in counties and cities.	361	362	.....
1404. Representatives Ehlers, Toller, Williams, Pruitt, Burns, Greengo, Nisbet and Taylor (by House Committee on State Government request): Revising the law pertaining to the adjutant general and military department.	197	204	.....
1406. Representative Newhouse: Correcting double amendments in laws relating to motor vehicle offenses.	263, 994	264	434

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
486	486	486	624	625	CH. 39, L. 1980
.....	SCR 118, 677
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.....	SCR 118, 677
489	489	489	624	625	CH. 40, L. 1980
943	944	944	1016	1016	CH. 147, L. 1980
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981	984	984	SCR 118, 677	1003	1003	CH. 148, L. 1980

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1407. Representatives Rosbach, Chandler, Eng, Taylor and Williams: Modifying joint tenancy provisions relating to savings and loan associations.	362	362	435
1408. (ENGROSSED SUBSTITUTE) Committee on Local Government (originally sponsored by Representative Thompson): Authorizing the creation of solid waste disposal districts.	317	318	427
1410. (ENGROSSED) Representatives Sommers and Greengo: Modifying taxation of gambling devices.	171	173	457, 1104
1412. (ENGROSSED SUBSTITUTE) Committee on Ecology (originally sponsored by Representatives Isaacson, Barr, Oliver, Williams and Wilson): Regulating the transportation and disposal of radioactive wastes.	263	264	741
1413. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Representatives Isaacson, Oliver Nisbet, Hastings and Williams): Providing for a state energy fair in 1983.	812	813	880
1414. Representatives Heck, Barnes, Grimm, Bauer, Zimmerman, Galloway and Vrooman: Authorizing students attending college in another state to receive financial aid when reciprocity agreement exists with institution students attending.	317	318	435
1416. (SUBSTITUTE) Committee on Financial Institutions (originally sponsored by Representatives Eng and Winsley): Making miscellaneous changes in law relating to credit unions.	361	363	435
1417. Representatives Winsley, Newhouse, Knowles and Ellis (by Judicial Council request): Providing for sentencing after appeals from police court.	171	173	457
1418. (ENGROSSED) Representatives Newhouse, Smith (R.), Knowles and Ellis (by Judicial Council request): Modifying the laws governing traffic infractions.	171, 768	173	457

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
.....	.....	.....	SCR 118, 676	.....	.....	.....
557, 987	988	988, 1014	558, 988, 1013	.....	.....	.....
1105	1105	1105	SCR 118, 677, 1105	1158	1159	VETOED
989, 996- 1001, 1004	1001, 1005	1005	1001, 1003	.....	.....	.....
951	951	953	.....	995	996	CH. 161, L. 1980
490	490	490	.....	551	552	CH. 13, L. 1980
491	491	491	.....	624	625	CH. 41, L. 1980
.....
735	738	738	.....	812	813	CH. 128, L. 1980

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1419. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Scott, Bond, McCormick, Wilson, Nelson (D.), Sprague, Martinis, Mitchell, Charnley, King, Sherman, Grimm, Ehlers, Thompson, Warnke, Burns, Gallagher, Knowles, Rinehart, Brekke, Eng, Erak, Galloway, Granlund, Hughes, Kreidler, Lux, Monohon, Pruitt, Salatino, Smith (R.), Van Dyken and Vrooman): Encouraging the use of renewable energy resources by gas and electric companies.	724, 995	724	809
1420. (ENGROSSED SECOND SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Nelson (D.), Nisbet, McCormick, Williams, Rinehart, Martinis, Scott, Grimm, Sherman and Monohon): Exempting energy conservation materials from the sales and use tax.	402, 1008	402	724
1421. Representatives Newhouse, Knowles and Ellis (by Judicial Council request): Providing for subsistence, lodging, and travel expense of pro tem judges.	182	192	457
1422. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Newhouse and Ellis): Modifying laws on courts of limited jurisdiction.	361, 903	363	435
1424. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Taller, Sommers and Charnley): Authorizing bonds to provide matching funds for the Seattle Center resident theater facility.	866	867	. . . . .
1425. (ENGROSSED) Representatives Taller, Ehlers, Greengo, Walk, Addison, Sommers, Williams, Jovanovich, Tupper, Burns, Gallagher, Granlund and Pruitt: Requiring financial disclosure of the members and directors of the commission for the blind.	182	192	457
1427. Representatives Martinis, Wilson, Sherman Chandler, Nelson (D.), Bauer, Heck, Bender, Brekke, Burns, Charnley, Erak, Galloway, Garrett, Granlund, Gruger, King, Monohon, Pruitt and Vrooman: Increasing the municipal public transit motor vehicle excise tax authorization.	263, 1016	264	929

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

<i>Second Reading and Amendments</i>	<i>Third Reading</i>	<i>Vote on Final Passage</i>	<i>Other Action</i>	<i>Signed by House Speakers</i>	<i>Signed by President of Senate</i>	<i>Action by the Governor</i>
936	939	939	1003	1003	CH. 149, L. 1980
868	868	868	1008
.....
526	532	532	478	986	993	CH. 162, L. 1980
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944	946	947	1095	1095	CH. 163, L. 1980

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1428. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Scott, Newhouse, King, Patterson, Keller, Bauer, Thompson, Adams, Williams, Lux, Warnke, Grimm, Fancher, Erak, Clayton, Martinis, May, Deccio, Zimmerman, Bender, Sherman, Wilson, Heck, Amen, Granlund, Salatino and Stratton): Authorizing equine research and stallion awards.	866	867	.....
1429. (SUBSTITUTE) Committee on Natural Resources (originally sponsored by Representatives Owen, Nisbet, Smith (R.), Vrooman, Craswell and Schmitt): Regulating the taking of shellfish on private tidelands.	317, 615	318	427
1430. Representatives Whiteside, Smith (C.), Clayton, Deccio, Flanagan, Newhouse, Isaacson and Oliver: Authorizing compensation for county planning commission and board of adjustment members.	172	173	385
1431. Representatives Heck, Chandler, Bauer, Taylor and Galloway: Removing duty of educational service district superintendent to examine certain records and check certain accounts.	171	173	427
1432. Representatives Granlund, Taller, Galloway, Winsley, Heck, Chandler, Eberle, Scott, Jovanovich, Salatino, Walk and Dawson: Removing school district director terms from assumption of office date common to counties, cities and towns and certain other special purpose districts.	317, 625	319	427
1433. Representatives Thompson, Nelson (G.), King, Newhouse, Knowles, Whiteside, Winsley, Barr, Struthers, Brown, Gallagher, May, Salatino, Owen, Adams, Monohon, Deccio, Granlund, Walk, Dawson and Kreidler: Appropriating funds for the state crime lab.	481	482	1124
1434. (ENGROSSED) Representatives Erickson, Tilly, Gruger, Oliver and Smith (R): Permitting replies to recall charges and directing the attorney general to determine the sufficiency of the charge against a prosecuting attorney...	317	319	418
1435. Representatives Charnley, Zimmerman, Teutsch, Deccio, May, Bauer, Tilly, Galloway and Nisbet: Removing limitations on use of fire protection district equipment.	172	173	385

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
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491	491	491	683	685	CH. 55, L. 1980
.....	SCR 118, 676
.....	SCR 118, 677
473	474	474	684	684	CH. 35, L. 1980
1124	1124	1125	1124	1161	1161	CH. 164, L. 1980
492	492	492	.....	624	625	CH. 42, L. 1980
492	492	492	.....	624	625	CH. 43, L. 1980

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1438. Representatives Sanders, Warnke, Greengo, Owen, Addison, Schmittin, Martinis and Flint: Permitting the port commission to waive the rent security requirement.	317	319	479
1443. (ENGROSSED) Representatives Ellis, Knowles and Taller: Revising grounds for permitting interception of private communication.	361	363	457
1444. Representatives Amen, Charnley, Patterson, Vrooman and Winsley: Requiring ordinances for reduced utility fees for low income persons.	460, 929	460	741
1445. (ENGROSSED) Representatives Erickson, Oliver, King, Fuller, Hughes, Barnes, Eng, Tilly, Granlund, Gruger, Pruitt and Winsley: Reconstituting the public disclosure commission. ..	263	264	.....
1447. (ENGROSSED) Representatives Schmittin and Vrooman (by Washington Department of Game request): Revising the game code.	361, 683	363	435
1449. Representatives Heck and Chandler (by Superintendent of Public Instruction request): Providing for receipt of certain ballots if not postmarked when received.	171	174	402
1453. (ENGROSSED) Representatives Schmittin, Vrooman, Addison, Brekke, Fuller, Keller, Mitchell, Monohon, Nisbet, Oliver, Pruitt, Salantino, Sanders and Walk: Creating a program to study the use of wood for energy and heat.	317, 878, 903	319	409
1454. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Keller, Zimmerman, Rosbach, Brown, Vrooman and Charnley): Authorizing investments of county funds.	171, 625	174	385
1455. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Zimmerman, Charnley, Van Dyken, North and Sherman): Providing for parks and recreation service areas.	317	319	435
1457. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Charnley, Rohrbach and Garrett): Modifying the laws providing for joint county and city health departments.	172, 625	174	385

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
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868	869	869	995	996	CH. 150, L. 1980
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567	568	569	770	775	CH. 78, L. 1980
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.....	SCR 118, 677
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711	711	711, 878	878	986	993	VETOED
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461	462	462	684	684	CH. 56, L. 1980
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.....	SCR 118, 677
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474	475	476	684	684	CH. 57, L. 1980

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1458. Representatives Sanders, Gruger, Teutsch, Adams, Tupper, Lux, McDonald, Whiteside, Addison, Brekke, Charnley, Houchen, Maxie, Mitchell, Pruitt, Taller, Van Dyken and Winsley: Allowing public assistance recipients in nursing homes to retain wages from training or rehabilitative programs.	317, 683	319	409
1460. (ENGROSSED) Representatives Bauer, Heck, Zimmerman, Galloway and Thompson: Mandating salaries of certificated employees in state schools for the blind to be comparable to others in school district where located.	317	319	457
1461. (SUBSTITUTE) Committee on Transportation (originally sponsored by Representatives Martinis and Wilson): Providing for household goods storage warehouses	377	378	458
1463. (ENGROSSED) Representatives Bauer, Heck, Zimmerman, Galloway, Grimm, Maxie, Walk, Ehlers, Taylor and Tupper: Authorizing waiver of mandatory attendance law for certain students excused for purposes agreed to by school authorities.	172, 614	174	427
1464. (ENGROSSED) Representatives Martinis, Wilson, Scott, Mitchell, Sprague, King, Addison, Gallagher, Garrett, Grimm, Houchen, Keller, Smith (R.) and Walk: Directing the construction and maintenance of recreational vehicle sanitary disposal systems in certain highway rest areas.	377	378	458
1465. Representatives Pruitt, Fuller, Van Dyken, Erickson, Gallagher, Granlund, Gruger, Salatin, Sanders and Smith (R): Specifying disciplinary action that may be taken by the legislative ethics boards.	799, 995	802	875
1466. (SUBSTITUTE) Committee on Education (originally sponsored by Representatives Taylor, McCormick, Amen, Sommers, Chandler, Bauer, Heck, Houchen, Galloway, Nisbet and Smith (C.): Reestablishing levels school districts shall put public bids out for on improvements and purchases.	361, 614	363	427
1471. (SUBSTITUTE) Committee on Insurance (originally sponsored by Representatives Keller, Dawson and Deccio) (by Insurance Commissioner request): Modifying capital surplus requirements for insurance companies	263, 844	264	435

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

<i>Second Reading and Amendments</i>	<i>Third Reading</i>	<i>Vote on Final Passage</i>	<i>Other Action</i>	<i>Signed by House Speakers</i>	<i>Signed by President of Senate</i>	<i>Action by the Governor</i>
543	544	544	.....	771	775	CH. 79, L. 1980
571	571	571	.....	684	684	CH. 58, L. 1980
.....	.....	.....	SCR 118, 677	.....	.....	.....
493	493	493	.....	684	684	CH. 59, L. 1980
567	567	567	.....	684	684	CH. 60, L. 1980
920	923	923	.....	995	996	CH. 165, L. 1980
493	493	493	.....	684	684	CH. 61, L. 1980
496	497	497	.....	864	864	CH. 135, L. 1980

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1475. Representatives Erickson and Oliver: Modifying terminology relating to regular and special sessions of the legislature.	317, 724	320	418
1476. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Thompson, Chandler, Keller, Zimmerman, Brown, Gallagher, Kreidler and Salatino) (by State Patrol request): Appropriating funds for overtime earned by commissioned traffic officers of the Washington state patrol.	419	420	.....
1480. (ENGROSSED SUBSTITUTE) Committee on Higher Education (originally sponsored by Representatives Burns, Grimm, Erickson, Patterson, Teutsch, Gruger, Oliver, Brekke, Pruitt, Nelson(D.), Lux and Rinehart). Giving college and university students responsibility in spending of funds for programs paid with services and activities fees.	317, 694	320	410
1481. (SUBSTITUTE) Committee on Higher Education (originally sponsored by Representatives Burns, Teutsch, Erickson, Salatino and Gruger): Implementing law relating to higher education tuition and fee waivers.	208, 613	208	269
1483. (ENGROSSED) Representatives Whiteside, Adams, Stratton, Schmitten, Mitchell, Pruitt, Lux, Smith (C.), Vrooman, Williams, Maxie, Gallagher, Valle and Salatino (by Department of Social and Health Services request): Appropriating moneys to implement referendum 37 (facilities for the handicapped).	724, 810	725	770
1485. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Mitchell, Teutsch, Whiteside, Flint, Houchen, Brekke, Kreidler and Granlund) (by Board of Pharmacy request): Revising laws on controlled substances.	263, 773, 799	264	458
1486. (ENGROSSED) Representatives Monohon, Schmitten, Erak, Vrooman, Smith (R.), Mitchell, Rosbach and Nisbet: Restricting issuance of free razor-clamming licenses.	361, 683	363	428
1492. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Rohrbach, Keller, Taller, Hughes, Ehlers, McGinnis, Salatino, Ellis and Maxie): Providing for the approval of property, casualty and accident insurance for public employees.	377, 742	378	458

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

<i>Second Reading and Amendments</i>	<i>Third Reading</i>	<i>Vote on Final Passage</i>	<i>Other Action</i>	<i>Signed by House Speakers</i>	<i>Signed by President of Senate</i>	<i>Action by the Governor</i>
538, 603	604	604	539	771	775	CH. 87, L. 1980 P.V.
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494	495	495	770	775	CH. 80, L. 1980
442, 453	453	453	444	684	684	CH. 62, L. 1980
789	790	791	844	845	CH. 136, L. 1980
558	561	561, 773	773	844	845	CH. 138, L. 1980
497	497	498	.....	771	775	CH. 81, L. 1980
572, 605	606	606	573	797	797	CH. 120, L. 1980

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1495. (ENGROSSED) Representatives Barnes, Grimm, Ellis, Gruger, Teutsch, Salatino, Patterson, Burns, Oliver, Erickson and McGinnis: Adding exemption to educational services registration act.	208, 694	208	269
1496. (ENGROSSED SUBSTITUTE) Committee on Insurance (originally sponsored by Representatives Galloway, Maxie, Keller, Smith (R.), Rinehart, Brekke, Winsley, Teutsch, McGinnis, Vrooman, Zimmerman, Garrett, Erak, Taylor, Ellis, Gallagher, Rohrbach, Granlund and Gruger): Requiring health insurance conversion rights for employees and their spouses.	317	320	385
1497. Representatives Schmitt, Adams, Whiteside, Mitchell and Charnley: Revising laws relating to life-sustaining procedures.	208	208	436
1499. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Representatives Monohon, Tupper, Erak, McCormick, Burns, Nelson (D.), Nisbet, Williams, Rinehart, Brown, North, Fuller, Charnley, Lux, Knowles, Salatino, May, Brekke, Eng, Vrooman, Sherman, Ellis and Gallagher): Providing for the definition of "low income senior citizen" for reduced utility rates.	742, 994	742	809
1508. Representatives Sherman, Chandler, Sommers, Wilson, Charnley, Craswell, Martinis, Smith (R. B.), Rinehart, Heck, Granlund, Lux, Hughes, Salatino, Erak, Stratton, Pruitt, Monohon, Van Dyken, Maxie, Gallagher, Bauer, Brekke, Burns, Nisbet, Williams, Teutsch and Taylor: Exempting ride-sharing vans from sales, use and motor vehicle excise taxation. ...	812	813	881
1510. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Warnke, and Grengo): Extending grounds for termination of a franchise.	263, 614	264	410
1511. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Pruitt, Mitchell, Teutsch, Whiteside, Stratton, Schmitt, Flint, Lux, Houchen, Vrooman and Gallagher): Revising laws requiring identification of legend drugs.	317	320	436

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
476	477	477	.....	770	775	CH. 82, L. 1980
470	470	470	.....	552	552	CH. 10, L. 1980
.....	.....	.....	SCR 118, 677	.....	.....	.....
939	940	940	.....	1003	1003	CH. 160, L. 1980
947	947	947	863	995	996	CH. 166, L. 1980
499	499	501	.....	684	685	CH. 63, L. 1980
501	501	501	.....	624	625	CH. 83, L. 1980

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1512. (SUBSTITUTE) Committee on Ecology (originally sponsored by Representatives Sanders, Barr, Nisbet, North, Teutsch, Owen, Isaacson, Craswell, Smith (R.), McDonald and Polk): Increasing the value for private docks exempted under the shoreline management act.	377	378	479
1515. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Mitchell, Schmitt, Adams, Lux and Brekke): Revising requirements for health care planning.	208, 773, 799	209	436
1516. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Teutsch, Pruitt, Brekke, Whiteside, Mitchell, Kreidler, Stratton, May, Flint, Lux and Adams): Establishing requirements for in-home services.	263, 812	264	436, 681
1518. Representatives Sanders, Schmitt, Erickson, Sommers and Owen: Modifying minimum rental requirements for oil and gas leases on state lands.	742	742	864
1519. (ENGROSSED) Representatives Adams, Whiteside, Brekke, Gallagher and Erak (by Department of Social and Health Services request): Granting DSHS investigative personnel access to the central registry of child protective services.	317	320	436
1520. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Adams, Whiteside, Mitchell, Galloway, Gallagher, Hughes, Erak and Stratton) (by Department of Social and Health Services request): Granting DSHS personnel access to criminal records when investigating applicants for child care agency licenses.	263	264	436
1521. Representatives Whiteside, Adams, Mitchell, and Van Dyken) (by Department of Social and Health Services request): Regulating transfers of property by persons seeking eligibility for public assistance	171, 683	174	395
1524. Representatives Ehlers and Tallor: Modifying the law on public employment salary surveys.	317	320	410
1525. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representative Thompson): Making an appropriation to the administrator for the courts	460	461	. . . . .

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1526. Representative Thompson: Making an appropriation to the state treasurer.	419, 954	420	816
1528. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representative Thompson): Making an appropriation to the insurance commissioner.	460	461	.....
1530. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representative Thompson): Making an appropriation to the military department.	460	461	.....
1533. (ENGROSSED SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Thompson and Nelson (G. A.): Making an appropriation to the department of social and health services.	683, 969, 1012, 1095	685	831
1534. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Thompson and Nelson (G. A.): Making an appropriation to the department of social and health services.	481	482	1017
1536. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Thompson and Nelson (G. A.): Making an appropriation to the department of labor and industries.	481	482	.....
1537. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representative Thompson): Making an appropriation to the criminal justice training commission.	481	482	.....
1539. Representative Thompson: Making an appropriation to the department of ecology.	460	461	.....
1540. (ENGROSSED SUBSTITUTE) Committee on Appropriations (originally sponsored by Representative Thompson): Making an appropriation to the department of natural resources... ..	615	621	.....
1541. (ENGROSSED) Representative Thompson: Making an appropriation to the department of agriculture.	551	606	.....
1542. Representative Thompson: Making an appropriation to the state patrol.	419	420	.....
1543. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representative Thompson): Making an appropriation to the department of licensing.	481	482	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1545. Representatives Thompson, Nelson (G.), Galloway, Ellis, McDonald, Granlund, Scott, Rinehart, Erickson, Taller, May, O'Brien, North, Barnes, Charnley, Maxie and Gallagher: Making an appropriation to the state library.	481	482	1120
1546. (ENGROSSED SECOND SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Nisbet, Sherman, Pruitt, Tupper, Williams, McCormick, Scott, Nelson (D), Wilson, Charnley, Addison, Bauer, Bender, Brekke, Burns, Erak, Greengo, Van Dyken, Walk, Rinehart, Sanders, Brown, Lux, Monohon, Gallagher, Grimm and McGinnis): Changing the valuation of unconventional heating and cooking systems for property taxation. ..	412	413	929
1550. (ENGROSSED) Representatives Erickson and Oliver: Permitting a choice of alternative local initiative and referendum power for certain cities and towns.	377	378	458
1553. Representatives Williams, Taller, Nelson (G.), Mitchell and Nisbet: Modifying state allotment procedures.	377	379	.....
1555. Representatives Schmitt, Becker, Flint, Jovanovich, Rosbach, Vrooman, Wilson, Martinis, Addison, Mitchell, Ellis and Charnley: Protecting unique wildlife.	377	379	436
1558. (ENGROSSED SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Zimmerman, Heck, Bauer, Monohon, Galloway and Williams): Exempting certain dwellings from the access roadway requirements of the fire code.	377, 614	379	428
1568. (ENGROSSED) Representatives McCormick, Bond, Scott, Grimm, Oliver, Monohon, Kreidler, Sanders, Maxie, McGinnis, Burns, Taylor, Gallagher, Smith (C.), Mitchell, Granlund, Pruitt, Rinehart, Lux Stratton, Valle, Bauer and Erak: Requiring the use of gasohol in state vehicles.	317, 888, 929	320	437
1570. (ENGROSSED SUBSTITUTE) Committee on Financial Institutions (originally sponsored by Representatives Winsley, Eng and Sanders): Modifying restrictions on commercial lending.	377, 987, 1008	379	437

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
1120	1120	1120	1120	1158	1159	CH. 168, L. 1980
948	950	951	855
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536	536	536	624	625	CH. 44, L. 1980
502	502	503	684	684	CH. 64, L. 1980
711	712	712	888	995	996	CH. 169, L. 1980
469, 533	533	533	987, 1008-1011	.....	.....	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	<i>House Messages</i>	<i>Introduction, First Reading, Referral</i>	<i>Report of Committee</i>
1575. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Charnley, Whiteside, Thompson and Van Dyken): Permitting classification of county roads as primitive roads.	361	363	428
1583. (ENGROSSED SUBSTITUTE) Committee on Appropriations (originally sponsored by Representative Nelson (G. A.): Making appropriations for institutions of higher education.	419	420	.....
1584. (ENGROSSED SUBSTITUTE) Committee on Appropriations (originally sponsored by Representative Nelson (G. A.): Providing for claims against the state.	615	621	.....
1585. Representatives Smith (R.) and Newhouse (by Code Reviser's request): Correcting double amendments to RCW 18.26.040 and 18.26.070. ..	182	192	437
1586. Representatives Smith (R.) and Newhouse (by Code Reviser's request): Correcting double amendments to RCW 28.57.312, 28A.57.357 and 28A.57.358.	182	192	437
1587. Representatives Newhouse and Smith (R.) (by Code Reviser's request): Correcting double amendments in Title 51 RCW.	182	192	437
1588. Representatives Newhouse and Smith (R.) (by Code Reviser's request): Correcting double amendments to RCW 67.16.100.	182	192	437
1589. Representatives Newhouse and Smith (R.) (by Code Reviser's request): Correcting double amendments to RCW 72.64.110.	182	192	437
1593. Representatives Garrett, Patterson, Stratton, Struthers and Ellis: Updating the model traffic ordinance.	317	320	396
1597. Representatives Williams, Nisbet, Dunlap, McCormick, Bond, Scott, Mitchell, Smith (C.) and Oliver: Authorizing issuance of certain school district bonds for energy efficiency purposes.	481, 929	482	741
1598. (ENGROSSED) Representatives Schmitt and Monohon (by Department of Fisheries request): Adding two members to the salmon advisory council.	377, 614	379	428

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
503	503	503	624	625	CH. 45, L. 1980
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520	520	520	624	625	CH. 46, L. 1980
520	520	520	624	625	CH. 47, L. 1980
521	521	521	551	552	CH. 14, L. 1980
521	521	521	.....	551	552	CH. 16, L. 1980
522	522	522	.....	551	552	CH. 17, L. 1980
544	545	545	.....	684	684	CH. 65, L. 1980
870	870	870	.....	995	996	CH. 170, L. 1980
537	537	537	.....	684	684	CH. 66, L. 1980

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1604. Representatives Nelson (G. A.) and Thompson (by Office of Financial Management request): Modifying the allocation of funds appropriated to state retirement systems.	377	379	458
1605. (ENGROSSED SUBSTITUTE) Committee on Labor (originally sponsored by Representatives Newhouse, King, Scott, Monohon, Clayton, McGinnis, Smith (C.), May, Lux, Brekke, Erickson, Sanders, Mitchell, Addison, McCormick, Sherman, Valle, Garrett, Erak, Brown, Owen, Granlund, Bauer, Bender, Adams, Gallagher, Rosbach and Burns): Revising worker's compensation laws.	361	363	.....
1609. (SUBSTITUTE) Committee on Transportation (originally sponsored by Representatives Sanders, Eberle, Bond, Sprague, Martinis, Brown, Charnley, Bender, Clayton, Isaacson, Addison and Garrett): Increasing the maximum allowed state aid to local airport projects.	361	363	458
1610. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives McDonald, Sommers, Taller, Nelson (G.), Thompson, Becker, Nisbet, McGinnis, Garrett, Schmitten, Taylor, Williams, Struthers, Addison, Granlund, Hughes, Dunlap, Greengo, Sanders, Nelson (D) and Hastings): Creating the state investment board.	317, 881	320	438
1614. Representatives Grimm and Barnes (by Office of Financial Management request): Increasing the authorized amount of bonds for higher education capital improvements.	317	321	438
1620. Representatives Wilson, Martinis, Eberle, Owen, Houchen, Nisbet and Smith (R) (by Office of Financial Management request): Making an appropriation to the department of transportation.	317	321	396
1624. Representatives Vrooman, Schmitten, Martinis, Wilson, Monohon, Dunlap, Erak, Smith (R.), Sanders, Mitchell and Addison (by Department of Fisheries request): Increasing the bond limit for salmon enhancement.	361	363	438
1628. (ENGROSSED) Representatives Fancher, Kreidler, Barr, Scott, Clayton, Erak and Smith (C.): Deleting limits on civil liability for certain actions involving dogs.	377	379	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
774	774	774	.....	799	800	CH. 126, L. 1980
.....
573	573	573	573	684	684	CH. 67, L. 1980
793, 857	862	862	794, 862-863, 863-864	903	903	VETOED
.....
726	728	728	797	797	CH. 119, L. 1980
503	503	503	551	552	CH. 15, L. 1980
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TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1630. (SUBSTITUTE) Committee on Agriculture (originally sponsored by Representatives Fancher, Kreidler, Zimmerman, Hastings, Addison, Amen, Schmitt, Taylor, Tilly, Barr, Whiteside, Struthers, Patterson, Mitchell, Flanagan, Nisbet, Tupper, Bond, Van Dyken, Rosbach, Smith (C. P.), Houchen, Rohrbach, Scott, Granlund, McGinnis, Oliver, Burns, Teutsch, Williams, Erak, Pruitt, Rinehart and Bauer): Authorizing distillation of alcohol for use as a motor vehicle fuel.	317, 809	321	438
1643. Representatives Thompson, Chandler, Heck and Taylor: Authorizing bonds for common school construction.	419	420	741
1658. Representatives Thompson, Nelson (G. A.) and King (by Employment Security Department request): Modifying provisions of the administrative contingency fund.	481	482	681
1663. (ENGROSSED) Representatives Warnke, Green-go, Tilly, Erickson and Smith (R.): Requiring inclusion of contractor's registration number in advertising materials.	377, 614	379	410
1667. (ENGROSSED) Representatives King, Newhouse, McCormick, Pruitt, North, Owen, Granlund, Becker, Bauer, Grimm and Adams: Permitting employer group plans for industrial insurance.	317	321	.....
1676. (REENGROSSED SUBSTITUTE) Committee on Education (originally sponsored by Representatives Bauer, Sanders, Salatino, Tupper, Eng, Winsley, Grimm, Bond, Ehlers, Erickson, McGinnis, Burns, Gallagher, Sherman, Valle, King, Hughes, Brown, Owen and Bender): Implementing laws relating to student discipline in common schools.	317, 815, 985	321	402
1681. Representatives Brekke, Taller, Galloway, Brown, Erak, Tupper, Pruitt, Nelson (D.), Sanders, Burns, Jovanovich and Granlund: Prioritizing requests for services to the state patrol crime lab.	317	321	459
1685. Representatives Charnley, Brown, Chandler and Lux: Permitting cities to regulate parking facilities not owned by the city.	317, 778	321	428

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
746	751	751	.....	844	845	CH. 140, L. 1980
792	793	793	844	845	CH. 141, L. 1980
795	795	795	844	845	CH. 142, L. 1980
535	536	536	684	685	CH. 68, L. 1980
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440, 445	446	446	441, 815-816	995	996	CH. 171, L. 1980
571	571	571	393	684	685	CH. 69, L. 1980
598, 604	605	605	.....	799	800	CH. 127, L. 1980

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1686. Representatives Chandler and Heck (by Superintendent of Public Instruction request): Utilizing accrual basis instead of cash basis in recognition of certain expenditures relating to school districts.	317	321	402
1688. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Representatives McCormick, Nisbet, Williams, Charnley, Tupper, Scott, Sherman, Sprague, Monohon, Bond, Nelson (D.), Erickson, Lux, Burns, Maxie, Salatino, Sanders, Brekke, Granlund, Addison, King, Galloway, Erak, Owen and Becker): Providing for efficient energy use by state government.	799, 1003	802	864
1689. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Representatives Sherman, Bond, McCormick, Salatino, Maxie, Lux, Greengo and Gallagher): Directing the promulgation of rules on solar energy equipment as part of the state building code.	984	.....	.....
1692. Representatives King, Newhouse and Lux: Requiring notice about health and safety regulations.	317	321	.....
1703. (ENGROSSED) Representatives Martinis, Tilly, Wilson and Gallagher: Increasing the time for which a temporary permit for driving trucks, buses or cabs may be issued.	377	379	459
1715. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Nisbet, King, Polk, Struthers, Whiteside, Hughes, Van Dyken, Schmitt, Smith (C.), Erickson, Bauer, Taylor, Maxie, Williams, Brown, Salatino, Scott, Bender and Addison): Authorizes the establishment of the Washington state veterans memorial park and cemetery.	768	779	.....
1718. Representatives Struthers, Becker, Nelson (D.), Taylor, Galloway and Salatino (by Department of Social and Health Services request): Providing for work training programs in state institutions.	361	364	459
1723. Representatives Sommers and Craswell: Modifying the inheritance tax law.	361	364	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote On Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
526	526	526	551	552	CH. 18, L. 1980
941	942	942	1016	1016	CH. 172, L. 1980
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TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1724. (ENGROSSED SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Nelson (G. A.), Patterson, Burns, Flanagan, Deccio, Bond, Nelson (D.), McGinnis, Rinehart and Smith (C.): Providing for a salary increase for higher education faculty and administration.	482	483	.....
1729. (ENGROSSED SUBSTITUTE) Committee on Judiciary (originally sponsored by Smith (R.) and Erickson): Requiring the consent of both living parents for the adoption of a minor. ...	377, 770	379	459
1743. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Brown, Zimmerman and Charnley): Authorizing certain cities to appoint a park commission.	361	364	428, 541
1746. (ENGROSSED SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Salatino, Martinis, Winsley, Granlund, Walk, Grimm, Mitchell, Erickson, Ehlers, Thompson, Heck, Wilson, Adams, King, Gallagher and Brown): Appropriating funds for the treatment alternatives to street crime programs.	812	813	.....
1749. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Salatino, Warnke, King, Scott, May, Greengo, Flint, Winsley, Valle, Gallagher and Granlund): Modifying the regulation of automotive repairs. ...	985	.....	.....
1757. Representative Addison: Recalculating the 106% limit after the expiration of an emergency medical services levy.	361	364	.....
1758. (SUBSTITUTE) Committee on Labor (originally sponsored by Representatives King, Clayton, Scott, Mitchell, Lux and Martinis): Establishing a model reemployment and assistance project for injured workers.	984	.....	.....
1762. (ENGROSSED) Representatives Rosbach, North, Fuller, Whiteside, Rohrbach, Keller, Zimmerman, Charnley, Brown, Williams and Garrett: Permitting courts to require contributions to a county or interlocal drug fund as a condition of probation.	361	364	419

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
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562	563	563	770	775	CH. 85, L. 1980
.....	542
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984	984- 985, 1015
517	517	517	551	552	CH. 19, L. 1980

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1763. (ENGROSSED SUBSTITUTE) Committee on State Government (originally sponsored by Representatives O'Brien, Dunlap, North, Bender, Barnes, Nelson (D.) and Wilson): Creating the joint legislative arts commission.	768, 1011, 1122	796	.....
1778. (SUBSTITUTE) Committee on Transportation (originally sponsored by Representatives Patterson, Chandler, Wilson, Teutsch, Craswell, Barnes, Rohrbach, North, Sherman, Eberle, Warnke and Amen): Establishing and funding seven additional drivers' licensing stations. ..	361, 742	364	459
1784. Representatives Amen, Kreidler, Fancher, Van Dyken, Erak, Scott, Clayton, Flanagan and Smith (C.): Implementing law relating to payment of bonds on United States contract payments of certain irrigation districts.	361	364	438
1798. (SUBSTITUTE) Committee on Institutions (originally sponsored by Representative Grimm): Requiring an investigation before employing a correctional officer.	377	379	459
1807. (SUBSTITUTE) Committee on Transportation (originally sponsored by Representatives Walk, Martinis, Wilson, Monohon and Owen): Directing stricter regulation and inspection of hazardous cargos.	361	364	419
1813. Representatives Van Dyken, Heck, Nelson (G.), Barnes, Ellis, Galloway, Whiteside, Eberle, Taler, Addison, Nisbet, Flint, Rohrbach, Williams, Zimmerman, Mitchell, Chandler, Sprague, Struthers, Dawson, Smith (C.), Becker, Pruitt, Rinehart and Taylor: Establishing attendance incentive programs for school districts and educational service district employees.	377	380	428
1817. (ENGROSSED SUBSTITUTE) Committee on Institutions (originally sponsored by Representatives Becker and Struthers): Providing for adult correctional facilities.	377	380	.....
1820. Representatives Brown, Winsley, Rohrbach and Keller: Extending the time period for filing accident reports.	361	364	539
1826. Representatives Amen, Adams, Whiteside, Patterson, Brekke, Mitchell, Schmitten, Teutsch and Williams: Regulating blood banks.	361	364	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
845, 856	858	858, 1012	796-797, 847, 1011	1158	1159	CH. 173, L. 1980 P.V.
718	720	720	.....	797	797	CH. 121, L. 1980
.....	SCR 118, 677
.....	SCR 118, 677
504	504	504	551	552	CH. 20, L. 1980
547, 552	553	555	550-551
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TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1829. (ENGROSSED) Representatives Erickson, Oliver, Keller, Valle, Monohon and Erak: Permitting voter registration at high schools and fire stations.	361	364	419
1841. Representatives Van Dyken, Whiteside, Adams, Sommers, Eberle, Addison, Flint, Rohrbach, Williams, Nisbet, Zimmerman, Smith (C.), Erickson, Maxie and Charnley: Exempting state furnished meals to the aged from sales and use taxes.	361, 770	365	459
1843. Representatives Heck, Chandler and Maxie (by Superintendent of Public Instruction request): Providing for an inventory and energy efficiency and safety audit of existing school facilities.	317, 929	321	402
1852. (SUBSTITUTE) Committee on Constitution, Elections and Governmental Ethics (originally sponsored by Representatives Oliver and Erickson): Avoiding a conflict between election dates and party caucuses.	182, 234	216	.....
1870. (ENGROSSED) Representatives Sherman, Martinis, Bender, Becker, Walk, Keller and Charnley: Requiring a bill of lading for hazardous material to be red in color.	361, 799	365	429
1873. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representative Becker): Revising the uniform parentage act.	377	380	460
1901. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Kreidler, Craswell and Sommers): Redefining life estate for purposes of the residential property tax exemption.	361, 1012	365	480
1943. Representatives Patterson, Zimmerman, Amen, North, Whiteside and Flanagan: Authorizing excess levies for road districts.	361	365	429
1950. Representatives Newhouse and Deccio: Revising laws relating to banking.	361	365	386
1952. (ENGROSSED SUBSTITUTE) Committee on Labor (originally sponsored by Representatives Lux, Clayton, King and Heck) (by Department of Employment Security request): Making miscellaneous changes in law relating to employment compensation.	361	365	480

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action	Signed by House Speakers	Signed by President of Senate	Action by the Governor
504	516	517	.....	624	625	CH. 48, L. 1980
595	598	598	.....	770	775	CH. 86, L. 1980
870	872	872	.....	995	996	VETOED
216	216	216, 234	216, 234	235	235	VETOED
518	519	519	.....	844	845	CH. 132 L. 1980
.....	.....	.....	SCR 118, 677	.....	.....	.....
569, 601, 850	602, 854	603, 855	570, 689-690, 850, 1012
.....	SCR 118, 677
448	448	448	460	461	CH. 9, L. 1980
572	572	572	684	685	CH. 74, L. 1980

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NUMBER, AUTHOR, SUBJECT	House Messages	Introduction, First Reading, Referral	Report of Committee
1960. Representative Charnley: Requiring notice of certain city programs be provided to counties.	377	380	429
1976. Representatives Bauer, Galloway, Heck and Zimmerman: Providing for pollution control facilities.	361	365	410
1981. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Zimmerman, Thompson and Struthers) (by Office of Financial Management request): Modifying provisions relating to jail bonds.	551	606	681
1983. (ENGROSSED SUBSTITUTE) Committee on Insurance (originally sponsored by Representatives Rohrbach, Houchen, McGinnis, Ellis and Zimmerman): Revising laws relating to motor vehicle insurance.	361, 742	365	429
1987. (ENGROSSED) Representatives Greengo, Nisbet, Gallagher, May, Salatino, Bauer, Mitchell, McGinnis, Oliver, Kreidler, Erickson, Charnley, Ehlers, McCormick, Sherman, Bender, Scott, North, Maxie, Heck, Gruger, Knowles, O'Brien and Winsley (by Select Committee on Mobile Homes request): Providing for fair market value assessments of mobile homes for property taxation.	362	365	.....
1988. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives King, Warnke, Nisbet, Greengo, May, Salatino, Bauer, Mitchell, McGinnis, Oliver, Erickson, Kreidler, Ehlers, McCormick, Sherman, Scott, Bender, North, Maxie, Heck, Gruger, Knowles, O'Brien and Winsley) (by Select Committee on Mobile Homes request): Regulating movement of mobile homes and renewal of rental agreements.	377, 929	380	623
1989. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Warnke, May, Nisbet, Greengo, Salatino, Bauer, Mitchell, McGinnis, Kreidler, Charnley, Ehlers, McCormick, Sherman, Bender, Scott, North, Maxie, Gruger, Heck, Erickson, Knowles, Smith (R.), O'Brien and Winsley) (by House Select Committee on Mobile Homes request): Regulating the manufacture, installation, sale, transportation and repair of manufactured homes.	742	743	798

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<i>Second Reading and Amendments</i>	<i>Third Reading</i>	<i>Vote on Final Passage</i>	<i>Other Action</i>	<i>Signed by House Speakers</i>	<i>Signed by President of Senate</i>	<i>Action by the Governor</i>
.....	.....	.....	SCR 118, 677	.....	.....	.....
496	496	496	.....	551	552	CH. 21, L. 1980
783	783	783	.....	844	845	CH. 143, L. 1980
523, 533	534	535	522, 526	797	797	CH. 117, L. 1980
.....
847, 855	856	856	849	986	993	CH. 152, L. 1980
942	942	942	995	996	CH. 153, L. 1980

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21. (ENGROSSED) Representatives Grimm, Van Dyken, Walk, Heck, Bauer, Zimmerman, Ehlers, Erickson, Vrooman, Galloway, Kreidler, Scott, Fancher, Warnke, Salatino, Becker, Adams, Gallagher, Brown, Granlund, North, Mitchell, Nisbet, Williams, Teutsch, Taylor and Rosbach: Requesting federal support to permit Washington youth to pick berries.	316	322
24. Representatives Scott, Wilson, Monohon, Tupper, Grimm, Sprague, Charnley, McCormick, Sherman, King, Nelson, (D.), Brekke, Williams, Sanders, Granlund, Vrooman, Pruitt, Warnke, Rinehart, Bauer, Fuller, Erak, North, Stratton and Brown: Requesting federal help in promoting use of wood to relieve energy shortage.	316	322
25. Representatives Zimmerman, Heck, Williams, Galloway, Nisbet, Monohon, Keller, Mitchell and Bauer: Requesting federal help in promoting development of geothermal resources.	460	461
31. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Representatives Williams, Eberle, Addison, Tupper, Zimmerman, Sprague, Dunlap and Isaacson): Requesting Congress to designate one federal agency to process complicated energy licensing applications. ...	742	743
35. Representatives Schmitt, Vrooman, Martinis, Dawson, Monohon and Erak: Memorializing Congress to enact legislation to assist the state's fishing industry.	362	365

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21. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Knowles, Newhouse, Smith (R.) and Garrett): Authorizing additional court commissioners.	62	86
22. (REENGROSSED) Representatives O'Brien, Zimmerman, Garrett, Nelson (Gary), Sommers, Bauer, Galloway, Teutsch, Heck and Taller: Providing the means to pay the indebtedness on public development projects.	263	264
31. Representatives Oliver, Erickson, Fuller, Gruger, Barnes, Granlund, Sommers, Tupper, Nelson (Dick), Isaacson, Burns, Taller, Brekke, Williams, Valle, Schmitten, Sherman, Nisbet, Addison, Sprague, Haley, Rosbach and Taylor: Establishing a redistricting commission.	225	226
37. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Newhouse, Knowles, Smith (R.), and Ellis): Establishing a judicial performance and disciplinary commission.	172	174

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.....	480	386
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<i>Signed by House Speakers</i>	552

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NUMBER, SPONSOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee
3. (REENGROSSED) Representatives Pruitt, Fuller and May (by Joint Board of Legislative Ethics request): Adopting joint rules for the forty-sixth legislature.	419, 1160	1123
6. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Becker, White-side, Adams, Zimmerman, King, Polk, Gruger and Gallo-way): Establishing a task force on children and families.	225	226
22. Representatives King and Polk: Notifying governor that legislature is organized.	5	5
23. Representatives King and Polk: Calling a joint session of the legislature to receive a message from the governor on January 15, 1980.	5	5
26. (ENGROSSED SUBSTITUTE) Committee on Local Govern-ment (originally sponsored by Representatives Zimmer-man, Greengo, Charnley, Van Dyken and Nelson (D.): Establishing a select committee to study and assist on problems relating to urban sprawl.	440	440
27. (ENGROSSED) Representatives Thompson, Chandler and Heck: Requesting cooperation of school districts of state with superintendent of public instruction in achieving a state-wide system of cooperative school bus mainte-nance facilities.	377	380
28. (SUBSTITUTE) Committee on Education (originally sponsored by Representatives Chandler, Heck and Taylor): Recognizing the value of our student leaders.	377	380
29. (SUBSTITUTE) Committee on Higher Education (originally sponsored by Representatives Heck, Galloway, Bauer, Zimmerman, Barnes and Grimm): Providing for a joint legislative committee to consult with like members from other states on higher education reciprocity programs.	412	413
32. Representative Polk: Providing for the international trade and business policy for the state of Washington.	778	779
33. Representatives Bagnariol, Berentson, Valle, Isaacson and Bond: Creating a 1980 joint ad hoc committee on science and technology.	867	867
34. Representative Berentson: Establishing a joint economic committee.	866	867
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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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(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.

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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- Ecology department, Padilla Bay, estuarine sanctuary, establishment authorized, *SB 3371, CH. 180
- Ecology department, waste energy resource recovery facilities, sites, regional, feasibility study, SB 3420
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- Ecology department, waste management systems, defined, bonds, issuance, anticipation notes, authorized, referendum provision, SB 3182
- Emergency assistance fund, disaster relief, SB 3615
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- Energy commission, created, office, abolished, powers, duties, policies, expiration date, Sub HB 1073
- Energy department, created, state energy policy, redefined, SB 3503
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- Financial management office, local transportation systems, emergency situations, *HB 1427(a), CH. 163
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- Fisheries department, south fork Willapa hatchery, SB 3594
- Forensic laboratories, special state committee, established, termination date, SB 3621, Sub SB 3621
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- Governor's office, higher education, faculty, exempt administrators, salary increase, Sub HB 1724
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- Horse racing commission, stallion awards, SB 3313
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- Insurance commissioner, insurance agents, brokers, continuing education program, Sub HB 1528
- Investment board, state, created, membership, powers, duties, certain state finance committee duties transferred, SB 3367, *SUB HB 1610, VETOED
- Jail commission, bond proceeds, use, operational costs of fiscal assistance, review authorized, SB 3588, *Sub HB 1981, CH. 143
- Labor and industries department, commercial dock inspection, Sub SB 2969
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- Labor and industries department, inspections, Hanford, Satsop, nuclear facilities, Sub SB 3285
- Labor and industries department, mobile homes, installation, warranty services, workmanship standards, rules adoption, *Sub HB 1989, CH. 153
- Labor and industries department, model reemployment and assistance project, injured workers, established, Sub HB 1758, SB 3622, Sub SB 3622
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- Library commission, library assistance fund, created, minimum level of services, SB 2667
- Licensing department, automotive repair regulations, revised, also revenue department, Sub HB 1749
- Licensing department, real estate, brokers, salespersons, regulations, Sub SB 2316
- Licensing department, title, registration, control, driver control, operations, professional licensing, business license center, Sub HB 1543
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- Parks and recreation commission, sales, proceeds, counties, real property acquisition/development account, created, SB 2473
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- Personnel department, training and career development program, *Sub HB 38, CH. 118
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- Planning and community affairs agency, unused elementary schools, pilot project, SB 3453
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- Prosecutors reimbursement revolving fund, created, counties, change of venue, certain costs, Sub HB 1084
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- Social and health services department, adult corrections facility, McNeil Island, construction, authorized, WCC, Monroe, alternatives, provisions, Sub HB 1817

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- Social and health services department, in-home and chore services, requirements established, *Sub HB 1516, CH. 137
- Social and health services department, medically fragile children, services, *SB 3499, CH. 106
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- Social and health services department, nursing homes, comprehensive plan of care, evaluation, *Sub SB 3636, CH. 184, P.V.
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- Washington state library, regional library for the blind, radio reading service, braille and taping programs, *HB 1545, CH. 168
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(a) Amendment to original bill.

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(a) Amendment to original bill.

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- Energy conservation, renewable resources, low interest loans, materials, equipment purposes, provisions, SB 3421
- Real estate, secured loans, 18% interest, provisions, SB 3620
- Stop-payment order, negotiable instrument, fraudulent, protecting against use, penalties, Sub HB 644

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(a) Amendment to original bill.

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Trapping, tag requirement eliminated, license fees, residents over 16 years, \$20 required, residents under 16 years, \$12 required, *SB 3011, CH. 24

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Longshoremen, employers, resident, insurance against liability, labor and industries, permitted, fund, created, powers, exemptions, HB 613

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Common carriers, hazardous materials transportation, red in color or red border, required, *HB 1870(a), CH. 132

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Developmentally disabled persons, DSHS services, costs, payment from residents' trust funds, required, Sub HB 858

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PERS, school districts, schools for blind, deaf, community colleges, higher education, credit, 12-month basis, 2nd Sub SB 2465

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- County commissioners, noncharter counties, membership increase, provisions, SB 2017
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- Higher education, institutions, UW, WSU, CWU, EWU, WWU, TESC, members, selection, terms, uniformity, SB 2858, Sub SB 2858
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- Insurance, state employees, programs, self-funding, investment provisions, SB 2581, Sub SB 2581
- Insurance, state employees, sick leave, coverage exhausted, extended coverage, plan development, directed, Sub HB 1177
- Investment, state, created, membership, powers, duties, certain state finance committee duties transferred, appropriation, SB 3367, *Sub HB 1610, VETOED
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- Noxious weed control, counties, nominations, elections, locations of same, modification allowed, SB 3224
- Noxious weed control, counties, terms, election dates changes, prior approval, state board, required, *Sub SB 3224(a), CH. 95
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- Rules review committee, created, procedures established, VETOED, *SB 3240, CH. 186, P.V.
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- Contractors, certain small projects, not required, 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.

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- Funds, state general obligation bond retirement fund, created, Sub SB 2721
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- Handicapped facilities, referendum 37, implementation, social and health services department, appropriation, SB 3170
- Higher education institutions, capital improvements, amount, increased, HB 1614
- Higher education institutions, capital improvements, authorized amount increased, SB 3327
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- School districts, energy efficiency improvements, costs, borrowing authority, *HB 1597, CH. 170
- School districts, expenditure recognition methods, bond service costs, student body programs, SB 3319, *HB 1686, CH. 18
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- Spokane river toll bridge, refunding bonds, exchange, TRS, PERS, new bridge purposes, authorized, appropriation, SB 2608, Sub SB 2608
- Transportation, commission, general obligation, authorized, highway improvements, appropriation, SB 2782
- Warehouse arts center, Yakima, general obligation, issuance authorized, commerce and economic development department, appropriation, Sub HB 1424
- Waste disposal facilities, defined, issuance, bond anticipation notes, authorized, ecology department, administration, fund created, referendum provision, SB 3603, *Sub SB 3603, CH. 159
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(a) Amendment to original bill.

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- Real property, transfers, counties other than AA, A, first class, subdivision, one tract, certain, contingent no further subdivision, exemption, permitted, Sub SB 3255
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BRADBURN, SENATOR BRUCE A.

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BREKKE, JAN L.

- Administrative director, Skaugen Company, Oslo, Norway, introduced, addressed Senate p. 887

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- Longview—Columbia, name change, Lewis and Clark bridge, commemoration 175th anniversary of expedition, *SB 3219, CH. 5
- Spokane river, refunding bonds, exchange, TRS, PERS, new bridge purposes, authorized, SB 2608, Sub SB 2608

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- Higher education, tuition and fees, reciprocity, program, continued, two additional years, SB 2585

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(a) Amendment to original bill.

SR Senate Resolution.

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BROOKS, JAMES E.

- Community college district 16, trustees board, member,
GA 263, confirmed pp. 383,410,697

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- Criminal justice training commission, training programs, crime victims program, Sub HB 1537
- Insurance commissioner, insurance agents, brokers, continuing education program, Sub HB 1528
- Labor and industries department, crime victims program, Sub HB 1536
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(a) Amendment to original bill.

SR Senate Resolution.

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BUNCH, DONALD JR.

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BURTON, PHILIP L.

Community college district 6, trustees board, member, GA 250,

confirmed pp. 25,157,416

BUSES AND BUSING

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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 buses, private carriers, warning signals, compliance, federal standards, required, SB 2470, Sub SB 2470
- School buses, private schools, license fees, exemption, *Sub SB 3133, CH. 88
- School districts, SPI, cooperation, bus maintenance facilities, cooperative, state-wide system, requested, HCR 27
- School districts, sports activities, transportation, public use authorized, reimbursement provisions, *SB 3190, CH. 91
- School districts, second class, certain driving contracts, conflict of interest exclusion, collective bargaining, pay plans not to be affected, *Sub HB 1210(a), CH. 39
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- B&O tax, exemption, increased, SB 3483
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- Insurers, attorney associations, definition exclusion, self-insurance permitted, insurance guaranty association act, requirements, exclusion, SB 2259
- Insurers, attorney associations, 500 or more, definition exclusion, self-insurance, permitted, insurance guaranty association act, requirements, exclusion, Sub SB 2259
- Insurers, health care professionals, definition exclusion, self-insurance permitted, insurance guaranty association act, requirements, exclusion, SB 2259
- Insurers, health care professionals, 500 or more, definition exclusion, self-insurance, permitted, insurance guaranty act, requirements, exclusion, Sub SB 2259
- Insurers, health care services, contractors, reimbursement schedule, quarterly revision, update, required, noncompliance, unfair practice, SB 3222

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(a) Amendment to original bill.

SR Senate Resolution.

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- Nursing homes, auditing and cost reimbursement act, enacted, appropriation, SB 3250, *Sub SB 3250, CH. 177
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- Salmon, commercial, ownership, alien corporations, prohibited, SB 3442
- Salmon, licenses, commercial, ownership, alien business entities, prohibited, business entity, defined, Sub SB 3442
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- License fee, additional imposed, sanitary disposal systems, rest areas, use, RV account, created, motor vehicle fund, *HB 1464(a), CH. 60
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- British Columbia, higher education, tuition and fees, reciprocity, program, continued two additional years, SB 2585
- Citizens, property, real, ownership prohibition, Washington, not applicable, Sub SJR 122

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- Job, special purpose districts, recruitment, reimbursement expenses, permitted, Sub HB 1093

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- Religious ceremonies, hand-held candles, fire code exemption, SB 2561, *HB 322, CH. 8

CAPITAL IMPROVEMENTS AND CONSTRUCTION

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- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

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- Higher education, bonds, higher amount authorized, SB 3327
- Higher education institutions, bonding amount, increased, HB 1614
- Higher education institutions, CWU, hazardous asbestos abatement, appropriation, Sub HB 1583
- Higher education institutions, TESC, library, seminar building, roof repair, appropriation, Sub HB 1583, SB 3440
- Higher education institutions, University of Washington, biological sciences facility, Sub HB 1583(a)
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- Municipal park facilities, capital acquisition, development, improvement, revenue bonds, allowed, special excise taxes, capital improvements only, permitted, SB 3618, Sub SB 3618

CAPITAL PUNISHMENT

- Death penalty, execution method, continuous, intravenous lethal drug, drug selection, medical school pharmacology chairman, if unconstitutional, death by hanging, SB 3617

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- Capitol facilities, joint legislative committee created, office space, legislative use, proper accounting, cost control procedures, purposes, *SCR 120

CAR POOLS

- Vans, ride-sharing, taxes, sales, use, motor vehicle excise, exemptions, SB 3412, *HB 1508, CH. 166

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- Common carriers, violations, subject to civil penalty rather than criminal, enforcement procedures prescribed, *HB 1870(a), CH. 132
- Hazardous materials, common carriers, bill of lading, red in color or red border required, *HB 1870(a), CH. 132
- Port districts, rail cargo service, authority provision, rail car manufacture for use off port property prohibited, *SB 3422(a), CH. 110
- Radioactive wastes, low level, storage, disposal, from certain states, prohibited, provisions, SB 3502

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- Motor freight, equipment safety, hazardous materials, regulated, penalties, Sub HB 639

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- Elections, special, caucuses, conflict prohibition, home rule charter counties exclusion, *Sub SB 3359, CH. 3

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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CENTRAL WASHINGTON UNIVERSITY

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CEREMONIES

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 Electricians, certificate of competency requirements, *SB 3253, CH. 30, P.V.
 Floating homes, detached buildings, used, resale, rental, sales, use tax exemption, real estate excise tax, redesignated real property tax, 2nd Sub HB 200
 High school diploma, programs, higher education, tuition, fee waiver, dollar amount limitation, removed, SB 3165, Sub SB 3165, *Sub HB 1481, CH. 62
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 Partnerships, limited, filing requirements, transferred, licensing department, SB 3441
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(a) Amendment to original bill.

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- Vessels, safety provisions, certain, pilots, ships, certification, required, SB 2108(a)

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- Labor organizations, definition, included, gambling commission purposes, SB 3329, Sub SB 3329
- Nonprofit organization, property park, open spaces, recreation, purposes, tax exemption, Sub SB 2790
- Rummage sales, bazaars, certain, deduction from B&O, exemption from sales and use, provisions, Sub HB 540

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- Licenses, ownership, issuance, alien business entities, prohibited, business entities, defined, Sub SB 3442
- Licenses, ownership, issuance, alien corporations, prohibited, SB 3442
- Salmon industry, assistance, federal legislation, petitioned, HJM 35, SJM 113
- Vessels, operating out of Elliot Bay, licensed in 1979, charter boat license application requirement, SB 3208

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- Savings and loan associations, accounts, negotiable transfers, use permitted, SB 2626
- Savings and loan associations, accounts, negotiable transfers, use permitted, effective, passage federal enabling legislation, *HB 762(a), CH. 54
- Stop-payment orders, fraudulent, protecting against use, penalties, Sub HB 644
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CHERBERG, LIEUTENANT GOVERNOR JOHN A., (See also PRESIDENT OF THE SENATE; also LIEUTENANT GOVERNOR; also RULINGS BY THE PRESIDENT)**CHILDREN AND CHILD CARE**

- Actions, parental, legal guardians, civil liability, revised, SB 3203
- Adoption certificates, birth records, certain, provisions, SB 2020
- Adoption, jurisdictional, procedural requirements, noncompliance waiver, *Sub HB 1729, CH. 85
- Adoption, parental acceptance, charging any consideration for relinquishment, transfer, care, custody, control, prohibited, SB 3501
- Adoption registry establishment, natural parent disclosure purposes, registration, consent, confidentiality, provisions, Sub HB 318, SB 3221
- Adoption, relinquishment petitions, procedures prescribed, *Sub HB 1729, CH. 85
- Adoption, written consent required, adoption procedures prescribed, *Sub HB 1729, CH. 85
- Adoptive services, special need children, demonstration project, DSHS, appropriation, SB 3366, Sub SB 3366

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(a) Amendment to original bill.

SR Senate Resolution.

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CHILDREN AND CHILD CARE—cont.

- Berry picking, ten and eleven year-old youth, permitted, federal support, requested, HJM 21, SJM 112
- Buying, selling, prohibited, felony, SB 3478
- Buying, selling, prohibited, felony provision, permitted transactions, provisions, SB 3478(a), *Sub HB 1729(a), CH. 85
- Central registry, child protective services, DSHS personnel, access, granted, child care agency licensure, certification purposes, HB 1519, SB 3171
- Child care agencies, license investigations, DSHS personnel, criminal records access, criminal justice agencies cooperation, SB 3173
- Child care agencies, license investigations, DSHS personnel, criminal records access, criminal justice agencies cooperation, DSHS appropriation, *Sub HB 1520, CH. 125
- Day care family, as defined, federal requirements, exemption, state licensing, rules, regulations, retained attorney general, federal actions, required, SB 3450
- Day care family homes, pilot program, two year, registration, in lieu of licensing, mandated, SB 3554
- Day care services, needy parents, as defined, assistance provisions, SB 3201
- Employment agencies, babysitting, convalescent, elderly care, certain referral services, HB 168
- Families and children commission, created, duties, expiration date, account, created, SB 3197, SB 3259
- Immunization, required, religious beliefs, exemption, provisions, SB 2241
- Juvenile institutions, parental support, required, Sub HB 340
- Juvenile justice act, technical amendments, dependency criteria, modified, Sub SB 2213
- Juvenile records, access, content, procedures, revisions, SB 2924, Sub SB 2924
- Juveniles, curfew, violations, provisions, Sub SB 2495
- Medically fragile, services, program, provisions, legislative report required, DSHS, funds, transference, medical assistance to developmental disabilities, *SB 3499(a), CH. 106
- Parent, relationship, voluntary termination procedures, prescribed, *Sub HB 1729, CH. 85
- Parentage act, uniform, revisions, Sub HB 1873
- Pornography, involving minors, prohibited, penalties prescribed, *Sub HB 551, CH. 53
- Pornography prostitution, exploitation, crimes, defined, penalties, prescribed, SB 2579, Sub SB 2579, 2nd Sub SB 2579
- Real estate, transfers, intra-family, certain, real estate excise tax, exemption, SB 2396
- Restraint systems, motor vehicles, installation, parents, required, SB 2895
- Runaway youth, interstate compact, revisions, SB 3014
- Special need, adoptive services, demonstration project, DSHS, appropriation, SB 3366, Sub SB 3366
- Stepparents, support obligations clarified, SB 3573
- Task force, joint legislative, children and families, established, expenditure limitation, studies, DSHS review, provisions, Sub HCR 6

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(a) Amendment to original bill.

SR Senate Resolution.

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- Teachers, learning/language disabilities, identification, course, higher education, required, Sub SB 2055, 2nd Sub SB 2055
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- Title only, tax incentives for child care facilities, SB 3505
- Truancy, habitual, juvenile justice act, included, SB 3026
- Welfare services, foster care, adoption, recruiting plan, development, investigation, SB 3092

CHINN-JANG, NANCY

- Commission on Asian-American affairs, member, GA 185, confirmed pp. 10,168,403

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- Chiropractic disciplinary board, double amendments, *HB 1585, CH. 46
- Regulated, examiners, disciplinary boards, membership, increased, continuing education, school accreditation provisions, *Sub HB 395, CH. 51

CHOW, EDWARD JR.

- Department of emergency services, director, GA 246 p. 24

CHOW, MRS. RUBY

- Jail commission, member, GA 209, confirmed pp. 16,109,158

CHURCHES

- Candles, hand-held, religious ceremonies, fire code exemption, SB 2561, *HB 322, CH. 8

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- Motor vehicles, load, equipment violations, acceptance, *SB 3331(a), CH. 104

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- Audits, intervals, reasonable, periodic, minimum, once in three years, schedule, adoption, state auditor, Sub SB 2404
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- Building code advisory council, state, reconstituted, provisions, Sub SB 2443
- Building code, state updated, fire code exemption proviso, 2nd Sub HB 541
- Clerks, voter registration, deputy registrars, appointment, Sub SB 2454, 2nd Sub SB 2454
- Coal-fired steam electric generating plants, certain, pollution control tax credits, exemptions, eligibility, SB 2751, *Sub SB 2751, CH. 175
- Community services, mentally retarded, developmentally disabled, levies, 106% limitation, required, Sub HB 943
- Elections, special, major political party caucuses, conflict prohibition, home rule charter counties, exclusion, *Sub SB 3359, CH. 3
- Elections, special, major political party caucuses, conflict prohibition, *Sub HB 1852, VETOED
- Ethics code, municipal officer, officer, redefined, Sub HB 1065
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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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- Fire data, investigation, reporting requirements, fire marshal, appropriation, *Sub SB 3385, CH. 181
- Fire fighters pension fund, levy amount, proportionate reduction, statutory tax limitation, *SB 3181(a), CH. 155
- Garbage collection, long-term contracts, certain municipalities, permitted, energy conservation purposes, overloaded trucks, penalties, SB 3486
- Housing authorities, joint, counties, except class AA, authorized, provisions, *Sub SB 3140, CH. 25
- Initiatives, referendums, powers, local, alternatives, permitted, HB 1550
- Insurers, certain, experience-premium studies, required, SB 2684
- Jail commission, bond proceeds, use, operational costs of fiscal assistance, review authorized, appropriation, SB 3588, *Sub HB 1981, CH. 143
- Levies, emergency medical services, expired, regular property tax levy, authorized, HB 1757
- Metropolitan municipal corporations, class AA counties, sales, use tax rates increased, public transportation use, *HB 1427(a), CH. 163
- Municipal courts, termination by ordinance, HB 52
- Municipal park facilities, capital acquisition, development, improvement, revenue bonds, allowed, special excise taxes, capital improvements only, permitted, SB 3618, Sub SB 3618
- Municipal pension fund tax levies, 106% limitation, required, Sub HB 943
- Needy persons, programs, establishment, county notice, required, HB 1960
- Parking facilities, long-term leases, competitive bid exemption, removed, SB 3597, Sub SB 3597
- Parking facilities, operation authorized, SB 3448, SB 3597, Sub SB 3597, *HB 1685, CH. 127
- Parking fees, receipts required, *HB 1685(a), CH. 127
- Parks, recreation service areas, defined, proposition provision, tax levying authority, Sub HB 1455
- Parks, state, urban, as defined, establishment priority, authorized, parks and recreation commission, interagency committee for outdoor recreation, SB 3164, *Sub SB 3164, CH. 89, P.V.
- Parks, state, within city limits, provisions, HB 238
- Pension funds, municipal, as defined, authorized investments, *Sub SB 3611, CH. 34
- Pension funds, municipal, investments, state authorized investments, allowed, SB 3611
- Public disclosure, legislative action, open meetings, collective decisions, voting, exemption, provisions, Sub SB 2455
- Senior citizens, programs, authorized, SB 2262
- Solar energy, development, use, property right, easements, provisions, Sub SB 2014
- Solid waste disposal districts, creation, authorized, provisions, Sub HB 1408
- Transmission facilities, local government, energy facilities site evaluation council, application, hearings requirements provisions, SB 3193
- Transportation, public systems, benefit areas, additions, procedures, established, HB 1254

* 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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- Transportation, public systems, local, emergency situations, OFM disbursement provision, appropriation, *HB 1427(a), CH. 163
- Transportation, public systems, motor vehicle fuel, special fuel use, sales and use tax exemption, refund provision, *Sub HB 1397, CH. 147
- Urban sprawl, legislative select committee, established, provisions, report, Sub HCR 26
- Utility fees, hookup, connection, tap-in charges, waiver, delay, low income persons, ordinance required, *HB 1444, CH. 150
- Utility services, underground, construction projects, damage, liability, responsibility, specified, Sub SB 2666
- Veteran's, employment preference, noncompetitive employment systems, competitive, certain revisions, SB 3106, Sub SB 3106
- Voter registration, various changes, Sub SB 2454, 2nd Sub SB 2454
- Warrants, fiscal, interest calculation date, redemption call notification, SB 3297, *Sub SB 3297, CH. 100

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- Electrical distribution, generating systems, public works contracts requirements, provision, SB 3252
- Health departments, joint city-county, director employment, joint action, *Sub HB 1457, CH. 57
- Metropolitan park districts, financially troubled, take over, permitted, board appointment, severability clause, Sub HB 1743
- Public retirement systems, dual membership limitation, clarified, *SB 3245, CH. 29
- Solid waste department, own personnel, operation authorized, SB 3252

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- Administrative procedure act, contested cases, summary orders issuance by state agencies, permitted, *SB 3320, CH. 31
- Adoption certificates, birth records, certain, provisions, SB 2020
- Adoption registry, establishment, natural parent disclosure purposes, registration, consent, confidentiality, provisions, Sub HB 318, SB 3221
- Agencies, decisions, direct review, court of appeals, authorized, *HB 209, CH. 76
- Attorneys, fees, civil actions, filed by state, prevailing party, provisions, SB 3497
- Attorneys, fees, dollar amount, increased, schedule, Sub SB 2043
- Attorneys, fees, reasonable amount, SB 2043
- Children, actions, parental, legal guardians, civil liability, revised, SB 3203
- Commissioners, superior court, duties, numbers, constitutional limits, removed, legislative authority, added, Sub HJR 21
- Commitment, procedures, requirements, prohibitions, penalties, supplementation, SB 3444
- Competitor, action against agency, state, local government, bond, required, HB 1263
- Court reporters, prejudicial, attorney, plaintiff, defendant, substitution, request, procedures, SB 2919
- Courts, limited jurisdiction, electronic recording equipment operation, administrator for the courts, supervision, *Sub HB 1422, CH. 162
- Courts, limited jurisdiction, proceedings, superior court review under procedures established by supreme court rules, *Sub HB 1422, CH. 162

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(a) Amendment to original bill.

SR Senate Resolution.

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- Damages general, as defined, personal injury, wrongful death, other tort actions, award limitation provisions, intentional torts, exclusion, SB 3451
- Damages, prior agreements, court approval, announcement, required, Sub HB 391, SB 2223, Sub SB 2223
- Dogs, civil liability, certain actions, limits, removed, HB 1628
- Eminent domain, attorneys', fees, reasonable, procedure, provided, HB 207
- Environmental policy act, litigation procedures established, prevailing party costs awarded, plaintiff bond permitted, SB 3498
- Federal resource conservation and recovery act, ecology department implementation, *HB 646, CH. 144
- Fees, attorneys, assessment, case dollar amount, increased, *SB 3220, CH. 94
- Firewood cutting, landowners, unintentional injuries, tort liability protection, *SB 3474, CH. 111
- Gravely disabled, definition, revised, SB 2428
- Judgments, commencement, limitation, time period extended, *SB 3334(a), CH. 105
- Judgments, enforcement, time period extended, *SB 3334, CH. 105
- Judgments, interest rate increased, *SB 3220, CH. 94
- Justice courts, actions commencement, summons, provisions revised, SB 3337
- Justice courts, filing fees, increased, *Sub HB 1422, CH. 162
- Juvenile institutions, children, support, required, Sub HB 340
- Legislative intent, violations, certain state employees, authorized, SB 3174
- Liens, utility service charges, certain, filing, county assessor, judicial enforcement procedures, SB 3546
- Liens, utility service charges, filing, county auditor, judicial enforcement procedures, Sub SB 3546
- Marriage, solemnization, notaries public, authorized, SB 3218
- Mental illness, detention, commitment procedures, modifications, requirements, limitations, SB 2171, Sub SB 2171
- Motor freight carriers, equipment safety, hazardous materials, regulated, penalties, Sub HB 639
- Motor vehicles, abandoned, removal, private property, procedures, established, Sub HB 451
- Motor vehicles, lanes, preferential, unlawful use, fine, established, Sub SB 2855
- Negotiable instruments, stop-payment orders, protecting against use, penalties, Sub HB 644
- Nurse-patient communications, privileged, extended, SB 3210
- Nurse-patient communications, privileged, extended, hearings, appeals, labor and industries, industrial insurance appeals board, not exempt, SB 3210(a)
- Parentage act, uniform, revisions, Sub HB 1873
- Property, abandoned, presumption, disposition, SB 2620
- Settlement offers, time period, provisions, SB 2043, Sub SB 2043
- Shoreline management act, litigation procedures established, prevailing party costs awarded, plaintiff bond permitted, SB 3498
- Superior courts, clerks, official services, fees, increased, SB 2381, Sub SB 2381
- Superior courts, clerks, official services, fees, increased, partial allocation, judicial information system *2nd Sub SB 2381, CH. 70
- Tenancy termination notice, retaliatory action definition, inclusion, HB 614

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(a) Amendment to original bill.

SR Senate Resolution.

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CIVIL ACTIONS AND PROCEDURES—cont.

- Tenancy termination notice, retaliatory action definition, inclusion, forceable detainer provision, HB 614(a)
- Torts, product liability, general revisions, appropriation, SB 2333(a)
- Torts, product liability, modified, SB 2333
- Water systems, public, enforcement powers, granted, SB 2203

CIVIL SERVICE

- Agencies, personnel board, rules, authority, appointing, dismissal, suspension, demotion, reduction, delegation, agency heads, permitted, Sub HB 1107
- Exempt positions, DSHS, revisions, SB 2659, Sub SB 2659, *Sub HB 799, CH. 73
- Health departments, joint city-county, county civil service, retirement plans, inclusion authorized, *Sub HB 1457, CH. 57
- Lay-offs, due to local fund withdrawals, not permitted, SB 3328
- Sheriff's office, employees, intersystem transfer without competitive examination, authorized, *SB 3378, CH. 108
- Training and career development program, established, personnel department, appropriation, *Sub HB 38, CH. 118

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- Adverse, banks, honoring, liability, modified, SB 2734
- Damages, prior agreements, court approval, announcement, required, Sub HB 391, SB 2223, Sub SB 2223
- Product liability, torts, modified, SB 2333
- Property, abandoned, presumption, disposition, SB 2620
- Property, taxes, deferrals, notice requirements, provisions, Sub HB 405
- Sundry, certain, satisfaction, OFM, appropriation, Sub HB 1584
- Torts, product liability, general revisions, appropriation, SB 2333(a)
- Torts, product liability, modified, SB 2333
- Veterans' bonus act, 1972, reopened, six months period, compensation purposes, appropriation, SB 2747

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- Frozen, labeling requirements, established, HB 284
- Geoducks, harvest, commercial, safety standards, required, SB 2926
- Razor, digging for qualified physically handicapped persons, permitted, provisions, *HB 1486(a), CH. 81
- Razor, license, clamming, residents over 65, under 16, free, *HB 1486, CH. 81

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- Street crimes program, treatment alternatives, DSHS appropriation, SB 3557
- Street crimes program, treatment alternatives, DSHS appropriation, evaluation provision, Sub HB 1746

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- Parental access, activities, teaching material, mandated, SB 3039, Sub SB 3039

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(a) Amendment to original bill.

SR Senate Resolution.

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CLINICS

- Health care planning, federal compliance, *Sub HB 1515, CH. 139
- Insurers, health care professionals, definition exclusion, self-insurance permitted, insurance guaranty association act, requirements, exclusion, SB 2259
- Insurers, health care professionals, 500 or more, definition exclusion, self-insurance, permitted, insurance guaranty act, requirements, exclusion, Sub SB 2259
- Senior citizens, well adult clinic services, authorized, appropriation, SB 2237

CLOUD SEEDING

- Drought, water shortage, weather modification services, ecology department, regulation exemption provisions, Sub SB 3047
- Emergency program, ecology department, establishment provisions, appropriation, Sub SB 3515
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- Coal-fired steam electric generating plants, certain, pollution control tax credits, exemptions, eligibility, SB 2751, *Sub SB 2751, CH. 175
- Energy exploration, SEPA exclusion, drilling, excavating, statutory compliance, required, SB 3580
- Highways, utility construction franchise granting authority, revised, *Sub SB 3237(a), CH. 28
- Operating agencies, thermal plants, security forces, establishment authorized, property security, police powers, SB 2584

COCAINE

- Paraphernalia, drug-related, unlawful possession, sale, prohibited, SB 2174
- Paraphernalia, drug-related, unlawful possession, sale, prohibited, display restrictions, SB 2174(a)

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- Premixed, retail sales, class L license holders, as defined, now created, fee established, requirements enumerated, tax rate set, SB 3550

CODE REVISER

- Agencies, rule-make, modified, Sub SB 3142
- Agencies, rules, filing, rule purpose statement, modified, SB 3121
- Legislative information system, data processing authority, jurisdiction, exemption, SB 3602
- Legislative information system, data processing authority, jurisdiction, exemption, statute law committee, policies, standards, guidelines, imposed, provisions, Sub SB 3602
- Rules publication, editing, compiling authority, *SB 3240(a), CH. 186, P.V.
- Rules revision, editing authority prescribed, *SB 3240, CH. 186, P.V.

CODES

- Building, solar energy equipment standards, state advisory council, rules promulgation authority, provisions, Sub HB 1689
- Building, state, updated, fire code exemption proviso, 2nd Sub HB 541
- Fire, candles, hand-held, religious ceremonies, exemption, SB 2561, *HB 322, CH. 8

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(a) Amendment to original bill.

SR Senate Resolution.

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CODES—cont.

- Fire, dwellings, certain, access roadway requirements, exemption permitted, *Sub HB 1558, CH. 64
- Game, general revisions, SB 3233, *HB 1447, CH. 78
- Legislative ethics, adopted, Sub SB 2970

COGENERATION FACILITIES

- Electric and gas companies, investment rate of return increment, conservation, renewable resources, cogeneration facilities, utilization authorized, *Sub HB 1419, CH. 149
- Electric and gas companies, taxable income deductions, conservation, renewable resources, cogeneration facilities, utilization authorized, *Sub HB 1419, CH. 149
- Tax credits, authorized, revenue department, certificates, provisions, Sub SB 2598

COIN OPERATED MACHINES

- Gaming devices, as defined, special tax, fixed annual rate, *HB 1410, VETOED

COLLECTION AGENCIES

- State agencies, public debt collecting, retention authorized, SB 3247
- State agencies, public debt collecting, retention authorized, notice provision, Sub SB 3247

COLLECTIVE BARGAINING

- Arbitration, panel created for uniformed personnel impasse procedures, considered state agency, those purposes, SB 3476
- Conflict, employer policy, bargaining agreement, collective bargaining agreement prevails, SB 2854
- Courts, employees, juvenile, municipal, district, included, SB 3369
- Employee/employer relationships, labor, rights, bargaining, unfair practices, regulated, SB 3123, Sub SB 3123
- Ferries, state system, employees, personnel policies, civil service regulations, modified, Sub SB 2477
- Higher education, certain personnel, provisions, SB 2236
- Mediation, arbitration procedures, disputes, public employees, personnel board, higher education personnel board, rules adoption, required, SB 3547
- Port districts, employees, inclusion, SB 2431
- Public employment relations commission, members, staggered terms, established, Sub SB 3042
- School buses, driving contracts, certain second class districts, conflict of interest exclusion, collective bargaining, pay plans, not to be affected, *Sub HB 1210(a), CH. 39
- Title only, marine employee, SB 3648
- Title only, public employees, SB 3460

COLLEGES AND UNIVERSITIES (See also name of COLLEGE; also COMMUNITY COLLEGES)

- Boards, UW, WSU, CWU, EWU, WWU, TESC, members, terms selection, uniformity, SB 2858, Sub SB 2858
- British Columbia, higher education, tuition and fees, reciprocity, program, continued, two additional years, SB 2585
- Chiropractic school accreditation provision, *Sub HB 395, CH. 51

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(a) Amendment to original bill.

SR Senate Resolution.

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COLLEGES AND UNIVERSITIES (See also name of COLLEGE; also COMMUNITY COLLEGES)—cont.

- Collective bargaining, certain personnel, provisions, SB 2236
- Community colleges, member on leave, replacement, tenure prohibited, SB 3143
- Educational services registration act, religious institutions, certain, exempt, SB 3275
- Educational services registration act, religious institutions, certified aviation schools, avocational, recreational schools, exempt, Sub SB 3275, *HB 1495(a), CH. 82
- High school diploma, certificate programs, higher education, tuition, fee waiver, dollar amount limitation removed, SB 3165, Sub SB 3165, *Sub HB 1481, CH. 62
- Military recruiters, students, campus, information directory, equal access allowed, *SB 3241, CH. 96
- Public disclosure act, records, certain, inspection, copying, exemption, SB 3136, Sub SB 3136, 2nd Sub SB 3136
- Retirement system, benefits, increased, provisions, Sub SB 2240
- Retirement system, employees, certain, PERS membership, option, deadline, non PERS members, supplemental benefits, exclusion, Sub HB 763
- Rules adoption, revisions, procedures, *SB 3240(a), CH. 186, P.V.
- Rules publication, editing, compiling authority, code reviser, prescribed, *SB 3240(a), CH. 186, P.V.
- Salaries, faculty, exempt administrators, increased, governor, appropriation, Sub HB 1724
- Scholarships, academic excellence, three seniors per legislative district, tuition, fee waiver, principals' program, created, SB 3278
- Scholarships, National Guard, higher education institutions, as defined, authorized, 2nd Sub SB 2212
- Scholarships, waiver program, three seniors per legislative district, postsecondary education council, appropriation, Sub SB 3389
- Scholarships, WPC scorers, three seniors per legislative district, tuition, fee waiver, principals, postsecondary education council program, Sub SB 3278
- Students, associations, certain, open meetings required, *HB 357, CH. 49, P.V.
- Students, financial aid, attendance, out-of-state non-profit institutions where reciprocity agreement exists, authorized, SB 3251, *HB 1414, CH. 13
- Students, services, activities fee committee, membership, voting majority, duties, governing board, guidelines, establishment required, SB 3560, *Sub HB 1480, CH. 80
- The Evergreen State College, additional enrollment, appropriation, Sub HB 1583
- Unemployment compensation, students, disqualification, class hour requirements, *Sub HB 1952, CH. 74
- University of Washington employees, former members WSU retirement system, credit transference, PERS, permitted, *SB 3487, CH. 112

COLUMBIA RIVER

- Commercial net fishing areas, chum, sockeye salmon, specified, limited, Grays Harbor—Columbia river commercial salmon fishing gill net licensees, SB 3568
- Longview—Columbia bridge, name change, Lewis and Clark bridge, commemoration 175th anniversary of expedition, *SB 3219, CH. 5

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(a) Amendment to original bill.

SR Senate Resolution.

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COMIC BOOKS

Statutes, certain, repealed, *HB 277, CH. 36

COMMERCE AND ECONOMIC DEVELOPMENT

Agriculture department, agricultural products, marketing promotion, appropriation, HB 46

Energy department, created, powers, duties, nuclear energy responsibilities transferred, SB 3503

Energy fair '83 commission, created, commerce and economic development department, energy office cooperation, *Sub HB 1413, CH. 161

Expo '89 commission, created, members, duties, nonprofit corporation, Tacoma, provisions, SB 2990, Sub SB 2990

Innovation service institute, established, economic community aid, appropriation, HB 182

International trade data bank, UW, development, appropriation, Sub HB 1724(a)

Seattle center resident theater, appropriation, Sub HB 1424, SB 3628

Title only, commerce, SB 3521

Trade, domestic, foreign, federal, state, local governments, development, maximum consideration, requested, HCR 32

Warehouse arts center, Yakima, appropriation, Sub HB 1424

COMMERCIAL TRANSACTIONS

Loans, certain, interest rate, increased, SB 2764

COMMISSIONERS

Drainage districts, compensation increased, SB 2748, Sub SB 2748

Drainage districts, compensation increased, travel reimbursement authorized, *2nd Sub SB 2748, CH. 23

Fire protection districts, certain, compensation increased, SB 2507

Fire protection districts, compensation, certain restrictions removed, *SB 3235, CH. 27

Insurance, unauthorized insurers, service of process, revisions, SB 2901

Justice court, lawyer or qualifying examination, requirement, SB 3410

Justice courts, qualifications, *Sub HB 1422, CH. 162

Pilotage board, vacancies, unexpired terms, filling, quorum requirements, SB 2108

Public employment relations commission, members, staggered terms, established, Sub SB 3042

Special purpose districts, compensation and expenses, increased, *SB 3211, CH. 92

Superior court, duties, numbers, constitutional limits, removed, legislative authority, added, Sub HJR 21

COMMISSIONS

Blind, members, director, financial disclosure, required, HB 1425

Compensation, uniform, part-time citizen members, established, 2nd Sub HB 39

Educational television, abolished, powers, duties, transferred, public broadcasting commission, hereby created, appropriation, *HB 542, CH. 123, P.V.

Energy commission, created, energy office, abolished, powers, duties, policies, expiration date, appropriation, Sub HB 1073

Energy fair '83 created, provisions, *Sub HB 1413, CH. 161

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(a) Amendment to original bill.

SR Senate Resolution.

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COMMISSIONS—cont.

- Expo '89, created, members, duties, nonprofit corporation, Tacoma, provisions, SB 2990, Sub SB 2990
- Families and children, created, duties, expiration date, account, created, SB 3197, SB 3259
- Fish and wildlife, created, department, created, existing agencies, abolished, enforcement authority, Titles 75, 77, state patrol, SB 3204
- Horse racing, funds reversion, general fund, equivalent, WSU equine research appropriation, Sub HB 1428
- Horse racing, membership, expanded, SB 3179, Sub SB 3179
- Horse racing, stallion awards, appropriation, SB 3313
- Insurance, advisory committees, insurance, consumer, industry input, regulatory problems, provisions, Sub HB 779
- Judicial qualifications, judicial disciplinary purposes, establishment, provisions, SJR 116, *Sub HJR 37
- Parks and recreation, membership, one per congressional district, provisions, SB 2785
- Parks and recreation, purchase certain King county properties, appropriation, SB 3267
- Planning, counties, members, compensation, authorized, HB 1430
- Planning, members, compensation provision, SB 3365
- Public broadcasting, created, powers, duties, appropriation, *HB 542, CH. 123, P.V.
- Public disclosure, reconstituted, appointment, terms, disqualification, prohibitions, provisions, HB 1445
- Public employment relations, administrative provisions, clarified, SB 2429
- Public employment relations, members, staggered terms, established, Sub SB 3042
- Public service, UTC, redesignated, SB 2461
- Real estate, established, powers, duties, licensing department, appropriation, Sub SB 2316
- Redistricting, establishment provisions, HJR 31, Sub SJR 125
- Rules adoption, revisions, procedures, *SB 3240(a), CH. 186, P.V.
- Rules publication, editing, compiling authority, code reviser, prescribed, *SB 3240(a), CH. 186, P.V.
- Utilities and transportation, energy division, created, duties, energy office, documents, transfer, Sub SB 3063
- Utilities and transportation, redesignated, public service commission, SB 2461
- Wildlife, created, powers and duties, game commission transferred, SB 2405

COMMITMENTS

- Civil, procedures, prohibition, penalties, supplementation, SB 3444
- Gravely disabled, definition, revised, SB 2428
- Mental illness, detention, commitment procedures, modifications, requirements, voluntary, involuntary, SB 2171, Sub SB 2171
- Probation, summary, DSHS custody, authorized, provisions, Sub SB 2485

COMMITTEES (See also INDIVIDUAL, STANDING, STATUTORY AND SELECT COMMITTEES in APPENDIX)

- Administrative rules review, created, procedures established, (VETOED), *SB 3240, CH. 186, P.V.

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(a) Amendment to original bill.

SR Senate Resolution.

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COMMITTEES (See also **INDIVIDUAL, STANDING, STATUTORY AND SELECT COMMITTEES** in **APPENDIX**)—cont.

- Administrative rules review, joint legislative, created, Sub HB 31
- Appropriations, joint committee, created, SB 3382
- Arts, joint legislative, established, powers, duties, legislative building art works acquisition, capitol arts fund, created, *Sub HB 1763, CH. 173, P.V.
- Capitol facilities, joint legislative, created, office space, legislative use, proper accounting, cost control procedures, established, *SCR 120
- Compensation, uniform, part-time citizen members, established, 2nd Sub HB 39
- Correctional skill improvement, special, established, termination date, appropriation, SB 3621, Sub SB 3621
- Deferred compensation, additional member, provision, SB 3419
- Economic joint legislative, established, membership, duties, staff employment, HCR 34
- Energy and utilities, legislative, joint meetings, energy supply, demand, analysis, recommendations, 1981 session, Sub SCR 111
- Forensic laboratories, special, state, established, report, termination date, appropriation, SB 3621, Sub SB 3621
- Insurance, advisory, consumer, industry input, regulatory problems, appointment, travel reimbursement expenses, provisions, Sub HB 779
- Interagency committee for outdoor recreation, reorganized, renamed, council of recreation resources, agencies, certain, authority, SB 2563, Sub SB 2563
- Jail, legislative, joint, created, physical plant, custodial care, analyze, directed, Sub SCR 103
- Legislative, energy, utilities, joint membership, powers, modified, SB 3120
- Legislative, joint administrative rules review, created, *Sub HB 29, VETOED
- Legislative, joint, higher education reciprocity programs, consultation, like members, Idaho, Oregon, Montana, Alaska, British Columbia, report, *Sub HCR 29
- Local technical advisory, created, six members, representing cities, counties, park districts, agencies, certain, authority, SB 2563, Sub SB 2563
- Outdoor recreation, interagency, outdoor recreation projects, review provisions, Sub SB 3298
- Patient qualification review, controlled substance therapeutic research act, provisions, Sub SB 2264
- Reorganized, renamed, council of recreation resources, agencies, certain, authority, SB 2563, Sub SB 2563
- Revenue and taxation, joint committee created, membership, powers and duties, SB 3370
- Salary, state, duties, modified, Sub SB 2720
- Science and technology joint ad hoc, established, membership, duties, technical advisory committee, appointment provision, *HCR 33
- Services, activities fee, higher education institutions, membership, voting majority, governing board, guidelines establishment required, SB 3560, *Sub HB 1480, CH. 80
- Technical advisory, created, five members, parks, DNR, game, fisheries, DOT, review agency requests to the council of recreation resources, agencies, certain, authority, SB 2563, Sub SB 2563
- Urban sprawl, select, legislative, established, provisions, report, Sub HCR 26

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SR Senate Resolution.

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COMMITTEES (See also **INDIVIDUAL, STANDING, STATUTORY AND SELECT COMMITTEES** in **APPENDIX**)—cont.

- Workers' compensation, joint, created, current program study, SB 3631, *Sub SB 3169(a), CH. 129
- Workers' compensation, joint, established, program examination study, Sub HB 1605

COMMODITIES

- Bulk, partial return, sales tax refund, allowed, HB 819

COMMON CARRIERS

- Hazardous materials, bill of lading, red in color or red border required, *HB 1870(a), CH. 132
- Hazardous materials, transportation, federal regulations, adoption, enforcement, WSP, provisions, *Sub HB 1807, CH. 20
- Motor freight carriers, equipment safety, hazardous materials, regulated, penalties, Sub HB 639
- Motor freight carriers, violations, certain, civil penalties, defined, imposed, Sub SB 3661
- Radioactive wastes, low level, as defined, transportation, disposal, regulated, social and health services department, radioactive waste surveillance account, created, referendum provision, Sub HB 1412(a)
- Railroads, crews, radio transceiver, availability, required where necessary, Sub SB 2735
- Railroads, crossings, reflectorized whistle posts, required, SB 2278
- Railroads, first aid training, employees, certain, required, liability, standard of care, defined, Sub SB 2299
- Regulation laws, enforcement authority, state patrol, granted, *HB 1870(a), CH. 132
- Violations, subject to civil penalty rather than criminal, enforcement procedures prescribed, *HB 1870(a), CH. 132

COMMUNICATIONS

- Interception, certain crimes evidence, reasonable grounds basis, permitted, SB 3326
- Nurse-patient, privileged, extended, SB 3210
- Railroads, crews, radio transceiver, availability, required where necessary, Sub SB 2735

COMMUNITY COLLEGES

- Anderson, Raymond R., district 18, trustees board, member, GA 244, confirmed pp. 24,111,397
- Apprentice, training, pilot program, instituted, facilities, bond authorization, increased, community college education board, appropriation, SB 3578
- Attendance incentive programs, employees, maximum sick leave restriction, not applicable, Sub SB 3191
- Attendance incentive programs, employees, maximum sick leave restriction, not applicable, community college education board, appropriation, *Sub SB 3537, CH. 182
- Brooks, James E., district 16, trustees board, member, GA 263, confirmed pp. 383,410,697

* 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.

COMMUNITY COLLEGES—cont.

- Burton, Philip L., district 6, trustees board, member, GA 250,
confirmed pp. 25,157,416
- Collective bargaining, certain personnel, provisions, SB 2236
- Davidson, Geneva U., district 19, trustees board, member, GA 251,
confirmed pp. 25,112,398
- Doumit, Elizabeth, district 13, trustees board, member, GA 242,
confirmed pp. 23,111,397
- Finn, Janet N., district 4, trustees board, member, GA 249,
confirmed pp. 25,111,398
- Grant, William A., Walla Walla community college, district 20,
trustee board, member, GA 260, confirmed pp. 224,613,734
- Hammer, Melvin G., district 15, trustees board, member, GA 254,
confirmed pp. 61,242,696
- Harris, Joan, district 16, trustees board, member, GA 266,
confirmed pp. 384,411,698
- Hays, Margaret, district 5, trustees board, member, GA 237,
confirmed pp. 22,110,367
- High school diploma, certificate programs, higher education, tuition, fee waiver,
dollar amount limitation removed, SB 3165, Sub SB 3165, *Sub HB 1481,
CH. 62
- Hislop, Virginia, district 16, trustees board, member, GA 266,
confirmed pp. 384,411,698
- Hite, Patricia G., Whatcom community college, district 21,
trustees board, member, GA 261, confirmed pp. 224,613,735
- Hunt, Robert E. Jr., Tacoma community college, district 22,
trustees board, member, GA 262, confirmed pp. 224,613,744
- Kennelly, William F., district 10, trustees board, member, GA 240,
confirmed pp. 23,242,686
- Larner, Frank H., district 2, trustees board, member, GA 235,
confirmed pp. 21,110,209
- Lawrence, William H., district 12, trustees board,
member, GA 267, confirmed pp. 384,613,744
- McFall, A. L., district 3, trustees board, member, GA 271, confirmed . . . p. 1156
- McGowan, Michael E., district 11, trustees board,
member, GA 241, confirmed pp. 23,111,396
- McNally, Dave, community college education board,
member, GA 198, confirmed pp. 13,386,609
- Military programs, funds, use, limited, SB 2154
- PERS, members, credit 12-month basis, 2nd Sub SB 2465
- Pinto, Ellen, district 22, trustees board, member, GA 255,
confirmed pp. 61,439,696
- Powers, Carolyn, district 3, trustees board, member, GA 236,
confirmed pp. 22,110,243
- Public disclosure act, records, certain, inspection, copying, exemption, SB 3136,
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- Rohrback, Pinckney M., Shoreline community college, district 7,
trustees board, member, GA 272, confirmed pp. 1156, 1157

* 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.

COMMUNITY COLLEGES—cont.

- Rosenberg, K. O., district 17, trustees board, member, GA 256,
confirmed pp. 61,243,420
- Rules, adoption, revisions, procedures, *SB 3240(a), CH. 186, P.V.
- Rules publication, editing, compiling authority, code reviser, prescribed, *SB
3240(a), CH. 186, P.V.
- Rules review committee, created, procedures established, (VETOED), *SB 3240,
CH. 186, P.V.
- Rust, Nancy S., Shoreline community college, district 7, trustees board, member,
GA 273 p. 1157
- Salaries, faculty, exempt administrators, increased, governor, appropriation, Sub
HB 1724
- Schwary, Richard L., district 14, trustees board, member, GA 243,
confirmed pp. 23,111,397
- Seidel, Henry R., district 8, trustees board, member, GA 238,
confirmed pp. 22,111,396
- Sick leave, employees, payment provisions, Sub SB 3191, *Sub SB 3537, CH.
182
- Sick leave, incentive program, startup costs, community college education board,
appropriation, *Sub SB 3537, CH. 182
- Spalding, James E., community college education board,
member, GA 199, confirmed pp. 13,269,609
- Startup, Vivian M., district 1, trustees board, member, GA 253,
confirmed pp. 61,242,695
- Stephens, Dan W., district 16, trustees board, member, GA 264,
confirmed pp. 383,411,697
- Student associations, certain, open meetings required, *HB 357, CH. 49, P.V.
- Tenure, member on leave, faculty replacement, tenure prohibited, SB 3143
- Title only, SB 3387
- Title only, bonds, SB 3430
- Tuition, fee waiver authority, dollar amount limitation, reduced, Sub SB 3165,
*Sub HB 1481, CH. 62
- Unemployment compensation, students, disqualification, class hour requirements,
*Sub HB 1952, CH. 74
- Van Hoose, David C., district 9, trustees board, member, GA 239,
confirmed pp. 22,157,416
- Washines, Anthony, district 16, trustees board, member, GA 268,
confirmed pp. 411,411–412,698

COMMUNITY SERVICES

- Delinquency prevention services program, DSHS, 1979–81 biennium, maintained,
no significant changes, directed, *SB 3574, CH. 158
- Elementary schools, unused, services expansion, planning and community affairs
agency, pilot project, appropriation, SB 3453
- Family court, marriage license fees, increased, support purposes, *HB 829, CH.
124
- Family court, services, cost assessment, parties, allowed, limitation, *HB 829(a),
CH. 124
- Juveniles, industrial insurance, third party liability coverage, fund establishment,
provisions, Sub HB 1359

* 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.

COMMUNITY SERVICES—cont.

- Mentally retarded, developmentally disabled, levies, 106% limitation, required, Sub HB 943
- Prisoners, certain, leaves, medical, dental care, volunteer service projects, provisions, HB 1106
- School facilities, community activities, use, implementation, provisions, Sub SB 2518

COMPANIES

- Cogeneration facilities, tax credits, revenue department, certificates, authorized, Sub SB 2598
- Debenture company, definition, modified, SB 2632
- Documents, certain, private organizations, duplicate filing requirement, county auditor, removed, HB 903

COMPENSATION (See also SALARIES AND WAGES; also UNEMPLOYMENT COMPENSATION)

- Adjustment boards, members, provision, SB 3365
- Boards, commissions, councils, committees, part-time, four classes, established, uniform compensation purposes, 2nd Sub HB 39
- Crime victims, proceeds from reenactment of crime, provisions, Sub SB 3128
- Drainage districts, commissioners, increased, SB 2748, Sub SB 2748
- Drainage districts, commissioners, increased, travel reimbursement authorized, *2nd Sub SB 2748, CH. 23
- Eminent domain, attorneys' fees, reasonable procedure, provided, HB 207
- Fire protection districts, commissioners, certain, increased, SB 2507
- Fire protection districts, commissioners, certain restrictions removed, *SB 3235, CH. 27
- Irrigation districts, directors, increased, SB 2748, Sub SB 2748, *2nd Sub SB 2748, CH. 23
- Planning commissions, boards of adjustment, members, authorized, HB 1430
- Planning commissions, members, provision, SB 3365
- Special purpose districts, compensation and expenses, increased, *SB 3211, CH. 92
- Washington state patrol, commissioned traffic officers, overtime compensation appropriation, Sub HB 1476, SB 3599

COMPENSATION - DEFERRED

- Committee, additional member, provision, SB 3419
- Funds, investment, certain, allowed, HB 807
- Public employees, plan, funds, investment flexibility, provisions, SB 3419
- State employees insurance board, personnel department director, trustee, agreements authorization, state, local government, fund, created, SB 3494
- State employees insurance board, personnel department director, trustee, agreements authorization, state, local government, fund, created, appropriation, Sub SB 3494
- State employees insurance board, plans, authority transferred, retirement systems department, provisions, Sub SB 3494

CONFIDENTIALITY

- Child care agencies, license investigations, DSHS personnel, criminal records access, criminal justice agencies cooperation, SB 3173

* 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.

CONFIDENTIALITY—cont.

Child care agencies, license investigations, DSHS personnel, criminal records access, criminal justice agencies cooperation, DSHS appropriation, *Sub HB 1520, CH. 125

Nursing homes, private patients, rights, confidentiality established, (VETOED), *Sub SB 3636(a), CH. 184, P.V.

CONFLICTS OF INTEREST (See also **ETHICS**; also **PUBLIC DISCLOSURE**)

Legislative ethics, code adopted, Sub SB 2970

Personal service contracts, disclosure, prohibition provisions, rules adoption, OFM, required, Sub HB 1065

School buses, driving contracts, certain, second class districts, exclusion, Sub HB 1065

School buses, driving contracts, certain, second class districts, exclusion, collective bargaining, pay plans, not to be affected, *Sub HB 1210(a), CH. 39

School districts, remote, certain, contracts, officer's spouse, certificated, classified employment, permitted, *Sub HB 1210, CH. 39

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District of Columbia, representatives, provisions, constitutional amendment, ratified, SJR 109

German Federal Republic, statute of limitations, Nazi war criminals, extension, petitioned, SJM 104

Olympia postmark, continued use, requested, SJM 103

CONRAD, ERNEST M.

Council for postsecondary education, member, GA 221, confirmed pp. 18,110,197

CONSERVATION AND DEVELOPMENT

Energy conservation, division, created, duties, energy office, transferred, UTC, Sub SB 3063

Energy conservation, garbage collection, long-term contracts, certain municipalities, permitted, overloaded trucks, penalties, dump mining permitted, fuel efficient flow study, SB 3486

Energy conservation, renewable resources, low interest loans, materials, equipment purposes, provisions, SB 3421

Energy conservation, residence weatherization, cost reimbursement, provisions, SB 3407

Energy conservation, utilities standing committees, legislative, joint meetings, energy supply, demand, analysis, recommendations, 1981 session, Sub SCR 111

Federal resource conservation and recovery act, ecology department implementation, *HB 646, CH. 144

Gasohol distributors, special liquor purchase permit, required, Sub SB 2978

Gasohol production, alcohol production for gasohol, B&O tax exemption, 2nd Sub HB 1000

Gasohol production, alcohol production for gasohol, property equipment used, leasehold interests, tax exemption, 2nd Sub HB 1000

Gasohol production, alcohol production for gasohol, stills, liquor control board, license, required, no fee, Sub SB 2978

Gasohol taxes, motor vehicle fuel excise, importer, partial exemption, Sub SB 2978

* 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.

CONSERVATION AND DEVELOPMENT—cont.

- Public utility districts, water resources, management, utilization, development, conservation, powers, modified, SB 2501
- State government, energy use, buildings, audits, general administration department, required, energy office cooperation, *Sub HB 1688, CH. 172
- State government, energy sue, motor vehicles, equipment, purchases, guidelines, criteria, general administration department, development, *Sub HB 1688, CH. 172
- Wood, use, energy shortage relief, federal help, petitioned, *HJM 24

CONSTITUTIONAL AMENDMENTS

- Aliens, real property, ownership prohibited, exclusion, reciprocity provisions, Sub SJR 122
- Budget, operating, state, amendments set forth in full, requirement, exemption, SJR 128
- Commissioners, superior court, duties, numbers, constitutional limits, removed, legislative authority, added, Sub HJR 21
- Development projects, public, indebtedness, payments, means, provided, HJR 22
- District of Columbia, congress, representatives, provisions, constitutional amendment, ratified, SJR 109
- Home rule powers, counties, municipal corporations, granted, SJR 114, Sub SJR 114
- Judicial qualifications commission, judicial disciplinary purposes, establishment, provisions, SJR 116, *Sub HJR 37
- Land, public, unappropriated, disclaimer of rights, revised, *SJR 132
- Land, public, unappropriated, state's rights vested, natural resources department, jurisdiction, report, constitutional contingency, disclaimer to unappropriated state lands, *SB 3593, CH. 116
- Law practice regulated, SJR 131
- Motor vehicle fund, public transportation purposes, use, permitted, SJR 129
- Redistricting commissions, establishment provisions, HJR 31, Sub SJR 125
- Rental relief, senior citizens, totally disabled persons, provisions, SJR 130
- Residences, owner occupied, assessed valuation, two percent per year limitation, SJR 126
- Tax relief, property, personal, renters, provisions, Sub SJR 101
- Title only, SJR 122, SJR 125
- Tortious conduct, municipal corporation liability, calculation, limitations, SJR 127

CONSTRUCTION

- Bonds, general obligation, highway improvements, authorized, transportation commission, appropriation, SB 2782
- Contractors, certain small projects, bonds, not required, Sub HB 43
- County, private business, authorized, HB 115
- Day labor projects, certain, county roads, monetary limit maximum, contract/day labor combination, minority employment solicitations, Sub SB 2177
- Earth-sheltered housing, materials, sales tax, exempt, SB 3306
- Electric resistance space heating systems, use restricted, SB 3260
- Energy conservation, building materials, components, as defined, sales and use tax, exempt, energy office, exemption recommendations, required, 2nd Sub HB 1420

* 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.

CONSTRUCTION—cont.

- Energy conservation, renewable, practices, devices, as defined, public facilities, design, life-cycle cost provisions, general administration department, rules promulgation, *Sub SB 2977, VETOED
- Energy conservation, renewable, practices, devices, as defined, public facilities, design, life-cycle cost provisions, SB 3274
- Handicapped facilities, referendum 37, implementation, small counties, minimum guarantee, social and health services department, appropriation, *HB 1483(a), CH. 136
- Handicapped facilities, referendum 37, implementation, social and health services department, appropriation, SB 3170
- Hood Canal bridge, design, reconstruction, transportation department, authorized, environmental impact statement exemption extended, *SB 3183, CH. 2
- Hood Canal bridge, replacement, federal appropriation, petitioned, SJM 114, Sub SJM 114
- Sanitary disposal systems, rest areas, certain, transportation department, construction, maintenance required, *HB 1464, CH. 60
- School buildings, handicapped access facilities authorized, appropriation, *Sub SB 2963, CH. 154
- School districts, energy efficiency improvements, costs, borrowing authority, *HB 1597, CH. 170
- School districts, structural changes, major, minor, borrowing authority, *HB 1597, CH. 170
- School facilities, bonds issuance authorized, superintendent of public instruction, appropriation, *HB 1643, CH. 141
- School facilities, inventory, energy efficiency, safety audit, provisions, appropriation, revision, SB 3473, *HB 1843 (VETOED)
- School facilities, 1979 bond issue, implementation, superintendent of public instruction, appropriation, SB 3454
- School fund, current state, abolished, *SB 3406, CH. 6
- Seattle center resident theater, bonds authorized, commerce and economic development, appropriation, Sub HB 1424, SB 3628
- Solar housing, passive, materials, sales and use tax, exempt, SB 3307
- South fork Willapa hatchery, construction, development, appropriation, SB 3594
- Swimming pools, new construction, heating, renewable energy sources, use, required, SB 3273
- Utility services, underground, construction projects, damage, liability, responsibility, specified, Sub SB 2666
- Warehouse arts center, Yakima, bonds authorized, commerce and economic development department, appropriation, Sub HB 1424

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- Taxes, property, retirees, physically disabled, income limits, adjustment, provisions, SB 3192, Sub SB 3192

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- Automotive repairs, regulations, revised, licensing and revenue departments, appropriation, Sub HB 1749
- Energy and utilities legislative standing committees, joint meetings, energy supply, demand, analysis, recommendations, 1981 session, Sub SCR 111

* 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.

CONSUMERS AND CONSUMER PROTECTION—cont.

- Energy facilities site certification, approval by voters, affected county, required, SB 3180
- Energy facilities site certification, by governor, applicants, development permits, exemption, data collection purposes, Sub SB 3019
- Fish, shellfish, frozen, labeling requirements, established, HB 284
- Health care services, contractors, disclosure, regulations, directorship, consumer members, SB 2731
- Insurance advisory committees, consumer, industry input, regulatory problems, appointment, travel expense reimbursement, provisions, Sub HB 779
- Insurance agents, brokers, continuing education, 24 hours, required, designated licensees, agents, brokers, 20 years or more, 12 hours, required, SB 3619
- Insurance agents, brokers, licensing, continuing education, minimum requirements, insurance commissioner establishment, authorized, SB 2332
- Insurance agents, brokers, licensing, education, minimum requirements, SB 2332
- Insurance agents, brokers, licensing, education, requirements, certain, authorized, SB 2332
- Insurance agents, brokers, services, certain, compensation, insurance commissioner authorization, permitted, Sub HB 779
- Insurance companies, brokers, surplus line, surety bond, filing required, annual statement, failure to file, fine increased, *SB 3318, CH. 102
- Insurance companies, cancellation, notice requirements, homeowner's dwelling fire, private passenger, application, *SB 3318, CH. 102
- Insurance companies, commissioner, fines, maximum, increased, certain fees, increased, *SB 3318, CH. 102
- Insurance companies, unimpaired paid-in capital stock, unimpaired surplus, maintenance amounts, specified increases, required, SB 3317, *Sub HB 1471, CH. 135
- Insurance companies, unlicensed, fines, range, increased, *SB 3318, CH. 102
- Insurers, automobile insurance, policy renewal, refusal, limitations, SB 2029
- Insurers, health care services, contractors, reimbursement schedule, quarterly revision, update, required, noncompliance, unfair practice, SB 3222
- Insurers, medical disability, reimbursement schedule, quarterly revision, update, required, noncompliance, unfair practice, SB 3222
- Loans, consumer finance, amount, terms, interest rates, maximums, increased, SB 3614
- Title only, SB 3467, SB 3525
- Utility services, cost minimization, policies development, utilities and transportation commission, directed, SB 3080

CONTINUING EDUCATION (See also EDUCATION)

- Chiropractic examiners board, minimum hours establishment, required, *Sub HB 395, CH. 51
- Chiropractors, regulated, examiners, disciplinary boards, membership increased continuing education, school accreditation provisions, *Sub HB 395, CH. 51
- Engineers, land surveyors, regulations, revised, Sub HB 312
- Insurance agents, brokers, minimum requirements, insurance commissioner establishment, authorized, SB 2332
- Insurance agents, brokers, program, insurance commissioner, appropriation, Sub HB 1528

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

CONTINUING EDUCATION (See also **EDUCATION**)—cont.

Insurance agents, brokers, 24 hours, required, designated licensees, agents, brokers, 20 years or more, 12 hours, required, SB 3619

Nurses, license renewal purposes, required, SB 2272

Real estate, brokers, salespersons, requirements, licensing department, appropriation, Sub SB 2316

CONTRABAND

Deadly weapons, possession, detention facilities, prohibited, law enforcement officers, exempted, SB 2871

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Advertisements, materials, registration number, use, required, *HB 1663, CH. 68

Bonds, certain small projects, not required, Sub HB 43

Day labor projects, certain, county roads, minority workers, solicitation, Sub SB 2177

Health care services, disclosure, regulations, directorship, consumer members, SB 2731

Health care services, insurers, reimbursement schedule, quarterly update, revisions, required, noncompliance, unfair practice, SB 3222

Registration, requirements, provisions, surety bond, liability insurance, do not constitute compliance, HB 721

Water well, complaint procedure, ecology department, revised, SB 2352

CONTRACTS

Art works, fine, consignment sales, regulated, installment payment, losses, damages, provisions, Sub HB 981

Bulk commodity, partial return, sales tax refund allowed, HB 819

Electrical distribution, generating systems, first class cities, contracts requirements, provisions, SB 3252

Engineers, part-time, contract services, eighth, ninth class counties, reclassification, employment rights, retained, *SB 3214(a), CH. 93

Floating home landlord-tenant act, enacted, moorages, legal rights, SB 2850, Sub SB 2850, 2nd Sub SB 2850

Franchises, termination grounds extended, SB 3333, *Sub HB 1510, CH. 63

Hospitals, university, purchases from cooperative hospital service organizations, permitted, SB 3330, *Sub SB 3330, CH. 103

Interest, state obligations, required, Sub SB 2238

Inventions, employees, employment agreements, certain terms, prohibited disclosure procedures, provisions, Sub SB 2420

Nursing homes, auditing and cost reimbursement act, enacted, Sub SB 2335

Nursing homes, auditing and cost reimbursement act, enacted, appropriation, SB 3250, *Sub SB 3250, CH. 177

Oral, statute of limitations, time period extended, SB 3335

Personal services, conflicts of interest, disclosure, prohibition provisions, rules adoption, OFM, required, Sub HB 1065

School buses, driving contracts, certain, second class districts, conflict of interest exclusion, Sub HB 1065

School buses, driving contracts, certain, second class districts, conflict of interest exclusion, collective bargaining, pay plans not to be affected, *Sub HB 1210,(a), CH. 39

* 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.

CONTRACTS—cont.

- School districts, contracting powers, modified, SB 3223
- School districts, remote, certain, officer's spouse, certificated, classified employment, permitted, *Sub HB 1210, CH. 39
- Solid waste department, first class cities personnel, operation authorized, SB 3252
- Successor clauses, entertainment services, provisions, SB 2679, Sub SB 2679
- Traffic control projects, electrical, counties, certain, provisions, *HB 1371(a), CH. 40
- Utility services, underground, construction projects, damage, liability, responsibility, specified, Sub SB 2666

CONTRIBUTORY FAULT

- Tort, product liability, general revisions, appropriation, SB 2333(a)
- Tort, product liability, modified, SB 2333

CONTROLLED SUBSTANCES

- Alcohol, substance abuse related crimes, certain persons, private nonprofit diversion programs, DSHS expenditure provisions, *Sub HB 1533(a), CH. 167
- Drugs, effect on human system, grade 7, 8 health classes, study, mandated, SB 3575
- Felony violations, class A, B, C, sentencing provisions revised, SB 3301
- Paraphernalia, drug-related, unlawful possession, sale, prohibited, SB 2174
- Paraphernalia, drug-related, unlawful possession, sale, prohibited, display restrictions, SB 2174(a)
- Prescriptions, nonresident practitioner authorization, SB 3226, *Sub SB 3226, CH. 71
- Probation, interlocal drug fund, contribution, requirement, permitted, *HB 1762, CH. 19
- Schedules, revised, *Sub HB 1485, CH. 138
- Therapeutic research act, enacted, powers, duties, Sub SB 2264

CONVALESCENTS

- Employment agencies, babysitting, convalescent, elderly care, certain, referral services, HB 168
- Nursing homes, auditing and cost reimbursement act, enacted, Sub SB 2335
- Nursing homes, auditing and cost reimbursement act, enacted, DSHS appropriation, SB 3250, *Sub SB 3250, CH. 177

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- Forest land, classified, sale, tax lien attachment provision, noncomplying conveyance instrument, auditor acceptance, prohibited, *Sub HB 810, CH. 134
- Forest land, classified, sale, title document recording, *Sub HB 810, CH. 134
- Townsites, national forests, sales requirements, real estate tax exemption, *Sub SB 3184(a), CH. 90

COOPERATIVES

- Agricultural, dissolution by election, provisions, SB 2576

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- Business corporation act, provisions modified, *SB 3282, CH. 99
- Campaign contributors, residents, nonresidents, requirements, revised, SB 3630
- Contributions, political, regulated, SB 3216

* 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.

CORPORATIONS—cont.

- Documents, certain, private organizations, duplicate filing requirement, county auditor, removed, HB 903
- Energy resources producing, securities, inheritance, gift taxes, exempt, SB 3409
- Insurers, attorney associations, definition exclusion, self-insurance permitted, insurance guaranty association act, requirements, exclusion, SB 2259
- Insurers, attorney associations, 500 or more, definition exclusion, self-insurance, permitted, insurance guaranty association act, requirements, exclusion, Sub SB 2259
- Insurers, health care professionals, definition, exclusion, self-insurance permitted, insurance guaranty association act, requirements, exclusion, SB 2259
- Insurers, health care professionals, 500 or more, definition exclusion, self-insurance, permitted, insurance guaranty act, requirements, exclusion, Sub SB 2259
- Museum enterprises, inc., state capitol museum, fund raising purposes, established, Sub HB 515
- Nonprofit organizations, property, park, open spaces, recreation, purposes, tax exemption, Sub SB 2790
- Nursing homes, auditing and cost reimbursement act, enacted, Sub SB 2335
- Nursing homes, auditing and cost reimbursement act, enacted, appropriation, SB 3250
- Political contributions, large, nonresident, limitations, provision, SB 3604, Sub SB 3604
- Political contributions, reporting requirements, revised, Sub SB 3604
- Professional service, shareholders, number limitation, SB 3168
- Salmon licenses, commercial, ownership, alien business entities, prohibited, business entity, defined, Sub SB 3442
- Salmon licenses, commercial, ownership, alien corporations, prohibited, SB 3442

CORR, EUGENE M.

- Board of prison terms and paroles, member, GA 226, confirmed . . . pp. 19,196,421

CORRECTIONS (See also SOCIAL AND HEALTH SERVICES DEPARTMENT)

- Adult corrections facility, 500-bed, location, existing state facility site or federal facility site, *Sub HB 1533(a), CH. 167
- Adult corrections facility, 500-bed, McNeil Island, construction authorized, DSHS appropriation, WCC, Monroe, alternatives, provisions, Sub HB 1817
- Correctional facility, additional, location at present sites, feasibility study, report, appropriation expenditure, contingent legislative site approval, SB 3577
- Correctional officers, penal institutions, pre-employment investigation, required, Sub HB 1798
- Correctional skill improvement, special committee, established, report required, appropriation, SB 3621, Sub SB 3621
- Furloughs, procedures, prison terms and parole board, established, local input, SB 3495
- Prisoners, work training programs, authorized, social and health services department, contract provisions, HB 1718
- Title only, adult, SB 3523

* 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.

CORRECTIONS CENTER (SHELTON)

Adult corrections facility, 500-bed, McNeil Island, construction, authorized, DSHS appropriation, WCC, Monroe, alternatives, provisions, Sub HB 1817

COUNCILS

Building code advisory, state, reconstituted, provisions, Sub SB 2443

Compensation, uniform, part-time citizen members, established, 2nd Sub HB 39

Energy facilities, site evaluation, member, added, archaeology, historic preservation office, designee, SB 2691

Interagency committee for outdoor recreation, reorganized, renamed, council of recreation resources, agencies, certain, authority, SB 2563, Sub SB 2563

Salmon advisory, representation requirements, *HB 1598, CH. 66

COUNTIES (See also names of COUNTIES)

Audits, intervals, reasonable, periodic, minimum, once in three years, schedule, adoption, state auditor, Sub SB 2404

Audits, intervals, reasonable, periodic, state auditor, SB 2404

Boards, noncharter counties, membership increase, provisions, SB 2017

Bonds, maximum allowable interest rate increased, *Sub HB 1090(a), CH. 145

Building code advisory council, estate, reconstituted, provisions, Sub SB 2443

Building code, state, updated, fire code exemption proviso, 2nd Sub HB 541

Community service insurance fund, juveniles, fines, industrial insurance, liability coverage, establishment, authorized, Sub HB 1359

Community service, juveniles, performance, industrial insurance, third party liability coverage, fund establishment, provisions, Sub HB 1359

Comprehensive plans, adoption, sewer, water districts, adoption, requirements, revised, SB 3579

Day labor, roads, monetary limit maximum, contract/day labor combination, minority employment solicitation, Sub SB 2177

Disaster relief, emergency services department, provisions, emergency assistance fund, created, appropriation, SB 3615

Docks, commercial, inspection, certification, labor and industries department requirements, civil penalty, SB 3209

Docks, commercial, inspection, certification, warrant, labor and industries department requirements, appropriation, Sub SB 2969

Elections, special, major political party caucuses, conflict prohibition, *Sub HB 1852, VETOED

Elections, special, major political party caucuses, conflict prohibition, home rule charter counties, exclusion, *Sub SB 3359, CH. 3

Energy facilities, site certification approval by voters, affected county, required, SB 3180

Energy facilities, sites, certification, applications, fees, advisory ballots, participation provisions, SB 3193

Energy facilities, sites, certification, outside Hanford, local voter approval within two years of appropriation, required, Sub SB 3193

Energy fair '83 commission, created, commerce and economic development department, energy office cooperation, Sub HB 1143

Engineers, part-time, or contract services, eighth or ninth class counties, reclassification, employment right retained, *SB 3214(a), CH. 93

Family court, funding, marriage license fee increase, allowed, account creation, conciliation services, SB 3584

* 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 names of COUNTIES)—cont.

- Family court, marriage license fees increased, support purposes, *HB 829, CH. 124
- Family court, services, cost assessment, parties, allowed, limitation, *HB 829(a), CH. 124
- Federal forest reserve moneys, schools, roads, expenditure, distribution requirements, *Sub SB 2963, CH. 154
- Fire code, dwellings, access roadway requirements, exemption permitted, *Sub HB 1558, CH. 64
- Fire data, investigation, reporting requirements, fire marshal, appropriation, *Sub SB 3385, CH. 181
- Forest land, sales, revenues, distribution, 2nd Sub HB 240
- Forest reserves, revenues, distribution, schools, roads, counties, provisions, 2nd Sub HB 240
- Forest trust land moneys, proration, distribution, *Sub SB 2963, CH. 154
- Fuel tax, distribution formula, revised, computation modified, SB 2391, Sub SB 2391
- Handicapped facilities, referendum 37, implementation, small counties, minimum guarantee, social and health services department, appropriation, *HB 1483(a), CH. 136
- Health departments, joint city—county, certain, director employment, joint action, *Sub HB 1457, CH. 57
- Health departments, joint city—county, employees, county civil service, retirement plans, inclusion authorized, *Sub HB 1457, CH. 57
- Health departments, joint city—county, funds, county treasurer, deposit authorized, *Sub HB, 1457, CH. 57
- Health officers, local, educational requirements, revised, Sub HB 898
- Home rule, powers, granted, SJR 114, Sub SJR 114
- Initiatives, referendums, noncharter, powers, authorized, voter approval, Sub HB 1398
- Interlocal drug fund, contribution, probation condition, requirement permitted, *HB 1762, CH. 19
- Jail commission, bond proceeds, use, operational costs of fiscal assistance, review authorized, appropriation, SB 3588, *Sub HB 1981, CH. 143
- Mental retardation, communities, levy amount, proportionate reduction, statutory tax limitation, *SB 3181(a), CH. 155
- Metropolitan municipal corporations, class AA counties, sales, use tax rates increased, public transportation use, *HB 1427(a), CH. 163
- Misdemeanant probation, parole program, justice courts, established, SB 3399
- Needy persons, cities, towns, programs, establishment, county notice, required, HB 1960
- Nuclear energy facility sites, outside Hanford boundaries, local governmental approval, required, SB 3616
- Parks, recreation service areas, defined, proposition provision, tax levying authority, Sub HB 1455
- Parks, state, sale, proceeds, counties, real property acquisition/development account, created, appropriations, SB 2473
- Planning commission, boards of adjustment, members, compensation, authorized, HB 1430

* 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 names of COUNTIES)—cont.

- Platting, subdivisions, irrigation districts, water rights of way, required, prior to plat approval, SB 2933
- Precincts, reapportionment, one year following congressional and legislative districts, SB 3270
- Prisoners, double amendments, *HB 1589, CH. 17
- Probation services, state aid, inactive program, disestablished, SB 2566
- Public disclosure, legislative action, open meetings, collective decisions, voting, exemption, provisions, Sub SB 2455
- Right of way, franchises, applicant, acceptance, rejection, procedures, Sub HB 726
- Road districts, excess levies, authorized, HB 1943
- Roads, administration, classification, purchases, competitive prices, procedures modified, Sub SB 2268
- Roads, construction, improvement, private business, authorized, HB 115
- Roads, day labor, budget limits prescribed, *HB 1371(a), CH. 40
- Roads, primitive classification permitted, *Sub HB 1575, CH. 45
- Sanitary sewage disposal system, comprehensive plan, tax levy, modified, Sub SB 3094
- Senior citizens, programs, authorized, SB 2262
- Sewer, water districts, extraterritorial activities, certain, approval, boundary review board exemption, Sub HB 1143
- Sheriff's office, employees intersystem transfer without competitive examination, authorized, *SB 3378, CH. 108
- Solar energy, development, use, property right, easements, provisions, Sub SB 2014
- Solid waste disposal districts, creation, authorized, provisions, Sub HB 1408
- Timber sales, revenues, distribution, schools, 2nd Sub HB 240
- Townsites, national forests, sales requirements, real estate tax exemption, *Sub SB 3184(a), CH. 90
- Traffic control projects, electrical, certain, contract provisions, *HB 1371(a), CH. 40
- Transmission facilities, local government, energy facilities, site evaluation council, application, hearings requirements, provisions, SB 3193
- Transportation, public, local systems, emergency situations, OFM disbursement provisions, appropriation, *HB 1427(a), CH. 163
- Urban sprawl, legislative select committee, established, provisions, report, Sub HCR 26
- Utility fees, hookup, connection, tap-in charges, sewer, water, waiver, delay, low income persons, ordinance required, *HB 1444, CH. 150
- Utility services, underground, construction projects, damage, liability, responsibility, specified, Sub SB 2666
- Venue, change, costs, certain, partial reimbursement, allowed, prosecutors reimbursement revolving fund, appropriation, Sub HB 1084
- Veterans', employment preference, noncompetitive employment systems, competitive, certain, revisions, SB 3106, Sub SB 3106
- Veteran's relief fund, levy amount, proportionate reduction, statutory tax limitation, *SB 3181(a), CH. 155
- Veterans' relief services, levies, 106% limitation, required, Sub HB 943

* 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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COUNTIES (See also names of COUNTIES)—cont.

Voter registration, various changes, Sub SB 2454, 2nd Sub SB 2454

COUNTY OFFICERS – ASSESSORS

- Energy, renewable, materials, equipment, property tax credit, provisions, SB 3269
- Fire fighters pension fund, levy amount, proportionate reduction, statutory tax limitation, *SB 3181(a), CH. 155
- Floating homes, detached buildings, used, resale, rental, sales, use tax exemption, real estate excise tax, redesignated real property tax, 2nd Sub HB 200
- Forest land, classified, sale, tax lien attachment provisions, noncomplying conveyance instrument, auditor acceptance prohibited, *Sub HB 810, CH. 134
- Forest land, classified, sale, title document recording, *Sub HB 810, CH. 134
- Heating, cooling systems, unconventional, property assessment value exclusion, owner notification, required, 2nd Sub HB 1546, *SB 3181(a), CH. 155
- Historic sites, taxation, certain, exemption, implemented, SB 3480
- Levies, recalculation, limitation exceeded, required, SB 3592
- Liens, utility service charges, certain, filing, county assessor, judicial enforcement procedures, SB 3546
- Liens, utility service charges, filing, county auditor, judicial enforcement procedures, Sub SB 3546
- Mental retardation, communities, levy amount, proportionate reduction, statutory tax limitation, *SB 3181(a), CH. 155
- Mobile homes, property tax assessment, fair market value, guidelines, revenue department, adoption, required, appropriation, HB 1987
- Mobile homes, used, resale, sales, use tax, exclusion, real estate excise tax, redesignated real property tax, ownership certificate, issuance, 2nd Sub HB 200
- Omitted value, property assessment, allowed, notice, appeal information, required, purchaser liability exemption, certain, Sub HB 841
- Open space land, no current use, valuation, tax purposes, revised, SB 3555
- Property taxes, retirees, assessed maximum valuation, annual adjustment, provisions, Sub SB 3192
- Property taxes, retirees, residences, exemption, disposable income basis, *Sub SB 3509(a), CH. 185, P.V.
- Property taxes, retirees, residences, exemption, increased, SB 3225
- Property taxes, retirees, residences, exemption, lease for life, considered life estate, SB 3509
- Property taxes, retirees, residences, exemption, lease for life, considered life estate, life tenant provision, Sub HB 1901, *Sub SB 3509, CH. 185, P.V.
- Property taxes, retirees, residences, income limits, consumer price index, adjustment, provisions, SB 3192, Sub SB 3192
- Rental relief, senior citizens, totally disabled persons, provisions, SJR 130
- Timber valuation, assessment revisions, assessor responsibilities, ownership transfers, appeals, temporary forest tax committee created, SB 3504
- Veteran's relief fund, levy amount, proportionate reduction, statutory tax limitation, *SB 3181(a), CH. 155

COUNTY OFFICERS – AUDITORS

- Ballots, absentee, applicants, privacy permitted, public lists inclusion, prohibited, SB 3205, Sub SB 3205
- Documents, certain, private organizations, duplicate filing requirement, removed, HB 903

* 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 – AUDITORS—cont.

- Elections, general revisions, Sub SB 3118
- Elections, special, major political party caucuses, conflict prohibition, *Sub HB 1852, VETOED
- Elections, special, major political party caucuses, conflict prohibition, home rule charter counties, exclusion, *Sub SB 3359, CH. 3
- Forest land, classified, sale, tax lien attachment provision, noncomplying conveyance instrument, auditor acceptance prohibited, *Sub HB 810, CH. 134
- Forest land, classified, sale, title document recording, *Sub HB 810, CH. 134
- Initiatives, petitions, signature requirement, percentage, reduced, Sub HB 1398
- Liens, utility service charges, filing, county auditor, judicial enforcement procedures, Sub SB 3546
- Marriage, license fees, increased, family and children account purposes, SB 3197, SB 3259
- Motor vehicle licenses, certificates of ownership, registration, fees, agents, additional service charge allowed, *SB 3565(a), CH. 114
- Precincts, election, boundary maps, transmittal date changed, *SB 3362, CH. 107
- Voter registration, various changes, Sub SB 2454, 2nd Sub SB 2454

COUNTY OFFICERS – CLERKS

- Partnerships, limited, certificate filing requirements, transferred, licensing department, SB 3441
- Partnerships, limited, certificate filing requirements, transferred, licensing department, transfer rules, promulgation provisions, Sub SB 3441
- Superior court, clerks, official services, fees, increased, partial allocation, judicial information system *2nd Sub SB 2381, CH. 70

COUNTY OFFICERS – COMMISSIONERS AND COUNCILMEN

- Boards, noncharter counties, membership increase, provisions, SB 2017
- Sanitary sewage disposal system, comprehensive plan, tax levy, modified, Sub SB 3094

COUNTY OFFICERS – PROSECUTING ATTORNEYS

- Convicted persons, statement of facts, preparation, signature, provisions, parole board availability, Sub HB 51
- Crime victims, compensation, proceeds from reenactment of crime, provisions, Sub SB 3128
- Crimes, committed in conjunction with other crimes, separate prosecution, punishment, provision, SB 3206
- Organized crime advisory board, new name, membership, duties, meetings, fund created, appropriation, SB 3591, *Sub HB 1147, CH. 146
- Recall charges, replies permitted, ballot inclusion requirement, *HB 1434, CH. 42
- Recall charges, sufficiency, attorney general determination directed, *HB 1434, CH. 42
- State-wide special inquiry judge act, enacted, fund, created, appropriation, SB 3591, *Sub HB 1147, CH. 146
- Venue, change, costs, certain, partial reimbursement, allowed, prosecutors reimbursement revolving fund, appropriation, Sub HB 1084

* 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 – SHERIFFS AND PUBLIC SAFETY DIRECTORS

- Deadly weapons, possession, detention facilities, prohibited, law enforcement officers, exempted, SB 2871
- Electronic surveillance, certain use, authorized, provisions, SB 3606
- Employees, intersystem transfer without competitive examination authorized, *SB 3378, CH. 108
- Fire data, investigation, reporting requirements, fire marshal, appropriation, *Sub SB 3385, CH. 181
- Fires, data, reporting, compilation, provisions, SB 3322
- Organized crime advisory board, new name, membership, duties, meetings, fund created, appropriation, SB 3591, *Sub HB 1147, CH. 146
- Promotions, most qualified personnel, provisions, SB 3301

COUNTY OFFICERS – TREASURERS

- Bonds, maximum allowable interest rate increased, *Sub HB 1090(a), CH. 145
- Funds, municipal corporations, investment, mutual savings banks, authorized, *Sub HB 1454, CH. 56
- Health departments, joint city–county, funds, deposit authorized, *Sub HB 1457, CH. 57
- Port districts, appointment, specified conditions, permitted, SB 3446
- Property taxes, delinquent, interest rate, increased, sale, grace provisions, senior citizen interest rate, maintained, 2nd Sub HB 10
- Real estate excise tax, payments, deposit, cost provisions, *Sub SB 2963, CH. 154
- Superior courts, clerks, official services, fees, increased, partial allocation, judicial information system, *2nd Sub SB 2381, CH. 70
- Warrants, fiscal, county road improvement, interest rate authorization, SB 3297, *Sub SB 3297, CH. 100
- Warrants, fiscal, interest calculation date, redemption call notification, SB 3297, *Sub SB 3297, CH. 100

COURT OF APPEALS

- Agencies, decisions, direct review authorized, *HB 209, CH. 76
- Clerks, official services, fees increased, SB 2381, Sub SB 2381
- Clerks, official services, fees increased, partial allocation, judicial information system *2nd Sub SB 2381, CH. 70
- Judges, pro tem, subsistence, lodging, travel expenses, provisions, HB 1421, SB 3230

COURT REPORTERS

- Judicial council, added, SB 2342
- Prejudicial, attorney, plaintiff, defendant, substitution, request, procedures, SB 2919

COURTS

- Adoption consent, written, required, adoption procedures prescribed, *Sub HB 1729, CH. 85
- Adoption petitions, relinquishment procedures prescribed, *Sub HB 1729, CH. 85
- Adoption registry, establishment, natural parent disclosure purposes, registration, consent, confidentiality, provisions, Sub HB 318, SB 3221

* 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.

- Adoption requirements, jurisdictional, procedural, noncompliance waiver, *Sub HB 1729, CH. 85
- Children, actions, parental, legal guardians, civil liability, revised, SB 3203
- Children, buying, selling, prohibited, felony, SB 3478
- Children, buying, selling prohibited, felony provision, permitted transactions, provisions, SB 3478(a), *Sub HB 1729(a), CH. 85
- Children, residential care, as defined, parents, partial payment, social and health services department, provisions, SB 3590
- Civil actions, settlement, offers, time period, provisions, SB 2043, Sub SB 2043
- Convicted persons, statement of facts, certain court personnel, required, parole board availability, Sub HB 51
- Court reporters, prejudicial, attorney, plaintiff, defendant, substitution, request, procedures, SB 2919
- Crime victims, compensation, proceeds from reenactment of crime, provisions, Sub SB 3128
- Criminal code, offenses, revisions, 2nd Sub HB 1183
- Criminal code, revised, SB 2229
- Damages, prior agreements, court approval, announcement, required, Sub HB 391, SB 2223, Sub SB 2223
- Employees, juvenile, municipal, district, collective bargaining laws, included, SB 3369
- Energy facility sites, litigation, cases, expeditious processing, SB 3305
- Family, funding, marriage license fee increase, allowed, account creation, conciliation services, SB 3584
- Family, marriage license fees increased, support purposes, *HB 829, CH. 124
- Family, services, cost assessment, parties, allowed, limitation, *HB 829(a), CH. 124
- Fees, attorneys, assessment, civil actions, case dollar amount increased, *SB 3220, CH. 94
- Imprisonment, certain, terms, modified, Sub HB 498
- Initiatives, referendums, petitioner names, addresses, other information, use regulated, penalty provisions, SB 3163, Sub SB 3163
- Judges, pro tem, subsistence, lodging, travel expenses, provisions, HB 1421, SB 3230
- Judges, superior court, new, salaries, administrator for the courts, appropriation, Sub HB 1525
- Judgments, civil actions, interest rate, increased, *SB 3220, CH. 94
- Judgments, enforcement, time period, extended, *SB 3334, CH. 105
- Jurors, fees, increased, SB 2012
- Jury trials, right assured, SB 3299
- Justice, commissioners, lawyer or qualifying examination, requirement, SB 3410
- Justice, filing fees, increased, *Sub HB 1422, CH. 162
- Juvenile institutions, children, support, required, Sub HB 340
- Juvenile justice act, technical amendments, dependency criteria, modified, Sub SB 2213
- Juveniles, curfew, violations, provisions, Sub SB 2495

* 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.

- Juveniles, delinquent, community supervision expanded, violation hearings, detention, parole revisions, DSHS, plan development, juvenile delinquent protection, SB 3492
- Juveniles, records, access, content, procedures, revisions, SB 2924, Sub SB 2924 Law, practice regulated, SJR 131
- Legislative intent, violations, certain state employees, civil actions, authorized, SB 3174
- Licenses, occupational driver's, judge, temporary license, issuance provisions, SB 2135
- Liens, utility service charges, certain, filing, county assessor, judicial enforcement procedures, SB 3546
- Liens, utility service charges, filing, county auditor, judicial enforcement procedures, Sub SB 3546
- Limited jurisdiction, annual report, magistrates' association, required, SB 3414
- Limited jurisdiction, electronic equipment operation, administrator for the courts, supervision, *Sub HB 1422, CH. 162
- Limited jurisdiction, jury selection, impaneling provision, SB 3288, *Sub HB 1422, CH. 162
- Limited jurisdiction, proceedings, review provisions, SB 3403
- Limited jurisdiction, proceedings, superior court review under procedures established by supreme court rule, *Sub HB 1422, CH. 162
- Limited jurisdiction, state magistrate's association, annual report required, *Sub HB 1422, CH. 162
- Misdemeanant probation, parole program, justice courts, established, SB 3399
- Municipal, cities, termination by ordinance, HB 52
- Nurse-patient communications, privileged, extended, SB 3210
- Nurse-patient communications, privileged, extended, hearings, appeals, labor and industries, industrial insurance appeals board, not exempt, SB 3210(a)
- Parent-child relationship, voluntary termination procedures prescribed, *Sub HB 1729, CH. 85
- Parentage act, uniform, revisions, Sub HB 1873
- Police, appeals, sentencing provisions, HB 1417, SB 3231
- Probation, interlocal drug fund, contribution requirement, permitted, *HB 1762, CH. 19
- Probation, summary, DSHS custody, authorized, provisions, Sub SB 2485
- Runaway youth, interstate compact, revisions, SB 3014
- Search warrants, evidence, homicides, felonies, radio, television stations, news media, wire services or employees, use limitations, *HB 427(a), CH. 52
- State-wide special inquiry judge act, enacted, fund, created, appropriation, SB 3591, *Sub HB 1147, CH. 146
- Superior, clerks, official services, fees, increased, SB 2381, Sub SB 2381
- Superior, clerks, official services, fees, increased, partial allocation, judicial information system *2nd Sub SB 2381, CH. 70
- Superior, commissioners, duties, numbers, constitutional limits, removed, legislative authority, added, Sub HJR 21
- Superior, judges, King county, number increased, SB 3207
- Superior, judges, King county number increased, conditions imposed, *Sub SB 3207, CH. 183, 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.

COURTS—cont.

- Traffic infractions, general revisions, SB 3227, *HB 1418, CH. 128
- Truancy, habitual, juvenile justice act, included, SB 3026
- Venue, change, counties, costs, certain, partial reimbursement, allowed, prosecutors reimbursement revolving fund, appropriation, Sub HB 1084
- Water systems, public, enforcement powers, granted, SB 2203

COWLES, ALLISON

- Council for postsecondary education, member, GA 222, confirmed pp. 18,241,610

CRABS

- Commercial fishing, license fees established, *Sub HB 714, CH. 133

CREDIT

- Interest charges, provisions revised, SB 3300
- Title only, charges, SB 3338

CREDIT UNIONS

- Miscellaneous changes, SB 3262, Sub SB 3262, *Sub HB 1416, CH. 41
- Satellite facilities, authorized, SB 2267
- Title only, SB 3459, SB 3641

CRIME VICTIMS

- Assistance, trauma, law enforcement agency, inform of public, private organizations providing support, Sub SB 2414
- Compensation, beneficiaries, private life insurance proceeds, benefits reduction exemption provision, *Sub SB 3457, CH. 156
- Compensation, proceeds from reenactment of crime, provisions, Sub SB 3128
- Compensation, right to recover damages from responsible person, retained, *Sub SB 3457, CH. 156
- Criminal justice training commission, appropriation, Sub HB 1537
- Hospital costs, certain, local government, payment, Sub SB 2414
- Juveniles, records, access, content, procedures, revisions, SB 2924, Sub SB 2924

CRIMES AND CRIMINAL PROCEDURES

- Air pollution, criminal liability, knowledge provision deleted, *Sub SB 2751(a), CH. 175
- Albino wildlife, hunting, trapping, possession prohibited, gross misdemeanor, *HB 1555, CH. 44
- Alcohol, substance abuse related crimes, certain persons, private nonprofit diversion programs, DSHS expenditure provision, *Sub HB 1533(a), CH. 167
- Arson, definition, penalties, revised, SB 3302
- Assault, reclassified, SB 2229
- Checks, stop-payment orders, unlawful issuance, penalty, SB 2229
- Checks, unlawful issuance, value determination, SB 2229
- Children, adoption, parental acceptance, charging any consideration for relinquishment, transfer, care, custody, control, prohibited, SB 3501
- Children, buying, selling, prohibited, felony, SB 3478
- Children, buying, selling prohibited, felony provision, permitted transactions, provisions, SB 3478(a), *Sub HB 1729, CH. 85
- Code, offenses, revisions, 2nd Sub HB 1183
- Commitment, civil, procedures, prohibition, penalties, supplementation, SB 3444

* 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.

CRIMES AND CRIMINAL PROCEDURES—cont.

- Committed in conjunction with other crimes, separate prosecution, punishment, provisions, SB 3206
- Communications, interception, certain crimes evidence, reasonable grounds basis, permitted, SB 3326
- Convicted persons, statement of facts, certain court personnel, required, parole board availability, Sub HB 51
- Correctional skill improvement, special committee, established, report required, appropriation, SB 3621, Sub SB 3621
- Court reporters, prejudicial, attorney, plaintiff, defendant, substitution, request, procedures, SB 2919
- Crime lab, state patrol, additional facilities, existing sites, new satellite labs established, appropriation, SB 3238
- Crime lab, state patrol, additional facilities, existing sites, new satellite labs established, appropriation, shared cost feasibility study provision, *HB 1433(a), CH. 164
- Crime lab, state patrol, services, requests, prioritized, *HB 1681, CH. 69
- Crime victims, compensation, proceeds from reenactment of crime, provisions, Sub SB 3128
- Crime victims, hospital costs, certain, local government, payment, Sub SB 2414
- Crime victims, trauma assistance, public, private organizations, providing support, availability, inform, Sub SB 2414
- Crimes, committed in conjunction with other crimes, separate prosecution, punishment, provisions, SB 3206
- Deadly weapons, possession, detention facilities, prohibited, law enforcement officers, exempted, SB 2871
- Delinquency prevention services program, DSHS, 1979–81 biennium, maintained, no significant changes, directed, *SB 3574, CH. 158
- Dogs, theft, injury, concealment, prohibited, gross misdemeanor, SB 2215
- Federal resource conservation and recovery act, ecology department implementation, *HB 646, CH. 144
- Felonies, committed while armed, mandatory prison terms, SB 3258
- Forensic laboratories, special, state committee, established, report required, termination date, appropriation, SB 3621, Sub SB 3621
- Fund raising events, nonprofit, charitable organizations, redefined, bets, dollar amount permitted, increased, SB 2896
- Furloughs, procedures, prison terms and parole board, established, local input, SB 3495
- Game code, general revisions, SB 3233, *HB 1447, CH. 78
- Game licenses, obtained by fraud, gross misdemeanor, SB 2315
- German Federal Republic, statute of limitations, Nazi war criminals, extension, petitioned, SJM 104
- Hazardous substances, regulations, compliance, motor vehicle owner or lessee, *SB 3331, CH. 104
- Hit and run, injury, death, property damage, failure to furnish identification, class C felony, *SB 3236, CH. 97
- Imprisonment, certain, terms, modified, Sub HB 498
- Institutional residents, local criminal justice costs, reimbursement provision revisions, SB 3281

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(a) Amendment to original bill.

SR Senate Resolution.

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CRIMES AND CRIMINAL PROCEDURES—cont.

- Institutional residents, Rainier school, local criminal justice costs provisions, included, SB 3374
- Jails, joint legislative committee, created, physical plant, custodial care, analyze, directed, Sub SCR 103
- Jury, selection purposes only, criminal cases, venue change provisions, SB 3263
- Juvenile justice act, technical amendments, dependency criteria, modified, Sub SB 2213
- Juveniles, delinquent, community supervision expanded, violation hearings, detention, parole revisions, DSHS plan development, juvenile delinquent protection, SB 3492
- Juveniles, records, access, content, procedures, revisions, SB 2924, Sub SB 2924
- Malicious mischief, damage consideration, SB 2229
- Mental incompetency, detention, commitment procedures, evaluation, investigation process, SB 2171, Sub SB 2171
- Misdemeanant probation, parole program, justice courts, established, SB 3399
- Misdemeanors, inherently dangerous, redefined, SB 3258
- Motor freight carriers, equipment safety, hazardous materials, regulated, penalties, Sub HB 639
- Motor vehicles, liability insurance, required, enforcement provisions, SB 3199
- Motor vehicles, load, equipment violations, citation acceptance, *SB 3331(a), CH. 104
- Motor vehicles, offenses, double amendments, *HB 1406, CH. 148
- Naive offenders, institutionalization modification, feasibility demonstration, SB 3290
- Operating agencies, thermal plants, security forces, establishment authorized, property security police powers, SB 2584
- Organized crime advisory board, new name, membership, duties, meetings, fund created, appropriation, SB 3591, *Sub HB 1147, CH. 146
- Paraphernalia, drug-related, unlawful possession, sale, prohibited, SB 2174
- Pornography, involving minors, prohibited, penalties prescribed, *Sub HB 551, CH. 53
- Pornography, prostitution, children, exploitation, crimes, defined, penalties, prescribed, SB 2579, Sub SB 2579, 2nd Sub SB 2579
- Prisoners, certain, leaves, medical, dental care, volunteer service projects, provisions, HB 1106
- Prisoners, discharge certificate, issuance, *Sub HB 19, CH. 75
- Probation, interlocal drug fund, contribution requirement, permitted, *HB 1762, CH. 19
- Probation, summary, after commitment, DSHS custody, authorized, provisions, Sub SB 2485
- Public officials, criminal indictment, suspend from office, salary, continued, SB 3613
- Radioactive wastes, low level, as defined, transportation, disposal, regulated, social and health services department, radioactive waste surveillance account, created, referendum provision, Sub HB 1412(a)
- Rainier school residents, local criminal justice costs provisions, included, SB 3374
- Rape, reclassified, SB 2229
- Runaway youth, interstate compact, revisions, SB 3014, Sub SB 3014

* 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.

CRIMES AND CRIMINAL PROCEDURES—cont.

- Search warrants, evidence, homicides, felonies, radio, television stations, news media, wire services or employees, use limitations, *HB 427(a), CH. 52
- Sexual conduct, redefined, SB 2229
- Speeding violations, certain, parking violations, drivers insurance abstracts, exclusion, Sub SB 2418
- State-wide special inquiry judge act, enacted, fund, created, appropriation, SB 3591
- Street crimes program, treatment alternatives, Clark, Snohomish counties, Tacoma, DSHS, appropriation, SB 3557
- Street crimes program, treatment alternatives, Clark, Snohomish counties, Tacoma, DSHS appropriation, evaluation provision, Sub HB 1746
- Superior court, clerks, official services, fees, increased, SB 2381, Sub SB 2381
- Superior court, clerks, official services, fees, increased, partial allocation, judicial information system, *2nd Sub SB 2381, CH. 70
- Title only, justice, SB 3385
- Traffic infractions, general revisions, SB 3227, *HB 1418, CH. 128
- Trespass, redefined, SB 2229
- Venue, change, counties, costs, certain, partial reimbursement, allowed, prosecutors reimbursement revolving fund, appropriation, Sub HB 1084

CRIMINAL JUSTICE AGENCIES

- Child care agencies, license investigations, cooperation, DSHS personnel criminal records access, SB 3173
- Child care agencies, license investigations, cooperation, DSHS personnel criminal records access, appropriation, *Sub HB 1520, CH. 125
- Correctional skill improvement, special committee, established, report required, appropriation, SB 3621, Sub SB 3621
- Forensic laboratories, special, state committee, established, report required, termination date, appropriation, SB 3621, Sub SB 3621
- Operating agencies, thermal plants, security forces, establishment authorized, property security, police powers, SB 2584

CRIMINAL JUSTICE TRAINING COMMISSION

- Title only, SB 3508
- Training, law enforcement, correctional, prosecutorial, interdisciplinary, appropriation, SB 3599
- Training programs, crime victims program, appropriation, Sub HB 1537

CRIMINAL RECORDS AND CRIMINAL RECORDS PRIVACY ACT

- Child care agencies, license investigations, DSHS personnel, access, criminal justice agencies cooperation, SB 3173
- Child care agencies, license investigations, DSHS personnel, access, criminal justice agencies cooperation, appropriation, *Sub HB 1520, CH. 125

CRISIS INTERVENTION

- Crime victims, hospital costs, certain, local government, payment, Sub SB 2414
- Crime victims, trauma assistance, public, private organizations providing support, availability, inform, Sub SB 2414
- Runaway youth, interstate compact, revisions, SB 3014

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- (a) Amendment to original bill.
- SR Senate Resolution.
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Liens, petroleum products, electrical power, permitted, Sub HB 45

CULTURAL ACTIVITIES AND FACILITIES

Expo '89 commission, created, members, duties, nonprofit corporation, Tacoma, provisions, SB 2990

Property, nonprofit productions, performances, tax exemption provision, SB 3296

Seattle center resident theater, bonds authorized, commerce and economic development, appropriation, Sub HB 1424, SB 3628

Title only, taxation, SB 3652

Warehouse arts center, Yakima, bonds authorized, commerce and economic development department, appropriation, Sub HB 1424

CUELLAR, OLIVIA T.

Commission on Mexican-American affairs, member, GA 216,

confirmed pp. 17,170,415

CURFEW

Juveniles, violations, provisions, Sub SB 2495

CUSTODY

Adoption, relinquishment petitions, procedures prescribed, *Sub HB 1729, CH. 85

Adoption, written consent required, adoption procedures prescribed, *Sub HB 1729, CH. 85

Juvenile justice act, technical amendments, dependency criteria, modified, Sub SB 2213

Parent-child relationship, voluntary termination procedures prescribed, *Sub HB 1729, CH. 85

Runaway youth, interstate compact, revisions, SB 3014

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DAMAGES

Crime victims, compensation, right to recover damages from responsible person, retained, *Sub SB 3457, CH. 156

Motor vehicles, abandoned, removal, private property, procedures, established, Sub HB 451

Motor vehicles, accidents, runaway car, last driver, certain duties established, HB 814, *SB 3236(a), CH. 97

Prior agreements, court approval, announcement, required, Sub HB 391, SB 2223, Sub SB 2223

Torts, damages, general, as defined, personal injury, wrongful death, other actions, award limitation provisions, intentional torts, exclusion, SB 3451

Torts, product liability, general revisions, appropriation, SB 2333(a)

Torts, product liability, modified, SB 2333

DAMS

Fish, protection, hydroelectric, water supply projects, provisions, SB 3425

DATA PROCESSING

Employment security department, automated systems, development, implementation, appropriation, SB 3601, *HB 1658, CH. 142

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(a) Amendment to original bill.

SR Senate Resolution.

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DATA PROCESSING—cont.

- Legislative information system, jurisdiction, exemption, SB 3602
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- Nursing homes, computer patient assessment system, reimbursement assistance, statistical, summary information, use, certain, provisions, *Sub SB 3636, CH. 184, P.V.
- Wold, Terrence E., executive director, GA 257, confirmed pp. 145,623,734

DAVIDSON, GENEVA U.

- Community college district 19, board of trustees, member, GA 251, confirmed pp. 25,112,398

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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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(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.

SR Senate Resolution.

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- Deaf persons, guide, inclusion, white cane law, *SB 3415, CH. 109
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- Blood, minors, 17, no parental consent necessary, HB 870

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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.

SR Senate Resolution.

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- Recall, prosecuting attorney, sufficiency of charges, attorney general determination, directed, *HB 1434, CH. 42
- Redistricting commissions, establishment provisions, HJR 31, Sub SJR 125
- Rental relief, senior citizens, totally disabled persons, provisions, SJR 130
- Representatives, state, additional, at large, election, powers, duties, Sub SB 2893
- Special, major political party caucuses, conflict prohibition, *Sub HB 1852, VETOED
- Special, major political party caucuses, conflict prohibition, home rule charter counties exclusion, *Sub SB 3359, CH. 3

* 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.

- Tax relief, property, personal, renters, provisions, Sub SJR 101
- Title only, SB 3359
- Vote recount, local measures, secretary of state or county canvassing board, provisions, SB 3452
- Voter registration, high schools, fire stations, deputy registrars, appointment, required, *HB 1829, CH. 48
- Voter registration, various changes, Sub SB 2454, 2nd Sub SB 2454
- Waste disposal facilities, defined, bonds, authorized, ecology department, administration, fund created, referendum provision, SB 3603, *Sub SB 3603, CH. 159
- Waste disposal facilities, energy generation, defined, bonds authorized, ecology department, appropriation, referendum provisions, SB 3182

ELECTRICITY, ELECTRICIANS, ELECTRICAL POWER

- Coal-fired steam electric generating plants, certain, pollution control tax credits, exemptions, eligibility, SB 2751, *Sub SB 2751, CH. 175
- Cogeneration facilities, tax credits, revenue department, certificates, authorized, Sub SB 2598
- Companies, investment rate of return increment, conservation, renewable resources, cogeneration facilities, utilization authorized, *Sub HB 1419, CH. 149
- Companies, taxable income deductions, conservation, renewable resources, cogeneration facilities, utilization authorized, *Sub HB 1419, CH. 149
- Crop liens, petroleum products, electrical power, permitted, Sub HB 45
- Electric resistance space heating systems, use restricted, SB 3260
- Electrical inspectors' safety license, application, issuance, renewal, provisions, SB 3292
- Electricians, apprentices, regulation requirements, *SB 3253, CH. 30, P.V.
- Electricians, certificate of competency requirements, *SB 3253, CH. 30, P.V.
- Eminent domain, energy facilities, certain, construction, modification, operation, authority, certain, granted, Sub SB 2494
- Energy and utilities legislative standing committees, joint meetings, energy supply, demand, analysis, recommendations, 1981 session, Sub SCR 111
- Energy facilities, site certification approval by voters, affected county, required, SB 3180
- Energy facilities, site certification by governor, applicants, shoreline management act, development permits, exemption, data collection purposes, Sub SB 3019
- Energy facilities, sites, certification, outside Hanford, local voter approval within two years of application, required, Sub SB 3193
- Energy facilities, sites, certifications, applications, fees, advisory ballots, counties, participation provisions, SB 3193
- Energy resources, renewable, gas, electric companies, use, encouraged, provisions, utility tax liability, alternative, Sub SB 3080
- Energy systems, project grants and loans, revenue bonds authorized, SB 3401, SB 3408
- Hydroelectric policy task force, established, membership, duties, report, required, SB 3589, Sub SB 3589
- Nuclear generating plant, inspector, provisions, SB 3402

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

ELECTRICITY, ELECTRICIANS, ELECTRICAL POWER—cont.

- Operating agencies, thermal plants, security forces, establishment authorized, property security, police powers, SB 2584
- Operating agencies, thermal power plants, performance audits, required, Sub SB 2980
- Rates, gas, electric companies, energy efficiency policies, adoption, provisions, Sub SB 3080
- Solid waste department, first class cities personnel, operation authorized, SB 3252
- SSI, low income elderly, blind, disabled, supplementation, social and health services department, appropriation, Sub SB 3552
- Thermal power facilities, planning, alternative cost-effectiveness, review requirements, SB 3397
- Transmission facilities, local government, energy facilities site evaluation council, application, hearings requirement, provisions, SB 3193
- Utility services, cost minimization, policies development, utilities and transportation commission, directed, SB 3080
- Utility services, tap-in charges, connection, hookup fees, waiver or delay, low income persons, cities, towns, ordinance required, *HB 1444, CH. 150
- Utility stamp act, enacted, low income senior citizens, utility services assistance, DSHS appropriation, SB 3552

ELECTROLOGISTS

- Licensing, regulation, SB 3400

ELECTRONIC EQUIPMENT AND COMMUNICATION (See also DATA PROCESSING)

- Courts, limited jurisdiction, operation, administrator for the courts, supervision, *Sub HB 1422, CH. 162

ELFBRANDT, KENNETH E.

- Commission for the blind, member, GA 196, confirmed pp. 13,681,732

EMERGENCIES AND EMERGENCY SERVICES

- Ambulance services, health care insurance coverage, inclusion, *SB 3318(a), CH. 102
- Ballard, Clyde, emergencies and emergency services, member, GA 200, confirmed pp. 14,682,732
- Biggs, Valeta, R., emergencies and emergency services, member, GA 201, confirmed pp. 14,682,733
- Cloud seeding, emergency program, ecology department, establishment provisions, appropriation, Sub SB 3515
- Crime victims, hospital costs, certain, local government, payment, Sub SB 2414
- Crime victims, trauma assistance, public, private organizations providing support, availability, inform, Sub SB 2414
- Disasters, relief, local government assistance, emergency assistance fund, created, appropriation, SB 3615
- Hazardous materials, transportation, accidents, emergency response teams, federal aid, training, requested, SJM 108
- Johnson, Robert M., emergency medical services committee, member, GA 202, confirmed pp. 14,682,733
- Levies, emergency medical services, expired, cities, regular property tax levy authorized, HB 1757

* 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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EMERGENCIES AND EMERGENCY SERVICES—cont.

- Life-sustaining procedures, revisions, HB 1497
- Motor vehicles, equipment, standards, regulations, revisions, SB 2908
- Nuclear emergency, accident consequences study, funding, SB 3402
- Railroads, first aid training, employees, certain, required, liability, standard of care, defined, Sub SB 2299
- Traylor, Merlin, emergencies and emergency services, member, GA 203, confirmed pp. 14,682,733
- Wayne, Marvin A., emergencies and emergency services, member, GA 204, confirmed pp. 15,682,734

EMERGENCY MEDICAL TECHNICIANS

- Life-sustaining procedures, revisions, HB 1497

EMINENT DOMAIN

- Attorneys' fees, reasonable, procedure, provided, HB 207
- Energy facilities, certain, construction, modification, operation, property acquisition, authority, certain, granted, Sub SB 2494
- Energy facilities, petroleum transmission, storage, site certificate holder, power granted, 2nd Sub SB 2494
- Public utilities, property acquired, improvement within five years, required, HB 461

EMISSION CONTROLS

- Contributing area, establishment requirements, *Sub SB 3228(a), CH. 176
- Fleet vehicles, validation certificate, date provisions, SB 3228, *Sub SB 3228, CH. 176
- Motor vehicles, inspection fee payment requirement, SB 3228, *Sub SB 3228, CH. 176
- Motor vehicles, not requiring license renewal, certificate submission, licensing department schedule, SB 3228
- Motor vehicles, program repealed, SB 3286
- Nonattainment area, definition, *Sub SB 3228(a), CH. 176
- Portland-Vancouver metropolitan area, monitoring requirements, *Sub SB 3228(a), CH. 176

EMPLOYEES (See also PUBLIC EMPLOYEES)

- Civil service, layoffs, due to local fund withdrawals, not permitted, SB 3328
- Courts, juvenile, municipal, district, collective bargaining laws, included, SB 3369
- Employer/employee relationships, labor, rights, bargaining, unfair practices, regulated, SB 3123, Sub SB 3123
- Health, safety regulations, employer notice, labor and industries department, required, HB 1692
- Industrial insurance, injured workers, services, comprehensive plan, development, required, SB 3631
- Insurance, health care, disability, conversion rights, employees, family members, required, *Sub HB 1496, CH. 10
- Inventions, employment agreements, certain terms, prohibited, disclosure procedures, provisions, Sub SB 2420
- Model reemployment and assistance project, injured workers, established, labor and industries department, appropriation, Sub HB 1758, SB 3622, Sub SB 3622

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

EMPLOYEES (See also **PUBLIC EMPLOYEES**)—cont.

- Striking, factory operating, benefits, unemployment compensation, payment, required, SB 3609
- Workers' compensation, benefits, adjustment provisions, SB 2580
- Workers' compensation, rehabilitative and reemployment services, mandated, SB 3169(a)
- Workers' compensation, temporary total disability, compensation period modified, SB 3169, *Sub SB 3169, CH. 129

EMPLOYERS

- Collective bargaining agreements, conflict, employer policy, bargaining agreement prevails, SB 2854
- Employee/employer relationships, labor, rights, bargaining, unfair practices, regulated, SB 3123, Sub SB 3123
- Entertainment services, union contracts, successor clauses, provisions, SB 2679, Sub SB 2679
- Health, safety regulations, labor and industries department, notice, required, HB 1692
- Industrial insurance, employer group plans, authorized, HB 1667, SB 3169(a)
- Insurance, health care, disability, conversion rights, employees, family members, required, *Sub HB 1496, CH. 10
- Inventions, employees, employment agreements, certain terms, prohibited disclosure procedures, provisions, Sub SB 2420
- Longshoremens, employers, resident, insurance against liability, labor and industries, permitted, fund, created, powers, exemptions, HB 613
- Teachers retirement system, contribution rates, determination, SB 3249
- Unemployment compensation, employer contributions, appeals, filing, time period, extended, SB 3496

EMPLOYMENT (See also **UNEMPLOYMENT COMPENSATION**)

- Agencies, babysitting, convalescent, elderly care, certain referral services, excluded, HB 168
- Day labor projects, certain, county roads, contractors, minority workers, solicitation, Sub SB 2177
- Inventions, employees, arguments, certain terms, prohibited, disclosure procedures, provisions, Sub SB 2420
- Judges, retired, redefined, income purposes, SB 2860
- Model reemployment and assistance project, injured workers, established, labor and industries department, appropriation, Sub HB 1758, SB 3622, Sub SB 3622
- Public employment relations commission, administrative provisions, SB 2429
- Public employment relations commission, members, staggered terms, established, Sub SB 3042
- Salary surveys, personnel, higher education personnel board, revisions, SB 3372, *HB 1524, CH. 11
- School buses, driving contracts, certain, second class districts, conflict of interest exclusion, Sub HB 1065
- School buses, driving contracts, certain, second class districts, conflict of interest exclusion, collective bargaining, pay plans, not to be affected, *Sub HB 1210, CH. 39

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(a) Amendment to original bill.

SR Senate Resolution.

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EMPLOYMENT (See also **UNEMPLOYMENT COMPENSATION**)—cont.

- School districts, remote, certain, contracts, officer's spouse, certificated, classified, permitted, *Sub HB 1210, CH. 39
- Successor clauses, entertainment services, union contracts, provisions, SB 2679, Sub SB 2679
- Training and career development program, established, civil service employees, personnel department, appropriation, *Sub HB 38, CH. 118
- Unemployable persons, employment security department, DSHS, joint rules promulgation, required, periodic reports, proposed rules adoption, time frame, *SB 2433, CH. 174
- Veteran's preference, competitive ratings, revisions, spouses, provisions, SB 3105, Sub SB 3105
- Veteran's preference, noncompetitive employment systems, competitive, certain, revisions, SB 3106, Sub SB 3106
- Workers' compensation, reemployment services, mandated, SB 3169(a)

EMPLOYMENT SECURITY

- Administrative contingency fund, public employee unemployment compensation coverage, contributions, deposit requirement removed, SB 3601, *HB 1658, CH. 142
- Data processing systems, automated, development, implementation, appropriation, SB 3601, *HB 1658, CH. 142
- Handicapped employment services, barriers, elimination, appropriation, SB 3601, *HB 1658, CH. 142
- Liens, filing requirement, secretary of state, eliminated, HB 903(a)
- Unemployable persons, DSHS, joint rules promulgation, required, periodic reports, proposed rules adoption, time frame, *SB 2433, CH. 174
- Unemployment compensation, disqualification, voluntary quit, exclusion, family reasons, notice waiver, travel distance, *Sub HB 1952, CH. 74
- Unemployment compensation, educational employees, vacation periods, payment prohibited, HB 1193, SB 3608, *Sub HB 1952, CH. 74
- Unemployment compensation, employer contributions, appeals, filing period extended, SB 3496
- Unemployment compensation, minimum weekly amount established, SB 2644, *Sub HB 1952, CH. 74
- Unemployment compensation, payment reduction for other payments, provisions, SB 3608, *Sub HB 1952, CH. 74
- Unemployment compensation, students, disqualification, class hour requirements, *Sub HB 1952, CH. 74
- Unemployment compensation, vacation, holidays, customary period, not paid, provisions, HB 1193

ENERGY AND ENERGY OFFICE

- Alcohol, motor vehicle fuel manufacture, temporary property, leasehold taxes, exemption, 2nd Sub HB 1000, SB 3551, *Sub SB 3551, CH. 157
- Alcohol, motor vehicle fuel use, farm implements, machines, husbandry implements, sales tax, motor vehicle tax, special fuel tax, exempt, SB 3629, *Sub SB 3629, CH. 131
- Alcohol, motor vehicle fuel use, liquor control law exclusion, *Sub HB 1630, CH. 140

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(a) Amendment to original bill.

SR Senate Resolution.

GA gubernatorial Appointment.

ENERGY AND ENERGY OFFICE—cont.

- B&O tax, gasohol production, alcohol production for gasohol, exemption, 2nd Sub HB 1000
- Buildings, state, conservation audits, general administration department, required, cooperation provision, *Sub HB 1688, CH. 172
- Coal-fired steam electric generating plants, certain, pollution control tax credits, exemptions, eligibility, SB 2751, *Sub SB 2751, CH. 175
- Cogeneration facilities, tax credits, revenue department, certificates, authorized, Sub SB 2598
- Commission, created, office, abolished, powers, duties, policies, expiration date, appropriation, Sub HB 1073
- Committee, joint legislative, membership, powers, modified, SB 3120
- Conservation, building materials, components, as defined, sales and use tax exempt, exemption recommendations, required, report to legislature, 2nd Sub HB 1420
- Conservation, garbage collection, long-term contracts, certain municipalities, permitted, overloaded trucks, penalties, dump mining permitted, fuel efficient flow study, SB 3486
- Conservation, renewable resources, low interest loans, materials, equipment purposes, provisions, SB 3421
- Corporations, energy resources producing, securities, inheritance, gift taxes, exempt, SB 3409
- Council, facility site evaluation, member, added, archaeology, historic preservation office, designee, SB 2691
- Department, created, replaces energy office, powers, duties, nuclear energy responsibility transferred, commerce, economic development, appropriation, SB 3503
- Division, utilities and transportation commission, created, duties, energy office, documents, transfer, provisions, Sub SB 3063
- Earth-sheltered housing, materials, sales tax, exempt, SB 3306
- Electric and gas companies, investment rate of return increment, conservation, renewable resources, cogeneration facilities, utilization authorized, *Sub HB 1419, CH. 149
- Electric and gas companies, taxable income deductions, conservation, renewable resources, cogeneration facilities, utilization authorized, *Sub HB 1419, CH. 149
- Electric resistance space heating systems, use restricted, SB 3260
- Eminent domain, facilities, certain, construction, modification, operation, authority, certain, granted, Sub SB 2494
- Eminent domain, facilities, petroleum transmission, storage site certificate holder, power, granted, 2nd Sub SB 2494
- Energy fair '83 commission, created, commerce and economic development department, energy office cooperation, *Sub HB 1413, CH. 161
- Equipment, state, purchase, use, conservation guidelines, criteria, general administration department, development, *Sub HB 1688, CH. 172
- Exploration, SEPA, exclusion, drilling, excavating, statutory compliance, required, SB 3580

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(a) Amendment to original bill.

SR Senate Resolution.

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ENERGY AND ENERGY OFFICE—cont.

- Facilities, site certification, safety, labor standards, as defined, compliance, inspections, Satsop, Hanford, labor and industries department, appropriation, Sub SB 3285
- Facilities, site certification, applications, fees, advisory ballots, counties, participation provisions, SB 3193
- Facilities, sites, certification approval by voters, affected county's required, SB 3180
- Facilities, sites, certification by governor, applicants, shoreline management act, development permits, exemption, Sub SB 3019
- Facilities, sites, certification outside Hanford, local voter approval within two years of application, required, Sub SB 3193
- Facilities, sites, certification standards, safety, labor, as defined, compliance, SB 3285
- Facilities, sites, court litigation, cases, expeditious processing, SB 3305
- Facilities, sites, local land use plans compliance, studies duplication minimization, provisions, SB 3379
- Federal resource conservation and recovery act, ecology department implementation, *HB 646, CH. 144
- Gasohol distributors, special liquor purchase permit, required, Sub SB 2978
- Gasohol production, alcohol production for gasohol, property, equipment used, leasehold interests, tax exemption, 2nd Sub HB 1000
- Gasohol production, alcohol production for gasohol, stills, liquor control board, license, required, no fee, Sub SB 2978
- Gasohol sale, motor vehicle fuel use, temporary B&O tax exemption, wholesalers, 2nd Sub HB 1000, SB 3551, *Sub SB 3551, CH. 157
- Gasohol taxes, motor vehicle fuel excise, importer, partial exemption, Sub SB 2978
- Gasohol use, state-owned, operated passenger vehicles, required, *HB 1568, CH. 169
- Geothermal resources, development, promotion, federal help, petitioned, *HJM 25
- Hazardous materials, transportation, federal regulations, adoption, enforcement, WSP, provisions, *Sub HB 1807, CH. 20
- Heat, homes, wood, natural gas, heating oil, propane, facilitating, Sub SB 3087
- Heat pump systems, noise standards, established, SB 3069
- Heating, cooling systems, unconventional, property assessment value exclusion, owner notification required, 2nd Sub HB 1546, *SB 3181(a), CH. 155
- Hydroelectric policy task force, established, membership, duties, report, required, SB 3589, Sub SB 3589
- Licensing, applications, processing, single federal agency, designation, petitioned, *Sub HJM 31
- Motor vehicles, state, purchase, use, conservation guidelines, criteria, general administration department, development, *Sub HB 1688, CH. 172
- Nuclear energy facility sites, outside Hanford boundaries, local governmental approval, required, SB 3616
- Oil transfer facilities, domestic pipelines, required, Sub SB 2974
- Operating agencies, thermal plants, security forces, establishment authorized, property security, police powers, SB 2584

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(a) Amendment to original bill.

SR Senate Resolution.

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ENERGY AND ENERGY OFFICE—cont.

- Operating agencies, thermal power plants, performance audits, required, Sub SB 2980
- Radioactive materials disposal act, enacted, SB 3264
- Radioactive wastes, low level, as defined, transportation, disposal, regulated, social and health services department, radioactive waste surveillance account, created, referendum provision, Sub HB 1412(a)
- Radioactive wastes, low level storage, disposal, from certain states, prohibited, provisions, SB 3502
- Rates, gas, electric companies, energy efficiency policies, adoption, provisions, Sub SB 3080
- Renewable materials, equipment, property tax, credit, provisions, SB 3269
- Renewable practices, devices, as defined, public facilities, design, life-cycle cost provisions, SB 3274
- Renewable practices, devices, as defined, public facilities, design, life-cycle cost provisions, general administration department, rules promulgation, *Sub SB 2977, VETOED
- Renewable resources, gas, electric companies, use, encouraged, provisions, utility tax liability, alternative, Sub SB 3080
- Residences, weatherizing, cost, reimbursement provisions, SB 3407
- School districts, efficiency improvements, costs, borrowing authority, *HB 1597, CH. 170
- School facilities, inventory, energy efficiency, safety audit, provisions, appropriation revision, SB 3473
- School facilities, inventory, energy efficiency, safety audit, provisions, appropriation revision, *HB 1843, VETOED
- Service stations, independent, major refiners, subsidiaries, new, prohibited, SB 3475
- Solar energy, building code, state, advisory council, equipment, rules promulgation authority, provisions, Sub HB 1689
- Solar housing, passive, materials, sales and use tax, exempt, SB 3307
- Supply, demand, analysis, recommendation, legislative energy and utilities committees, joint meetings, provisions, Sub SCR 111
- Swimming pools, new construction, heating, renewable energy sources, use, required, SB 3273
- Systems, project grants and loans, revenue bonds authorized, SB 3401, SB 3408
- Title only, SB 3542, SB 3643
- Title only, conservation, SB 3349, SB 3350, SB 3516, SB 3635
- Title only, facility site evaluation council, SB 3633, SB 3647
- Title only, renewable energy development, SB 3347, SB 3348
- Title only, sites, SB 3540
- Transmission facilities, local government, energy facilities site evaluation council, application, hearings requirement, provisions, SB 3193
- Waste disposal, energy generation facilities, defined, bonds, authorized, ecology department, appropriation, referendum provision, SB 3182
- Waste management systems, Olympia area, state facilities, use, study, general administration department, appropriation, also, ecology department, appropriation, Sub SB 3420

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

ENERGY AND ENERGY OFFICE—cont.

- Waste resource recovery facilities, sites, regional, study, ecology department, appropriation, SB 3420
- Waste resource recovery systems, regional facilities, sites, study, ecology department, appropriation, also general administration department, appropriation, Sub SB 3420
- Wood use, energy, heat production, study program, created, natural resources department, *HB 1453, VETOED
- Wood use, energy, heat production, study program, created, natural resources department, appropriation, SB 3268
- Wood use, energy shortage relief, federal help, petitioned, *HJM 24

ENGINEERS AND ENGINEERING

- Applied technology institute, proposed study, UW, WSU, engineering deans, postsecondary education council, coordination, guidelines preparation, appropriation, Sub SB 3571
- Applied technology institute, proposed, study, UW, WSU, engineering deans, senate higher education committee, coordination, guidelines preparation, appropriation, SB 3571
- Counties, eighth or ninth class, reclassification, part-time engineers or contract services, employment right retained, *SB 3214(a), CH. 93
- Regulations, revised, Sub HB 312

ENTERTAINERS

- Union contracts, services, successor clauses, provisions, SB 2679, Sub SB 2679

ENVIRONMENT (See also ECOLOGY; also POLLUTION; also WASTE DISPOSAL)

- Air pollution, criminal liability, knowledge provision deleted, *Sub SB 2751(a), CH. 175
- Cloud seeding, drought, water shortage, ecology department, regulation exemption provisions, Sub SB 3047
- Cloud seeding, emergency program, ecology department, establishment provisions, appropriation, Sub SB 3515
- Coal-fired steam electric generating plants, certain, pollution control tax credits, exemptions, eligibility, SB 2751, *Sub SB 2751, CH. 175
- Energy exploration, SEPA exclusion, drilling, excavating, statutory compliance, required, SB 3580
- Energy facilities, site certification approval by voters, affected county, required, SB 3180
- Energy facilities, site certification by governor, applicants, shoreline management act, development permits, exemption, data collection purposes, Sub SB 3019
- Federal resource conservation and recovery act, ecology department implementation, *HB 646, CH. 144
- Hood Canal bridge, design, reconstruction, transportation department, authorized, environmental impact statement exemption extended, *SB 3183, CH. 2
- Litigation, environmental, shoreline management, procedures established, prevailing party costs, plaintiff bond, permitted, SB 3498
- Noise, heat pumps, standards, established, SB 3069
- Pesticides, application, improper use, inspection provisions, revised, SB 3194

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

ENVIRONMENT (See also **ECOLOGY**; also **POLLUTION**; also **WASTE DISPOSAL**)—cont.

- Public utility districts, water resources, management, utilization, development, conservation, powers, modified, SB 2501
- SEPA, appeal, notice, provisions, modified, SB 2682
- Solid waste disposal districts, creation, authorized, provisions, Sub HB 1408

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- Alcohol, fuel, use, motor vehicles, farm implements, machines, husbandry implements, sales tax, motor vehicle tax, special fuel tax, exemption, SB 3629, *Sub SB 3629, CH. 131
- Child restraint systems, motor vehicles, installation, parents, required, SB 2895
- County roads, purchasing procedures, competitive prices, procedures modified, Sub SB 2268
- Fire protection districts, services, extraterritorial, authorization, *HB 1435, CH. 43
- Motor freight carriers, safety, hazardous materials, regulated, penalties, Sub HB 639
- Motor vehicles, load, equipment violations, citation acceptance, *SB 3331(a), CH. 104
- Motor vehicles, standards, regulations, revisions, SB 2908
- Railroads, radio transceiver, availability, required, where necessary, Sub SB 2735
- State government, purchase, use, energy conservation guidelines, criteria, general administration department, development, *Sub HB 1688, CH. 172

ERICKSON, LARRY V.

- Jail commission, member, GA 210, confirmed pp. 16,109,174

ERICKSON, REPRESENTATIVE PHYLLIS

- Western interstate commission for higher education, member, GA 207, confirmed pp. 51,52

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- Examination, standards, set, Sub HB 105

ESTATES

- Real estate transfers, intra-family, certain, real estate excise tax, exemption, SB 2396
- Senior citizens, lease for life, considered life estate, property tax exemption purposes, life tenant provision, Sub HB 1901, *Sub SB 3509, CH. 185, P.V.
- Senior citizens, lease for life, considered life estate, property tax purposes, SB 3509

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- Padilla Bay, estuarine sanctuary, establishment authorized, ecology department, appropriation, *SB 3371, CH. 180

ETHICS (See also **CONFLICTS OF INTEREST**; also **PUBLIC DISCLOSURE**)

- Code, municipal officer, officer, redefined, Sub HB 1065
- Code, school bus driving contracts, certain, second class districts, exclusion, Sub HB 1065
- Conflicts of interest, executive branch agencies, personal services, independent contractors, public disclosure rules adoption, OFM, required, Sub HB 1065

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

ETHICS (See also **CONFLICTS OF INTEREST**; also **PUBLIC DISCLOSURE**)

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Legislative ethics boards, disciplinary action recommendations, provisions, SB 3416

Legislative ethics boards, disciplinary action specified, *HB 1465, CH. 165

Legislative ethics boards, power extended, former legislators, employees, statute of limitations established, HB 1197, SB 3038

Legislative ethics code adopted, Sub SB 2970

Political advertising, identification, required, photographs, incumbency, falsely represented, provisions, Sub SB 2865, 2nd Sub SB 2865

Title only, legislative, SB 2970

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Aircraft, hangar, tie-down space, rental, eviction provisions, notice requirement, avoidance, compliance, restitution provision, Sub HB 561, SB 3488

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Tenancy termination, notice, retaliatory action definition, inclusion, HB 614

Tenancy termination, notice, retaliatory action definition, inclusion, forceable detainer provision, HB 614(a)

EVIDENCE

Search warrants, homicides, felonies, radio, television stations, news media, wire services or employees, use limitations, *HB 427(a), CH. 52

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Basic sciences, requirement repealed, *SB 3202, CH. 26

Escrow officers, standards, set, Sub HB 105

Professional, state licensing certification, examiners, certain information may request, disclosure, required, SB 3215

Title insurers, agents, insurance commissioner, required, SB 3561, Sub SB 3561

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Conflicts of interest, agencies, personal services, independent contractors, public disclosure rules adoption, OFM, required, Sub HB 1065

Officials, appointed, elected, financial disclosure reports required, enumerated, Sub SB 2373

EXEMPTIONS (See also **TAXES- EXEMPTIONS**)

Candles, hand-held, religious ceremonies, fire code exemption, *HB 322, CH. 8

Civil service, exempt positions, DSHS, revisions, SB 2659, Sub SB 2659, *Sub HB 799, CH. 73

Hood Canal bridge, design, reconstruction, transportation department, environmental impact statement exemption extended, *SB 3183, CH. 2

Public assistance recipients, certain, property transfers, eligibility purposes, presumption created, SB 3172, *HB 1458, CH. 79

Public assistance recipients, earned income requirements, federal compliance, appropriation, *HB 1521(a), CH. 84

Public assistance recipients, property exemption, eligibility purposes, value increased, appropriation, *HB 1521(a), CH. 84

School buses, private schools, motor vehicle licenses, *Sub SB 3133, CH. 88

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

EXEMPTIONS (See also TAXES—EXEMPTIONS)—cont.

Shellfish, taking, private or state-leased tidelands, exemption regulations revised,
*Sub HB 1429, CH. 55

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Home-made family wine, entered in contests, permitted, liquor board rules, SB
3624

International year for disabled persons, education, handicapped persons problems,
authorized, developmentally disabled planning council, appropriation, SB
3627

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Lewis and Clark, 175th anniversary commemorated, Longview-Columbia bridge,
name change, Lewis and Clark bridge, *SB 3219, CH. 5

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Hazardous materials, transportation, accidents, emergency response teams, fed-
eral aid, training, requested, SJM 108

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Commission, created, members, duties, nonprofit corporation, provisions, SB
2990, Sub SB 2990

EXPORTS

International trade data bank, UW, development, appropriation, commerce and
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Timber, from state lands, processing restrictions provisions, SB 3380

FACTORIES

Striking employees, factory operating, unemployment compensation benefits, pay-
ment, required, SB 3609

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faculty, exclusion, SB 3191

Attendance incentive program, eligibility, state, regional universities, TESC,
teaching, research faculties, exclusion, Sub SB 3191, *Sub SB 3537, CH. 182

Community colleges, member on leave, replacement, tenure prohibited, SB 3143

Retirement, PERS membership, option, deadline, non-PERS members, suppl-
emental benefits, exclusion, Sub HB 763

Salary, increased, Sub HB 1724

FAIRS AND EXPOSITIONS

Energy fair '83 commission, created, commerce and economic development
department, energy office cooperation, *Sub HB 1413, CH. 161

Expo '89, commission, created, members, duties, nonprofit corporation, Tacoma,
provisions, SB 2990, Sub SB 2990

Home-made family wine, entered contests, permitted, Sub SB 3624

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3624

FAMILIES (See also FAMILY COURT; also CHILDREN)

Adoption certificates, birth records, certain, provisions, SB 2020

* 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.

FAMILIES (See also **FAMILY COURT**; also **CHILDREN**)—cont.

- Adoption consent, written required, adoption procedures prescribed, *Sub HB 1729, CH. 85
- Adoption petitions, relinquishment procedures prescribed, *Sub HB 1729, CH. 85
- Adoption registry, establishment, natural parent disclosure purposes, registration, consent, confidentiality, provisions, Sub HB 318, SB 3221
- Adoption, requirements, jurisdictional, procedural, noncompliance waiver, *Sub HB 1729, CH. 85
- Children, buying, selling, prohibited, felony, SB 3478
- Children, buying, selling prohibited, felony provision, permitted transactions, provisions, SB 3478(a), *Sub HB 1729(a), CH. 85
- Children, immunization, required, provisions, SB 2241
- Children, medically fragile, services, program provisions, legislative report required, DSHS, funds, transference, medical assistance to developmental disabilities, *SB 3499(a), CH. 106
- Day care family homes, as defined, federal requirements, exemption, state licensing, rules, regulations, retained attorney general, federal actions, required, SB 3450
- Day care family homes, pilot program, two year, registration, in lieu of licensing, mandated, SB 3554
- Day care services, needy parents, as defined, assistance provisions, SB 3201
- Families and children commission, created, duties, expiration date, account, created, SB 3197, SB 3259
- Farm permits, marital community, each member, authorized, SB 2921
- Insurance, health care, disability, conversion rights, employees, family members, required, *Sub HB 1496, CH. 10
- Marriage license fees, increased, account created, conciliation services, SB 3584
- Marriage license fees, increased, family and children account purposes, SB 3197, SB 3259
- Marriage license fees, increased, family court support purposes, *HB 829, CH. 124
- Parent-child relationship, voluntary termination procedures prescribed, *Sub HB 1729, CH. 85
- Parentage act, uniform, revisions, Sub HB 1873
- Real estate, transfers, intra-family; certain, real estate excise tax, exemption, SB 2396
- Real property, transfers, counties, other than AA, A, first class, subdivision, one tract, at least five acres, exemption, certain, Sub SB 3255
- Real property, transfers, counties other than AA, A, first class, subdivision, one tract, certain, contingent no further subdivision, exemption, permitted, Sub SB 3255
- Real property, transfers, family-related, five acres, one residence, permitted, SB 3255, Sub SB 3255
- Runaway youth, interstate compact, revisions, SB 3014, Sub SB 3014
- Task force, joint legislative, children and families, established, expenditure limitation, studies, DSHS review, provisions, Sub HCR 6
- Welfare services, foster care, adoption, recruiting plan, development, investigation, SB 3092

* 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.

FAMILY COURT

Marriage license fees, increased, support purposes, *HB 829, CH. 124
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FARMERS AND FARMING (See also **AGRICULTURE AND LIVESTOCK**)

Agriculture department, agricultural products, marketing promotion, appropriation, HB 46
 Alcohol, fuel use, motor vehicles, farm implements, machines, husbandry implements, sales tax, motor vehicle tax, special fuel tax exemptions, SB 3629, *Sub SB 3629, CH. 131
 Cooperatives, dissolution by election, provisions, SB 2576
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 Loans, interest, commercial, business, agricultural purposes, rate limits, removed, Sub HB 1570(a)
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Adoption, relinquishment petitions, procedures prescribed, *Sub HB 1729, CH. 85
 Adoption, requirements, jurisdictional, procedural, noncompliance waiver, *Sub HB 1729(a), CH. 85
 Adoption, written consent required, adoption procedures prescribed, *Sub HB 1729, CH. 85
 Parent-child relationship, voluntary termination procedures prescribed, *Sub HB 1729, CH. 85
 Parentage act, uniform, revisions, Sub HB 1873

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Ferry terminal, transportation study, required, SB 3217

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Adult corrections facility, 500-bed, location, existing state facility site or federal facility site, *Sub HB 1533(a), CH. 167
 Berry picking, ten and eleven year-old youth, permitted, federal support, requested, HJM 21, SJM 112
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 District of Columbia, congress, representatives, provisions, constitutional amendment, ratified, SJR 109
 Energy licensing applications, processing, single federal agency, designation, petitioned, *Sub HJM 31
 Fishing industry, assistance, legislation, petitioned, HJM 35, SJM 113
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 Hazardous materials, transportation, accidents, emergency response teams, federal aid, training, requested, SJM 108
 Hazardous materials, transportation, accidents, responsibility, local level, requested, SJM 111
 Hazardous materials, transportation, interstate, international commerce, improved placarding system, SJM 109
 Hood Canal bridge, replacement, appropriation, petitioned, SJM 114, Sub SJM 114

* 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.

FEDERAL GOVERNMENT—cont.

- Indian fishing treaty issues, U.S. supreme court, speedy resolution, petitioned, SJM 105
- Land, public, unappropriated, state's rights vested, natural resources department, jurisdiction, report, constitutional contingency, disclaimer to unappropriated state lands, *SB 3593, CH. 116
- Liberty townsite, Wenatchee national forest, sales requirements, SB 3184
- Milwaukee railroad, aid, requested, SJM 106
- Olympia postmark, continued use, requested, SJM 103
- Organized crime advisory board, new name, membership, duties, meetings, fund, created, appropriation, SB 3591, *Sub HB 1147, CH. 146
- Presidential primary, preference, provisions, absentee voting procedures, SB 2214, Sub SB 2214
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- Surplus property, donated to political subdivision, sales tax exempt, SB 3351
- Townsites, national forests, sales requirements, real estate tax exemption, *Sub SB 3184(a), CH. 90
- Wood use, energy shortage relief, federal help, petitioned, *HJM 24

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- Attorneys, civil actions, assessment, case dollar amount, increased, *SB 3220, CH. 94
- Attorneys, civil actions, dollar amount, increased, schedule, Sub SB 2043
- Attorneys, civil actions, filed by state, prevailing party, provisions, SB 3497
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- Attorneys, eminent domain proceedings, reasonable, procedure, provided, HB 207
- Beavers, trapping, tag requirement eliminated, license fees, residents over 16 years, \$20 required, residents under 16 years, \$12 required, *SB 3011, CH. 24
- Crab fishing, commercial license, established, *Sub HB 714, CH. 133
- Family court, services, cost assessment, parties, allowed, limitation, *HB 829(a), CH. 124
- Fire marshal, schools, plan reviews, construction inspections, fire prevention, mandated, SB 2325
- Jurors, increased, SB 2012
- Justice court services, filing, increased, *Sub HB 1422, CH. 162
- Licenses, motor vehicles, agents, increased, SB 3229
- Marriage license, increase allowed, family court benefit, SB 3584
- Marriage license, increased, family and children account purposes, SB 3197, SB 3259
- Marriage license, increased, family court support, *HB 829, CH. 124
- Motor vehicles, licenses, certain, proration, allowed, provisions, SB 3556
- Motor vehicles, licenses, increase, schedule, established, WSP highway activities, benefits, state patrol highway account, created, SB 3612
- Notaries, public, increase authorized, SB 3332
- Parking, cities, receipts required, *HB 1685(a), CH. 127
- Pilots, ships, licenses, pilotage commissioners board, establishment, SB 2108
- Public utilities, regulatory, certain, failure to pay, penalties, removed, SB 2349
- Radiation control agency, DSHS, licensing, registration, inspection, assessment, Sub HB 894

* 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.

FEES (See also **TUITION AND FEES**)—cont.

- Radioactive wastes, low level, as defined, transportation, disposal, regulated, social and health services department, radioactive waste surveillance account, created, referendum provision, Sub HB 1412(a)
- School buses, motor vehicle licenses, exemption, SB 3133
- School buses, private schools, motor vehicle licenses, exemption, *Sub SB 3133, CH. 88
- Services, activities, fee committee, student membership, voting majority, duties, governing board, guidelines establishment required, SB 3560, *Sub HB 1480, CH. 80
- Superior courts, clerks, official services, increased, SB 2381, Sub SB 2381
- Superior courts, clerks, official services, increased, partial allocation, judicial information system, *2nd Sub SB 2381, CH. 70
- Trucks, international registration plan, increased, Sub SB 2658
- Utility services, hookup, connection, tap-in charges, sewer, water, waiver, delay, low income persons, counties, ordinance required, *HB 1444(a), CH. 150
- Utility services, hookup, connection, tap-in charges, waiver, delay, low income persons, cities, towns, ordinance required, *HB 1444, CH. 150
- Water rights, determination proceedings, filing, defendant's, SB 2351, Sub SB 2351

FELONS AND FELONIES (See also **CRIMES AND CRIMINAL PROCEDURES**)

- Arson, definition, penalties, revised, SB 3302
- Arson, statute of limitations, time period extended, SB 3323
- Assault, reclassified, SB 2229
- Children, buying, selling, prohibited, SB 3478
- Children, buying, selling, prohibited, felony provision, permitted, transactions, provisions, SB 3478(a), *Sub HB 1729, CH. 85
- Class A, B, C felonies, mandatory minimum imprisonment, provisions, SB 3301
- Controlled substances, class A, B, C, felonies, violator sentencing provisions revised, SB 3301
- Convicted, statement of facts, certain court personnel, required, parole board availability, Sub HB 51
- Crime victims, compensation, proceeds from reenactment of crime, provisions, Sub SB 3128
- Crimes, committed in conjunction with other crimes, separate prosecution, punishment, provisions, SB 3206
- Criminal code, offenses, revision, 2nd Sub HB 1183
- Felonies, committed while armed, mandatory prison term, SB 3258
- Hit and run, injury, death, property damage, failure to furnish identification, class C, *SB 3236, CH. 97
- Imprisonment, certain, terms, modified, Sub HB 498
- Naive offenders, institutionalization modification, feasibility demonstration, SB 3290
- Pornography, involving minors, prohibited, penalties prescribed, *Sub HB 551, CH. 53
- Pornography, prostitution, children, exploitation, crimes, defined, penalties, prescribed, SB 2579, Sub SB 2579, 2nd Sub SB 2579
- Prisoners, discharge certificate, issuance, *Sub HB 19, CH. 75

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

FELONS AND FELONIES (See also **CRIMES AND CRIMINAL PROCEDURES**)—cont.

- Probation, summary, after commitment, DSHS custody, authorized, provisions, Sub SB 2485
- Rape, reclassified, SB 2229
- Search warrants, evidence, radio, television stations, news media, wire services or employees, use limitations, *HB 427(a), CH. 52
- Stop-payment order, negotiable instrument, fraudulent, provisions, Sub HB 644

FERRIES AND FERRY SYSTEM

- Employees, marine, toll bridge authority, transferred, DOT, SB 2477
- Employees, state system, personnel policies, civil service regulations, modified, Sub SB 2477
- Fauntleroy terminal, transportation study, required, SB 3217
- Marine employees, state employees insurance board, restrictions, removed, SB 3482, Sub SB 3482
- Operation, toll supplement, transportation department, appropriation, *HB 1620, CH. 119
- Title only, SB 3393, SB 3396, SB 3553

FERRUCCI, VITT P.

- Washington state university, board of regents, member,
GA 230, confirmed pp. 20,110,209

FILMS

- Motion picture blind bidding, prohibition, waiver, permitted, SB 3449
- Pornography, involving minors, prohibited, penalties prescribed, *Sub HB 551, CH. 53
- Pornography, prostitution, children, exploitation, crimes, defined, penalties, prescribed, SB 2579, Sub SB 2579, 2nd Sub SB 2579

FINANCE COMMITTEE – STATE

- Bonds, highway improvements, general obligation, authorized, transportation commission, appropriation, SB 2782
- Bonds, waste disposal facilities, defined, issuance authorized, ecology department, administration, fund created, referendum provision, SB 3603, *Sub SB 3603, CH. 159
- Gold, investment, state, authorized, provisions, SB 3596
- Investment board, programs, self-funding, investment responsibility, SB 2581, Sub SB 2581
- Investment board, state, created, membership, powers, duties, certain state finance committee duties transferred, appropriation, SB 3367, *Sub HB 1610, VETOED
- "People's lodge", regional Indian facility, bond issue, language, amended, funding limitation, property transfer, Sub SB 2773
- Referendum 37, handicapped facilities, implementation, small counties, minimum guarantee, social and health services department, appropriation, *HB 1483(a), CH. 136
- Referendum 37, handicapped facilities, implementation, social and health services department, appropriation, SB 3170
- Seattle center resident theater, bonds authorized, commerce and economic development, appropriation, Sub HB 1424, SB 3628

* 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.

FINANCE COMMITTEE - STATE—cont.

Warehouse arts center, Yakima, bonds authorized, commerce and economic development department, appropriation, Sub HB 1424

Waste management systems, defined, bonds, issuance, anticipation notes, authorized, ecology department, appropriation, referendum provision, SB 3182

FINANCIAL DISCLOSURE

Blind commission, members, director, required, HB 1425

Health care service contractors, disclosure, regulations, directorship, consumer members, SB 2731

Officials, executive branch, appointed, elected, financial disclosure reports required, enumerated, Sub SB 2373

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FINANCIAL INSTITUTIONS (See also BANKS AND BANKING)

Branch banks, redevelopment project, drive-in facility, relocation permitted, *HB 1950, CH. 9

Contributions, political, regulated, SB 3216

Credit unions, miscellaneous changes, SB 3262, Sub SB 3262, *Sub HB 1416, CH. 41

Credit unions, satellite facilities, authorized, SB 2267

Deposits, joint tenancy provisions, savings and loan associations, modified, HB 1407

Negotiable transfers, savings and loan accounts, use permitted, SB 2626

Negotiable transfers, savings and loan accounts, use permitted, effective passage federal enabling legislation, *HB 762(a), CH. 54

Real estate, secured loans, 18% interest, provisions, SB 3620

Savings and loan associations, general revisions, SB 2157, Sub SB 2157

FINANCIAL MANAGEMENT OFFICE

Allotment procedures, modified, HB 1553

Budget, operating, amendments set forth in full requirement, exemption, SJR 128

Claims, sundry, certain, satisfaction, appropriation, Sub HB 1584

Conflicts of interest, personal services, executive branch agencies, independent contractors, public disclosure rules adoption, required, Sub HB 1065

Energy and utilities, joint legislative committee, membership, powers, modified, SB 3120

Gasohol use, stated-owned, operated passenger vehicles, required, *HB 1568, CH. 169

Jacobsen, Lyle, financial management office, director,

GA 184, confirmed pp. 10,168,402,403

Licenses, permits, regulations, state agencies, report preparation, SB 3376, Sub SB 3376

Personal service contracts, conflicts of interest, disclosure, prohibition provisions, rules adoption, required, Sub HB 1065

Printer, public, general revisions, SB 2257

Retirement systems department, funds allocation, revised, *HB 1604, CH. 126

Rules, proposed, fiscal impact statements, notices, impacted persons, required, Sub SB 2676

Social and health services department, supplemental appropriation, *Sub HB 1533, CH. 167

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(a) Amendment to original bill.

SR Senate Resolution.

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FINANCIAL MANAGEMENT OFFICE—cont.

- Social and health services department, supplemental appropriation, nursing home program, Sub HB 1534
- Torts, product liability, general revisions, appropriation, SB 2333(a)
- Transportation systems, local, emergency situations, appropriation, *HB 1427(a), CH. 163
- Travel expenses, state employees, payment procedures, modified, SB 2412
- White/Stuck rivers game preserve, transferred from game commission to parks and recreation commission (VETOED), *Sub SB 3164(a), CH. 89, P.V.

FINANCIAL RESPONSIBILITY

- Insurance, underinsured motorist coverage, mandatory minimum increased, cash security minimum increased, motorcycle coverage provisions, *Sub HB 1983(a), CH. 117
- Operators, motor vehicles, minimum limits, raised, SB 2162

FINANCIAL TRANSACTIONS

- Criminal code, offenses, revisions, 2nd Sub HB 1183
- Loans, certain, interest rate, increased, SB 2764
- Negotiable instruments, stop-payment orders, protecting against use, penalties, Sub HB 644

FINES

- Dogs, theft, injury, concealment, prohibited, gross misdemeanor, SB 2215

FINN, JANET N.

- Community college district 4, trustees board, member, GA 249, confirmed pp. 25,111,398

FIRE FIGHTERS

- Industrial insurance, occupational disease, definition, expanded, SB 3631
- Pension fund, levy amount, proportionate reduction, statutory tax limitation, *SB 3181(a), CH. 155
- Promotions, most qualified personnel, provisions, SB 3301
- Retirement, disability, industrial insurance board jurisdiction, provisions, SB 3324
- Retirement, formerly ineligible persons, LEOFF membership authorization procedures, *SB 3244, CH. 130

FIRE MARSHAL

- Candles, hand-held, religious ceremonies, fire code exemption, SB 2561, *HB 322, CH. 8
- Fire data, collection, analysis, reporting requirements, DNR, shared duties, forest fires, SB 3132
- Fire data, fire departments, investigation, reporting requirements, *Sub SB 3385, CH. 181
- Fire data, reporting, compilation, provisions, SB 3322
- School districts, public, private, plan reviews, construction inspections, fire prevention, mandated, fee imposition, allowed, SB 2325
- Smoke detectors, certain dwellings, rented, leased, built after December 31, 1979, required, *Sub HB 382, CH. 50
- Transient accommodations, fire safety standards, license requirements, SB 2783

* 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.

FIRE PROTECTION DISTRICTS

- Commissioners, compensation, certain, increased, SB 2507
- Commissioners, compensation, certain restrictions removed, *SB 3235, CH. 27
- Fire data, investigation, reporting requirements, fire marshal, appropriation, *Sub SB 3385, CH. 181
- Fire data, reporting, compilation, provisions, SB 3322
- Fire data, reporting requirements, DNR, shared duties, forest fires, SB 3132
- Services, extraterritorial, authorization, *HB 1435, CH. 43
- Smoke detectors, certain dwellings, rented, leased, built after December 31, 1979, required, *Sub HB 382, CH. 50

FIREARMS

- Crimes, committed while armed, mandatory prison term, SB 3258
- Deadly weapons, possession, detention facilities, prohibited, law enforcement officers, exempted, SB 2871
- Hunting, license, use responsibility statement, SB 3423
- Imprisonment, certain, terms, modified, Sub HB 498
- Laws, state, preempts, local gun control laws, SB 3301
- Pistols, concealed, in vehicles, license required, SB 3301

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- Cutting, landowners, unintentional injuries, tort liability protection, *SB 3474, CH. 111
- Cutting, state lands, prior to slash burning, permitted, DNR, public notice, required, SB 3175

FIREWORKS

- License requirements, definition, exemption, displays, requirements, revised, SB 3563

FIRES AND FIRE PROTECTION

- Arson, definition, penalties, revised, SB 3302
- Building code, state, updated, fire code exemption proviso, 2nd Sub HB 541
- Candles, hand-held, religious ceremonies, fire code exemption, SB 2561, *HB 322, CH. 8
- Dwellings, certain, access roadway requirements, fire code, cities, towns, counties, exemption permitted, *Sub HB 1558, CH. 64
- Fire departments, fire data, investigation, reporting requirements, fire marshal, appropriation, *Sub SB 3385, CH. 181
- Fire departments, fire data, reporting provisions, SB 3322
- Fire marshal, fire data, collection, analysis, reporting requirements, DNR, shared duties, forest fires, SB 3132
- Insurance, dwellings, cancellation notice requirements, application, *SB 3318, CH. 102
- School districts, public, private, fire marshal, plan reviews, construction inspections, mandated, fee imposition, allowed, SB 2325
- Smoke detectors, certain dwellings, rented, leased, built after December 31, 1979, required, *Sub HB 382, CH. 50
- Transient accommodations, fire safety standards, license requirements, SB 2783
- Voter registration, high schools, fire stations, deputy registrars, appointment, required, *HB 1829, CH. 48

* 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.

FISCAL IMPACT

Agency rules, proposed, statements, notices, impacted persons, agencies, required, Sub SB 2676

FISH, FISHERIES AND FISHING

- Alverson, Robert, pacific marine fisheries commission, member,
 GA 247, confirmed pp 24,74,146
- Commercial net fishing areas, chum, sockeye salmon, specified, limited, Grays Harbor—Columbia river commercial salmon fishing gill net licensees, SB 3568
- Crab fishing, commercial, license fees, established, *Sub HB 714, CH. 133
- Enforcement authority, transferred, state patrol, provisions, SB 3242
- Enforcement officers, vehicles, boats, CB radios, required, SB 3479, Sub SB 3479
- Fish and wildlife commission, department, created, existing agencies, abolished, state patrol, enforcement authority, titles 75, 77, SB 3204
- Food fish, shellfish, possessing, handling, sale, commercial, excise tax levied, exemptions, credits, privilege fees, provisions, SB 3256
- Food fish, shellfish, possession, commercial, excise tax established, exemptions, credits, privilege fees, provisions, *Sub SB 3256, CH. 98
- Frozen, labeling requirements, established, HB 284
- Game code, general revisions, SB 3233, *HB 1447, CH. 78
- Geoducks, harvest, commercial, safety standards, required, SB 2926
- Herring fleet opportunity board, created, powers, duties, expiration date, report to legislature, *Sub SB 3558(a), CH. 113
- Indian fishing treaty issues, U.S. supreme court, speedy resolution, petitioned, SJM 105
- Industry, assistance, federal legislation, petitioned, HJM 35, SJM 113
- Licenses, disabled veterans, certain, free, SB 2204(a)
- Licenses, expiration date, changed, SB 3212
- Licenses, free, age, residency requirements, revised, SB 2204
- Licenses, free, blind persons, residency requirement, SB 2204(a)
- Licenses, obtained by fraud, gross misdemeanor, SB 2315
- Licenses, vessels, commercial, transfers, data collection, required, annual report, legislature, Sub HB 1008
- Martinis, John, pacific marine fisheries commission, member,
 GA 219, confirmed p. 62
- Protection, hydroelectric, water supply projects, safeguard provisions, SB 3425
- Salmon advisory council, representation requirements, *HB 1598, CH. 66
- Salmon and salmon eggs, surplus, sale provisions, SB 3375
- Salmon charter boats, operating out of Elliot Bay, licensed in 1979, license application requirement, SB 3208
- Salmon eggs, use, regulated, SB 3178
- Salmon enhancement facilities, bond limit increased, *HB 1624, CH. 15
- Salmon enhancement programs, reciprocity, tax provisions, *Sub SB 3256(a), CH. 98
- Salmon hatcheries, natural salmon spawning escapement, annual report, publication required, corrective measures, bids, provisions, SB 3177
- Salmon industry, assistance, federal legislation, petitioned, HJM 35, SJM 113
- Salmon licenses, commercial, ownership, alien business entities, prohibited, business entity, defined, Sub SB 3442
- Salmon licenses, commercial, ownership, alien corporations, prohibited, SB 3442

* 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.

FISH, FISHERIES AND FISHING—cont.

- Shellfish, taking, private or state-leased tidelands, exemption regulations revised,
*Sub HB 1429, CH. 55
- South fork, Willapa hatchery, construction, development, fisheries department,
appropriation, SB 3594
- Title only, SB 3458, SB 3461, SB 3462
- Title only, commercial, SB 3634
- Title only, fish and wildlife department, created, SB 3531

FLEMING, SENATOR GEORGE

- Moment of silence requested, memory Dr. Martin Luther King, Jr. p. 44
- Remarks, commending Senator Dan Marsh p. 896
- Remarks, regarding nomination of Senator Don L. Talley,
vice president pro tempore p. 3

FLOATING HOMES

- Landlord-tenant act, enacted, moorages, legal rights, SB 2850, Sub SB 2850,
2nd Sub SB 2850
- Used, resale, rental, sales, use tax exemption, real estate excise tax, redesignated
real property tax, 2nd Sub HB 200

FLOOR RESOLUTIONS - SENATE

- Adjournment, sine die, regular session, 1980, governor notified, SR 271, adopted
- Berry picking, restrictions, jurisdiction transfer to EPA, requested, SR 184,
adopted
- Bills, memorials, joint resolutions, concurrent resolutions, indefinitely postponed,
SR 272, adopted
- Brown, Frances, state capitol tour guide, continuous, supportive services to citi-
zens, commended, SR 235, adopted
- Bush school, Seattle, solar, other renewable energy systems, development efforts,
recognized, commended, praised, SR 194, adopted
- China, republic of, official government relations, President, congress, urged, SR
269, adopted
- Clallam county, commissioners, court house, passive solar energy system, imple-
mentation, recognized, commended, praised, SR 196, adopted
- Dalton amendment, social security omnibus reform bill, passage, urged, Howard
Dalton, passing, sympathy, SR 175, adopted
- Diplomats, safe keeping, courageous act of heroism, grateful, heartfelt apprecia-
tion, extended, SR 170, adopted
- Douglas, William O., justice, death, sincere, heartfelt condolences, SR 162,
adopted
- Ebey's landing historic preserve, Whidbey island, established by congress, imme-
diate appropriation, land purchase purposes, strongly urged, SR 185, adopted
- Energy use, state, local government agencies, examination, low-cost methods of
operation and maintenance, identification and implementation, urged, SR
245, adopted
- Ethanol production, private industries, WPPSS, EFSEC, federal government
work jointly in locating facilities, SR 250, adopted
- Family planning clinics, public, private, abortion and abortion alternatives, espe-
cially adoption, no-cost materials availability to women and young girls,
requested, SR 227, adopted

* 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.

FLOOR RESOLUTIONS – SENATE—cont.

- Ferry system labor negotiations, attorney general's opinion, reexamination, urged, DOT, commission, ferry system, SEIB, no precipitous actions, requested, SR 243, adopted
- Fort George Wright cemetery committee, historical significance, national cemetery, congressional legislation, endorsed, SR 171, adopted
- Gabe's day, March 4, 1980, declared, in memory of Gabe McManus, the man and his music, SR 200, adopted
- Hanna, Bob G., Captain, Spokane firefighter, death, line of duty, March 2, 1980, deepest sympathy, condolences, SR 205, adopted
- Hanson, Gracie, distinguished citizen, Morton follies, Paradise international, Seattle world's fair, achievements, pleasure and joy to millions, honored, SR 192, adopted
- Harp seal pups, slaughter, ban, support, international recovery plan, adoption, urged, SR 231, adopted
- Highline senior citizens centers, members, passive solar energy systems development, interest, leadership, recognized, commended, praised, SR 195, adopted
- Hoonan, Bob, play-by-play broadcaster, Grays Harbor community for forty years, retirement, congratulations, appreciation, SR 210, adopted
- Interim business, expenditures, SR 270, adopted
- Judicial information system, implementation, judiciary committee, supports, encourages, SR 203, adopted
- King, Dr. Martin Luther Jr., homage, SR 159, adopted
- Lands, federally owned, unappropriated, unreserved, S. 1680, cession, conveyance, passage, urged, SR 222, adopted
- Locker, Pat, WWU vikings, halfback, Kodak all-American, heartiest congratulations, best wishes, SR 180, adopted
- Mahre, Phil, silver medal winner, slalom event, congratulations, SR 189, adopted
- Marion, Armand, passing, years of devoted services to legislative process, appreciation, deepest sympathy, condolences, SR 237, adopted
- Marsh, Dan, Senator, 49th legislative district, outstanding legislative service, congratulated, commended, appreciation, best wishes, SR 224, adopted
- McNeil island, acquisition, attempts continuation, SR 187, adopted
- Meany, George, passing, sympathy expressed, SR 161, adopted
- Milwaukee railroad, employee-shipper ownership plan, reorganization, interstate commerce commission approval, strongly urged, SR 169, adopted
- Mt. Tahoma high school football team, thunderbirds, state AAA champions, congratulated, SR 168, adopted
- National high school rodeo finals, Central Washington state fairgrounds, rodeo week July 28–August 3, declared, SR 197, adopted
- Northern Ireland, British government, activities to end human rights violations, U.S. government, encouragement, congress, appropriate action, SR 240, adopted
- Olympic peninsula residents, extreme hardship, governor, transportation commission, efforts to minimize to be continued, until new bridge built, SR 255, adopted
- Overlake school Redmond, solar, other renewable energy systems, development efforts, recognized, commended, praised, SR 194, adopted

* 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.

FLOOR RESOLUTIONS – SENATE—cont.

- Pacific salmon stocks, hatcheries, natural salmon escapement, success, failure, fisheries department, annual report, SR 174, adopted
- Pierce county bengals, northwest international football league champions, congratulated, SR 160, adopted
- Rules, permanent, 1980 regular session, adoption, SR 158, adopted
- Seattle center, center house preservation, international reputation, requested, SR 166, adopted
- Senate organized, 1980 regular session, House notified, SR 157, adopted
- Session, regular, 1980, historic, staff, duties carried out in outstanding way, commendation for a job well done, SR 266, adopted
- Sessions, annual, constitutional mandate of the people, endeavor to carry out, SR 268, adopted
- Soap Lake high school, solar, other renewable energy systems, development efforts, recognized, commended, praised, SR 194, adopted
- Solar and other energy systems, development efforts, Bush, Overlake schools, Soap Lake, Steilacoom high schools, recognized, commended, praised, SR 194, adopted
- Solar energy systems, passive, Clallam county court house, implementation, commissioners, recognized, commended, praised, SR 196, adopted
- Solar energy systems, passive, development, Highline senior citizens centers, west central area community center, members, community residents, interest, leadership, praised, SR 195, adopted
- Steilacoom high school, solar, other renewable energy systems, development efforts, recognized, commended, praised, SR 194, adopted
- Summer Olympiad, relocate, petitioned, SR 165, adopted
- Tariffs, imported fish, reasonable, imposed, congress, President, urged, SR 164, adopted
- Tort and product liability reform select committee, continued study, directed, SR 236, adopted
- Washington games for physically disabled citizens, sponsors, applauded, SR 181, adopted
- West central area community center, Spokane, community residents, passive solar energy systems development, interest, leadership, recognized, commended, praised, SR 195, adopted
- Workers' compensation, joint committee, group dividend program implementation, issue, study inclusion, directed, report, labor and industries department, SR 241, adopted
- Yakima river basin water enhancement project, interior department, feasibility study, requested, SR 193, adopted

FOOD (See also FOOD SERVICE)

- Berry picking, ten and eleven year-old youth, permitted, federal support, requested, HJM 21, SJM 112
- Meals, state furnished, aged persons, sales and use tax exemption, *HB 1841, CH. 86
- Schools, food service programs, private agencies, operation, agreements, authorized, Sub SB 2879

* 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.

FOOD FISH

- Commercial net fishing areas, chum, sockeye salmon, specified, limited, Grays Harbor—Columbia river commercial salmon fishing gill net licensees, SB 3568
- Frozen, labeling requirements, established, HB 284
- Possessing, handling, sale, commercial, excise tax levied, exemptions, credits, privilege fees, provisions, SB 3256
- Possession, commercial, excise tax established, exemptions, credits, privilege fees, provisions, *Sub SB 3256, CH. 98
- Salmon eggs, fisheries department, use, regulated, SB 3178
- Salmon enhancement programs, reciprocity, tax provisions, *Sub SB 3256(a), CH. 98
- Salmon hatchery, natural salmon spawning escapement, fisheries department, annual report required, corrective measures, bids, provisions, SB 3177
- Salmon industry, assistance, federal legislation, petitioned, HJM 35, SJM 113
- South fork Willapa hatchery, construction, development, appropriation, SB 3594
- Tidelands, private, state tidelands lessees, taking, exemption regulations, revised, *Sub HB 1429, CH. 55

FOOD SERVICE

- School districts, private agencies, operation, agreements, authorized, Sub SB 2879

FOOTE, WILDER

- Public employees retirement board, member,
GA 229, confirmed, pp. 20,171,416

FOREIGNERS

- Aliens, real property, ownership prohibited, exclusion, reciprocity provisions, Sub SJR 122

FORESTS AND FORESTRY

- Cedar, western red, conditional harvest tax, provisions, SB 3623
- Federal reserve moneys, schools, county roads, expenditure, distribution requirements, *Sub SB 2963, CH. 154
- Fire data, reporting requirements, DNR, shared duties, forest fires, SB 3132
- Firewood, free, state lands, cutting, prior to slash burning, permitted, DNR, public notice, required, SB 3175
- Land, classified, sale, tax lien attachment provisions, noncomplying conveyance instrument, auditor acceptance prohibited, *Sub HB 810, CH. 134
- Land, classified, sale, title document recording, *Sub HB 810, CH. 134
- Land, sales, revenues, distribution, 2nd Sub HB 240
- Liberty townsite, Wenatchee national forest, sales requirements, SB 3184
- Reserves, revenues, distribution, schools, roads, counties, provisions, 2nd Sub HB 240
- Sequest, forest lands, state, replacement, DNR transfer parks and recreation commission, appropriation, SB 3447, Sub SB 3447
- Timber from state lands, processing restrictions provisions, SB 3380
- Timber harvesters, extended, SB 3504
- Timber sales, revenues, distribution, schools, 2nd Sub HB 240
- Timber valuation, assessment revisions, assessor responsibilities, ownership transfers, appeals, temporary forest tax committee, created, SB 3504
- Title only, practices, SB 3470, SB 3471

* 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.

FORESTS AND FORESTRY—cont.

Townsites, national forests, sales requirements, real estate tax exemption, *Sub SB 3184(a), CH. 90

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Wood use, energy shortage relief, federal help, petitioned, *HJM 24

WSU, forest tree nursery, authorization repealed, SB 2034

FORMS

Real estate brokers, examination, license application forms combined, *SB 3280, CH. 72

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Title insurance, rates, forms, insurance commission, approval, SB 3599

FORT COLUMBIA TUNNEL

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FOSTER CARE (See also SOCIAL AND HEALTH SERVICES DEPARTMENT)

Child welfare services, recruiting plan, investigation, turn-over causes, develop plans, SB 3092

FRANCHISES

Highways, utility construction franchise granting authority revised, *Sub SB 3237, CH. 28

Right of way, county roads, applicant, acceptance, rejection, procedures, Sub HB 726

Termination grounds extended, SB 3333, *Sub HB 1510, CH. 63

FRATERNAL ORGANIZATIONS

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FRAUD

Game licenses, gross misdemeanor, SB 2315

Stop-payment orders, protecting against use, penalties, Sub HB 644

FREIGHT (See also MOTOR FREIGHT)

Port districts, rail cargo service, authority provision, rail car manufacture for use off port property, prohibited, *SB 3422(a), CH. 110

Trains, class 1 railroads, cabooses, required, SB 3489

FROZEN FOOD

Fish, shellfish, labeling requirements, established, HB 284

FRUIT

Berry picking, ten and eleven year-old youth, permitted, federal support, requested, HJM 21, SJM 112

FUEL AND FUEL TAX (See also ALCOHOL (MOTOR VEHICLE FUEL); also GASOHOL)

Alcohol, liquor control, licensing regulation exemption, federal permit provision, SB 3576

Alcohol, motor vehicle fuel use, farm implements, machines, husbandry implements, sales tax, motor vehicle tax, special fuel tax, exempt, SB 3629, *Sub SB 3629, CH. 131

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

FUEL AND FUEL TAX (See also **ALCOHOL (MOTOR VEHICLE FUEL)**; also **GASOHOL**)—cont.

Alcohol, motor vehicle fuel use, liquor control law, exclusion, *Sub HB 1630, CH. 140

Distribution formula, revised, computation modified, SB 2391, Sub SB 2391

Gasohol distributors, special liquor purchase permit, required, Sub SB 2978

Gasohol production, alcohol production for gasohol, B&O tax exemption, 2nd Sub HB 1000

Gasohol production, alcohol production for gasohol, property, equipment used, leasehold interests, tax exemption, 2nd Sub HB 1000

Gasohol production, alcohol production for gasohol, stills, liquor control board, license, required, no fee, Sub SB 2978

Gasohol tax, motor vehicle fuel excise, importer, partial exemption, Sub SB 2978

Gasohol use, state-owned, operated passenger vehicles, required, *HB 1568, CH. 169

Heat, homes, wood, natural gas, heating oil, propane, facilitating, Sub SB 3087

Motor vehicle, special, public transportation systems use, sales and use tax exemption, refund provisions, *Sub HB 1397, CH. 147

Title only, special fuels, SB 3283

Wood use, energy, heat production, study program, created, natural resources, department, *HB 1453, VETOED

Wood use, energy, heat production, study program, created, natural resources department, appropriation, SB 3268

FUND RAISING

Events, nonprofit, charitable organizations, redefined, bets, dollars amount permitted, increased, SB 2896

FUNDS

Administrative contingency, public employees unemployment compensation coverage, contributions, deposit requirement removed, SB 3601, *HB 1658, CH. 142

Archaeological repository, created, inventorying, accessioning, curating, storing, maintaining archaeological materials, appropriation, SB 3548

Bonds, state general obligation bond retirement fund, created, Sub SB 2721

Capitol arts, created, legislative building art works acquisition, joint legislative arts committee, established, powers, duties, *Sub HB 1763, CH. 173, P.V.

Community college military programs, funds, use, limited, SB 2154

Community service insurance, juveniles, fines, industrial insurance, liability coverage, establishment, authorized, Sub HB 1359

Countercyclical budget and economic stabilization account, created, SB 3381

Deferred compensation investments, certain, allowed, HB 807

Deferred compensation revolving, created, personnel department director, trustee, SB 3494

Deferred compensation revolving, created, personnel department director, trustee insurance board, appropriation, authority transferred, retirement systems department, provisions, Sub SB 3494

Emergency assistance, created, SB 3615

Equine research and awards account, established, WSU research, horse racing commission, stallion awards, appropriation, SB 3313

Family and children account, created, SB 3197, SB 3259

* 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.

FUNDS—cont.

- Gifted students, education programs, mandated, appropriation, 2nd Sub HB 370
 Health departments, joint city—county, county treasurer, deposit authorized, *Sub HB 1457, CH. 57
 Heart Lake revolving, created, property, title transfer, reimbursement requirements, parks and recreation commission, *Sub SB 3195, CH. 4
 Heart Lake revolving, created, property, title transfer, reimbursement requirements, parks and recreation commission, appropriation, SB 3195
 Horse racing commission, reversion, general fund, amount at least equal to WSU equine research appropriation, Sub HB 1428
 Horse racing commission, stallion awards, appropriation from equine research and awards account, established, SB 3313
 Investment board, state, created, membership, powers, duties, certain state finance committee duties transferred, appropriation, SB 3367, *Sub HB 1610, VETOED
 Library assistance, created, library commission, appropriation, SB 2667
 Longshoremen's and harbor workers', created industrial insurance purposes, HB 613
 Motor vehicle, appropriations, limits, provisions, Sub SB 2956
 Motor vehicle, RV account created, *HB 1464(a), CH. 60
 Municipal corporations, investment, mutual savings banks, county treasurers, authorized, *Sub HB 1454, CH. 56
 Municipal pension fund tax levies, 106% limitation, required, Sub HB 943
 Nuclear emergency preparedness revolving, created, SB 3402
 Officials, public, office, permitted uses, enumerated, SB 3490
 Organized crime prosecution revolving, created, state-wide special inquiry judge act, enacted, SB 3591, *Sub HB 1147, CH. 146
 Pension, municipal, as defined, authorized investments, *Sub SB 3611, CH. 34
 Pension, municipal, investments, state authorized investments, allowed, SB 3611
 Prosecutors reimbursement revolving, created, counties, change of venue costs, partial reimbursement, appropriation, Sub HB 1084
 Radioactive wastes, low level, as defined, transportation, disposal, regulated, social and health services department, radioactive waste surveillance account, created, referendum provision, Sub HB 1412(a)
 Real property acquisition/development account, created, SB 2473
 Retirement systems department, allocation revised, *HB 1604, CH. 126
 Retirement systems department, building management, created, building purchase or construction purposes, SB 2922, Sub SB 2922, 2nd Sub SB 2922
 School, current state, abolished, *SB 3406, CH. 6
 State accounts, revisions, HB 397, SB 2318
 State government, certain, obsolete, disestablished, Sub SB 2862
 State government, various, disestablished, *SB 3404, CH. 32
 State patrol highway account, created, SB 3612
 Waste disposal bond redemption, created, SB 3603, *Sub SB 3603, CH. 159

FURLOUGHS (See also LEAVES AND SABBATICALS)

- Procedures, prison terms and parole board, established, local input, SB 3495

GALLAGHAN, SENATOR ART

- Remarks, commending Senator Dan Marsh p. 898

* 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.

GAMBLING AND GAMBLING COMMISSION

- Claw machines, certain, tax liability exclusion, *HB 1410, VETOED
- Coin-operated gaming devices, as defined, special tax, fixed annual rate, *HB 1410, VETOED
- Edwards, Wallace R., gambling commission, member, GA 205, confirmed pp. 15,109,158
- Fund raising events, nonprofit, charitable organizations, redefined, bets, dollar amount permitted, increased, SB 2896
- Golfing calcuttas, golf organizations, authorized, SB 2044
- Labor organizations, nonprofit organizations definition, included, SB 3329, Sub SB 3329
- Title only, SB 3528, SB 3529

GAME AND GAME DEPARTMENT

- Albino wildlife, hunting, trapping, possession prohibited, gross misdemeanor, *HB 1555, CH. 44
- Beavers, trapping, tag requirement eliminated, license fees, residents over 16 years, \$20 required, residents under 16 years, \$12 required, *SB 3011, CH. 24
- Code, general revisions, SB 3233, *HB 1447, CH. 78
- Enforcement officers, vehicles, boats, CB radios, required, SB 3479
- Fish and wildlife commission, department, created, existing agencies, abolished, state patrol, enforcement authority, Titles 75, 77, SB 3204
- Hunting from vehicles, population control purposes, permits, authorized, SB 2322
- Licenses, hunting, fishing, expiration date changed, SB 3212
- Licenses, hunting, fishing, veterans, disabled, certain, free, SB 2204(a)
- Licenses, hunting, veterans, disabled, certain, free, provisions, SB 2204
- Licenses, obtained by fraud, gross misdemeanor, SB 2315
- Title only, SB 3518, SB 3532
- White/Stuck rivers game preserve land, transferred to parks and recreation commission, (VETOED), *Sub SB 3164(a), CH. 89, P.V.
- Wildlife agents, vehicles, boats, CB radios, required, Sub SB 3479
- Wildlife department commission, created, powers, duties, transferred, SB 2405

GARBAGE (See also WASTE DISPOSAL)

- Collection, long-term contracts, certain municipalities, permitted, energy conservation purposes, overloaded trucks, penalties, SB 3486
- Federal resources conservation and recovery act, ecology department implementation, *HB 646, CH. 144
- Solid waste department, first class cities personnel, operation authorized, SB 3252
- Solid waste disposal districts, creation, authorized, provisions, Sub HB 1408
- Treatment, initial, provided or refusal to accept untreated refuse, provisions, garbage dump mining, permitted, SB 3486
- Waste disposal, energy generation facilities, defined, bonds authorized, ecology department, appropriation, referendum provision, SB 3182
- Waste disposal facilities, bond issue, pollution control inclusion, *HB 1976, CH. 21
- Waste disposal facilities, defined, bonds authorized, ecology department administration, fund created, referendum provision, SB 3603, *Sub SB 3603, CH. 159

* 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.

GARCIA, ARMANDO A.

Commission on Mexican-American affairs, member,
 GA 217, confirmed pp. 18,171,415

GASOHOL

- Alcohol, motor vehicle fuel manufacture, B&O tax exemption, 2nd Sub HB 1000
- Alcohol, motor vehicle fuel manufacture, liquor control, licensing regulation exemption, federal permit provision, SB 3576
- Alcohol, motor vehicle fuel manufacture, tax exemption, impact report to legislature required, *Sub SB 3551(a), CH. 157
- Alcohol, motor vehicle fuel purpose, liquor control law exclusion, *Sub HB 1630, CH. 140
- Alcohol, motor vehicle fuel use, farm implements, machines, husbandry implements, sales tax, motor vehicle tax, special fuel tax exemptions, SB 3629, *Sub SB 3629, CH. 131
- Distributors, special liquor purchase permit, required, Sub SB 2978
- Motor vehicles, state-owned, operated, use required, *HB 1568, CH. 169
- Production, alcohol production for gasohol, B&O tax exemption, 2nd Sub HB 1000
- Production, alcohol production for gasohol, property, equipment used, leasehold interests, tax exemption, 2nd Sub HB 1000
- Production, alcohol production for gasohol, stills, liquor control board, license, required, no fee, Sub SB 2978
- Sale, motor vehicle fuel use, temporary B&O exemption, wholesalers, 2nd Sub HB 1000, SB 3551, *Sub SB 3551, CH. 157
- Taxes, motor vehicle fuel excise, importer, partial exemption, Sub SB 2978

GASOLINE (See also FUEL AND FUEL TAX; also ALCOHOL (MOTOR VEHICLE FUEL); also GASOHOL)

Service stations, independent, major refiners, subsidiaries, new, prohibited, SB 3475

GELMAN, HERBERT

The Evergreen State College, trustees board, member,
 GA 234, confirmed pp. 21,110,209

GENERAL ADMINISTRATION DEPARTMENT

- Arts committee, joint legislative, established, powers, duties, legislative building art works acquisition, capitol arts fund, created, *Sub HB 1763, CH. 173, P.V.
- Branch banks, redevelopment project, drive-in facility, relocation permitted, *HB 1950(a), CH. 9
- Capitol facilities, joint legislative committee created, office space, legislative use, proper accounting, cost control procedures, purposes, *SCR 120
- Credit unions, miscellaneous changes, SB 3262, Sub SB 3262, *Sub HB 1416, CH. 41
- Credit unions, satellite facilities, authorized, SB 2267
- Energy, building audits required, energy office cooperation, *Sub HB 1688, CH. 172
- Energy, renewable practices, devices, as defined, public facilities, design, life-cycle cost provisions, rules promulgation, *Sub SB 2977, VETOED

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

GENERAL ADMINISTRATION DEPARTMENT—cont.

- Governor, gifts, received, disposition, prescribed, public disclosure commission, requirements, Sub HB 98
- Leases, agencies, real property, limitations, SB 2025, Sub SB 2025
- Motor vehicles, equipment, purchase, use, energy conservation guidelines, criteria development, *Sub HB 1688, CH. 172
- Northern state hospital, jurisdiction transferred, social and health services department, Sub SB 2749
- Savings and loan associations, accounts, negotiable transfers, use permitted, SB 2626
- Savings and loan associations, accounts, negotiable transfers, use permitted, effective passage federal enabling legislation, *HB 762(a), CH. 54
- Savings and loan associations, general revisions, SB 2157, Sub SB 2157
- School districts, educational service districts, liability insurance, risk management office, purchase, mandated, appropriation, SB 2426
- Waste management systems, Olympia area, state facilities, use, study, appropriation, also, ecology department, appropriation, Sub SB 3420

GEOHERMAL RESOURCES

- Energy exploration, SEPA exclusion, drilling, excavating, statutory compliance, required, SB 3580

GERMAN FEDERAL REPUBLIC

- Nazi war criminals, statute of limitations, extension, petitioned, SJM 104

GIFTS

- Energy resources producing corporations, securities, tax exempt, SB 3409
- Governor, received, disposition, prescribed, public disclosure commission, requirements, Sub HB 98
- Public disclosure act, records, certain, inspection, copying, exemption, SB 3136, Sub SB 3136, 2nd Sub SB 3136

GOLD

- Investment, state, authorized, provisions, SB 3596

GOLF AND GOLFING

- Calcuttas, golf organizations, authorized, SB 2044

GOLTZ, SENATOR H. A. "BARNEY"

- Remarks, commending Senator Dan Marsh p. 894

GOODS (See also PRODUCTS)

- Interest, state obligations, required, Sub SB 2238
- Liability, modified, SB 2333
- Mini-storage warehouses, regulation, exemption, Sub HB 1461
- Storage warehouseman law, redesignated, household goods storage warehouse law, provisions, general merchandise, excluded, Sub HB 1461, SB 3243

GOULD, SENATOR SUSAN E.

- Remarks, commending Senator Dan Marsh p. 895

GOVERNOR (See also RAY, GOVERNOR DIXY LEE)

- Adult corrections facility, 500-bed, McNeil Island, construction, authorized, DSHS appropriation, WCC, Monroe, alternatives, provisions, Sub HB 1817
- Arnett, Leroy, conditional pardon pp. 480-481

* 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.

GOVERNOR (See also RAY, GOVERNOR DIXY LEE)—cont.

- Bonds, waste disposal facilities, defined, issuance authorized, ecology department administration, fund created, referendum provision, SB 3603, *Sub SB 3603, CH. 159
- Energy department, created, replaces energy office, powers, duties, nuclear energy responsibility transferred, commerce, economic development, appropriation, SB 3503
- Energy facilities, site certification approval by voters, affected county, required, SB 3180
- Energy facilities, site certification by governor, applicants, shoreline management act, development permits, exemption, data collection purposes, Sub SB 3019
- Families and children commission, created, duties, expiration date, account, created, SB 3197, SB 3259
- Gifts, received, disposition, prescribed, public disclosure commission, requirements, Sub HB 98
- Health care planning, federal compliance, *Sub HB 1515, CH. 139
- Herring fleet opportunity board, created, powers, duties, expiration date, report to legislature, *Sub SB 3558(a), CH. 113
- Horse racing commission, membership, expanded, SB 3179, Sub SB 3179
- Immunization, children, required, religious beliefs, exemption, provisions, SB 2241
- Imprisonment, certain, terms, modified, Sub HB 498
- Interagency committee for outdoor recreation, reorganized, renamed, council of recreation resources, agencies, certain, authority, SB 2563, Sub SB 2563
- Interest, state obligations, required, Sub SB 2238
- Legislature, adjournment sine die, 1980 regular session, notified, *SCR 122
- Legislature, 1980 regular session, organized, notified, *HCR 22
- Message to joint session, January 15, 1980, *HCR 23 pp. 45-50
- Nuclear energy facility sites, outside Hanford boundaries, local governmental approval, required, SB 3616
- Nuclear power plants, construction agency, board of directors, appointment provisions, SB 3266
- Organized crime advisory board, new name, membership, duties, meetings, fund created, appropriation, SB 3591, *Sub HB 1147, CH. 146
- Public disclosure commission, reconstituted, appointment, terms, disqualification, prohibitions, provisions, HB 1445
- Redistricting advisory task force, created, membership, governor, chair, designated, SB 3610
- Salmon enhancement programs, reciprocity, tax provisions, *Sub SB 3256(a), CH. 98
- State militia, provisions, certain, modified disability, employment rights, compensation, federal compensatory benefits relieves state obligation, SB 2400
- State-wide special inquiry judge act, enacted, fund created, appropriation, SB 3591, *Sub HB 1147, CH. 146

GRANT, WILLIAM A

- Walla Walla community college, district 20, trustees board, member, GA 260, confirmed pp. 224,613,734

GRANTS

- Title only, payments, SB 3433

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

GRAPES

Research, WSU, percentage of liquor tax imposed, biennial appropriation, required, SB 3549

Research, WSU, percentage of liquor tax imposed, quarterly disbursement, required, Sub SB 3549

GRASSHOPPERS

Cooperative control program, state share, agriculture department, appropriation, HB 1541(a)

GRAYS HARBOR

Commercial net fishing areas, chum, sockeye salmon, specified, limited, Grays Harbor—Columbia river commercial salmon fishing gill net licensees, SB 3568
Pilotate district, established, boundaries, defined, SB 2108

GROUP HOMES

Juvenile justice act, technical amendments, dependency criteria, modified, Sub SB 2213

Juveniles, parental support, required, Sub HB 340

Runaway youth, interstate compact, revisions, SB 3014, Sub SB 3014

GROWTH MANAGEMENT

Right of way, franchises, applicant, acceptance, rejection, procedures, Sub HB 726

Urban sprawl, legislative select committee, established, provisions, report, Sub HCR 26

GUARDIANSHIP

Adoption, relinquishment petitions, procedures, prescribed, *Sub HB 1729, CH. 85

Adoption, written consent required, adoption procedures prescribed, *Sub HB 1729, CH. 85

Juvenile justice act, technical amendments, dependency criteria, modified, Sub SB 2213

Parent-child relationship, voluntary termination procedures prescribed, *Sub HB 1729, CH. 85

Runaway youth, interstate compact, revisions, SB 3014, Sub SB 3014

GUBERNATORIAL APPOINTMENTS (Also Indexed under Individual's Name)

Alden, Christenia L., commission for vocational education, member, GA 252, confirmed

Allison, Janet, commission for vocational education, member, GA 245, confirmed

Alvarez, Albert, commission on Mexican-American affairs, member, GA 215, confirmed

Alverson, Robert D., Pacific marine fisheries commission, member, GA 247, confirmed

Anderson, Raymond R., board of trustees, community college district 18, member, GA 244, confirmed

Anderson, Robert C., department of commerce and economic development, director, GA 174

Ballard, Clyde, emergency medical services committee, member, GA 200, confirmed

Bender, James, horse racing commission, member, GA 114, confirmed

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

GUBERNATORIAL APPOINTMENTS (Also Indexed under Individual's Name)

—cont.

- Biggs, Valeta R., emergency medical services committee, member, GA 201, confirmed
- Brooks, James E., board of trustees, community college district 16, member, GA 263, confirmed
- Bunch, Donald Jr., board of prison terms and paroles, member, GA 225
- Burton, Philip L., board of trustees, community college district 6, member, GA 250, confirmed
- Chinn-Jang, Nancy, commission on Asian-American affairs, member, GA 185, confirmed
- Chow, Edward Jr., department of emergency services, director, GA 246
- Chow, Ruby, state jail commission, member, GA 209, confirmed
- Conrad, Ernest M., council for postsecondary education, member, GA 221, confirmed
- Corr, Eugene M., board of prison terms and paroles, member, GA 226, confirmed
- Cowles, Allison, council for postsecondary education, member, GA 222, confirmed
- Cuellar, Olivia T., commission on Mexican-American affairs, member, GA 216, confirmed
- Davidson, Geneva U., community college district 19, board of trustees, member, GA 251, confirmed
- Doumit, Elizabeth, board of trustees, community college district 13, member, GA 242, confirmed
- Edwards, Wallace R., state gambling commission, member, GA 205, confirmed
- Eggert, Marven K., board of trustees, Western Washington University, member, GA 269, confirmed
- Elfbrandt, Kenneth E., Washington State commission for the blind, member, GA 196, confirmed
- Erickson, Larry V., state jail commission, member, GA 210, confirmed
- Erickson, Representative Phyllis K., western interstate commission for higher education, member, GA 207, confirmed
- Ferrucci, Vitt P., Washington State University board of regents, member, GA 230, confirmed
- Finn, Janet N., board of trustees, community college district 4, member, GA 249, confirmed
- Foote, Wilder, public employees retirement board, member, GA 229, confirmed
- Garcia, Armando A., commission on Mexican-American affairs, member, GA 217, confirmed
- Gelman, Herbert, board of trustees, The Evergreen State College, member, GA 234, confirmed
- Grant, William A., Walla Walla community college district 20, trustees board, member, GA 260, confirmed
- Hamai, Wendy, commission on Asian-American affairs, member, GA 186, confirmed
- Hammer, Melvin G., community college district 15, trustees board, member, GA 254, confirmed
- Harris, Joan, board of trustees, community college district 16, member, GA 266, confirmed

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

GUBERNATORIAL APPOINTMENTS (Also Indexed under Individual's Name)

—cont.

- Hays, Margaret, board of trustees, community college district 5, member, GA 237, confirmed
- Hislop, Virginia, board of trustees, community college district member, GA 265, confirmed
- Hite, Patricia G., Whatcom community college, district 21, trustees board, member, GA 261, confirmed
- Hovis, James B., horse racing commission, member, GA 270, confirmed
- Hunt, Robert E. Jr., Tacoma community college, district 22, trustees board, member, GA 262, confirmed
- Isaki, Paul Shigemi, commission on Asian–American affairs, member, GA 187, confirmed
- Jackson, Gary L., Washington State horse racing commission, member, GA 157
- Jacobsen, Lyle, office of financial management, director, GA 184, confirmed
- Johnson "Corky" C. J., state jail commission, member, GA 211, confirmed
- Johnson, Robert M., emergency medical services committee, member, GA 202, confirmed
- Kafer, Marjorie J., public disclosure commission, member, GA 258
- Kennelly, William F., board of trustees, community college district 10, member, GA 240, confirmed
- Keomahavong, Phoune, commission on Asian–American affairs, member, GA 188, confirmed
- Larner, Frank H., board of trustees, community college district 2, member, GA 235, confirmed
- Larson, Bonnie L., Washington State commission for the blind, member, GA 197, confirmed
- Lawrence, William H., board of trustees, community college district 12, member, GA 267, confirmed
- Leary, R. D., Washington State University board of regents, member, GA 231, confirmed
- Lew, Raymond T., commission on Asian–American affairs, member, GA 189, confirmed
- Martinis, John, Pacific marine fisheries commission, member, GA 219, confirmed
- Matsumoto, Jo–Elaine Akemi, commission on Asian–American affairs, member, GA 190, confirmed
- McClellan, Dorothy W., council for postsecondary education, member, GA 248, confirmed
- McFall, A. L., board of trustees, community college district 3, member, GA 271, confirmed
- McGowan, Michael E., board of trustees, community college district 11, member, GA 241, confirmed
- McNally, Dave, state board for community college education, member, GA 198, confirmed
- McWilliams, Edwin J., board of regents, Washington State University, member, GA 232, confirmed
- Nakagawa, Sam S., commission on Asian–American affairs, member, GA 191, confirmed

* 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.

GUBERNATORIAL APPOINTMENTS (Also Indexed under Individual's Name)

—cont.

- Norton, Marianne Craft, council for postsecondary education, member, GA 223, confirmed
- Norwood, Raymond A., council for postsecondary education, member, GA 224, confirmed
- Osborne, Harold F., board of pharmacy, member, GA 259, confirmed
- Pinto, Ellen, community college district 22, trustees board, member, GA 255, confirmed
- Powers, Carolyn, board of trustees, community college district 3, member, GA 236, confirmed
- Purviss, Nancy, Washington horse racing commission, member, GA 170, confirmed
- Richmond, Chester A., board of pilotage commissioners, member, GA 113, confirmed
- Rohrback, Pinckney M., board of trustees, Shoreline community college district 7, member, GA 272, confirmed
- Rosellini, Albert D., state transportation commission, member, GA 233, confirmed
- Rosenberg, K. O., community college district 17, trustees board, member, GA 256, confirmed
- Rust, Nancy, S., board of trustees, Shoreline community college district 7, member, GA 273
- Schwary, Richard L., board of trustees, community college district 14, member, GA 243, confirmed
- Seidel, Henry R., board of trustees, community college district 8, member, GA 238, confirmed
- Shin, Paull H., commission on Asian-American affairs, member, GA 192, confirmed
- Slee, John L. F., commission on Asian-American affairs, member, GA 193, confirmed
- Spalding, James M., state board for community college education, member, GA 199, confirmed
- Startup, Vivian M., community college district 1, trustees board, member, GA 253, confirmed
- Stephens, Dan W., board of trustees, community college district 16, member, GA 264, confirmed
- Terrell, Dr. Glenn, western interstate commission for higher education, member, GA 208, confirmed
- Todd, J. H., board of prison terms and paroles, member, GA 227, confirmed
- Tokunaga, Joe Yoshio, commission on Asian-American affairs, member, GA 194, confirmed
- Traylor, Merlin, emergency medical services committee, member, GA 203, confirmed
- Van Hoose, David C., board of trustees, community college district 9, member, GA 239, confirmed
- Washines, Anthony, board of trustees, community college district 16, member, GA 268, confirmed

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

GUBERNATORIAL APPOINTMENTS (Also Indexed under Individual's Name)

—cont.

- Washington, Nat W., pollution control hearings board, member, GA 220, confirmed
- Watanabe, Kazuo, Washington State liquor control board, member, GA 214, confirmed
- Wayne, Marvin A., emergency medical services committee, member, GA 204, confirmed
- Whitebear, Bernie, state jail commission, member, GA 212, confirmed
- Whitney, Evelyn, higher education personnel board, member, GA 206, confirmed
- Williams, Robert J., public employment relations commission, member, GA 228, confirmed
- Wold, Terrence E., data processing authority, executive director, GA 257, confirmed
- Wynne, Linda Rae, commission on Mexican–American affairs, member, GA 218, confirmed
- Yoshiwara, Janice Lee, commission on Asian–American affairs, member, GA 195, confirmed
- Young, James L., state jail commission, member, GA 213, confirmed

GUESS, SENATOR SAM C.

- Motion, return gubernatorial appointment, Gary L. Jackson, to committee on rules p. 71
- Motion withdrawn p. 86

GUIDE DOGS

- Deaf persons, white cane law, inclusion, *SB 3415, CH. 109

GUNS

- Imprisonment, certain, terms, modified, Sub HB 498

HAMAI, WENDY

- Commission on Asian–American affairs, member, GA 186, confirmed pp. 10,169,403

HAMMER, MELVIN G.

- Community college district 15, trustees board, member, GA 254, confirmed pp. 61,242,696

HANDGUNS (See also FIREARMS)

- Concealed, in vehicles, license required, SB 3301
- Laws, firearms, state, preempts local gun control laws, SB 3301
- Weapons, concealed, license fee increased, SB 3294

HANDICAPPED AND DISABLED PERSONS

- Basic education act, funding, requirements, provisions, Sub SB 2517
- Children, medically fragile, services, program, provisions, legislative report required, DSHS, funds, transference, medical assistance to developmental disabilities, *SB 3499, CH. 106
- Clam digging for qualified physically disabled persons, permitted, *HB 1486(a), CH. 81
- Developmentally disabled persons, DSHS services, costs, payment from residents' trust funds, required, Sub HB 858

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

HANDICAPPED AND DISABLED PERSONS—cont.

- Employment services, barriers, elimination, employment security department, appropriation, SB 3601, *HB 1658, CH. 142
- Exhibit, international year for disabled persons, education, handicapped persons problems, authorized, developmentally disabled planning council, appropriation, SB 3627
- Fishing licenses, free, blind persons, residency requirement, SB 2204(a)
- Home-aid services, requirements, social and health services department, Sub SB 2914
- Homemaker services, eligibility, rights, protections, DSHS, revisions, SB 2475, Sub SB 2475
- In-home and chore services, requirements, established, employment eligibility factor, DSHS, appropriation, *Sub HB 1516, CH. 137
- Nursing homes, auditing and cost reimbursement act, enacted, Sub SB 2335
- Nursing homes, auditing and cost reimbursement act, enacted, appropriation, SB 3250, *Sub SB 3250, CH. 177
- Passes, park, state parks, residents, disability benefits recipients, privileges, SB 2755
- Referendum 37, handicapped facilities, implementation, small counties, minimum guarantee, social and health services department, appropriation, *HB 1483(a), CH. 136
- Referendum 37, handicapped facilities, implementation, social and health services department, appropriation, SB 3170
- Regional library for the blind, radio reading service, braille and taping programs, state library, appropriation, *HB 1545, CH. 168
- Rental relief, provisions, SJR 130
- School buildings, access facilities, construction, authorized, appropriation, *Sub SB 2963, CH. 154
- Social and health services, disabled, handicapped, physical, mental, institutions, responsibility, code revisions, SB 2750
- SSI, low income elderly blind, disabled, supplementation, social and health services department appropriation, Sub SB 3552
- Title only, facilities, SB 3432
- Veterans, certain, free fishing, hunting licenses, SB 2204(a)
- Veterans, certain, free hunting license, provision, SB 2204
- Wheelchairs, motorized, public places, sidewalks, permitted, SB 2086

HANFORD

- Energy facility site certification, outside Hanford, local voter approval within two years of application required, Sub SB 3193
- Energy facility site certification, safety labor standards, as defined, compliance, inspections, Satsop, Hanford, labor and industries department, appropriation, Sub SB 3285
- Operating agencies, thermal plants, security forces, establishment authorized, property security, police powers, SB 2584

HANSEN, SENATOR FRANK "TUB"

- Personal privilege, SB 3551, amendment by Representative Dick Nelson, copy of memorandum to Representative John Bagnariol p. 1007

* 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.

HARBORS AND HARBOR LINES

- Docks, commercial, inspection, certification, labor and industries department requirements, civil penalty, SB 3209
- Docks, commercial inspection, certification, warrant, labor and industries department requirements, appropriation, Sub SB 2969
- Leases, objects, certain moored, tidelands, shorelands, harbor areas, navigable waters, beds, DNR terms, Sub SB 3044

HARRIS, JOAN

- Community college district 16, trustees board, member,
GA 266, confirmed pp. 384,411,698

HATCHERIES

- Salmon eggs, fisheries department, use regulated, SB 3178
- Salmon facilities, natural salmon spawning escapement, fisheries department, annual report required, corrective measures, bids, provisions, SB 3177
- South fork Willapa hatchery, construction, development, appropriation, SB 3594

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- Parliamentary inquiry, SB 2922, survives cutoff resolution, appropriation . p. 374
- Personal privilege, rules meeting p. 345
- Remarks, commending Senator Dan Marsh p. 898
- Remarks, regarding deadline for consideration of bills p. 356

HAYS, MARGARET

- Community college district 5, trustees board, member,
GA 237, confirmed pp. 22,110,367

HAZARDOUS SUBSTANCES AND PRODUCTS

- Common carriers, bill of lading, red in color or red border required, *HB 1870(a), CH. 132
- Common carriers, regulation laws, enforcement authority, state patrol, granted, *HB 1870(a), CH. 132
- Common carriers, violations, subject to civil penalty rather than criminal, enforcement procedures prescribed, *HB 1870(a), CH. 132
- Federal resource conservation and recovery act, ecology department implementation, *HB 646, CH. 144
- Materials, transportation, federal regulations adoption, enforcement provisions, *Sub HB 1807, CH. 20
- Motor freight carriers, equipment, safety, regulated, penalties, Sub HB 639
- Motor vehicles, load, equipment violations, citation acceptance, *SB 3331(a), CH. 104
- Pesticides, application, improper use, inspection provisions, revised, SB 3194
- Radiation control agency, program development, regulation, monitoring, emergency response plans, licensee investigation, appropriation, Sub HB 894
- Radioactive materials disposal act, enacted, SB 3264
- Radioactive wastes, low level, as defined, transportation, disposal, regulated, social and health services department, radioactive waste surveillance account, created, referendum provision, Sub HB 1412(a)
- Radioactive wastes, low level, storage, disposal, from certain states, prohibited, provisions, SB 3502
- Title only, SB 3352, SB 3541

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

HAZARDOUS SUBSTANCES AND PRODUCTS—cont.

- Title only, disposal, SB 3265
- Title only, transportation, SB 3289
- Transportation, accidents, emergency response teams, training, federal aid, requested, SJM 108
- Transportation, accidents, responsibility, local level, requested, SJM 111
- Transportation, interstate, international, improved placard system, federal government, provide, requested, SJM 109
- Transportation, regulations, compliance, motor vehicle owner or lessee, *SB 3331, CH. 104

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- Aircraft, zone, described, penalties, SB 2916
- Ferries, state system, personnel policies, civil service regulations, modified, Sub SB 2477

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- Adoption certificates, birth records, certain, provisions, SB 2020
- Alcoholics, health care contracts, \$1,000 minimum payment provisions, SB 3248
- Ambulance services, insurance coverage, inclusion, *SB 3318(a), CH. 102
- Blood banks, regulated, blood denial prohibited, replacement provisions, reciprocal agreements, nonreplacement fee limit, civil penalties, HB 1826
- Children, medically fragile, services, program provisions, legislative report required, DSHS, funds, transference, medical assistance to developmental disabilities, *SB 3499(a), CH. 106
- Chiropractors regulated, examiners, disciplinary boards, membership increased, continuing education, school accreditation provisions, *Sub HB 395, CH. 51
- Contractors, health care service, disclosure, regulations, directorship, consumer members, SB 2731
- Controlled substances therapeutic research act, enacted, powers, duties, Sub SB 2264
- Convulsive treatment, medical malpractice, revisions, SB 2915
- Crime victims, hospital costs, certain, local government, payment, Sub SB 2414
- Crime victims, trauma assistance, public, private organizations providing support, availability, inform, Sub SB 2414
- Denturism, occupation, established, regulated, SB 2125
- Departments, joint city-county, certain, director employment, joint action, *Sub HB 1457, CH. 57
- Departments, joint city-county, employees, county civil service, retirement plans, inclusion authorized, *Sub HB 1457, CH. 57
- Departments, joint, city-county, funds, county treasurer, deposit authorized, *Sub HB 1457, CH. 57
- Drugs, effect on human system, grade 7, 8 health classes, study, mandated, SB 3575
- Drugs, legend, identification requirements, pharmacy board, revised, appropriation, *Sub HB 1511, CH. 83
- Drugs, prescription, substitutions, revisions, SB 2589
- Elementary schools, unused, services expansion, planning and community affairs agency, pilot project, appropriation, SB 3453
- Employers, regulations, notice, labor and industries department, required, HB 1692

* 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.

HEALTH AND HEALTH CARE—cont.

- Energy facility site certification, safety, labor standards, as defined, compliance, SB 3285
- Energy facility site certification, safety, labor standards, as defined, compliance, inspections, Satsop, Hanford, labor and industries department, appropriation, Sub SB 3285
- Gravely disabled, definition, revised, SB 2428
- Health officers, local, educational requirements, revised, Sub HB 898
- Home-aid services, requirements, social and health services department, Sub SB 2914
- Homemaker services, eligibility, rights, protections, DSHS, provisions, SB 2475, Sub SB 2475
- Immunization, children, required, religious beliefs, exemption, provisions, SB 2241
- In-home and chore services, requirements established, employment eligibility factor, DSHS, appropriation, *Sub HB 1516, CH. 137
- Insurance, conversion rights, employees, family members, required, *Sub HB 1496, CH. 10
- Insurers, health care professionals, definition exclusion, self-insurance permitted, insurance guaranty association act, requirements, exclusion, SB 2259
- Insurers, health care professionals, 500 or more, definition exclusion, self-insurance, permitted, insurance guaranty act, requirements, exclusion, Sub SB 2259
- Insurers, health care services, contractors, reimbursement schedule, quarterly revision, update, required, noncompliance, unfair practice, SB 3222
- Insurers, medical disability, reimbursement schedule, quarterly revision, update, required, noncompliance, unfair practice, SB 3222
- Life-sustaining procedures, revisions, HB 1497
- Local health departments, sewage disposal regulations, Sub SB 2530
- Medicine, practitioners, licensing, revisions, HB 520
- Nurse-patient communications, privileged, extended, hearings, appeals, labor and industries, industrial insurance appeals board, not exempt, SB 3210(a)
- Nurse-patient communications, privileged, extended, SB 3210
- Nurses, registered, education, continuing, license renewal, required, SB 2272
- Nursing homes, auditing and cost reimbursement act, enacted, Sub SB 2335
- Nursing homes, auditing and cost reimbursement act, enacted, appropriation, SB 3250, *Sub SB 3250, CH. 177
- Planning, federal compliance, *Sub HB 1515, CH. 139
- Prescriptions, drugs, controlled substances, nonresident practitioner authorization, SB 3226, *Sub SB 3226, CH. 71
- Prisoners, certain, leaves, medical, dental care, volunteer service projects, provisions, HB 1106
- Radiation control agency, program development, regulation, monitoring, emergency response plans, licensee investigation, appropriation, Sub HB 894
- Restroom facilities, public, requirements, established, SB 3598
- Senior citizens, service centers, volunteers, public assistance recipients, utilization, appropriation, SB 2237
- Senior citizens, well adult clinic services, authorized, appropriation, SB 2237

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

HEALTH AND HEALTH CARE—cont.

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Energy, renewable, practices, devices, as defined, public facilities, design, life-cycle cost provisions, general administration department, rules promulgation, *Sub SB 2977, VETOED

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Renewable energy materials, equipment, property tax credit, provisions, SB 3269

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Solar housing, passive, materials, sales and use tax, exempt, SB 3307

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Swimming pools, new construction, heating, renewable energy sources, use, required, SB 3273

Systems, unconventional, property assessment value exclusion, owner notification, required, 2nd Sub HB 1546, *SB 3181(a), CH. 155

Utility services, tap-in charges, connection, hookup fees, waiver or delay, low income persons, cities, towns, ordinance required, *HB 1444, CH. 150

Utility stamp act, enacted, low income senior citizens, utility services, assistance, DSHS appropriation, SB 3552

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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Wood use, energy, heat production, study program, created, natural resources department, appropriation, SB 3268

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Applied technology institute, proposed, study, UW, WSU engineering deans, senate higher education committee, coordination, guidelines preparation, appropriation, SB 3571

Apprentice training, pilot program, instituted facilities, bond authorization, increased, community college education board, appropriation, SB 3578

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

HIGHER EDUCATION (See also COLLEGES AND UNIVERSITIES; also COMMUNITY COLLEGES)—cont.

- Capital improvements, WSU, Fulmer Hall, appropriation, Sub HB 1583
- Collective bargaining, certain personnel, provisions, SB 2236
- Committee, joint legislative, higher education reciprocity programs, consultation, like members, Idaho, Oregon, Montana, Alaska, British Columbia, report, *Sub HCR 29
- Community colleges, member on leave, replacement, tenure prohibited, SB 3143
- Community colleges, tuition, fee waiver authority, dollar amount limitation reduced, Sub SB 3165, *Sub HB 1481, CH. 62
- Educational services registration act, religious institutions, certain, exempt, SB 3275
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- Erickson, Phyllis K., western interstate commission for higher education, member, GA 207, confirmed pp. 51,52
- Gasohol, state owned, operated passenger vehicles, use required, *HB 1568, CH. 169
- High school diploma, certificate programs, tuition, fee waiver, dollar amount limitation removed, SB 3165, Sub SB 3165, *Sub HB 1481, CH. 62
- Institutions, certain, board membership, selection, terms, uniformity, SB 2858, Sub SB 2858
- Military recruiters, students, campus, information directory, equal access allowed, *SB 3241, CH. 96
- PERS, members, credit, 12-month basis, 2nd Sub SB 2465
- Principals' scholars program, secondary school principals, legislative recognition, award provisions, SB 2257
- Printer, public, general revisions, SB 2257
- Public disclosure act, records, certain, inspection, copying, exemption, SB 3136, Sub SB 3136, 2nd Sub SB 3136
- Retirement, benefits, increased, provisions, Sub SB 2240
- Retirement, employees, certain, PERS membership, option, deadline, non PERS members, supplemental benefits, exclusion, Sub HB 763
- Rules adoption, revisions, procedures, *SB 3240(a), CH. 186, P.V.
- Rules publication, editing, compiling authority, code reviser, prescribed, *SB 3240(a), CH. 186, P.V.
- Rules review committee, created, procedures established, (VETOED), *SB 3240, CH. 186, P.V.
- Salaries, faculty, exempt administrators, increased, governor, appropriation, Sub HB 1724
- Scholarship waiver program, three seniors per legislative district, postsecondary education council, appropriation, Sub SB 3389
- Scholarships, academic excellence, three seniors per legislative district, tuition, fee waiver, principals' program, created, SB 3278
- Scholarships, National Guard, higher education institutions, as defined, authorized, 2nd Sub SB 2212

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

HIGHER EDUCATION (See also COLLEGES AND UNIVERSITIES; also COMMUNITY COLLEGES)—cont.

- Scholarships, WPC scorers, three seniors per legislative district, tuition, fee waiver, principals, postsecondary education council program, Sub SB 3278
- Services, activities fee committee, student membership, voting majority, duties, governing board, guidelines establishment required, SB 3560, *Sub HB 1480, CH. 80
- Students, associations, certain, open meetings required, *HB 357, CH. 49, P.V.
- Students, financial aid, attendance, out-of-state non-profit institutions, where reciprocity agreement exists, authorized, SB 3251, *HB 1414, CH. 13
- Teachers, learning/language disabilities, identification, course, required, Sub SB 2055, 2nd Sub SB 2055
- Terrell, Dr. Glen, western interstate commission for higher education, member, GA 208, confirmed pp. 15,60,243
- The Evergreen State College, additional enrollment, appropriation, Sub HB 1583
- Title only, SB 3390, SB 3418, SB 3429
- Title only, bonds, SB 3418, SB 3429
- Unemployment compensation, students, disqualification, class hour requirements, *Sub HB 1952, CH. 74

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- Attendance incentive program, community college employees, maximum sick leave restriction, not applicable, Sub SB 3191
- Attendance incentive program, community college employees, maximum sick leave restriction, not applicable, appropriation, *Sub SB 3537, CH. 182
- Attendance incentive program, eligibility, higher education teaching, research faculty, exclusion, SB 3191
- Attendance incentive program, eligibility, state, regional universities, TESC, teaching, research faculties, exclusion, Sub SB 3191, *Sub SB 3537, CH. 182
- Collective bargaining, certain personnel, provisions, SB 2236
- Mediation, arbitration procedures, labor disputes, rules adoption, required, provisions, SB 3547
- Salary surveys, revisions, SB 3372, *HB 1524, CH. 11
- University of Washington employees, former members WSU retirement system, credit transference, PERS, permitted, *SB 3487, CH. 112
- Whitney, Evelyn, higher education personnel board, member, GA 206, confirmed pp. 15,60,145

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- Counties, administration, classification, purchases, competitive prices, procedures modified, Sub SB 2268
- Lanes, preferential, unlawful use, civil fines, established, Sub SB 2855
- Motor vehicles, abandoned, removal, procedures, established, Sub HB 451
- Motor vehicles, licenses, fees, increased, schedule, established, WSP, highway activities, benefit, state patrol highway account, created, SB 3612
- Motor vehicles, loads, not properly secured, fastened, forbidden, SB 2480, Sub SB 2480
- Railroads, crossings, reflectorized whistle posts, required, SB 2278
- Recreational vehicles, license fee, additional, imposed, sanitary disposal systems, rest areas, use, RV account, created, motor vehicle fund, *HB 1464, CH. 60

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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- Speed limit, 65 MPH maximum, established, SB 2487
- Speeding violations, certain, parking violations, drivers, insurance abstracts, exclusion, Sub SB 2418
- Title only, SB 3237, SB 3553
- Title only, improvement, SB 3344
- Utility construction franchise granting authority, revised, *Sub SB 3237, CH. 28

HIGHWAYS – STATE ROUTES

- No. 20, Sedro Woolley vicinity, realignment, planning, appropriation, SB 2427, Sub SB 2427
- No. 101, Fort Columbia tunnel, illumination, transportation department, appropriation, SB 3188

HISLOP, VIRGINIA

- Community college district 16, trustees board, member, GA 265, confirmed pp. 384,411,698

HISTORIC PRESERVATION AND SITES

- Archaeological repository, created, inventorying, accessioning, curating, storing, maintaining archaeological materials, appropriation, SB 3548
- Energy facility site evaluation council, member, added, historic preservation office, designee, SB 2691
- Taxation, certain, exemption, implemented, SB 3480

HISTORICAL SOCIETIES AND ASSOCIATIONS

- State capitol museum, fund raising, gift, bequest acceptance, limits, removed, Sub HB 515

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- Whatcom community college, district 21, trustees board, member, GA 261, confirmed pp. 224,613,735

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- School, human relations day, Dr. Martin Luther King Jr., birthday, January 15th, SB 2235

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- Counties, municipal corporations, powers, granted, SJR 114, Sub SJR 114
- Elections, special, major political party caucuses, conflict prohibition, home rule charter counties, exclusion, *Sub SB 3359, CH. 3

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- Home-aid services, requirements, social and health services department, Sub SB 2914
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- Services, eligibility, rights, protections, revisions, social and health services department, SB 2475, Sub SB 2475

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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- Floating home landlord-tenant act, enacted, moorages, legal rights, SB 2850, Sub SB 2850, 2nd Sub SB 2850
- Floating, used, resale, rentals, sale, use tax exemption, real estate excise tax, redesignated real property tax, certificate of ownership, issuance, 2nd Sub HB 200
- Heat, wood, natural gas, heating oil, propane, facilitated, Sub SB 3087
- Insurance, dwellings, cancellation notice requirements, application, *SB 3318, CH. 102

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- Criminal code, offenses, revisions, 2nd Sub HB 1183
- Search warrants, evidence, radio, television stations, news media, wire services or employees, uses limitations, *HB 427(a), CH. 52

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- Bridge, design, reconstruction, transportation department, authorized, environmental impact statement exemption extended, *SB 3183, CH. 2
- Bridge, employees, authority, transferred, DOT, SB 2477
- Bridge, replacement, federal appropriation requested, SJM 114, Sub SJM 114
- Ferry system, employees, personnel policies, civil service regulations modified, Sub SB 2477

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- Equine research, awards account, established, WSU research, horse racing commission stallion awards, appropriation, SB 3313
- Equine research, WSU appropriation, horse racing commission, equivalent funds reversion, general fund, Sub HB 1428
- Hovis, James B., horse racing commission, member, GA 270, confirmed pp. 412,623,734
- Racing, commission, membership, expanded, SB 3179, Sub SB 3179
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- Health care planning, federal compliance, *Sub HB 1515, CH. 139
- Insurers, health care professionals, definition exclusion, self-insurance permitted, insurance guaranty association act, requirements, exclusion, SB 2259
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- Northern state, jurisdiction transferred, social and health services department, Sub SB 2749
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- Western state, security chief, full-time, law enforcement experience or education, hiring, required, SB 3626

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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.

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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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- Injured workers, reports, signing, meeting, discussion period, required, SB 3582
- Injured workers, services, comprehensive plan, development, required, SB 3631
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- Rehabilitative and reemployment services, mandated, SB 3169(a)
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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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- Waste management systems, defined, bonds, issuance, anticipation notes, authorized, ecology department, appropriation, referendum provision, SB 3182

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- Dogs, theft, concealment, prohibited, gross misdemeanor, SB 2215
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- Industrial insurance, injured workers, services, comprehensive plan, development, required, SB 3631
- Injured workers, reports, signing, meeting, discussion period, required, SB 3582
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- Motor vehicles, accidents, runaway car, last driver, certain duties established, HB 814, *SB 3236(a), CH. 97
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- Torts, product liability, general revisions, appropriation, SB 2333(a)

* 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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- Emission control, motor vehicles, inspection fee payment requirement, SB 3228, *Sub SB 3228, CH. 176
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- Energy facilities, sites, certification, safety, labor standards, as defined, compliance, SB 3285
- Energy facilities, sites, certification, safety, labor standards, as defined, compliance, inspections, Satsop, Hanford, labor and industries department, appropriation, Sub SB 3285
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- School districts, public, private, fire marshal, plan reviews, construction inspections, fire prevention, mandated, fee imposition, allowed, SB 2325
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- Applied technology institute, proposed study, UW, WSU, engineering deans, senate higher education committee, coordination, guidelines preparation, appropriation, SB 3571
- Innovation service institute, established, economic community aid, appropriation, HB 182

- * 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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- Northern state hospital, jurisdiction transferred, social and health services department, Sub SB 2749
- Northern state hospital, other complexes, conversion to prison, authorized, SB 3301
- Prisons, construction, additional, on existing correctional facility sites, referendum, SB 3301
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- Negotiable, stop-payment order, fraudulent, protecting against, penalties, Sub HB 644

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- Agents, brokers, continuing education, 24 hours, required, designated licensees, agents, brokers, 20 years or more 12 hours, required, SB 3619
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- Ambulance services, health care insurance coverage, inclusion, *SB 3318(a), CH. 102
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- Board, state employees, deferred compensation plans, authority transferred, retirement systems department, provisions, Sub SB 3494
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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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- Insurers, attorney associations, definition exclusion, self-insurance permitted, insurance guaranty association act, requirements, exclusion SB 2259
- Insurers, attorney associations, 500 or more, definition exclusion, self-insurance permitted, insurance guaranty association act, requirements, exclusion, Sub SB 2259
- Insurers, automobiles, policy renewal, refusal, limitations, SB 2029
- Insurers, health care professionals, definition exclusion, self-insurance permitted, insurance guaranty association act, requirements, exclusion, SB 2259
- Insurers, health care professionals, definition exclusion, 500 or more, self-insurance, permitted, insurance guaranty act, requirements, exclusion, Sub SB 2259
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(a) Amendment to original bill.

SR Senate Resolution.

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- Stock, unimpaired, paid in capital, unimpaired surplus, maintenance amounts, specified increases, required, SB 3317, *Sub HB 1471, CH. 135
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- Credit, charges, provisions revised, SB 3300
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(a) Amendment to original bill.

SR Senate Resolution.

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- Hazardous materials, interstate, international commerce, placard system, improved, federal government, provide, SJM 109

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- Employees, agreements, certain terms, prohibited, disclosure procedures, provisions, Sub SB 2420
- Innovation service institute, established, economic community aid, appropriation, HB 182

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- Central registry, child protective services, DSHS personnel, access, granted, child care agency licensure, certification purposes, HB 1519, SB 3171
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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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- Board, state, created, membership, powers, duties, certain state finance committee duties transferred, appropriation, SB 3367, *Sub HB 1610, VETOED
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- Commission on Asian-American affairs, member, GA 187, confirmed pp. 10,169,403,404

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- Horse racing commission, member, GA 157. . . . pp. 71,86,162-165,192-193, 270

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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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- Director, Skaugen Company, Oslo, Norway, introduced, addressed senate . p. 887

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- Emergency medical and ambulance review committee, member, GA 202, confirmed pp. 14,682,733

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JUDGES

- Convicted persons, statement of facts, preparation, signature, provisions, parole board availability, Sub HB 51
 Crime victims, compensation, proceeds from reenactment of crime, provisions, Sub SB 3128
 District courts, salaries, fulltime, computation, *Sub HB 1422, CH. 162
 District courts, salaries increased, SB 3295
 Election, general revisions, Sub SB 3118
 Judicial qualifications commission, judicial disciplinary purposes, establishment, provisions, SJR 116, *Sub HJR 37
 Occupational driver's license, temporary license, issuance provisions, SB 2135
 Probation, summary, DSHS custody, authorized, provisions, Sub SB 2485
 Pro tem, subsistence, lodging, travel expenses, provisions, HB 1421, SB 3230
 Retired, income, employment redefined, SB 2860
 Retirement, all service credits, transfer from PERS authorized, SB 3293
 Retirement, benefits, increased, provisions, Sub SB 2240

- * 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.

JUDGES—cont.

- Retirement, PERS membership reinstatement, transfer purposes, SB 3271, *Sub SB 3271, CH. 7
- State-wide special inquiry judge act, enacted, fund created, appropriation, SB 3591, *Sub HB 1147, CH. 146
- Superior court, King county, number increased, SB 3207
- Superior court, King county, number increased, conditions imposed, *Sub SB 3207, CH. 183, P.V.
- Superior court, new, salaries, administrator for the courts, appropriation, Sub HB 1525
- Superior court, Yakima county, number increased, SB 3484

JUDGMENTS

- Enforcement, time period extended, *SB 3334, CH. 105
- Fees, attorneys, civil actions, assessment, case dollar amount increased, *SB 3220, CH. 94
- Interest rate, increased, *SB 3220, CH. 94
- Personal injury, interest and costs, payment provision, SB 3377
- Property, redemption, interest, other expenses, payment provision, SB 3325
- Superior courts, clerks, official services, fees, increased, SB 2381, Sub SB 2381
- Superior courts, clerks, official services, fees increased, partial allocation, judicial information system, *2nd Sub SB 2381, CH. 70

JUDICIAL COUNCIL

- Court reporter, added, SB 2342
- Courts, limited jurisdiction, electronic recording equipment operation, administrator for the courts, supervision, *Sub HB 1422, CH. 162
- Courts, limited jurisdiction, proceedings, superior court review under procedures established by supreme court rule, *Sub HB 1422, CH. 162
- Judges, district courts, fulltime, salaries, computation, *Sub HB 1422, CH. 162
- Judges, pro tem, subsistence, lodging, travel expenses, provisions, HB 1421, SB 3230
- Police court, appeals, sentencing provisions, HB 1417, SB 3231
- Traffic infractions, general revisions, SB 3227, *HB 1418, CH. 128

JUDICIAL SYSTEM

- Clerk, official services, fees, increased, SB 2381, Sub SB 2381
- Court reporters, prejudicial, attorney, plaintiff, defendant, substitution, request, procedures, SB 2919
- Judges, district courts, fulltime, salaries, computation, *Sub HB 1422, CH. 162
- Judges, pro tem, subsistence, lodging, travel expenses, provisions, HB 1421, SB 3230
- Judges, superior court, King county, number increased, SB 3207
- Judges, superior court, King county, number increased, conditions imposed, *Sub SB 3207, CH. 183, P.V.
- Judges, superior court, Yakima county, number increased, SB 3484
- Judicial qualifications commission, judicial disciplinary purposes, establishment, provisions, SJR 116, *Sub HJR 37
- Police court, appeals, sentencing provisions, HB 1417, SB 3231
- Retirement, benefits, increased, provisions, Sub SB 2240

* 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.

JUDICIAL SYSTEM—cont.

Superior courts, clerks, official services, fees increased, partial allocation, judicial information system, *2nd Sub SB 2381, CH. 70

JURISDICTION

Courts of limited jurisdiction, electronic recording equipment operation, administrator for the courts, supervision, *Sub HB 1422, CH. 162

Courts of limited jurisdiction, proceedings, superior court review under procedures established by supreme court rule, *Sub HB 1422, CH. 162

JURORS AND JURIES

Fees, increased, SB 2012

Limited jurisdiction courts, selection, impaneling provisions, SB 3288, *Sub HB 1422, CH. 162

Selection, criminal cases, venue change provisions, SB 3263

Trials, all, right to jury, assured, SB 3299

JUSTICE COURTS

Actions, commencement, summons, provisions revised, SB 3337

Commissioners, lawyer or qualifying examination, requirement, SB 3410

Commissioners, qualifications, *Sub HB 1422, CH. 162

Electronic recording equipment, operation, administrator for the courts, supervision, *Sub HB 1422, CH. 162

Filing fees, increased, *Sub HB 1422, CH. 162

Judgments, enforcement, time period, extended, *SB 3334, CH. 105

Misdemeanant probation, parole program, established, SB 3399

Proceedings, superior court review under procedures established by supreme court rule, *Sub HB 1422, CH. 162

Public utilities, fees, regulatory, certain failure to pay, penalties, removed, SB 2349

JUVENILE COURTS (See also COURTS)

Commissioners, lawyer or qualifying examination, requirement, SB 3410

JUVENILE JUSTICE ACT

Technical amendments, dependency criteria, modified, Sub SB 2213

Truancy, habitual, included, SB 3026

JUVENILES (See also ADOPTION; also SOCIAL AND HEALTH SERVICES DEPARTMENT)

Community service, performance, industrial insurance, third party liability coverage, provisions, Sub HB 1359

Counties, industrial, liability insurance, coverage, community service insurance fund, establishment, provisions, Sub HB 1359

Curfew, violations, provisions, Sub SB 2495

Delinquency prevention services program, DSHS, 1979–81 biennium, maintained, no significant changes, directed, *SB 3574, CH. 158

Delinquent, community supervision expanded, violation hearings, detention, parole revisions, DSHS plan development, juvenile delinquent protection, SB 3492

Justice act, technical amendments, dependency criteria, modified, Sub SB 2213

Records, access, content, procedures, revisions, SB 2924, Sub SB 2924

Runaway youth, interstate compact, revisions, SB 3014, Sub SB 3014

* 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.

JUVENILES (See also **ADOPTION**; also **SOCIAL AND HEALTH SERVICES DEPARTMENT**)—cont.

- State institutions, parental support, required, Sub HB 340
- State register, disposition standards, inclusion, SB 2566(a)
- Street crimes program, treatment alternatives, Clark, Snohomish counties, Tacoma, DSHS, appropriation, SB 3557
- Street crimes program, treatment alternatives, Clark, Snohomish counties, Tacoma, DSHS appropriation, evaluation provision, Sub HB 1746
- Title only, delinquency prevention act, SB 3657
- Title only, justice, SB 3651
- Traffic infractions, general revisions, SB 3227, *HB 1418, CH. 128
- Welfare services, foster care, adoption, recruiting plan, development, investigation, SB 3092

KAFER, MARJORIE J.

- Public disclosure commission, member, GA 258 p. 223

KELSO

- Crime lab, state patrol, established, appropriation, SB 3238
- Crime lab, state patrol, established, appropriation, shared cost feasibility study, *HB 1433, CH. 164

KENNELLY, WILLIAM F.

- Community college district 10, trustees board, member, GA 240, confirmed pp. 23,242,686

KEOMAHAVONG, MR. PHOUNE

- Commission on Asian-American affairs, member, GA 188, confirmed pp. 11,169,404

KIDNAPPING

- Criminal code, sentencing, revisions, SB 2229(a)

KING COUNTY

- State parks and recreation commission, certain properties, purchase, appropriation, SB 3267
- Superior court, judges, number increased, SB 3207
- Superior court, judges, number increased, conditions imposed, Sub SB 3207, CH. 183, P.V.

KITTITAS COUNTY

- Liberty townsite, Wenatchee national forest, sales requirements, SB 3184
- Townsites, national forests, sales requirements, real estate tax exemption, *Sub SB 3184(a), CH. 90

LABELS AND LABELING

- Fish, shellfish, requirements, established, HB 284

LABOR

- Arbitration, panel created for uniformed personnel impasse procedures, considered state agency, those purposes, SB 3476
- Berry picking, ten and eleven year-old youth, permitted, federal support requested, HJM 21, SJM 112
- Collective bargaining, agreements, conflict, employer policy, bargaining, agreement prevails, SB 2854

* 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.

LABOR—cont.

- Collective bargaining, higher education, certain personnel, provisions, SB 2236
- Collective bargaining, port districts, employees, inclusion, SB 2431
- Employee/employer relationships, regulated, SB 3123
- Inventions, employees, employment agreements, certain terms, prohibited disclosure procedures, provisions, Sub SB 2420
- Mediation, arbitration procedures, disputes, public employees, personnel board, higher education personnel board, rules adoption, required, SB 3547
- Organizations, nonprofit organizations definition, included, gambling commission purposes, SB 3329, Sub SB 3329
- Public employment relations commission, members, staggered terms, established, Sub SB 3042
- Successor clauses, entertainment services, union contracts, provisions, SB 2679, Sub SB 2679
- Title only, relations, SB 3465

LABOR AND INDUSTRIES

- Appropriations, general fund, electrical license fund, medical aid fund, crime victims program, Sub HB 1536
- Berry picking, ten and eleven year-old youth, permitted, federal support, requested, HJM 21, SJM 112
- Building code, state, updated, fire code exemption proviso, 2nd Sub HB 541
- Contractors, advertising materials, registration number, use required, *HB 1663, CH. 68
- Contractors, registration requirements, provisions, surety bond, liability insurance, do not constitute compliance, HB 721
- Crime victims compensation, beneficiaries, private life insurance proceeds, benefits reduction exemption provision, *Sub SB 3457, CH. 156
- Crime victims compensation, right to recover damages from responsible person, retained, *Sub SB 3457, CH. 156
- Crime victims program, appropriation, Sub HB 1536
- Docks, commercial, inspection, certification requirements, penalty, SB 3209
- Docks, commercial, inspection, certification requirements, penalty, appropriation, Sub SB 2969
- Electrical inspectors' safety license, application, issuance, renewal, provisions, SB 3292
- Electricians, apprentice, regulation requirements, *SB 3253, CH. 30, P.V.
- Electricians, certificate of competency requirements, *SB 3253, CH. 30, P.V.
- Energy facility site certification, safety, labor standards, as defined, compliance, SB 3285
- Energy facility site certification, safety, labor standards, as defined, compliance, inspections, Satsop, Hanford, appropriation, Sub SB 3285
- Health, safety regulations, employer notice, required, HB 1692
- Industrial insurance, benefits, provisions, SB 2580
- Industrial insurance, detention facility inmates, certain, coverage, provision, SB 3607
- Industrial insurance, employer group plans, authorized, HB 1667, SB 3169(a)
- Industrial insurance, fire fighters occupational disease, definition expanded, SB 3631
- Industrial insurance, general revisions, SB 3631

* 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.

LABOR AND INDUSTRIES—cont.

- Industrial insurance, injured workers, services, comprehensive plan, development, required, SB 3631
- Industrial insurance, juveniles, community service, coverage, fund establishment, provisions, Sub HB 1359
- Industrial insurance, provisions, general revisions, Sub HB 1605
- Industrial insurance, workers' compensation, joint committee, created, current program study, SB 3631, *Sub SB 3169(a), CH. 129
- Injured workers, reports, signing, meeting, discussion period, required, SB 3582
- Longshoremen, employers, resident, insurance against liability, permitted, fund, created, powers, exemptions, HB 613
- Mobile homes, installation, warranty services, workmanship standards, rules adoption, appropriation, *Sub HB 1989, CH. 153
- Model reemployment and assistance project, injured workers, established, appropriation, Sub HB 1758, SB 3622, Sub SB 3622
- Nurse-patient communications, privileged, hearings, appeals, not exempt, SB 3210(a)
- Operations, appropriation, *Sub SB 3457, CH. 156
- Pilot vehicle operators, minimum insurance requirements, *Sub HB 1989, CH. 153
- Radiation, regulation, workplaces, provisions, Sub HB 894
- Workers' compensation, joint committee established, program evaluation study, Sub HB 1605
- Workers' compensation, rehabilitative and reemployment services, mandated, SB 3169(a)
- Workers' compensation, temporary total disability, compensation period modified, SB 3169, *Sub SB 3169, CH. 129

LABORATORIES

- Crime lab, state patrol, additional facilities, existing sites, new satellite labs established, appropriation, SB 3238
- Crime lab, state patrol, additional facilities existing sites, new satellite labs established, appropriation, shared cost feasibility study provision, *HB 1433, CH. 164
- Crime lab, state patrol, services, requests, prioritized, *HB 1681, CH. 69

LAKES

- Fish protection, hydroelectric, water supply projects, provisions, SB 3425
- Water rights, determination proceedings, scope, service of summons, fees, expenses, SB 2351, Sub SB 2351
- Water rights, determination proceedings, statement of facts, notice to owners, procedural requirements, SB 2351, Sub SB 2351

LAND (SEE ALSO NATURAL RESOURCES AND NATURAL RESOURCES DEPARTMENT)

- Aliens, real property, ownership prohibited, exclusion, reciprocity provisions, Sub SJR 122
- Division, such as shopping center, industrial park, binding site plan approval, local government, subdivision requirements, exemption, Sub SB 3255
- Education board, state, land management, sustained yield, trust lands, update, biennial review, mandated, SB 3481

* 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.

LAND (SEE ALSO NATURAL RESOURCES AND NATURAL RESOURCES DEPARTMENT)—cont.

- Energy facility sites, local land use plans compliance, studies duplication minimization, provisions, SB 3379
- Firewood cutting, state lands, prior to slash burning, permitted, DNR, public notice, required, SB 3175
- Firewood, cutting, unintentional injuries, tort liability, protection, *SB 3474, CH. 111
- Forest, classified, sale, title document recording, *Sub HB 810, CH. 134
- Forest land, classified, sale, tax lien attachment provisions, noncomplying conveyance instrument, auditor acceptance prohibited, *Sub HB 810, CH. 134
- Forest trust land moneys, proration distribution requirements, *Sub SB 2963, CH. 154
- Heart Lake property, title transfer, reimbursement requirements, revolving fund, created, parks and recreation commission, *Sub SB 3195, CH. 4
- Heart Lake property, title transfer, reimbursement requirements, revolving fund, created, parks and recreation commission, appropriation, SB 3195
- Leases, oil, gas, state, lands, minimum rental, royalty requirements modified, SB 3185, *HB 1518, CH. 151
- Nonprofit organization, property, park, open spaces, recreation, purposes, tax exemption, Sub SB 2790
- Open space, no current use, valuation, tax purposes, revised, SB 3555
- Parks, state, sale, proceeds, counties, real property acquisition/development account, created, appropriations, SB 2473
- Public, exchange, land management purposes, allowed, SB 3187, Sub SB 3187
- Public, unappropriated, disclaimer of rights, revised, *SJR 132
- Public, unappropriated, state's rights, vested, natural resources department, jurisdiction, report, constitutional contingency, disclaimer to unappropriated public lands, *SB 3593, CH. 116
- Real estate, regulated, commission established, powers, duties, education requirements, appropriation, Sub SB 2316
- Real estate transfers, intra-family, certain, real estate excise tax, exemption, SB 2396
- Real property transfers, counties other than AA, A, first class, subdivision, one tract, at least five acres, exemption, certain, Sub SB 3255
- Real property transfers, counties other than AA, A, first class, subdivision, one tract, certain, contingent no further subdivision, exemption, permitted, Sub SB 3255
- Real property transfers, family-related, five acres, one residence permitted, SB 3255, Sub SB 3255
- Sequest, forest lands, state, replacement, DNR transfer parks and recreation commission, appropriation, SB 3447, Sub SB 3447
- Shoreline management act, master programs affecting state-owned lands, DNR approval mandated, joint hearings, DNR, DOE, permitted, SB 3570
- Timber, from state lands, processing restrictions provisions, SB 3380
- Timber, valuation, assessment revisions, assessor responsibilities, ownership transfers, appeals, temporary forest tax committee created, SB 3504
- Townsites, national forests, sales requirements, real estate tax exemption, *Sub SB 3184(a), CH. 90

* 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.

LAND (SEE ALSO NATURAL RESOURCES AND NATURAL RESOURCES DEPARTMENT)—cont.

White/Stuck rivers game preserve, transferred from game commission to parks and recreation commission, (VETOED), *Sub SB 3164(a), CH. 89, P.V.

LANDLORDS AND TENANTS (See also MOBILE HOME LANDLORD/TENANT ACT)

Aircraft, hangar, tie-down space, rental, eviction provisions, notice requirement, avoidance, compliance, restitution provision, Sub HB 561, SB 3488

Floating home landlord-tenant act, enacted, moorages, legal rights, SB 2850, Sub SB 2850, 2nd Sub SB 2850

Smoke detectors, dwellings, certain, rented, leased, built after December 31, 1979, required, *Sub HB 382, CH. 50

Tenancy termination notice, retaliatory action definition, inclusion, HB 614

Tenancy termination notice, retaliatory action definition, inclusion, forceable detainer provision, HB 614(a)

LARNER, FRANK H.

Board of trustees, community college district 2, member,

GA 235, confirmed pp. 21,110,209

LARSON, BONNIE L.

Commission for the blind, member, GA 197, confirmed pp. 13,682,732

LASERS

Radiation control agency, program development, regulation, monitoring, emergency response plans, licensee investigation, appropriation, Sub HB 894

Radiation pilot program, nonionizing radiation hazards, report to legislature, provision, appropriation, Sub HB 894

LAW ENFORCEMENT

Arbitration panel, created for uniformed personnel impasse procedures, considered state agency, those purposes, SB 3476

Assault, reclassified, SB 2229

Checks, stop-payment orders, unlawful issuance, penalty, SB 2229

Checks, unlawful issuance, value determination, SB 2229

Controlled substances therapeutic research act, enacted, powers, duties, Sub SB 2264

Crime victims, hospital costs, certain, local government, payment, Sub SB 2414

Crime victims, trauma assistance, public, private organizations providing support, availability, inform, Sub SB 2414

Electronic surveillance, certain, county sheriffs, deputies, state patrol officers, use, authorized, provisions, SB 3606

Fund raising events, charitable, nonprofit organizations, redefined, bets, dollar amount permitted, increased, SB 2896

Juveniles, curfew, violations, provisions, Sub SB 2495

Juveniles, records, access, content, procedures, revisions, SB 2924, Sub SB 2924

Malicious mischief, damage consideration, SB 2229

Motor vehicles, abandoned, removal, private property, procedures, established, Sub HB 451

Motor vehicles, lanes, preferential, unlawful use, civil fines, established, Sub SB 2855

* 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.

LAW ENFORCEMENT—cont.

- Operating agencies, thermal plants, security forces, establishment authorized, property security, police powers, SB 2584
- Paraphernalia, drug-related, unlawful possession, sale, prohibited, SB 2174
- Paraphernalia, drug-related, unlawful possession, sale, prohibited, display restrictions, SB 2174(a)
- Private, security, investigators, regulated, SB 2607, Sub SB 2607
- Rape, reclassified, SB 2229
- Runaway youth, interstate compact, revisions, SB 3014
- Search warrants, evidence, homicides, felonies, radio, television stations, news media, wire services or employees, use limitations, *HB 427(a), CH. 52
- Sexual conduct, redefined, SB 2229
- Trespass, redefined, SB 2229

LAW ENFORCEMENT OFFICERS

- Deadly weapons, prisoners, possession, detention facilities, prohibited, SB 2871
- Fire data, investigation, reporting requirements, fire marshal, appropriation, *Sub SB 3385, CH. 181
- LEOFF retirement system, membership, prior system credits transfer, election provision, SB 3279
- Organized crime advisory board, new name, membership, duties, meetings, fund created, appropriation, SB 3591, *Sub HB 1147, CH. 146
- Promotions, most qualified personnel, provisions, SB 3301
- Retirement, formerly ineligible persons, LEOFF membership authorization procedures, *SB 3244, CH. 130
- Western state hospital, security chief, full-time, law enforcement experience or education, hiring, required, SB 3626

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM

- Disability provisions, modified, SB 3310
- Membership, formerly ineligible persons, authorization procedures, *SB 3244, CH. 130
- Membership, prior retirement system credits transfer, election provision, SB 3279
- Retirement, disability, industrial insurance board jurisdiction, provisions, SB 3324

LAW LIBRARIES (See also LIBRARIES)

- Public disclosure act, records, certain, inspection, copying, exemption, SB 3136, Sub SB 3136, 2nd Sub SB 3136
- Superior courts, clerks, official services, fees, increased, partial allocation, judicial information system, *2nd Sub SB 2381, CH. 70

LAWRENCE, WILLIAM H.

- Community college district 12, trustees board, member, GA 267, confirmed pp. 384,613,744

LAWS, TECHNICAL CORRECTIONS

- Chiropractic disciplinary board, double amendments, *HB 1585, CH. 46
- County prisoners, double amendments, *HB 1589, CH. 17
- Education, double amendments, *HB 1586, CH. 47
- Horse racing, double amendments, *HB 1588, CH. 16

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

LAWS, TECHNICAL CORRECTIONS—cont.

Industrial insurance, double amendments, *HB 1587, CH. 14

Motor vehicles, offenses, double amendments, *HB 1406, CH. 148

School districts, double amendments, *HB 1586, CH. 47

LEARNING DISABILITIES

Teachers, learning/language disabilities, children, identification, course, higher education, required, Sub SB 2055, 2nd Sub SB 2055

LEARNING RESOURCES CENTERS

Specialists, certificated staff, inclusion, Sub SB 2517

LEARY, R. D.

Washington State University, board of regents, member,

GA 231, confirmed. pp. 21,223,685

LEASEHOLD

Alcohol, motor vehicle fuel manufacture, leasehold interests, temporary leasehold tax exemption, 2nd Sub HB 1000, SB 3551, *Sub SB 3551, CH. 157

LEASES

Agencies, state, real property, limitations, SB 2025, Sub SB 2025

Floating home landlord-tenant act, enacted, moorages, legal rights, SB 2850, Sub SB 2850, 2nd Sub SB 2850

Floating homes, detached buildings, rental or lease, retail sales tax, exemption, 2nd Sub HB 200

Mobile home landlord-tenant act, general revisions, SB 3368

Mobile homes, agreements, content, requirements, transportation department, appropriation, *Sub HB 1988, CH. 152

Objects, certain, moored, tidelands, shorelands, harbor areas, navigable waters, beds, DNR terms, Sub SB 3044

Oil, gas, state lands, minimum rental, royalty requirements revised, SB 3185, *HB 1518, CH. 151

Parking facilities, cities, long-term, competitive bid exemption, removed, SB 3597, Sub SB 3597

Port districts, rent security agreement, waiver, permitted, HB 1438

Property, personal, taxation, clarified, HB 465

School districts, surplus property, authorized, provisions, SB 3581, *Sub SB 3581, CH. 115

School districts, surplus property, implemented, SB 3130

School districts, surplus property, implemented, SPI, schools, agencies, public notice requirements, Sub SB 3130

Senior citizens, lease for life, considered life estate, property tax exemption purposes, SB 3509

Senior citizens, lease for life, considered life estate, property tax exemption purposes, life tenant provision, Sub HB 1901, *Sub SB 3509, CH. 185, P.V.

Subdivided, short subdivided, lease purposes, platting requirements, exempt, SB 3566

Tidelands, aquaculture purposes, SB 2367

LEAVES AND SABBATICALS (See also VACATION; also SICK LEAVE)

Attendance incentive program, community college employees, maximum sick leave restriction, not applicable, Sub SB 3191

* 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.

LEAVES AND SABBATICALS (See also VACATION; also SICK LEAVE)

—cont.

- Attendance incentive program, community college employees, maximum sick leave restriction, not applicable, appropriation, *Sub SB 3537, CH. 182
- Attendance incentive program, eligibility, higher education teaching, research faculty, exclusion, SB 3191
- Attendance incentive program, eligibility, state, regional universities, TESC, teaching, research faculties, exclusion, Sub SB 3191, *Sub SB 3537, CH. 182
- Attendance incentive program, school, educational service districts, certificated, noncertificated employees, established, sick leave compensation, provisions, HB 1813, SB 3189, Sub SB 3189
- Prisoners, certain, dental, health care, voluntary community service projects, provisions, HB 1106

LEGAL PROFESSION

Practice, regulated, SJR 131

LEGAL SERVICES

Eminent domain, attorneys' fees, reasonable, procedure, provided, HB 207

LEGISLATIVE BILLS

- Consideration, cut-off dates, suspended, senate concurrent resolution 118, to permit consideration of house bill 1090, *SCR 121
- Reintroduction from first extraordinary session, 1979, consideration, cut-off dates, established, *SCR 118

LEGISLATIVE BUDGET COMMITTEE

- Educational service, school districts, liability insurance, purchase, risk management office, mandated, appropriation, SB 2426
- WSU, forest tree nursery, authorization repealed, SB 2034

LEGISLATIVE INFORMATION SYSTEM

- Jurisdiction, data processing system, exemption, SB 3602
- Jurisdiction, data processing system, exemption, statute law committee, policies, standards, guidelines, imposed, provisions, Sub SB 3602

LEGISLATORS

- Ethics boards, disciplinary action specified, *HB 1465, CH. 165
- Ethics code adopted, Sub SB 2970
- Identification, required, photographs, incumbency falsely represented, provisions, Sub SB 2865, 2nd Sub SB 2865
- Legislative intent, violations, certain state employees, civil actions, authorized, SB 3174
- Representative, state, additional, at large, election, powers, duties, Sub SB 2893

LEGISLATURE

- Adjournment sine die, 1980 regular session, governor notified, *SCR 122
- Agencies, administrative rules, review procedures, established, Sub SB 31, Sub SB 3030, *Sub HB 29, VETOED
- Alcohol, manufactured for gasohol, B&O, leasehold tax exemptions, impact report to legislature required, *Sub SB 3551(a), CH. 157

* 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.

LEGISLATURE—cont.

- Applied technology institute, proposed study, UW, WSU engineering deans, post-secondary education council, coordination, guidelines preparation, appropriation, Sub SB 3571
- Applied technology institute, proposed study, UW, WSU engineering deans, senate higher education committee, coordination, guidelines preparation, appropriation, SB 3571
- Appropriations, joint committee, created, SB 3382
- Arts committee, joint, established, powers, duties, legislative building art works acquisition, capitol arts fund created, *Sub HB 1763, CH. 173, P.V.
- Bills, consideration, cutoff dates, suspended, SCR 118 to permit consideration of house bill 1090, *SCR 121
- Bills, reintroduction from first extraordinary session, 1979, consideration cut-off dates, established, *SCR 118
- Capitol facilities, joint committee, created, office space, legislative use, proper accounting, cost control procedures purposes, *SCR 120
- Commerce, domestic, foreign, federal, state, local governments, development, maximum consideration, requested, HCR 32
- Committee, joint legislative, administrative rules review, created, Sub HB 31, *Sub HB 29, VETOED
- Committee, joint legislative, higher education reciprocity programs, consultation, like members, Idaho, Oregon, Montana, Alaska, British Columbia, report, *Sub HCR 29
- Committee, joint legislative, jails, physical plant, custodial care, analyze, directed, Sub SCR 103
- Committee, joint legislative, membership, powers, modified, SB 3120
- Committee, joint legislative, revenue and taxation, created, membership, powers and duties, SB 3370
- Correctional facility, additional, location at present sites, feasibility study, report, appropriation expenditure, contingent legislative site approval, SB 3577
- Correctional skill improvement, special committee, established, report required, appropriation, SB 3621, Sub SB 3621
- Crime lab, state patrol, additional facilities, existing sites, new satellite labs established, appropriation, shared cost feasibility study provision, *HB 1433(a), CH. 164
- Economic committee, joint, established, membership, duties, staff employment, HCR 34
- Energy and utilities standing committees, joint meetings, energy supply, demand, analysis, recommendations, 1981 session, Sub SCR 111
- Ethics board, disciplinary action recommendations, provisions, SB 3416
- Ethics board, power, extended, former legislators, employees, statute of limitations, established, HB 1197, SB 3038
- Ethics boards, disciplinary action specified, *HB 1465, CH. 165
- Ethics code adopted, Sub SB 2970
- Fishing vessels, commercial, licenses, transfer, data collection, fisheries department, required, annual report, legislature, Sub HB 1008
- Forensic laboratories, special, state committee, established, report required, termination date, appropriation, SB 3621, Sub SB 3621
- Governor, message to joint session, January 15, 1980, *HCR 23

* 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.

LEGISLATURE—cont.

- Herring fleet opportunity board, created, powers, duties, expiration date, report, *Sub SB 3558(a), CH. 113
- Hydroelectric policy task force, established, membership, duties, report, required, SB 3589, Sub SB 3589
- Joint rules, adopted, *HCR 3
- Legislative intent, violations, certain state employees, civil actions, authorized, SB 3174
- Organized, 1980 regular session, notification to governor, *HCR 22
- Political advertising, identification, required, photographs, incumbency, falsely represented, provisions, Sub SB 2865, 2nd Sub SB 2865
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- Scholarship waiver program, three seniors per legislative district, postsecondary education council, appropriation, Sub SB 3389
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- Sessions, annual, convening date, established, constitutional contingency, provisions, Sub SB 2716
- Sessions, regular, special, terminology modified, *HB 1475, CH. 87, P.V.
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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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- Levy lid, 106%, community retardation, developmentally disabled services, limitation, required, Sub HB 943
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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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* 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.

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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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- Cogeneration facilities, tax credits, revenue department, certificates, authorized, Sub SB 2598

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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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- Commission on Asian-American affairs, member,
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- Council for postsecondary education, member,
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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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* 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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- Cuellar, Olivia T., Mexican-American affairs commission,
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- Garcia, Armando A., Mexican-American affairs commission,
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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^o Senate Resolution.

GA Gubernatorial Appointment.

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- Military justice proceedings, excluded, contested hearings requirement, HB 1404
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- Public employees retirement system, service credit, withdrawn contributions, restoration, time provision, revised, SB 3383
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- Adjutant general, full-time service, required, HB 1404
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- Military justice proceedings, excluded, contested hearings requirement, HB 1404
- National Guard, scholarships, higher education institutions, as defined, authorized, 2nd Sub SB 2212
- Officers, promotion procedures, modified, SB 2363
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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.

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 Governorial Appointment.

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- Audits, intervals, reasonable, periodic, state auditor, SB 2404

* 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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- Officers, promotion procedures, modified, SB 2363
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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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GA Gubernatorial Appointment.

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- Heart Lake property, title transfer, reimbursement requirements, revolving fund created, parks and recreation commission, appropriation, SB 3195
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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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NORTON, MARIANNE CRAFT

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NORWOOD, RAYMOND A.

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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.

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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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* 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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(a) Amendment to original bill.

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Osborne, Harold F., board of pharmacy, member,

GA 259, confirmed pp. 223,460,697

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Pornography, involving minors, prohibited, penalties prescribed, *Sub HB 551, CH. 53

Pornography, prostitution, children, exploitation, crimes, defined, penalties, prescribed, SB 2579, Sub SB 2579, 2nd Sub SB 2579

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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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* 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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Conrad, Ernest M., council, member, GA 221, confirmed pp. 18,110,197

Cowles, Allison, council, member, GA 222, confirmed pp. 18,241,610

McClellan, Dorothy W., council, member, GA 248, confirmed . . . pp. 25,386,695

Norton, Marianne Craft, council, member, GA 223, confirmed . . . pp. 19,242,610

Norwood, Raymond A., council, member, GA 224, confirmed . . . pp. 19,269,610

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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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- Bunch, Donald, Jr., member, GA 225 pp. 19,985
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- Adult corrections facility, 500-bed, location, existing state facility site or federal facility site, *Sub HB 1533(a), CH. 167
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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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- Communications, interception, certain crimes evidence, reasonable grounds, basis, permitted, SB 3326
- Initiatives, referendums, petitioner names, addresses, other information, use regulated, penalty provision, SB 3163, Sub SB 3163
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- Nurse-patient communications, privileged, extended, hearings, appeals, labor and industries, industrial insurance appeals board, not exempt, SB 3210(a)
- Nursing homes, private patients, rights, confidentiality established, (VETOED), *Sub SB 3636(a), CH. 184, P.V.

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- Counties, services, state aid, inactive program, disestablished, SB 2566
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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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Eminent domain, public utilities, improvement, within five years, required, HB 461

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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.

PROPERTY – REAL (See also **TAXES – PROPERTY**; also **SUBDIVISIONS**)
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- Open space land, tax classification, procedures revised, SB 3304
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- "People's lodge", regional Indian facility, bond issue, language, amended, funding limitation, property transfer, Sub SB 2773
- Platting, subdivisions, irrigation districts, water rights of way, required, prior to plat approval, SB 2933
- Port districts, leases, rent security requirement, waiver, permitted, HB 1438
- Public assistance recipients, certain, property transfers, eligibility purposes, presumption created, SB 3172, *HB 1458(a), CH. 79
- Public assistance recipients, property exemption, eligibility purposes, value increased, appropriation, *HB 1521(a), CH. 84
- Real estate, excise tax, option exercise, required, sale, term, redefined, property transfer, partnership, provisions, SB 3572
- Real estate, excise tax, rate, administration, use directive, recodified, special account created, school support purposes, *Sub SB 2963, CH. 154
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- Real estate, transfers, intra-family, certain, real estate excise tax, exemption, SB 2396
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- School districts, surplus, sale, lease, implemented, SB 3130
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- Senior citizens, revaluation, limited to time of transfer, SB 3277
- Townsites, national forests, sales requirements, real estate tax exemption, SB 3184(a)
- Transfer, counties other than AA, A, first class, subdivision, one tract, at least five acres, exemption, certain, Sub SB 3255
- Transfer, counties other than AA, A, first class, subdivision, one tract, certain, contingent no further subdivision, exemption, permitted, Sub SB 3255
- Transfer, five acres, one residence, family related transfer, permitted, SB 3255, Sub SB 3255
- Water rights, reverted, priorities, abolished, SB 3167
- White/Stuck rivers game preserve, transferred from game commission to parks and recreation commission, (VETOED), *Sub SB 3164, CH. 89, P.V.

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- State-wide special inquiry judge act, enacted, fund, created, appropriation, SB 3591, *Sub HB 1147, CH. 146

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- Criminal code, offenses, revision, 2nd Sub HB 1183
- Pornography, children, exploitation, crimes, defined, penalties, prescribed, SB 2579, Sub SB 2579, 2nd Sub SB 2579
- Sexual conduct, criminal code, redefined, SB 2229

* 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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- Grant standard increase, appropriation, *Sub HB 1533(a), CH. 167
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- Homemaker services, eligibility, rights, protections, DSHS revisions, SB 2475, Sub SB 2475
- Income, earned, requirements, federal compliance, DSHS appropriation, *HB 1521(a), CH. 84
- In-home and chore services, requirements established, employment eligibility factor, DSHS, appropriation, *Sub HB 1516, CH. 137
- Needy persons, cities, towns, programs, establishment, county notice, required, HB 1960
- Nonfraudulent overpayment collection waiver, DSHS appropriation, *HB 1521(a), CH. 84
- Nursing home residents, training, rehabilitative programs, wages, retention, allowed, *HB 1458, CH. 79
- Property exemption, eligibility purposes, value increased, DSHS appropriation, *HB 1521(a), CH. 84
- Property transfer, eligibility purposes, presumption, created, SB 3172, *HB 1458(a), CH. 79
- Senior citizens, service centers, volunteers, public assistance recipients, utilization, appropriation, SB 2237
- Senior citizens, well adult clinic services authorized, appropriation, SB 2237
- Title only, grants, SB 3533
- Unemployable persons, employment security department, DSHS, joint rules promulgation required, periodic reports, proposed rules adoption, time frame, *SB 2433(a), CH. 174

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- Created, educational television commission abolished, duties transferred, appropriation, *HB 542, CH. 123, P.V.

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- Blind commission, members, director, financial disclosure, required, HB 1425
- Campaign, reports, contributors, corporations, persons, residents, nonresidents, requirements, revised, SB 3630
- Contributions, political corporations, regulated, SB 3216
- Contributions, political, mail solicitation, regulated, SB 3216
- Executive officials, appointed, elected, reports required, enumerated, Sub SB 2373
- Governor, gifts received, requirements, Sub HB 98
- Hotline telephone program, toll-free, establishing, publicizing, appropriation, Sub SB 3519
- Kafer, Marjorie, J., member, GA 258 p. 223
- Legislative action, open meetings, collective decisions, voting, exemption, provisions, Sub SB 2455
- Legislative ethics, code adopted, Sub SB 2970
- Nursing homes, licensing, exemption provision, certain, removed, SB 3587, *Sub SB 3636, CH. 184, P.V.
- Nursing homes, private patients, rights, confidentiality established, (VETOED), *Sub SB 3636(a), CH. 184, 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.

PUBLIC DISCLOSURE AND PUBLIC DISCLOSURE COMMISSION—cont.

- Political advertising, identification, required, photographs, incumbency, falsely represented, provisions, Sub SB 2865, 2nd Sub SB 2865
- Political contributions, large, nonresident, limitations, provisions, SB 3604, Sub SB 3604
- Political contributions, reporting requirements, revised, Sub SB 3604
- Reconstituted, appointment, terms, disqualification, prohibitions, provisions, HB 1445
- Records, certain, public agencies, inspection, copying, exemption, SB 3136, Sub SB 3136, 2nd Sub SB 3136
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- Title only, SB 2455, SB 3392
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- Transportation department, financial records, bids, exemption, SB 2756

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- Administrative contingency fund, unemployment compensation coverage, contributions, deposit requirement removed, SB 3601, *HB 1658, CH. 142
- Agencies, personnel board, rules, authority, appointing, dismissal, suspension, demotion, reduction, delegation, agency heads, permitted, Sub HB 1107
- Arbitration panel, created for uniformed personnel impasse procedures, considered state agency, those purposes, SB 3476
- Attendance incentive program, community college employees, maximum sick leave restriction, not applicable, Sub SB 3191
- Attendance incentive program, community college employees, maximum sick leave restriction, not applicable, appropriation, *Sub SB 3537, CH. 182
- Attendance incentive program, eligibility, higher education teaching, research faculty, exclusion, SB 3191
- Attendance incentive program, eligibility, state, regional universities, TESC, teaching, research faculties, exclusion, Sub SB 3191, *Sub SB 3537, CH. 182
- Attendance incentive program, school, educational service districts, certificated, noncertificated employees, established, sick leave compensation, provisions, HB 1813, SB 3189, Sub SB 3189
- Civil service, DSHS, exempt positions, revisions, SB 2659, Sub SB 2659, *Sub HB 799, CH. 73
- Collective bargaining, agreements, conflict, employer policy, bargaining agreement prevails, SB 2854
- Collective bargaining, higher education, certain personnel, provisions, SB 2236
- Collective bargaining, port districts, employees, inclusion, SB 2431
- Correctional officers, penal institutions, pre-employment investigation, required, Sub HB 1798
- Courts, juvenile, municipal, district, collective bargaining laws, included, SB 3369
- Deferred compensation, plan funds, investment flexibility, provision, SB 3419
- Ferry system, employees, personnel policies, civil service regulations, modified, Sub SB 2477
- Ferry system, toll bridge, marine, employees, toll bridge authority, transferred, DOT, SB 2477
- Fire protection districts, services, extraterritorial, authorization, *HB 1435, CH. 43

* 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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- Health departments, joint city–county, county civil service, retirement plans,
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- Higher education, retirement, certain, PERS membership, option, deadline, non
PERS members, supplemental benefits, exclusion, Sub HB 763
- Insurance board, panel medicine plan, health maintenance organizations, certain,
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- Insurance board, programs, self–funding, investment provisions, SB 2581, Sub SB
2581
- Insurance, health care, disability, conversion rights, employees, family members,
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- Insurance, plans, approved, payroll deductions authorized, *Sub HB 1492, CH.
120
- Insurance, property, accident, casualty, state employees insurance board, approval
authority, *Sub HB 1492, CH. 120
- Layoffs, civil service positions, due to local fund withdrawals, not permitted, SB
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- Legislative ethics boards, disciplinary action specified, *HB 1465, CH. 165
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- Legislative intent, violations, certain state employees, civil actions, authorized, SB
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- Marine, insurance board restrictions, removed, SB 3482, Sub SB 3482
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- Personnel appeals board, created, powers, duties, 2nd Sub SB 2023
- Public disclosure act, records, certain, inspection, copying, exemption, SB 3136,
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- Public employment relations commission, members, staggered terms, established,
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- Retirement system, all service credits, transfer to judicial system authorized, SB
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- Retirement system, benefits, increased, provisions, SB 2240
- Retirement system, membership reinstatement, judicial retirement system trans-
fer purposes, SB 3271, *Sub SB 3271, CH. 7
- Retirement system, military service credit, computation, modified, SB 3176
- Retirement system, military service credit, elected officials, computation, modi-
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- Retirement system, military service credit, withdrawn contributions restoration,
time provision, revised, SB 3383
- Retirement system, military, service credit, without need to restore withdrawn
contributions, provisions, SB 3363, Sub SB 3363
- Retirement system, school districts, schools for blind, deaf, community colleges,
higher education, credit, 12–month basis, 2nd Sub SB 2465
- Retirement system, state patrol, benefits, increased, provisions, SB 2240
- Retirement system, teachers, benefits, increased, provisions, SB 2240

* 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.

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- Retirement systems, dual membership limitation, clarified, *SB 3245, CH. 29
- Salary surveys, personnel, higher education personnel boards, revisions, SB 3372, *HB 1524, CH. 11
- School buses, driving contracts, certain, second class districts, conflict of interest exclusion, Sub HB 1065
- School buses, driving contracts, certain, second class districts, conflict of interest exclusion, collective bargaining, pay plans not to be affected, *Sub HB 1210, CH. 39
- School districts, contracts, contracting powers, modified, SB 3166, SB 3223
- School districts, remote, certain, contracts, officer's spouse, certificated, classified employment, permitted, *Sub HB 1210, CH. 39
- Sheriff's office, employees, intersystem transfer without competitive examination, authorized, *SB 3378, CH. 108
- Sick leave, payment provisions, community college employees, Sub SB 3191, *Sub SB 3537, CH. 182
- Title only, SB 2720
- Training and career development program, established, civil service employees, personnel department, appropriation, *Sub HB 38, CH. 118
- Travel expenses, state employees, payment procedures, modified, SB 2412
- University of Washington employees, former members WSU retirement system, credit transference, PERS, permitted, *SB 3487, CH. 112
- Veterans' preference, competitive ratings, revisions, spouses, provisions, SB 3105, Sub SB 3105
- Veterans' preference, noncompetitive employment systems, competitive, certain, revisions, SB 3106, Sub SB 3106
- Washington state patrol, commissioned traffic officers, overtime compensation appropriation, Sub HB 1476, SB 3599
- Williams, Robert J., public employment relations commission, member, GA 228, confirmed. pp. 20,900,935

PUBLIC OFFICIALS

- Elective offices, vacancies, procedures, provided, Sub SB 2372, 2nd Sub SB 2372
- Executive officials, appointed, elected, financial disclosure reports required, enumerated, Sub SB 2373
- Fund, public office, permitted uses, enumerated, SB 3490
- Immunity, certain information, persons, giving to public officials, granted, Sub SB 2771
- Indictment, criminal, suspend from office, salary, continued, SB 3613
- Public disclosure, comprehensive revisions, Sub SB 3519
- Public disclosure, revisions, Sub SB 3392
- Retirement, military service credit, computation, modified, SB 3176
- School districts, directors, terms, assumption of office, in common with counties, cities, certain other special purpose districts, removed, *HB 1432, CH. 35

PUBLIC PLACES

- Pay toilets, term redefined, free use purpose, HB 71
- Wheelchairs, motorized, public places, sidewalks, permitted, SB 2086

* 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 TRANSPORTATION (See also TRANSPORTATION)

- Authority, establishment, directed, mass transportation systems, additional tax imposed, account created, constitutional contingency, motor vehicle fund use, SB 3600
- Benefit areas, additions, procedures, established, HB 1254
- Docks, commercial, inspection, certification, labor and industries department requirements, civil penalty, SB 3209
- Docks, commercial, inspection, certification, warrant, labor and industries department requirements, appropriation, Sub SB 2969
- Local systems, emergency situations, OFM disbursement provisions, appropriation, *HB 1427(a), CH. 163
- Metropolitan municipal corporations, class AA counties, sales, use tax rates increased, public transportation use, *HB 1427(a), CH. 163
- Motor vehicle fuel, special fuel, systems use, sales and use tax exemption, refund provision, *Sub HB 1397, CH. 147
- Motor vehicle fund, use, permitted, SJR 129

PUBLIC UTILITIES AND PUBLIC UTILITY DISTRICTS

- Coal-fired steam electric generating plants, certain, pollution control tax credits, exemptions, eligibility, SB 2751, *Sub SB 2751, CH. 175
- Cogeneration facilities, tax credits, revenue department, certificates, authorized, Sub SB 2598
- Committee, joint legislative, membership, powers, modified, SB 3120
- Electric and gas companies, investment rate of return increment, conservation, renewable resources, cogeneration facilities, utilization authorized, *Sub HB 1419, CH. 149
- Electric and gas companies, taxable income deductions, conservation, renewable resources, cogeneration facilities, utilization authorized, *Sub HB 1419, CH. 149
- Eminent domain, energy facilities, certain, construction, modification, operation, property acquisition, authority, certain, granted, Sub SB 2494
- Eminent domain, property acquired, improvement required within five years, HB 461
- Energy resources, renewable, gas, electric companies, use, encouraged, provisions, utility tax liability, alternative, Sub SB 3080
- Fees, hookup, connection, tap-in charges, sewer, water, waiver, delay, low income persons, counties, ordinance required, *HB 1444(a), CH. 150
- Fees, hookup, connection, tap-in charges, waiver, delay, low income persons, cities, towns, ordinance required, *HB 1444, CH. 150
- Fees, regulatory, certain, failure to pay, penalties, removed, SB 2349
- Oil transfer facilities, domestic pipelines, required, Sub SB 2974
- Operating agencies, thermal plants, security forces, establishment authorized, property security, police powers, SB 2584
- Operating agencies, thermal power plants, performance audits, required, Sub SB 2980
- Privilege tax, increased, 2nd Sub HB 240
- Rates, gas, electric companies, energy efficiency policies, adoption, provisions, Sub SB 3080
- Rates, services, cost minimization, policies development, utilities and transportation commission, directed, SB 3080

* 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 UTILITIES AND PUBLIC UTILITY DISTRICTS—cont.

- Right of way, franchises, applicant, acceptance, rejection, procedures, Sub HB 726
- SSI, low income elderly, blind, disabled, supplementation, social and health services department, appropriation, Sub SB 3552
- Utility rates, reduced, PUD's, "low income senior citizen", defined *Sub HB 1499, CH. 160
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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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- Board of trustees, shoreline community college district 7, member,
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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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- Plant facilities, 1979 bond issue, implementation, superintendent of public instruction, appropriation, SB 3454
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(a) Amendment to original bill.

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SCHOOLS AND SCHOOL DISTRICTS—cont.

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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.

GA Gubernatorial Appointment.

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- Liens, employment security department, filing requirement, eliminated, HB 903(a)
- Motor vehicle fund, public transportation purposes, use, permitted, SJR 129
- Presidential primary, preference, provisions, absentee voting procedures, SB 2214, Sub SB 2214
- Public disclosure commission, reconstituted, appointment, terms, disqualification, prohibitions, provisions, HB 1445
- Radioactive wastes, low level, as defined, transportation, disposal, regulated, social and health services department, radioactive waste surveillance account, created, referendum provision, Sub HB 1412(a)
- Redistricting commissions, establishment provisions, HJR 31, Sub SJR 125
- Returns of election, referendums, initiatives, constitutional
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- Returns of elections, state senators pp. 29-30
- Vote recount, local measures, provisions, SB 3452
- Voter registration, high schools, fire stations, deputy registrars, appointment required, *HB 1829, CH. 48
- Voter registration, various changes, Sub SB 2454, 2nd Sub SB 2454
- Voting results, county precinct maps, association, prohibited, *SB 3362(a), CH. 107
- Waste disposal facilities, defined, bonds authorized, ecology department administration, fund created, referendum provision, SB 3603, *Sub SB 3603, CH. 159
- Waste disposal facilities, energy generation, defined, bonds authorized, ecology department, appropriation, referendum provision, SB 3182

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Sidney R. Snyder

SECURITIES

- Debenture company, definition, modified, SB 2632
- Energy resources producing, inheritance, gift tax, exempt, SB 3409
- Loans, interest, commercial, business, agricultural purposes, rate limits removed, Sub HB 1570(a)
- Margin transactions, usury, exempt, SB 3507
- Stock broker, margin transactions, limitation exclusion, Sub HB 1570(a)

SECURITY SERVICES

- Operating agencies, thermal plants, security forces, establishment authorized, property security, police powers, SB 2584
- Private, regulated, SB 2607, Sub SB 2607
- Western state hospital, security chief, full-time, law enforcement experience or education, hiring, required, SB 3626

SEDRO WOOLLEY

- Highways, state route 20, realignment, planning, appropriation, SB 2427, Sub SB 2427

SEIDEL, HENRY

- Board of trustees, community college district 8, member, GA 238, confirmed pp. 62,111,396

* 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.

SENIOR CITIZENS

- Elementary schools, unused, services expansion, planning and community affairs agency, pilot project, appropriation, SB 3453
- Employment agencies, babysitting, convalescent, elderly care, certain referral services, HB 168
- Home-aid services, DSHS, requirements, Sub SB 2914
- Homemaker services, eligibility, rights, protections, DSHS, revisions, SB 2475, Sub SB 2475
- In-home and chore services, requirements established, employment eligibility factor, DSHS, appropriation, *Sub HB 1516, CH. 137
- Licenses, fishing, free, age, residency requirements, revised, SB 2204
- Licenses, hunting, fishing, veterans, disabled, certain, free, SB 2204(a)
- Licenses, hunting, veterans, disabled, certain, free, provisions, SB 2204
- Licenses, razor clams, residents over 65, free, *HB 1486, CH. 81
- Meals, state furnished, sales, use tax, exemption, *HB 1841, CH. 86
- Nursing homes, auditing and cost reimbursement act, enacted, Sub SB 2335
- Nursing homes, auditing and cost reimbursement act, enacted, appropriation, SB 3250, *Sub SB 3250, CH. 177
- Passes, park, state parks, residents, disability benefits recipients, privileges, SB 2755
- Prepared meals, nonprofit corporations, sales tax exempt, SB 3315
- Programs, local governmental units, authorized, SB 2262
- Property tax, delinquent, interest rate, maintained sale, grace provisions, HB 10
- Property tax, residence deferral, income limit, raised, provisions, Sub HB 405
- Property tax, residence, exemption, assessed maximum evaluation, annual adjustment, provisions, Sub SB 3192
- Property tax, residence, exemption, disposable income basis, SB 3509(a), CH. 185, P.V.
- Property tax, residence, exemption, income limits, consumer price index, adjustment, provision, SB 3192, Sub SB 3192
- Property tax, residence, exemption, increased, SB 3225
- Property tax, residence, exemption, lease for life, considered life estate, SB 3509
- Property tax, residence, exemption, lease for life, considered life estate, life tenant provision, Sub HB 1901, *Sub SB 3509, CH. 185, P.V.
- Rental relief, provisions, SJR 130
- Residences, revaluation, limited to time of transfer, SB 3277
- Service centers, volunteers, public assistance recipients, utilization, appropriation, SB 2237
- SSI, low income elderly, blind, disabled, supplementation, social and health services department, appropriation, Sub SB 3552
- Utility rates, reduced, public utility districts, "low income", defined, *Sub HB 1499, CH. 160
- Utility stamp act, low income, utility services assistance, DSHS appropriation, SB 3552
- Well adult clinic services, authorized, appropriation, SB 2237

SENTENCES - PENAL (See also PRISON TERMS AND PAROLES BOARD)

- Crimes, committed while armed, mandatory prison term, SB 3258
- Criminal code, mandatory provisions, revisions, SB 2229, SB 2229(a)
- Criminal code, offenses, revision, 2nd Sub HB 1183

* 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.

SENTENCES – PENAL (See also **PRISON TERMS AND PAROLES BOARD**)

—cont.

- Felons, class A, B, C felonies, mandatory minimum imprisonment, provisions, SB 3301
- Game licenses, obtained by fraud, gross misdemeanor, SB 2315
- Imprisonment, certain crimes, terms, modified, Sub HB 498
- Minimum terms of confinement, prison terms and paroles board, guidelines adoption, SB 2004
- Prisoners, discharge certificate, issuance, *Sub HB 19, CH. 75
- Probation, interlocal drug fund, contribution requirement, permitted, *HB 1762, CH. 19

SERVICE AREAS

- Parks, recreation, defined, proposition provision, tax levying authority, Sub HB 1455

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- Independent, major refiners, subsidiaries, new, prohibited, SB 3475

SEWERS AND SEWER DISTRICTS

- Comprehensive plan, adoption, requirements, revised, SB 3579
- Extraterritorial activities, certain, county approval, boundary review board exemption, Sub HB 1143
- Federal resource conservation and recovery act, ecology department implementation, *HB 646, CH. 144
- Marine state parks, San Juan archipelago, sewage disposal systems, ecology department, appropriation, Sub SB 3526
- Powers, clarified, *SB 3474, CH. 111
- Sanitary disposal, storm drainage, comprehensive plan, tax levy, modified, Sub SB 3094
- Sewage disposal, ecology department, regulations consolidated, local health department, provisions, Sub SB 2530
- Special purpose districts, board, treasurer, designated, HB 132
- Special purpose districts, commissioners, compensation and expenses increased, *SB 3211, CH. 92
- Title only, SB 2530
- Utility services, sewer, water, tap-in charges, connection, hookup fees, waiver, delay, low income persons, counties, ordinance required, *HB 1444(a), CH. 150
- Utility services, tap-in charges, connection, hookup fees, waiver or delay, low income persons, cities, towns, ordinance required, *HB 1444, CH. 150
- Waste disposal facilities, bond issue, pollution control, inclusion, *HB 1976, CH. 21
- Waste disposal facilities, defined, bonds authorized, ecology department administration, fund created, referendum provision, *Sub SB 3603, CH. 159
- Water, sewer, special purpose districts, merger, board members, provisions, Sub HB 131
- Water supply powers, *HB 878, CH. 12

SEX CRIMES

- Criminal code, rape, redefined, SB 2229
- Criminal code, redefined, SB 2229

* 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.

SEXUAL CONDUCT

- Criminal code, offenses, revisions, 2nd Sub HB 1183
- Criminal code, rape, redefined, SB 2229
- Criminal code, redefined, SB 2229

SHAREHOLDERS

- Business corporation act, provisions modified, *SB 3282, CH. 99
- Professional service corporations, number limitation, SB 3168

SHELLFISH (See also CLAMS)

- Crab fishing, commercial, license fees established, *Sub HB 714, CH. 133
- Frozen, labeling requirements, established, HB 284
- Geoducks, harvest, commercial, safety standards, required, SB 2926
- Possessing, handling, sale, commercial, excise tax levied, exemptions, credits, privilege fees, provisions, SB 3256
- Possession, commercial, excise tax established, exemptions, credits, privilege fees, provisions, *Sub SB 3256, CH. 98
- Razor clams, digging for qualified physically handicapped persons permitted, provisions, *HB 1486(a), CH. 81
- Razor clams, license, clamming, residents of 65, under 16, free, *HB 1486, CH. 81
- Tidelands, private, state tidelands lessees, taking, exemption regulations revised, *Sub HB 1429, CH. 55

SHELTON

- Prison, construction, on existing correctional facility site, referendum, SB 3301

SHIN, PAULL H.

- Commission on Asian-American affairs, member, GA 192, confirmed pp. 12,170,413

SHINPOCH, SENATOR A. N. "BUD"

- Remarks, commending Senator Dan Marsh p. 897

SHIPS AND BOATS

- Docks, commercial, inspection, certification, labor and industries department requirements, civil penalty, SB 3209
- Docks, commercial, inspection, certification, warrant, labor and industries department requirements, appropriation, Sub SB 2969
- Enforcement officers, fisheries, wildlife agents, CB radios, required, Sub SB 3479
- Enforcement officers, game, fisheries, CB radios, required, SB 3479
- Fishing, commercial, licenses, transfer, data collection, fisheries department, required, annual report, legislature, Sub HB 1008
- Grays Harbor pilotage district established, boundaries, defined, SB 2108
- Marine state parks, San Juan archipelago, sewage disposal systems, ecology department, appropriation, Sub SB 3526
- Pilotage commissioners, board, vacancies, unexpired terms, filling, quorum requirements, SB 2108
- Pilots, license fees, examinations, compensation, examination committee members, SB 2108
- Port districts, passenger vessel authority provision, *SB 3422, CH. 110
- Safety provisions, certain, vessel compliance, pilots, certification, required, SB 2108(a)

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

SHIPS AND BOATS—cont.

- Salmon charters, operating out of Elliot Bay, licensed in 1979, license application requirement, SB 3208
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SHOPPING CENTERS

- Division, certain, binding site plan approval, local government, subdivision requirements, exemption, Sub SB 3255

SHORELANDS AND SHORELINES (See also ECOLOGY AND ECOLOGY DEPARTMENT; also WATER; also TIDELANDS)

- Docks, private, shoreline management, substantial development permits, exemption, increased, Sub HB 1512
- Energy facilities, site certification by governor, applicants, shoreline management act, development permits, exemption, data collection purposes, Sub SB 3019
- Environmental policy act, litigation procedures established, prevailing party costs awarded, plaintiff bond permitted, SB 3498
- Leases, objects, certain, moored, tidelands, shorelands, harbor areas, navigable waters, beds, DNR, terms, Sub SB 3044
- Sale, adjacent landowner, allowed, natural resources department, approval, SB 3585
- Shoreline management act, energy facilities, site certification by governor, applicants, development permits, exemption, data collection purposes, Sub SB 3019
- Shoreline management act, litigation procedures established, prevailing party costs awarded, plaintiff bond permitted, SB 3498
- Title only, management, SB 3469, SB 3472

SICK LEAVE

- Attendance incentive program, community college employees, maximum sick leave restriction, not applicable, Sub SB 3191
- Attendance incentive program, community college employees, maximum sick leave restriction, not applicable, appropriation, *Sub SB 3537, CH. 182
- Attendance incentive program, eligibility, higher education teaching, research faculty, exclusion, SB 3191
- Attendance incentive program, eligibility, state, regional universities, TESC, teaching, research faculties, exclusion, Sub SB 3191, *Sub SB 3537, CH. 182
- Attendance incentive program, school, educational service districts, certificated, noncertificated employees, established, sick leave compensation, provisions, HB 1813, SB 3189, Sub SB 3189
- Community colleges, employees, payment provisions, Sub SB 3191, *Sub SB 3537, CH. 182
- State employees, illness, injury, coverage exhausted, insurance board, extended coverage, plan development, directed, Sub HB 1177
- Teachers, retirement, service credit, compensation, options provided, SB 3336

SIDEWALKS

- Wheelchairs, motorized, public places, sidewalks, permitted, SB 2086

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- Hazardous materials, interstate, international commerce, placard system, improved, federal government, provide, SJM 109

* 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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SKAGIT COUNTY

- Heart Lake property, title transfer, reimbursement requirements, revolving fund created, parks and recreation commission, *Sub SB 3195, CH. 4
- Heart Lake property, title transfer, reimbursement requirements, revolving fund created, parks and recreation commission, appropriation, SB 3195
- Padilla Bay, estuarine sanctuary, establishment, authorized, ecology department, appropriation, *SB 3371, CH. 180

SKAUGEN, I. M. MANAGEMENT COMPANY

- Oslo, Norway, Jon L. Brekke, John O. Jensen, introduced, addressed senate p. 887

SLASH BURNING

- Firewood, free, state lands, cutting, prior to slash burning, permitted, DNR, public notice, required, SB 3175

SLEE, REVEREND JOHN L. F.

- Commission on Asian-American affairs, member, GA 193, confirmed pp. 12,170,414

SLOT MACHINES

- Coin-operated gaming devices, as defined, special tax, fixed annual rate, *HB 1410, VETOED

SMALL CLAIMS COURTS

- Electronic recording equipment, operation, administrator for the courts, supervision, *Sub HB 1422, CH. 162
- Justice courts, filing fees increased, *Sub HB 1422, CH. 162
- Proceedings, superior court review under procedures established by supreme court rule, *Sub HB 1422, CH. 162

SMOKE DETECTORS

- Dwelling units, certain, rented, leased, built after December 31, 1979, required, *Sub HB 382, CH. 50

SNOHOMISH AND SNOHOMISH COUNTY

- Crime lab, state patrol, established, appropriation, SB 3238
- Crime lab, state patrol, established, appropriation, shared cost feasibility study, *HB 1433, CH. 164
- Street crimes program, treatment alternatives, DSHS appropriation, SB 3557
- Street crimes program, treatment alternatives, DSHS appropriation, evaluation provision, Sub HB 1746

SNYDER, SIDNEY R.

- Secretary of the Senate

SOCIAL AND HEALTH SERVICES DEPARTMENT (See also PUBLIC ASSISTANCE)

- Administrative and support services limitation, reimbursement through institutional impact account, appropriation, *Sub HB 1533(a), CH. 167
- Adoption consent, written required, adoption procedures prescribed, *Sub HB 1729, CH. 85
- Adoption relinquishment petitions, procedures, prescribed, *Sub HB 1729, CH. 85

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(a) Amendment to original bill.

SR Senate Resolution.

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SOCIAL AND HEALTH SERVICES DEPARTMENT (See also **PUBLIC ASSISTANCE**)—cont.

- Adoption requirements, jurisdictional, procedural, noncompliance waiver, *Sub HB 1729, CH. 85
- Adoptive services, special need children, demonstration project, appropriation, SB 3366, Sub SB 3366
- Adult corrections facility, 500-bed, location, existing state facility site or federal facility site, *Sub HB 1533(a), CH. 167
- Adult corrections facility, 500-bed, McNeil Island, construction, authorized, appropriation, WCC, Monroe, alternatives, provisions, Sub HB 1817
- Adult corrections program, Cedar Creek, penitentiary vocation program, relief coverage, corrections, appropriation, *Sub HB 1533(a), CH. 167
- Alcohol, substance abuse related crimes, certain persons, private nonprofit diversion programs, expenditure provision, *Sub HB 1533(a), CH. 167
- Central registry, child protective services, personnel, access, granted, child care agency licensure, certification purposes, HB 1519, SB 3171
- Child care agencies, license investigations, personnel, criminal records access, criminal justice agencies cooperation, SB 3173
- Child care agencies, license investigations, personnel, criminal records access, criminal justice agencies cooperation, appropriation, *Sub HB 1520, CH. 125
- Children, actions, parental, legal guardians, civil liability, revised, SB 3203
- Children, medically fragile, services, program provisions, legislative report required, funds, transference, medical assistance to developmental disabilities, *SB 3499, CH. 106
- Children, residential care, as defined, parents, partial payment, required, provisions, SB 3590
- Children, special need, adoptive services, demonstration project, appropriation, SB 3366, Sub SB 3366
- Civil service, exempt positions, revisions, SB 2659, Sub SB 2659, *Sub HB 799, CH. 73
- Claims, sundry, certain, OFM, satisfaction, appropriation, Sub HB 1584
- Commitment, procedures, mental illness, modifications, requirements, evaluation, treatment, SB 2171, Sub SB 2171
- Community services administration program, project, adoptive services, special needs children, *Sub HB 1533(a), CH. 167
- Correctional facility, additional, location at present sites, feasibility study, report, appropriation expenditure, contingent legislative site approval, SB 3577
- Correctional officers, penal institutions, pre-employment investigation, required, Sub HB 1798
- Correctional skill improvement, special committee, established, report required, appropriation, SB 3621, Sub SB 3621
- County prisoners, double amendments, *HB 1589, CH. 17
- Criminal code, offenses, revision, 2nd Sub HB 1183
- Criminal code, specific crimes, mandatory sentencing provisions, revisions, SB 2229(a)
- Criminal justice activities, as specified, appropriation, SB 3599
- Criminal records, child care agency license investigations, personnel, access, criminal justice agencies cooperation, SB 3173

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

SOCIAL AND HEALTH SERVICES DEPARTMENT (See also **PUBLIC ASSISTANCE**)—cont.

- Criminal records, child care agency license investigations, personnel, access, criminal justice agencies cooperation, appropriation, *Sub HB 1520, CH. 125
- Day care family homes, as defined, federal requirements, exemption, state licensing, rules, regulations, retained attorney general, federal actions, required, SB 3450
- Day care family homes, pilot program two year, registration, in lieu of licensing, mandated, SB 3554
- Day care services, needy families, as defined, assistance provisions, SB 3201
- Delinquency prevention services program, 1979–81 biennium, maintained, no significant changes, directed, *SB 3574, CH. 158
- Developmentally disabled, model facility authorized, appropriation, SB 3312
- Developmentally disabled persons, services, costs, payment from residents' trust funds, required, Sub HB 858
- Employment agencies, babysitting, convalescent, elderly care, certain referral services, HB 168
- Exhibit, international year for disabled persons, education, handicapped persons problems, authorized, developmentally disabled planning council, appropriation, SB 3627
- Families and children commission, created, duties, expiration date, account, created, SB 3197, SB 3259
- Foster care, adoption, child welfare services, recruiting plan, investigation, turn-over causes, plans, develop, SB 3092
- Handicapped facilities, referendum 37, implementation, appropriation, SB 3170
- Handicapped facilities, referendum 37, implementation, small counties, minimum guarantee, appropriation, *HB 1483(a), CH. 136
- Health care planning, federal compliance, *Sub HB 1515, CH. 139
- Health officers, local, educational requirements, revised, Sub HB 898
- Home-aid services, requirements, Sub SB 2914
- Homemaker services, eligibility, rights, protections, revisions, SB 2475, Sub SB 2475
- Immunization, children, required, religious beliefs, exemption, provisions, SB 2241
- In-home and chore services, requirements established, employment eligibility factor, appropriation, *Sub HB 1516, CH. 137
- Institutions, disabled, physical, mental, responsibility, code revisions, SB 2750
- Juvenile institutions, children, committed, parental support, required, Sub HB 340
- Juvenile justice act, technical amendments, dependency criteria, modified, Sub SB 2213
- Juveniles, curfew violations, provisions, Sub SB 2495
- Juveniles, delinquent, community supervision, expanded, violation hearings, detention, parole revisions, plan development, juvenile delinquent protection, SB 3492
- Juveniles, records, access, content, procedures, revisions, SB 2924, Sub SB 2924
- Local health departments, sewage disposal regulations, Sub SB 2530
- Naive offenders, institutionalization modification, feasibility demonstration, SB 3290

* 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.

SOCIAL AND HEALTH SERVICES DEPARTMENT (See also PUBLIC ASSISTANCE)—cont.

- Northern state hospital, jurisdiction transferred, Sub SB 2749
- Nuclear electrical generating plant, inspector, provisions, SB 3402
- Nursing homes auditing and cost reimbursement act, enacted, appropriation, SB 3250, *Sub SB 3250, CH. 177
- Nursing homes, comprehensive plan of care, residents, evaluation, appropriation, *Sub SB 3636, CH. 184, P.V.
- Nursing homes, computer patient assessment system, appropriate staffing levels setting, provision removed, SB 3587
- Nursing homes, computer patient assessment system, reimbursement assistance, statistical, summary information, use, certain, provisions, *Sub SB 3636, CH. 184, P.V.
- Nursing homes, facility requirements, *Sub SB 3636, CH. 184, P.V.
- Nursing homes, licensing, public disclosure exemption, certain provision removed, SB 3587, *Sub SB 3636, CH. 184, P.V.
- Nursing homes, licensing, standard of care, violations, defense provision, SB 3587, *Sub SB 3636, CH. 184, P.V.
- Nursing homes, physician care requirements, *Sub SB 3636, CH. 184, P.V.
- Nursing homes, private patients, rights, confidentiality established, (VETOED), *Sub SB 3636, CH. 184, P.V.
- Nursing homes, program, appropriation, Sub HB 1534
- Nursing homes, program, patient care, property costs, reasonable cost-related reimbursement, appropriation, *Sub HB 1533(a), CH. 167
- Nursing homes, purchase, operation, authorized, appropriation, SB 3586
- Nursing homes, resident care standards, general revisions, SB 3583
- Nursing homes, standards, effective date, *Sub SB 3636, CH. 184, P.V.
- Parent-child relationship, voluntary termination procedures prescribed, *Sub HB 1729, CH. 85
- Poison control and drug information services, program established, DSHS appropriation, SB 3257, *Sub SB 3257, CH. 178
- Prisoners, certain, leaves, medical, dental care, volunteer service projects, provisions, HB 1106
- Probation, summary, DSHS custody, authorized, provisions, Sub SB 2485
- Public assistance recipients, certain, property transfers, eligibility purposes, presumption, created, SB 3172, *HB 1458(a), CH. 79
- Public assistance recipients, earned income requirements, federal compliance, appropriation, *HB 1521(a), CH. 84
- Public assistance recipients, grant standard increase, appropriation, *Sub HB 1533(a), CH. 167
- Public assistance recipients, nonfraudulent overpayment collection waiver, appropriation, *HB 1521(a), CH. 84
- Public assistance recipients, nursing home residents, training rehabilitative programs, wages, retention, allowed, *HB 1458, CH. 79
- Public assistance recipients, property exemption, eligibility purposes, value increased, appropriation, *HB 1521(a), CH. 84
- Public health program, crippled children's services, appropriation, *Sub HB 1533(a), CH. 167

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(a) Amendment to original bill.

SR Senate Resolution.

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SOCIAL AND HEALTH SERVICES DEPARTMENT (See also PUBLIC ASSISTANCE)—cont.

- Radiation control agency, program development, regulation, monitoring, emergency response plans, licensee investigation, appropriation, Sub HB 894
- Radiation pilot programs, nonionizing radiation hazards, report to legislature, provision, appropriation, Sub HB 894
- Radiation redefined, ionizing, nonionizing, limited to laser, microwaves, ultraviolet light, appropriation, Sub HB 894
- Radioactive wastes, as defined, transportation, disposal, regulated, radioactive waste surveillance account, created, referendum provision, Sub HB 1412(a)
- Radioactive wastes, low level, as defined, transportation, disposal, regulated, radioactive waste surveillance account, created, Sub HB 1412
- Runaway youth, interstate compact, revisions, SB 3014, Sub SB 3014
- Senior citizens, service centers, volunteers, public assistance, recipients, utilization, appropriation, SB 2237
- Senior citizens, well adult clinic services, authorized, appropriation, SB 2237
- SSI, low income elderly, blind, disabled supplementation, appropriation, Sub SB 3552
- Street crimes program, treatment alternatives, Clark, Snohomish counties, Tacoma, appropriation, SB 3557
- Street crimes program, treatment, alternatives, Clark, Snohomish counties, Tacoma, appropriation, evaluation provision, Sub HB 1746
- Task force, joint legislative, children and families, established, expenditure limitation, studies, DSHS review, provisions, Sub HCR 6
- Title only, SB 3534
- Unemployable persons, employment security department, DSHS, joint rules promulgation required, periodic reports, proposed rules adoption, time frame, *SB 2433, CH. 174
- Utility stamp act, enacted, low income senior citizens, utility services, assistance, appropriation, SB 3552
- Vocational rehabilitation program, additional funding, extended sheltered employment program, appropriation, *Sub HB 1533(a), CH. 167
- Water systems, public, enforcement, powers, granted, SB 2203
- Wheelchairs, motorized, public places, sidewalks, permitted, SB 2086
- Work training programs, prisoners, authorized, provisions, HB 1718

SOCIAL SECURITY – OLD AGE AND SURVIVORS' DISABILITY INSURANCE

- Day care services, needy families, as defined, assistance provisions, SB 3201
- Industrial insurance, social security offset, computation clarified, SB 3417, SB 3567, SB 3605
- SSI, low income elderly, blind, disabled supplementation, social and health services department, appropriation, Sub SB 3552

SOLAR ENERGY

- Building code, state, advisory council, solar equipment, rules promulgation authority, Sub HB 1689
- Energy department, created, replaces energy office, powers, duties, nuclear energy responsibility transferred, commerce, economic development, appropriation, SB 3503

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(a) Amendment to original bill.

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GA Gubernatorial Appointment.

SOLAR ENERGY—cont.

- Heating, cooling systems, unconventional, property assessment value exclusion, owner notification, required, 2nd Sub HB 1546, *SB 3181(a), CH. 155
- Housing, passive, materials, sales and use tax, exempt, SB 3307
- Property rights, development, use, easements, provisions, Sub SB 2014
- Renewable materials, equipment, property tax credit, provisions, SB 3269
- Renewable, practices, devices, as defined, public facilities, design, life-cycle cost provisions, SB 3274
- Renewable, practices, devices, as defined, public facilities, design, life-cycle cost provisions, general administration department, rules promulgation, *Sub SB 2977, VETOED
- Swimming pools, new construction, heating, renewable energy sources, use, required, SB 3273

SOLICITATIONS

- Contributions, political, mail, regulated, SB 3216

SOLID WASTE (See also GARBAGE; also POLLUTION; also WASTE DISPOSAL)

- Energy, resource recovery facilities, sites, regional, feasibility study, also, general administration department, appropriation, Sub SB 3420
- Energy, resource recovery facilities, sites, regional, feasibility study, ecology department, appropriation, SB 3420
- Facilities, bond issue, pollution control inclusion, *HB 1976, CH. 21
- Facilities, defined, bonds authorized, ecology department administration, fund created, referendum provision, SB 3603, *Sub SB 3603, CH. 159
- Federal resource conservation and recovery act, ecology department implementation, *HB 646, CH. 144
- Garbage collection, long-term contracts, certain municipalities, permitted, energy conservation purposes, overloaded trucks, penalties, SB 3486
- Management, systems, study, Olympia area state facilities, use, general administration department, appropriation, also, ecology department, appropriation, Sub SB 3420
- Sewage disposal, ecology department, regulations consolidated, local health department, provisions, Sub SB 2530
- Solid waste department, first class cities personnel, operation authorized, SB 3252
- Treatment, initial, provided or refusal to accept untreated refuse, provisions, garbage dump mining, permitted, SB 3486

SOUND

- Minors, technicians, on liquor licensed premises, professional purposes, authorized, *Sub SB 2616, CH. 22

SPACE HEATING

- Electric resistance space heating systems, use restricted, SB 3260

SPALDING, JAMES M.

- Board for community college education, member,
GA 199, confirmed pp. 13,269,609

SPECIAL PURPOSE DISTRICTS

- Boundary review boards, powers, revised, SB 3500
- Commissioners, compensation and expenses, increased, *SB 3211, CH. 92

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(a) Amendment to original bill.

SR Senate Resolution.

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SPECIAL PURPOSE DISTRICTS—cont.

- Drainage, commissioners, compensation increased, SB 2748, Sub SB 2748
- Drainage, commissioners, compensation increased, travel reimbursement authorized, *2nd Sub SB 2748, CH. 23
- Irrigation, directors, compensation, increased, SB 2748, Sub SB 2748, *2nd Sub SB 2748, CH. 23
- Job candidates, recruitment, reimbursement expenses, permitted, Sub HB 1093
- Sewer, water, board, treasurer, designated, HB 132
- Sewer, water, extraterritorial activities, certain, county approval, boundary review board exemption, Sub HB 1143
- Sewer, water supply powers, *HB 878, CH. 12
- Water, sewer, merger, board members, provisions, Sub HB 131

SPEED LIMITS

- Local authorities, setting, provisions, SB 2048
- Maximum, 65 mph, established, SB 2487
- Speeding violations, certain, parking violations, drivers insurance abstracts, exclusion, Sub SB 2418

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- Poison control and drug information services, program established, DSHS appropriation, SB 3257, *Sub SB 3257, CH. 178

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- Family farm permits, marital community, each member, authorized, SB 2921
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- Real estate, transfers, intra-family, certain, real estate excise tax, exemption, SB 2396
- School buses, driving contracts, certain, second class districts, conflict of interest exclusion, Sub HB 1065
- School buses, driving contracts, certain, second class districts, conflict of interest exclusion, collective bargaining, pay plans not to be affected, *Sub HB 1210, CH. 39
- School districts, remote, certain, contracts, officer's spouse, certificated, classified employment, permitted, *Sub HB 1210, CH. 39
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- Weather station, manned status, maintain, requested, SJM 110

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(a) Amendment to original bill.

SR Senate Resolution.

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Agencies, rules, filing, code reviser, rule purpose statement, modified, SB 3121

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Attendance incentive program, community college employees, maximum sick leave restriction not applicable, appropriation, *Sub SB 3537, CH. 182

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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- Attendance incentive program, eligibility, state, regional universities, TESC, teaching, research faculties, exclusion, Sub SB 3191, *Sub SB 3537, CH. 182
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- Boards, commissions, part-time, four classes, established, uniform compensation purposes, 2nd Sub HB 39
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- Collective bargaining, higher education, certain personnel, provisions, SB 2236
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- Decisions, court of appeals, direct review authorized, *HB 209, CH. 76
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- Energy division, created, utilities and transportation commission, duties, energy office, documents, transfer, provisions, Sub SB 3063
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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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- Immunity, certain information, persons, giving to public officials, granted, Sub SB 2771
- Insurance, programs, self-funding, investment provisions, SB 2581, Sub SB 2581
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- Investment board, state, created, membership, powers, duties, certain state finance committee duties transferred, appropriation, SB 3367
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- Legislative intent, violations, certain state employees, civil actions, authorized, SB 3174
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- Public disclosure act, records, certain, inspection, copying, exemption, SB 3136, Sub SB 3136, 2nd Sub SB 3136
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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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- Rules review, attorney general, procedures established, provision, SB 3234
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- Social and health services, disabled, handicapped, physical, mental, institutions, responsibility, code revisions, SB 2750
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- City limits, within, provisions, HB 238
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- Heart Lake property, title transfer, reimbursement requirements, revolving fund created, parks and recreation commission, appropriation, SB 3195
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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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- Heart Lake property, title transfer, reimbursement requirements, revolving fund, created, parks and recreation commission, appropriation, SB 3195
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- Real estate, excise tax, state tax, provisions, 2nd Sub HB 240
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- Legislative information system, data processing authority, jurisdiction, exemption, policies, standards, guidelines, imposed, provisions, Sub SB 3602

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- Abandoned property, presumption, disposition, SB 2620
- Arson, time period extended, SB 3323
- Contracts, oral, time period extended, SB 3335
- Ethics, legislature, board, power, extended, former legislators, employees, filing period, established, HB 1197, SB 3038
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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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- Remediation assistance, state-wide program, students, deficient, basic skills, created, SB 2517
- Scholarship waiver program, three seniors per legislative district, postsecondary education council, appropriation, Sub SB 3389
- Scholarships, academic excellence, three seniors per legislative district, tuition, fee waiver, principals' program, created, SB 3278
- Scholarships, WPC scorers, three seniors per legislative district, tuition, fee waiver, principals, postsecondary education council program, Sub SB 3278
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- The Evergreen state college, additional enrollment, appropriation, Sub HB 1583
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- Applied technology institute, proposed study, UW, WSU engineering deans, post-secondary education council, coordination, guidelines preparation, appropriation, Sub SB 3571
- Applied technology institute, proposed, study, UW, WSU engineering deans, senate higher education committee, coordination, guidelines preparation, appropriation, SB 3571
- Crime lab, state patrol, additional facilities, existing sites, new satellite labs established, appropriation, shared cost feasibility study provision, *HB 1433, CH. 164
- Energy and utilities legislative standing committees, joint meetings, energy supply, demand, analysis, recommendations, 1981 session, Sub SCR 111
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- Veterans memorial park, feasibility study, veterans affairs department, appropriation, Sub HB 1715
- Waste energy, resource recovery facilities, sites, regional, feasibility study, ecology department, appropriation, SB 3420
- Waste energy, resource recovery facilities, sites, regional, feasibility study, ecology department, appropriation, also, general administration department, appropriation, Sub SB 3420
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- Wood use, energy, heat production, study program, created, natural resources department, *HB 1453, VETOED
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- Division, such as shopping center, industrial park, binding site plan approval, local government, subdivision requirements, exemption, Sub SB 3255
- Irrigation districts, water rights of way, required, prior to plat approval, SB 2933
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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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- Real property, five acres, one residence, family related, transfer, permitted, SB 3255, Sub SB 3255
- Real property, transfer, counties other than AA, A, first class, subdivision, one tract, at least five acres, exemption, certain, Sub SB 3255
- Real property, transfers, counties other than AA, A, first class, subdivision, one tract, certain, contingent no further subdivision, exemption, permitted, Sub SB 3255

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- Search warrants, evidence, homicides, felonies, radio, television stations, news media, wire services or employees, use limitations, *HB 427(a), CH. 52

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- Appropriation, building construction, *Sub SB 2963, CH. 154
- Basic education act, program hour offerings, contract hours, school year length, transportation, funding, miscellaneous changes, Sub SB 2517
- Basic education allocation, capital improvements, direction, allowed, 2nd Sub HB 240
- Basic education allocation, components, school building use permitted, *Sub SB 2963, CH. 154
- Basic education allotment, local revenues adequacy, determination, 2nd Sub HB 240
- Basic education funds, reimbursement, total program offering, implemented, Sub SB 2708
- Buses, maintenance facilities, cooperative state-wide system, school district cooperation, requested, HCR 27
- Buses, school, private carriers, warning signals, compliance, federal standards, required, SB 2470, Sub SB 2470
- Classrooms, parental access, activities, teaching materials, mandated, adopted procedure, report, SB 3039
- Drugs, effect on human system, grade 7, 8 health classes, study, mandated, SB 3575
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- Federal forest reserve moneys, expenditure, distribution requirements, *Sub SB 2963, CH. 154
- Food service programs, school districts, private agencies, operation, agreements, authorized, Sub SB 2879
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(a) Amendment to original bill.

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- Levy lid, 106%, community mental retardation, developmentally disabled services, limitation, required, Sub HB 943
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- Levy lid, 106%, municipal pension fund tax, limitation, required, Sub HB 943
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- Real estate tax, rate, administration, school support, exclusive use, *Sub SB 2963, CH. 154
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- Remediation assistance, state-wide program, students, deficient, basic skills, created, SB 2517
- School construction funds, bonds, proceeds, appropriation, *HB 1643, CH. 141
- School facilities, community activities, use, implementation, provisions, Sub SB 2518
- School fund, current state, abolished, *SB 3406, CH. 6
- Schools, plant facilities, 1979 bond issue, implementation appropriation, SB 3454
- Seniors, school year, last five days, district, excused, authorized, Sub SB 2708
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- Commissioners, duties, numbers, constitutional limits, removed, legislative authority, added, Sub HJR 21
- Courts, limited jurisdiction, proceedings, review under procedures established by supreme court rule, *Sub HB 1422, CH. 162
- Docks, commercial, inspection, certification, labor and industries department requirements, civil penalty, SB 3209
- Docks, commercial, inspection, certification, warrant, labor and industries department requirements, appropriation, Sub SB 2969
- Environmental, shoreline management, litigation, procedures, established, prevailing party, costs, awarded, plaintiff bond, permitted, SB 3498
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- Judges, new, salaries, administrator for the courts, appropriation, Sub HB 1525
- Judges, pro tem, subsistence, lodging, travel expenses, provisions, HB 1421, SB 3230
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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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- Legislative intent, violations, certain state employees, civil actions, authorized, SB 3174
- Police court, appeals, sentencing provisions, HB 1417, SB 3231
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- Children, stepparents, obligation, clarified, SB 3575
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- Administrator for the courts, salary, setting, required, SB 3564
- Courts, limited jurisdiction, proceedings, superior court review under procedures established by rule, *Sub HB 1422, CH. 162
- Indian fishing treaty issued, U. S. supreme court, speedy resolution, petitioned, SJM 105
- Judges, pro tem, subsistence, lodging, travel expenses, provisions, HB 1421, SB 3230
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- State-wide special inquiry judge act, enacted, fund created, appropriation, SB 3591, *Sub HB 1147, CH. 146

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- Schools, real, improvements, sale, lease, implemented, SB 3130
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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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- Rummage sales, bazaars, certain, deduction from B&O, exemption from sales and use, provisions, Sub HB 540

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- Food fish, shellfish, possessing, handling, sale, commercial, levied, exemptions, credits, privilege fees, provisions, SB 3256
- Food fish, shellfish, possession, commercial, established, exemptions, credits, privilege fees, provisions, *Sub SB 3256, CH. 98
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- Historic sites, taxation, certain, exemption, implemented, SB 3480
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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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- Retirees, residences, exemption, disposable income basis, *Sub SB 3509(a), CH. 185, P.V.
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(a) Amendment to original bill.

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- Motor vehicles, load, not properly secured, fastened, forbidden, SB 2480, Sub SB 2480
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- Pilotage commissioners, board, vacancies, unexpired terms, filling, quorum requirements, SB 2108
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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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- Rest areas, certain, recreational vehicle sanitary disposal systems, use, license fee, additional imposed, RV account created, motor vehicle fund, *HB 1464, CH. 60
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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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Hazardous substances, transportation regulations, compliance, owner or lessee,
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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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- British Columbia, higher education, reciprocity, program, continued, two additional years, SB 2585
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- Scholarship waiver program, three seniors per legislative district, postsecondary education council, appropriation, Sub SB 3389
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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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- Cogeneration facilities, tax credits, revenue department, certificates, authorized, Sub SB 2598
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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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- Hazardous substances, transportation, regulations compliance, motor vehicle owner or lessee, *SB 3331, CH. 104
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- Operating agencies, thermal power plants, performance audits, required, Sub SB 2980
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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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- Initiatives, petitions, signature requirement, percentage reduced, Sub HB 1398
- Initiatives, referendums, petitioner names, addresses, other information, use regulated, penalty provision, SB 3163, Sub SB 3163
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- Judicial qualifications commission, judicial disciplinary purposes, establishment, provisions, SJR 116, *Sub HJR 37
- Land, public, unappropriated, disclaimer of rights, revised, *SJR 132
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- Motor vehicle fund, public transportation purposes, use, permitted, SJR 129
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- Waste disposal, energy generation facilities, defined, bonds authorized, ecology department, appropriation, referendum provision, SB 3182
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(a) Amendment to original bill.

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Mini-storage, regulation, exemption, Sub HB 1461
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(a) Amendment to original bill.

SR Senate Resolution.

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- Crime lab, services, requests, prioritized, *HB 1681, CH. 69
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- Forensic laboratories, special, state committee, established, report required, termination date, appropriation, SB 3621, Sub SB 3621
- Fuel, automotive, unanticipated increases, appropriation, SB 3599
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- Motor vehicles, abandoned, removal, private property, procedures, established, Sub HB 451
- Motor vehicles, licenses, fees, increase, schedule, established, WSP highway activities, benefit, state patrol highway account, created, SB 3612
- Organized crime advisory board, new name, membership, duties, meetings, fund created, appropriation, SB 3591, *Sub HB 1147, CH. 146
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- Speeding violations, certain, parking violations, drivers insurance abstracts, exclusion, Sub SB 2418
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WASHINGTON STATE UNIVERSITY

- Applied technology institute, proposed study, UW, WSU engineering deans, post-secondary education council, coordination, guidelines preparation, appropriation, Sub SB 3571
- Applied technology institute, proposed, study, UW, WSU engineering deans, senate higher education committee, coordination, guidelines preparation, appropriation, SB 3571
- Boards, institutions, certain, members, terms, selection, uniformity, SB 2858, Sub SB 2858

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(a) Amendment to original bill.

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- Equine research, appropriation, SB 3313
- Equine research, appropriation, horse racing commission, equivalent funds reversion, general fund, Sub HB 1428
- Ferucci, Vitt P., board of regents, member, GA 230, confirmed . . . pp. 20,110,209
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- Wine, grape, research, percentage of liquor tax imposed, biennial appropriation, required, SB 3549
- Wine, grape, research, percentage of liquor tax imposed, quarterly disbursement, required, Sub SB 3549

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- Energy, resource recovery facilities, sites, regional, feasibility study, also, general administration department, appropriation, Sub SB 3420
- Energy, resource recovery facilities, sites, regional, feasibility study, ecology department, appropriation, SB 3420
- Facilities, bond issue, pollution control inclusion, *HB 1976, CH. 21
- Facilities, defined, bonds authorized, ecology department, administration, fund created, referendum provision, SB 3603, *Sub SB 3603, CH. 159
- Federal resource conservation and recovery act, ecology department implementation, *HB 646, CH. 144
- Garbage collection, long-term contracts, certain municipalities, permitted, energy conservation purposes, overloaded trucks, penalties, SB 3486
- Management systems, study, Olympia area state facilities, use, general administration department, appropriation, also, ecology department, appropriation, Sub SB 3420
- Marine state parks, San Juan archipelago, sewage disposal systems, ecology department, appropriation, Sub SB 3526
- Radioactive materials disposal act, enacted, SB 3264
- Sanitary disposal systems, rest areas, certain, DOT, construction, maintenance required, *HB 1464, CH. 60
- Sanitary disposal systems, rest areas, certain, use, recreational vehicles, license fee, additional imposed, RV account created, motor vehicle fund, *HB 1464, CH. 60
- Sanitary sewage disposal system, comprehensive plan, tax levy, modified, Sub SB 3094
- Solid waste disposal districts, creation, authorized, provisions, Sub HB 1408
- Treatment, initial, provided or refusal to accept untreated refuse, provisions, garbage dump mining, permitted, SB 3486
- Waste management systems, defined, bonds, issuance, anticipation notes, authorized, ecology department, appropriation, referendum provision, SB 3182

WATANABE, KAZUO

- Washington state liquor control board, member, GA 214, confirmed pp. 17,623,743

- * 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.

WATER AND WATER DISTRICTS (See also **SHORELANDS AND SHORELINES**)

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- Cloud seeding, emergency program, ecology department, establishment provisions, appropriation, Sub SB 3515
- Coal-fired steam electric generating plants, certain, pollution control tax credits, exemptions, eligibility, SB 2751, *Sub SB 2751, CH. 175
- Comprehensive plan, adoption, requirements, revised, SB 3579
- Extraterritorial activities, certain, county approval, boundary review board exemption, Sub HB 1143
- Family farm permits, marital community, each member, authorized, SB 2921
- Fish protection, hydroelectric, water supply projects, provisions, SB 3425
- Heating, cooling systems, unconventional, property assessment value exclusion, owner notification required, 2nd Sub HB 1546, *SB 3181(a), CH. 155
- Irrigation districts, certain, public lands commissioner or agent, director, voting privileges, allowed, SB 3186, Sub SB 3186
- Public utility districts, water resources, management, utilization, development, conservation, powers, modified, SB 2501
- Revenue bonds, issuance, voter approval, required, SB 3545
- Rights, determination proceedings, scope, service of summons, fees, expenses, SB 2351, Sub SB 2351
- Rights, determination proceedings, statement of facts, notice to owners, procedural requirements, SB 2351, Sub SB 2351
- Rights, reverted, priorities, abolished, SB 3167
- Sanitary sewage disposal system, comprehensive plan, tax levy, modified, Sub SB 3094
- Sewer districts, water supply powers, *HB 878, CH. 12
- Special purpose districts, board, treasurer, designated, HB 132
- Special purpose districts, compensation and expenses, increased, *SB 3211, CH. 92
- Systems, public, enforcement powers, granted, SB 2203
- Title only, rights, SB 3658
- Utility services, cost minimization, policies development, utilities and transportation commission, directed, SB 3080
- Utility services, sewer, water, tap-in charges, connection, hookup fees, waiver, delay, low income persons, counties, ordinance required, *HB 1444(a), CH. 150
- Utility services, tap-in charges, connection, hookup fees, waiver or delay, low income persons, cities, towns, ordinance required, *HB 1444, CH. 150
- Water, sewer, special purpose districts, merger, board members, provisions, Sub HB 131
- Well contractors, complaint procedure, ecology department, revised, SB 2352

WAYNE, DR. MARVIN A.

- Emergency medical and ambulance review committee, member,
GA 204, confirmed pp. 15,682,734

WEAPONS

- Concealed, pistols, in vehicles, license required, SB 3301
- Concealed, pistols, license fee increased, SB 3294

* 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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Imprisonment, certain, terms, modified, Sub HB 498

Laws, firearms, state, preempts local gun control laws, SB 3301

WEATHER

Stampede pass weather station, manned status, maintain, requested, SJM 110

WEEDS AND WEED CONTROL

County noxious weed control boards, nominations, elections, locations of same, modification, allowed, SB 3224

County noxious weed control boards, terms, election dates, changes, prior approval, state board, required, *Sub SB 3224(a), CH. 95

WENATCHEE

Liberty townsite, Wenatchee national forest, sales requirements, SB 3184

Townsites, national forests, sales requirements, real estate tax exemption, *Sub SB 3184(a), CH. 90

WESTERN STATE HOSPITAL

Security chief, full-time, law enforcement experience or education, hiring, required, SB 3626

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Eggert, Marven K., trustees board, member,

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Motorized, public places, sidewalks, permitted, SB 2086

WHITEBEAR, BERNIE

Washington state jail commission, member, GA 212, confirmed . . pp. 16,901,935

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WHITNEY, EVELYN

Higher education personnel board, member, GA 206, confirmed . . . pp. 15,60,145

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Gasohol, sale, motor vehicle fuel use, temporary B&O tax exemption, 2nd Sub HB 1000, SB 3551, *Sub SB 3551, CH. 157

Gasohol, special liquor purchase permit, required, Sub SB 2978

WIDOWS AND WIDOWERS

Veteran's, employment preference, ratings, revisions, spouses, provisions, SB 3105, Sub SB 3105

* 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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- Albinos, hunting, trapping, possession prohibited, gross misdemeanor, *HB 1555, CH. 44
- Beavers, trapping, tag requirement eliminated, license fees, residents over 16 years, \$20 required, residents under 16 years, \$12 required, *SB 3011, CH. 24
- Department, commission, created, game department, commission, powers, duties, transferred, SB 2405
- Fish and wildlife commission, department, created, abolished, state patrol, enforcement authority, Titles 75, 77, SB 3204
- Game code, general revisions, SB 3233, *HB 1447, CH. 78
- Hunting, vehicles, population control purposes, game department, permits, authorized, SB 2322

WILLAPA BAY

- Pilotage district, boundaries, defined, SB 2108
- South fork Willapa hatchery, construction, development, appropriation, SB 3594

WILLIAMS, ROBERT J.

- Public employment relations commission, member,
GA 228, confirmed pp. 20,900,935

WILLS

- Inheritance tax, deductions, from entire property, not just that passing, provisions, HB 1723
- Superior court, clerks, official fees, increased, Sub SB 2381

WILSON, SENATOR BRUCE

- Remarks, commending Senator Dan Marsh p. 897

WINE AND WINERIES

- Home-made family, entered in contests, permitted, Sub SB 3624
- Home-made family, entered in contests, permitted, liquor board rules, SB 3624
- Research, WSU, percentage of liquor tax imposed, biennial appropriation, required, SB 3549
- Research, WSU, percentage of liquor tax imposed, biennial appropriation, required, Sub SB 3549

WIRE SERVICES

- Search warrants, evidence, homicides, felonies, use limitations, *HB 427(a), CH. 52

WOJAHN, SENATOR LORRAINE

- Remarks, commending Senator Dan Marsh p. 899

WOLD, TERENCE E.

- Data processing authority, executive director,
GA 257, confirmed pp. 145,623,734

WOMEN

- Homemaker/home health services, eligibility, rights, protections, revisions, SB 2475

WOOD AND WOOD PRODUCTS

- Heat, homes, facilitating, Sub SB 3087

* 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.

WOOD AND WOOD PRODUCTS—cont.

Use, energy, heat production, study program, created, natural resources department, *HB 1453, VETOED

Use, energy, heat production, study program, created, natural resources department, appropriation, SB 3268

WORK

Prisoners, work training programs, authorized, social and health services department, contract provisions, HB 1718

WORK RELEASE

Alcohol, substance abuse related crimes, certain persons, private nonprofit diversion programs, expenditure provision, *Sub HB 1533(a), CH. 167

Industrial insurance, detention facility inmates, certain, coverage, provision, SB 3607

WORKERS' COMPENSATION (See also INDUSTRIAL INSURANCE)

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WRENN, JUDGE RICHARD F.

Letter from, part of record, request of Senator Dan Marsh,

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WYNNE, LINDA RAE

Commission on Mexican—American affairs, member,

GA 218, confirmed pp. 18,171,415

YAKIMA AND YAKIMA COUNTY

Stampede pass weather station, manned status, maintain, requested, SJM 110

Superior court, judges, number increased, SB 3484

Warehouse arts center, general obligation bonds, issuance authorized, commerce and economic development department, appropriation, Sub HB 1424

YOSHIWARA, JANICE LEE

Commission on Asian—American affairs, member,

GA 195, confirmed pp. 12,170,414

YOUNG, JAMES L.

Washington state jail commission, member, GA 213, confirmed .. pp. 17,109,191

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Berry picking, ten and eleven year—old youth, permitted, federal support, requested, HJM 21, SJM 112

Drugs, effect on human system, grade 7, 8 health classes, study, mandated, SB 3575

Juveniles, curfew, violations, provisions, Sub SB 2495

Pornography, involving minors, prohibited, penalties prescribed, *Sub HB 551, CH. 53

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Runaway, interstate compact, revisions, SB 3014, Sub SB 3014

Truancy, habitual, juvenile justice act, included, SB 3026

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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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Transmission facilities, local government, energy facilities site evaluation council, application, hearings requirement, provision, SB 3193

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

