

# SENATE JOURNAL

—1981—

SECOND SPECIAL SESSION

—1982—

REGULAR SESSION

FORTY-SEVENTH LEGISLATURE

# STATE OF WASHINGTON

at

# Olympia, the State Capitol

1981 SECOND SPECIAL SESSION

Convened November 9, 1981

Adjourned SINE DIE December 2, 1981

1982 REGULAR SESSION

Convened January 11, 1982

Adjourned SINE DIE March 11, 1982

## VOLUME 1

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



DOROTHY GREELEY  
*Minute and Journal Clerk*

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JOHN A. CHERBERG, *President of the Senate*  
SAM C. GUESS, *President Pro Tempore*  
GEORGE W. CLARKE, *Vice President Pro Tempore*

## SENATE CAUCUS OFFICERS

### REPUBLICAN CAUCUS

*Majority Leader* ..... JEANNETTE HAYNER  
*Chairman* ..... JOHN D. JONES  
*Floor Leader/Vice President*  
*Pro Tempore* ..... GEORGE W. CLARKE  
*Majority Whip* ..... ALAN BLUECHEL  
*Vice Chairman* ..... ELEANOR LEE

### DEMOCRATIC CAUCUS

*Minority Leader* ..... R. TED BOTTIGER  
*Chairman* ..... GEORGE FLEMING  
*Assistant Minority Leader* ..... A. N. "BUD" SHINPOCH  
*Minority Whip* ..... RUTHE RIDDER  
*Vice Chairman* ..... BRUCE A. WILSON  
*Secretary* ..... R. LORRAINE WOJAHN



*Secretary of the Senate* ..... SIDNEY R. SNYDER  
*Deputy Secretary*  
*of the Senate* ..... MARILYN BRACHTENBACH  
*Secretary to the Secretary* ..... DEE RENDERER  
*Sergeant at Arms* ..... FRED HILDEBRAND  
*Reader* ..... VERNE SAWYER  
*Minute and Journal Clerk* ..... DOROTHY GREELEY

**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
1981 SECOND EXTRAORDINARY SESSION  
FORTY-SEVENTH LEGISLATURE**

**FIRST DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, November 9, 1981.

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 Charnley, Fleming and Pullen. On motion of Senator Ridder, Senators Charnley and Fleming were excused.

The Color Guard, consisting of Pages Carole and Pamela Wolfe, presented the Colors. Reverend Scott Sherman, pastor of Unity Church in Seattle offered the prayer. Reverend Sherman was a guest of Senator Bluechel.

**MESSAGE FROM THE SECRETARY OF STATE**

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**STATE OF WASHINGTON  
OFFICE OF THE  
SECRETARY OF STATE**

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November 9, 1981.

**TO THE HONORABLE, JOHN A. CHERBERG,  
PRESIDENT OF THE SENATE,  
THE LEGISLATURE OF THE STATE OF WASHINGTON  
OLYMPIA, WASHINGTON  
DEAR MR. PRESIDENT:**

I, Ralph Munro, Secretary of the State of the State of Washington and custodian of the official seal of the State, do hereby certify that the attached copy of the proclamation of the Governor calling an extraordinary session of the Legislature of the State of Washington to convene on the 9th day of November, 1981, is a true, correct and complete copy of the original of said proclamation now on file in this office.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the State of Washington. Done at the Capitol at Olympia on the 6th day of November, 1981.

**RALPH MUNRO**  
Secretary of State

(Seal of the State of Washington)

## JOURNAL OF THE SENATE

MESSAGE FROM THE GOVERNOR  
PROCLAMATION BY THE GOVERNOR

The state of Washington faces a financial crisis unprecedented in scope and depth. The short-term and long-term financial health of the state government, as well as those essential services that depend on a fiscally sound government, have been jeopardized by a national recession that acutely affects the state of Washington, by high inflation, by reductions in federal monies going to the states, and by a dramatic reduction in state revenues, which will not now meet even the severely reduced biennial budget enacted by the 1981 Regular Session. This financial crisis must be met by positive and timely action by the Washington State Legislature.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7, of the State Constitution, do hereby convene the Washington State Legislature in special (extraordinary) session for a period not exceeding 30 days in the capitol at Olympia, at 9:00 a.m., November 9, 1981. The session is convened for the purpose of enacting measures necessary to effect feasible state expenditure reductions, to provide additional state and local revenues, and to preserve public safety.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 6th day of November, A. D., nineteen hundred and eighty-one.

JOHN SPELLMAN  
Governor.

(Seal of the State of Washington)

BY THE GOVERNOR  
RALPH MUNRO  
Secretary of State.

## MOTION

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

## SENATE RESOLUTION 1981—149

By Senator Hayner, Jones, Bottiger and Fleming:

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 Lee, Wilson and Bluechel as a committee of three under the provisions of Senate Resolution 1981—149 to notify the House that the Senate is organized and ready to transact business.

## MOTION

On motion of Senator Clarke, the appointees were confirmed. 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. 123, by Senators Hayner, Jones, Bottiger and Fleming:

Notifying governor that legislature is organized.

## MOTIONS

On motion of Senator Clarke, the rules were suspended, Senate Concurrent Resolution No. 123 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, the rules were suspended, Senate Concurrent Resolution No. 123 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Hayner, Jones and Bottiger as a committee of three to join with a like committee from the House under the provisions of Senate Concurrent Resolution No. 123 to notify the Governor that the legislature is organized and ready to transact business.

## COMMITTEE FROM THE HOUSE

A committee from the House consisting of Representatives Tilly, Fancher, Erak and Owen 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.

## REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Lee, Wilson and Bluechel appeared before the bar of the Senate. Under the provisions of Senate Resolution 1981—149, the House was notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

## REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Hayner, Jones and Bottiger appeared before the bar of the Senate. Under the provisions of Senate Concurrent Resolution No. 123, the Governor was notified that the legislature is organized and ready to transact business.

The report was received and the committee was discharged.

## POINT OF INQUIRY

Senator Talley: What is going to be the law regarding the filing of bills?"

President Cherberg: "The Secretary advised that the request has to be in the code reviser's office by 5:00 p.m., Wednesday."

Senator Talley: "5:00 Wednesday?"

President Cherberg: "Yes, Senator Talley, and be read in no later than Friday."

"Senator Talley and other members of the Senate, following the Joint Session, there will be a resolution covering the matter and will be discussed at that time."

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

## MESSAGE FROM THE HOUSE

November 9, 1981.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 30, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## FIRST READING OF HOUSE RESOLUTION

HOUSE CONCURRENT RESOLUTION NO. 30, by Representative Nelson: Directing a joint session of the legislature.

## MOTIONS

On motion of Senator Clarke, the rules were suspended, House Concurrent Resolution No. 30 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, the rules were suspended, House Concurrent Resolution No. 30 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## MOTION

At 9:30 a.m., on motion of Senator Clarke, the Senate recessed for the purpose of a Joint Session.

At 9:30 a.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of hearing a message by Governor John Spellman.

## JOINT SESSION

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

The Speaker requested the Sergeants at Arms to escort the Senate members to seats within the House Chamber.

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

The Clerk of the House called the roll of the House and all members were present except Representatives Hastings and Tupper, who were excused.

The Secretary of the Senate called the roll of the Senate and all members were present except Senators Charnley and Fleming, who were excused.

The President of the Senate appointed Representatives Barnes, Sanders, Winsley, Kreidler and Maxie and Senators Hemstad, Talmadge, Gould and Rasmussen to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

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

The Clerk of the House called the roll of the House and all members were present except Representatives Hastings and Tupper, who were excused.

The Secretary of the Senate called the roll of the Senate and all members were present except Senators Charnley and Fleming, who were excused.

The President of the Senate appointed Representatives Barnes, Sanders, Winsley, Kreidler and Maxie and Senators Hemstad, Talmadge, Gould and Rasmussen to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Representatives Barnes, Sanders, Winsley, Kreidler and Maxie and Senators Hemstad, Talmadge, Gould and Rasmussen to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Representatives Houchen, Mitchell and North and Senators Scott, Gaspard and Sellar to escort the State Elected Officials to seats within the House Chamber.

The President of the Senate appointed Representatives Nelson (G) and Ehlers and Senators Metcalf and Hansen to escort Governor Spellman to the rostrum.

Lieutenant Governor Cherberg introduced Governor Spellman.

### GOVERNOR'S MESSAGE

Governor Spellman: "Governor Cherberg, Mr. Speaker, members of the Legislature, ladies and gentlemen: We come together today to head off catastrophe. I've called you into Special Session to meet an unprecedented challenge.

"Six months ago, when your last session ended, I congratulated you for responsibly meeting the challenges that you faced then. We cut back the growth of state government by \$850 million. Since that last time we met, the state government has absorbed a further \$400 million cut in federal revenue. If we had not met today, and if we fail to meet the clear and present danger that confronts us today, the result would be certain across-the-board catastrophe. The law dictates that unless we act in this special session, the ten percent cuts will stand and the courts still may conclude that those cuts must be twenty percent in all areas except the common schools. But cuts of that depth could be catastrophic and chaotic. If we fail to meet the present challenge, there will be no choice but to turn violent prisoners free on the streets. If we fail to meet the challenge, there will be no choice but to abandon more mentally ill to wander the sidewalks helplessly—those streets and sidewalks grow more crowded every day with the unemployed, the hapless victims of national recession. If we fail, access to higher education will be severely restricted. If we fail, we shall fundamentally weaken the basic education of every child in our state and that means throwing away our future. If we fail, the safety match that makes the difference between despair and hope for the genuinely needy, the poor, the aged, the handicapped and the dependent children will be ripped to shreds. We must not let that happen. It would set the state back half a century. Worse, it would jeopardize the fundamental institutions that we, the people of the State of Washington, have so carefully built and nurtured.

"Be it resolved, that we shall not fail. To succeed we must adopt a balanced program that maintains vital services while paring the desirable services. Those vital services that cannot sustain further cuts must be protected from disintegration by additional taxation.

"Now, none of us like the idea of increasing a single tax, and none of our constituents want to pay an unnecessary tax, but after we have already made substantial cuts in programs, the alternative to taxation is to abandon the state's historical commitment to those critical services that maintain domestic tranquility, that protect our quality of life and secure the opportunity of every Washingtonian to pursue happiness. We can abandon our heritage and put our state's future at great risk or we can increase taxes to the extent necessary to maintain those most vital services during a period of temporary recession.

"For me the choice is clear—I choose a fair tax increase—not catastrophe. I choose compassion, not chaos; I choose prisons and other institutions adequate to meet our needs. I choose quality education for our children. I choose economic development to fight recession. I choose to keep the safety nets in place. I choose to care. Throughout our history the people of the State of Washington have chose to care. In good times and in bad times, Washingtonians have courageously protected and assisted the most fragile members of our society. We have always helped the helpless.

"It will take courage to keep that faith, to do what must be done. The easy course is to point fingers of blame for our present down in inaction. The self-satisfying course is to let others cast the tough votes and sometimes unpopular votes, but that is not the history of the State of Washington or of its legislature.

"In our first meeting in these chambers, last January, we were faced with a mandate to cut the size of the growth of state government and we are succeeding. We face another mandate today. It will be decided within the next few weeks. The Legislature of this state now holds the social fabric of our society in its hands and it must decide whether to protect it or to allow it to unravel. When I new era of candor, a year of candor and cooperation between the executive and the legislative branches. I said that working together we can meet any challenge, and I am today even more committed to that pledge of cooperation. Let both branches of government, let both Houses of the Legislature, both sides of the aisle rededicate ourselves to working together with mutual respect, for the times and the people we serve demand no less. We must succeed in meeting this mandate of conscience and with God's help we shall."

The President of the Senate requested the special committee to escort Governor Spellman from the House to his office.

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

On motion of Mr. Nelson (G.), the Joint Session was dissolved.

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

The Speaker requested the Sergeants at Arms of the Senate and the House to escort President Cherberg, President Pro Tem Guess and Vice President Pro Tem Clarke and the Senators to the Senate Chamber.

## SECOND MORNING SESSION

The President called the Senate to order at 10:00 a.m.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 4364, by Senator Rasmussen:

AN ACT Relating to credit cards; and creating a new section.

Referred to Committee on State Government.

SENATE BILL NO. 4365, by Senators Sellar and Hurley:

AN ACT Relating to businesses and occupations; amending section 1, chapter 38, Laws of 1917 as last amended by section 1, chapter 77, Laws of 1973 and RCW 18.22.010; amending section 13, chapter 52, Laws of 1957 as amended by section 2, chapter 77, Laws of 1973 and RCW 18.22.020; amending section 18, chapter 38, Laws of 1917 as amended by section 3, chapter 77, Laws of 1973 and RCW 18.22.030; amending section 6, chapter 38, Laws of 1917 as last amended by section 18, chapter 158, Laws of 1979 and RCW 18.22.040; amending section 4, chapter 149, Laws of 1955 as amended by section 5, chapter 77, Laws of 1973 and RCW 18.22.050; amending section 14, chapter 52, Laws of 1957 as last amended by section 16, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.22.060; amending section 3, chapter 97, Laws of 1965 as last amended by section 17, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.22.081; amending section 6, chapter 149, Laws of 1955 as last amended by section 18, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.22.120; amending section 10, chapter 38, Laws of 1917 as last amended by section 17, chapter 77, Laws of 1973 and RCW 18.22.210; amending section 14, chapter 149, Laws of 1955 as amended by section 18, chapter 77, Laws of 1973 and RCW 18.22.215; amending section 12, chapter 149, Laws of 1955 as amended by section 19, chapter 77, Laws of 1973 and RCW 18.22.230; adding new sections to chapter 18.22 RCW; creating new sections; repealing section 5, chapter 149, Laws of 1955,

section 7, chapter 77, Laws of 1973 and RCW 18.22.070; repealing section 8, chapter 149, Laws of 1955, section 12, chapter 77, Laws of 1973 and RCW 18.22.140; repealing section 9, chapter 149, Laws of 1955, section 13, chapter 77, Laws of 1973 and RCW 18.22.150; repealing section 17, chapter 52, Laws of 1957, section 14, chapter 77, Laws of 1973 and RCW 18.22.160; repealing section 15, chapter 38, Laws of 1917 and RCW 18.22.170; and repealing section 16, chapter 38, Laws of 1917, section 16, chapter 77, Laws of 1973 and RCW 18.22.200.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4366, by Senators Rasmussen and Craswell:

AN ACT Relating to unlawful issuance of checks or drafts; amending section 9A.56.060, chapter 260, Laws of 1975 1st ex. sess. as amended by section 14, chapter 244, Laws of 1979 ex. sess. and RCW 9A.56.060; and prescribing penalties.

Referred to Judiciary Committee.

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

### MOTION

On motion of Senator Clarke, all gubernatorial appointments were referred to the committees indicated on the list on the desk of each member with the exception of gubernatorial appointment 495, Lawrence G. Waldt, which will be referred to the Committee on Commerce and Labor.

### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, November 5, 1981.

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. DAVID R. LaROSE, appointed August 17, 1981, for a term ending June 30, 1986, as Chief Administrative Law Judge.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee

Office of the Governor, November 5, 1981.

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. AMOS E. REED, appointed July 1, 1981, for a term ending at the pleasure of the Governor, as Secretary of the Department of Corrections.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 5, 1981.

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. KEITH A. ANGIER, appointed September 25, 1981, for a term ending September 24, 1984, as a member of the Corrections Standards Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 5, 1981.

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. NORMAN F. CHAMBERLAIN, appointed September 25, 1981, for a term ending September 24, 1985, as a member of the Corrections Standards Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 5, 1981.

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 KEN EIKENBERRY, appointed September 25, 1981, for a term ending September 24, 1984, as a member of the Corrections Standards Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 5, 1981.

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 LARRY V. ERICKSON, appointed September 25, 1981, for a term ending September 24, 1983, as a member of the Corrections Standards Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 5, 1981.  
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. ROGER F. MAXWELL, appointed September 25, 1981, for a term ending September 24, 1984, as a member of the Corrections Standards Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 5, 1981.  
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 DAVID S. McEACHRAN, appointed September 25, 1981, for a term ending September 24, 1983, as a member of the Corrections Standards Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 5, 1981.  
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. ELAINE GARVIE MELIOR, appointed September 25, 1981, for a term ending September 24, 1985, as a member of the Corrections Standards Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 5, 1981.  
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:

MS. KAREN RAHM, appointed September 25, 1981, for a term ending September 24, 1985, as a member of the Corrections Standards Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 5, 1981.

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:

LAWRENCE G. WALDT, appointed May 12, 1981, for a term ending June 30, 1982, succeeding F. Pat Wanamaker as a member of the Gambling Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

#### MOTION

On motion of Senator Clarke, the appointment of Lawrence G. Waldt was referred to the Committee on Commerce and Labor.

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, November 5, 1981.

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:

DR. R. R. RATHFELDER, appointed July 2, 1981, for a term ending July 1, 1987, succeeding Dr. Mendal B. Miller as a member of the Higher Education Personnel Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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. LUDWIG LOBE, appointed July 21, 1981, for a term ending March 1, 1983, succeeding Anthony I. Eyring as a member of the Health Care Facilities Authority.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 5, 1981.

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:

DR. ARCH LOGAN, JR., reappointed August 4, 1981, for a term ending July 16, 1985, as a member of the Hospital Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 5, 1981.  
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. NORMAN E. RAMSEY, appointed September 25, 1981, for a term ending July 16, 1985, succeeding Ken Webster as a member of the Hospital Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 5, 1981.  
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:

MS. SYMONE B. SCALES, appointed August 26, 1981, for a term ending June 17, 1986, succeeding Winifred Duncan as Chairman of the Human Rights Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee.

Office of the Governor, November 5, 1981.  
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:

MS. GLORIA M. CHAMPEAUX, appointed April 27, 1981, for a term ending December 31, 1981, as a member of the State Investment Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Ways and Means.

Office of the Governor, November 5, 1981.  
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:

CHIEF ROBERT D. PANTHER, appointed April 27, 1981, for a term ending December 31, 1982, as a member of the State Investment Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Ways and Means.

Office of the Governor, November 5, 1981.

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. E. "TED" HORNIBROOK, appointed October 26, 1981, for a term ending October 7, 1984, succeeding Franklin F. Cline as a member of the State Jail Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee.

Office of the Governor, November 5, 1981.

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:

JEFFREY C. SULLIVAN, appointed October 26, 1981, for a term ending October 7, 1984, succeeding Paul A. Klasen, Jr., as a member of the State Jail Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee.

Office of the Governor, November 5, 1981.

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:

MS. MARGARET S. WILLIAMS, appointed May 6, 1981, for a term ending December 31, 1986, succeeding Jeff Domaskin as a member of the State Parks and Recreation Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Parks and Ecology.

Office of the Governor, November 5, 1981.

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. LUDWIG LOBE, appointed August 3, 1981, for a term ending January 4, 1987, succeeding Fred Huleen as a member of the State Personnel Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on State Government.

Office of the Governor, November 5, 1981.

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:

MS. MAXINE E. DALY, appointed July 27, 1981, for a term ending July 26, 1987, as a member of the Personnel Appeals Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on State Government.

Office of the Governor, November 5, 1981.

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. JOHN F. GORDON, appointed July 27, 1981, for a term ending July 26, 1985, as a member of the Personnel Appeals Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on State Government.

Office of the Governor, November 5, 1981.

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. AL HUNTER, appointed July 27, 1981, for a term ending July 26, 1983, as a member of the Personnel Appeals Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on State Government.

Office of the Governor, November 5, 1981.

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. ROBERT F. GOLDSWORTHY, appointed October 22, 1981, for a term ending June 30, 1987, succeeding Robert M. Humphrey as a member of the Council for Postsecondary Education.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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. HUGH R. McGOUGH, appointed July 17, 1981, for a term ending December 31, 1983, succeeding Lawrence B. Bradley as a member of the Public Disclosure Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on State Government.

Office of the Governor, November 5, 1981.

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:

MS. GLORIA M. CHAMPEAUX, appointed July 9, 1981, for a term ending at the pleasure of the Governor, succeeding Justin J. Lee as a member of the Public Employees' Retirement Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on State Government.

Office of the Governor, November 5, 1981.

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:

MS. SHIRLEY B. JENSEN, appointed July 9, 1981, for a term ending at the pleasure of the Governor, succeeding Anson Blaker as a member of the Public Employees' Retirement Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on State Government.

Office of the Governor, November 5, 1981.  
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. PHILLIP AARON, appointed August 3, 1981, for a term ending August 2, 1982, as a member of the Sentencing Guidelines Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee.

Office of the Governor, November 5, 1981.  
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. DONALD C. BROCKETT, appointed August 3, 1981, for a term ending August 2, 1983, as a member of the Sentencing Guidelines Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee.

Office of the Governor, November 5, 1981.  
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 D. CLARKE, appointed August 3, 1981, for a term ending August 2, 1983, as a member of the Sentencing Guidelines Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee.

Office of the Governor, November 5, 1981.  
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:

AUTHUR F. CLIFFORD, JR., appointed August 3, 1981, for a term ending August 2, 1982, as a member of the Sentencing Guidelines Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee.

Office of the Governor, November 5, 1981.

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:

H. JOSEPH COLEMAN, appointed August 3, 1981, for a term ending August 2, 1984, as a member of the Sentencing Guidelines Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee.

Office of the Governor, November 5, 1981.

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:

PAUL D. HANSEN, appointed August 3, 1981, for a term ending August 2, 1982, as a member of the Sentencing Guidelines Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee.

Office of the Governor, November 5, 1981.

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:

CHARLES V. JOHNSON, appointed August 3, 1981, for a term ending August 2, 1983, as a member of the Sentencing Guidelines Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee.

Office of the Governor, November 5, 1981.

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. NORM MALENG, appointed August 3, 1981, for a term ending August 2, 1984, as a member of the Sentencing Guidelines Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee.

Office of the Governor, November 5, 1981.  
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. WARREN NETHERLAND, appointed October 1, 1981, for a term ending August 2, 1982, succeeding Gail S. Wilf as a member of the Sentencing Guidelines Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee.

Office of the Governor, November 5, 1981.  
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:

DONNA D. SCHRAM, appointed August 3, 1981, for a term ending August 2, 1984, as a member of the Sentencing Guidelines Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee.

Office of the Governor, November 5, 1981.  
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: STEVE SCOTT, appointed August 3, 1981, for a term ending August 2, 1984, as a member of the Sentencing Guidelines Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee.

Office of the Governor, November 5, 1981.  
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. JERRY B. OVERTON, appointed August 20, 1981, for a term ending June 30, 1987, succeeding James G. Swinyard as a member of the State Transportation Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Transportation.

Office of the Governor, November 5, 1981.

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:

MS. BERNICE STERN, appointed August 31, 1981, for a term ending June 30, 1983, succeeding Ray Aardal as a member of the State Transportation Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Transportation.

Office of the Governor, November 5, 1981.

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:

REVEREND SAMUEL B. MCKINNEY, reappointed July 22, 1981, for a term ending July 1, 1986, as a member of the Commission for Vocational Education.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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:

MARY GATES, reappointed October 1, 1981, for a term ending September 30, 1987, as a member of the Board of Regents for the University of Washington.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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 B. McEACHERN, appointed October 6, 1981, for a term ending September 30, 1987, succeeding Edith D. Williams as a member of the Board of Regents for Washington State University.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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. KATE B. WEBSTER, reappointed October 6, 1981, for a term ending September 30, 1987, as a member of the Board of Regents for Washington State University.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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 A. CASE, II, appointed October 15, 1981, for a term ending September 30, 1987, succeeding Don Broughton as a member of the Board of Trustees for Central Washington University.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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:

JEAN COOLEY, appointed July 1, 1981, for a term ending September 30, 1984, succeeding Margaret Hays as a member of the Board of Trustees for Community College District No. 5.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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 L. WEIS, appointed July 1, 1981, for a term ending September 30, 1982, succeeding Karen Miller as a member of the Board of Trustees for Community College District No. 5.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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:

H. ROY YATES, appointed October 22, 1981, for a term ending September 30, 1986, succeeding George Hieber as a member of the Board of Trustees for Community College District No. 5.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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:

MR. DANIEL V. CARBONE, reappointed October 15, 1981, for a term ending September 30, 1986, as a member of the Board of Trustees for Community College District No. 6.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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:

MARY McKINLEY, reappointed October 15, 1981, for a term ending September 30, 1986, as a member of the Board of Trustees for Community College District No. 8.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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:

HUGH L. MATHEWS, reappointed October 21, 1981, for a term ending September 30, 1986, as a member of the Board of Trustees for Community College District No. 10.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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 L. CHALKER, appointed October 26, 1981, for a term ending September 30, 1986, succeeding Ramon L. Barnes as a member of the Board of Trustees for Community College District No. 11.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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. DOROTHY K. HUNT, reappointed April 27, 1981, for a term ending September 30, 1985, as a member of the Board of Trustees for Community College District No. 11.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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. MARY HENRIE, reappointed October 15, 1981, for a term ending September 30, 1986, as a member of the Board of Trustees for Community College District No. 15.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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. ROBERT W. PRINCE, appointed April 27, 1981, for a term ending September 30, 1985, succeeding Harold M. Schroeder as a member of the Board of Trustees for Community College District No. 15.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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. TIMOTHY R. NIHOUL, appointed September 1, 1981, for a term ending September 30, 1984, succeeding Raymond R. Anderson as a member of the Board of Trustees for Community College District No. 18.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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. RAYMOND L. ELMGREN, appointed October 21, 1981, for a term ending September 30, 1986, succeeding Norman R. Miller as a member of the Board of Trustees for Community College District No. 19.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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. VAUGHN A. SHERMAN, appointed July 1, 1981, for a term ending September 30, 1983, as a member of the Board of Trustees for Community College District No. 23.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 5, 1981.

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:

MS. CAROL SIMONS, appointed July 1, 1981, for a term ending September 30, 1985, as a member of the Board of Trustees for Community College District No. 23.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

#### MOTION

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

#### SENATE RESOLUTION 1981—150

By Senators Hayner, Jones, Bottiger and Fleming:

BE IT RESOLVED, BY THE SENATE, That all requests for new legislation to be considered during the 2nd Special Session be on the request list of the Code Reviser's Office by 5:00 p.m. on Wednesday, November 11, 1981, the third Legislative day; and

BE IT FURTHER RESOLVED, That Friday, November 13, 1981, the fifth Legislative day, under the proper order of business, shall be the final day for introduction of bills to be considered during the 2nd Special Session.

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

#### MESSAGE FROM THE HOUSE

November 9, 1981.

Mr. President: The House has adopted: SENATE CONCURRENT RESOLUTION NO. 123, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### COMMITTEE APPOINTMENT

The President announced the resignation of Senator McCaslin as Chairman and Member of the Committee on Agriculture.

The President announced the appointment of Senator Newhouse as Chairman of the Committee on Agriculture.

## MOTION

On motion of Senator Clarke, the appointment was confirmed.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 123.

## MESSAGE FROM THE HOUSE

November 9, 1981.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 31, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## FIRST READING OF HOUSE RESOLUTION

HOUSE CONCURRENT RESOLUTION NO. 31, by Senator Nelson (G.):  
Carrying over bills from first extraordinary session.

## MOTION

Senator Clarke moved the rules be suspended and House Concurrent Resolution No. 31 be advanced to second reading and read the second time in full.

## POINT OF INQUIRY

Senator Bottiger: "Senator Clarke, I was brought a copy of this resolution earlier today and it was explained to me at that time that this is simply to avoid the expense of reprinting and reintroducing necessary bills, many of which were title onlys and items of that nature but I also received at least a suggestion, if not the assurance, that this isn't opening the session wide open, that we are not going to be talking about three-way and everything else. That these bills would go back to the house of origin where they would take their highest status which would be, in the case of three-way insurance, on third reading in the House. This is the resolution we have customarily passed to avoid that extra printing expense."

Senator Clarke: "Senator Bottiger, it is my impression that your statement is correct and that the matter of consideration would be something that would have to be acted upon separately. But the primary purpose is to permit the bills to be in such status that the committees, after this session, for instance, in anticipation of the January session, could continue to do such work as might be necessary."

## POINT OF INQUIRY

Senator Goltz: "Senator Clarke, I think as a follow-up to Senator Bottiger's question, the way this resolution is drafted, it indicates that they will be reintroduced in the house wherein they originated. That would imply that we are reintroducing them on first reading and that they would not have the status that Senator Bottiger assumed that they would be retained at the highest point in the house of origin. If that is correct, I think we ought to really be sure either by your statement in the record or by revising or amending the concurrent resolution to make that clear."

Senator Clarke: "Senator Goltz, I believe that that is taken care of in the concluding phrase . . . that they are reintroduced in the house where they originated and are hereby accorded the same legislative status which they held upon the

adjournment Sine Die of the first extraordinary session of the forty-seventh Washington legislature . . . so I believe that takes care of the question you posed."

The motion by Senator Clarke carried. House Concurrent Resolution No. 31 was read the second time in full.

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

#### NOTICES GIVEN OF PROPOSED RULE CHANGES

Senator Vognild notified the Senate that he had placed a copy of Senate Resolution 1981—152 on the desk of each member. This is an amendment to the Senate rules and advised the Senate at the proper time will move for consideration.

Senator Bottiger notified the Senate that he had placed a copy of Senate Resolution 1981—151 on the desk of each member. This is an amendment to the Senate rules and advised the Senate at the proper time will move for consideration.

#### MOTION

At 10:53 a.m., on motion of Senator Clarke, the Senate adjourned until 1:00 p.m., Wednesday, November 11, 1981.

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

### THIRD DAY

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#### AFTERNOON SESSION

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Senate Chamber, Olympia, Wednesday, November 11, 1981.

The Senate was called to order at 1:00 p.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 Cindy Lee and Joe Cleary, presented the Colors. Reverend James Blundell, pastor of St. John's Episcopal Church of Olympia offered the prayer.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

November 10, 1981.

Mr. President: The Speaker has signed: HOUSE CONCURRENT RESOLUTION NO. 31, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

November 10, 1981.

Mr. President: The Speaker has signed: SENATE CONCURRENT RESOLUTION NO. 123, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

November 10, 1981.

Mr. President: The Speaker has signed: HOUSE CONCURRENT RESOLUTION NO. 30, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 30,  
HOUSE CONCURRENT RESOLUTION NO. 31.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 4367, by Senators Quigg, Talley and Gallagher:  
AN ACT Relating to forest land.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4368, by Senator Scott:  
AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4369, by Senator Scott:  
AN ACT Relating to appropriations.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4370, by Senator Scott:  
AN ACT Relating to revenue and taxation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4371, by Senator Scott:  
AN ACT Relating to revenue and taxation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4372, by Senator Scott:  
AN ACT Relating to revenue and taxation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4373, by Senator Scott:  
AN ACT Relating to state government.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4374, by Senator Scott:  
AN ACT Relating to the budget.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4375, by Senator Scott:  
AN ACT Adopting a supplemental budget.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4376, by Senator Scott:  
AN ACT Relating to state government.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4377, by Senator Quigg:  
AN ACT Relating to deregulation of business.  
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4378, by Senator Quigg:  
AN ACT Relating to business deregulation.  
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4379, by Senators Talley, Guess, McCaslin, Deccio, Craswell and Hansen:

AN ACT Relating to state government; adding a new section to chapter 43.21A RCW; creating new sections; repealing section 2, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.020; repealing section 3, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.030; repealing section 4, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.040; repealing section 5, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.050; repealing section 6, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.060; repealing section 7, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.070; repealing section 8, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.080; repealing section 9, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.090; and repealing section 10, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.100.

Referred to Committee on State Government.

SENATE BILL NO. 4380, by Senator Scott (by Office of Financial Management request):

AN ACT Relating to the cash flow of public funds; amending section 3, chapter 10, Laws of 1979 and RCW 43.41.110; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4381, by Senators Quigg, Talley, Gallagher, Hemstad, von Reichbauer, Lee, Rasmussen, Fuller, Zimmerman, Bauer, Peterson and Patterson:

AN ACT Relating to forest land; amending section 3, chapter 288, Laws of 1927 as last amended by section 1, chapter 224, Laws of 1971 ex. sess. and RCW 76.12.030; adding a new section to chapter 76.12 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4382, by Senators McDermott, Rasmussen, Peterson, Talley, Wojahn, Metcalf, Zimmerman, Bottiger, Goltz, Shipoch, Ridder, Gaspard, Williams, Fleming, Conner and Quigg:

AN ACT Relating to local governmental excise taxing authority; amending section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 139, Laws of 1981 and RCW 9.46.110; amending section 4, chapter 111, Laws of 1965 ex. sess. as amended by section 4, chapter 270, Laws of 1975 1st ex. sess. and RCW 35.95.040; amending section 35A.11.020, chapter 119, Laws of 1967 ex. sess. as amended by section 1, chapter 29, Laws of 1969 ex. sess. and RCW 35A.11.020; amending section .14.02, chapter 79, Laws of 1947 as last amended by section 2, chapter 233, Laws of 1979 ex. sess. and RCW 48.14.020; amending section 21, chapter 190, Laws of 1949 and RCW 48.14.080; amending section 3, chapter 94, Laws of 1970 ex. sess. as amended by section 4, chapter 144, Laws of 1981 and RCW 82.14.020; amending section 2, chapter 296, Laws of 1971 ex. sess. as last amended by section 1, chapter 163, Laws of 1980 and RCW 82.14.045; amending section 6, chapter 94, Laws of 1970 ex. sess. as amended by section 3, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.050; amending section 7, chapter 94, Laws of 1970 ex. sess. as amended by section 4, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.060; amending section 10, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.070; creating new sections; repealing section 11, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.113; repealing section 35.21.280, chapter 7, Laws of 1965 and RCW 35.21.280; repealing section 6, chapter 134, Laws of 1972 ex. sess., section 6, chapter 144, Laws of 1981 and RCW 35.21.710; repealing section 5, chapter 111, Laws of 1965 ex. sess., section 66, chapter 145, Laws of 1967 ex. sess. and RCW 35.95.050; repealing section 6, chapter 111, Laws of 1965 ex. sess. and RCW 35.95.060; repealing section 67, chapter 145, Laws of 1967 ex. sess. and RCW 35.95.090; repealing section 36.38.010, chapter 4, Laws of 1963 and RCW 36.38.010; repealing section 36.38.020, chapter 4, Laws of 1963, section 21, chapter 278, Laws of 1975 1st ex. sess., section 38, chapter 151, Laws of 1979 and RCW 36.38.020; repealing section 36.38.030, chapter 4, Laws of 1963 and RCW 36.38.030; repealing section 29, chapter 62, Laws of 1933 ex. sess. and RCW 66.08.120; repealing section 11, chapter 236, Laws of 1967, section 1, chapter 89, Laws of 1970 ex. sess., section 5, chapter 34, Laws of 1973 2nd ex. sess., section 1, chapter 225, Laws of 1975 1st ex. sess. and RCW 67.28.180; repealing section 2, chapter 225, Laws of 1975 1st ex. sess. and RCW 67.28.185; repealing section 12, chapter 236, Laws of 1967 and RCW 67.28.190; repealing section 13, chapter 236, Laws of 1967, section 2, chapter 89, Laws of 1970 ex. sess. and RCW 67.28.200; repealing section 14, chapter 236, Laws of 1967, section 3, chapter 89, Laws of 1970 ex. sess., section 6, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.210; repealing section 82.02.020, chapter 15, Laws of 1961, section 16, chapter 236, Laws of 1967, section 8, chapter 94, Laws of 1970 ex. sess., section 3, chapter 196, Laws of 1979 ex. sess. and RCW 82.02.020; repealing section 1, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.010; repealing section 4, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.030; repealing section 5, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.040; repealing section 9, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.900; repealing section 12, chapter 94, Laws of 1970 ex. sess., section 1, chapter 121,

Laws of 1972 ex. sess. and RCW 82.14.910; repealing section 2, chapter 134, Laws of 1972 ex. sess. and RCW 82.14A.010; repealing section 3, chapter 134, Laws of 1972 ex. sess. and RCW 82.14A.020; repealing section 5, chapter 134, Laws of 1972 ex. sess. and RCW 82.14A.030; repealing section 8, chapter 134, Laws of 1972 ex. sess. and RCW 82.14A.900; and repealing section 82.36.440, chapter 15, Laws of 1961, section 5, chapter 181, Laws of 1979 ex. sess. and RCW 82.36.440.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4383, by Senators Patterson, Hansen, Deccio, Guess, Craswell and McCaslin:

AN ACT Relating to education; amending section 3, chapter 10, Laws of 1972 ex. sess. as last amended by section 1, chapter 16, Laws of 1981 and RCW 28A.58-100; repealing section 6, chapter 182, Laws of 1980 and RCW 28A.21.360; and repealing section 5, chapter 182, Laws of 1980 and RCW 28A.58.097.

Referred to Committee on Education.

SENATE BILL NO. 4384, by Senators Scott and Gould (by Governor Spellman request):

AN ACT Relating to appropriations; modifying appropriations and expenditures for the operations and capital projects of state agencies for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983; amending section 2, chapter 340, Laws of 1981 (uncodified); amending section 3, chapter 340, Laws of 1981 (uncodified); amending section 4, chapter 340, Laws of 1981 (uncodified); amending section 5, chapter 340, Laws of 1981 (uncodified); amending section 6, chapter 340, Laws of 1981 (uncodified); amending section 8, chapter 340, Laws of 1981 (uncodified); amending section 9, chapter 340, Laws of 1981 (uncodified); amending section 10, chapter 340, Laws of 1981 (uncodified); amending section 11, chapter 340, Laws of 1981 (uncodified); amending section 12, chapter 340, Laws of 1981 (uncodified); amending section 13, chapter 340, Laws of 1981 (uncodified); amending section 14, chapter 340, Laws of 1981 (uncodified); amending section 16, chapter 340, Laws of 1981 (uncodified); amending section 17, chapter 340, Laws of 1981 (uncodified); amending section 19, chapter 340, Laws of 1981 (uncodified); amending section 20, chapter 340, Laws of 1981 (uncodified); amending section 21, chapter 340, Laws of 1981 (uncodified); amending section 23, chapter 340, Laws of 1981 (uncodified); amending section 24, chapter 340, Laws of 1981 (uncodified); amending section 25, chapter 340, Laws of 1981 (uncodified); amending section 26, chapter 340, Laws of 1981 (uncodified); amending section 27, chapter 340, Laws of 1981 (uncodified); amending section 28, chapter 340, Laws of 1981 (uncodified); amending section 29, chapter 340, Laws of 1981 (uncodified); amending section 32, chapter 340, Laws of 1981 (uncodified); amending section 33, chapter 340, Laws of 1981 (uncodified); amending section 35, chapter 340, Laws of 1981 (uncodified); amending section 36, chapter 340, Laws of 1981 (uncodified); amending section 37, chapter 340, Laws of 1981 (uncodified); amending section 41, chapter 340, Laws of 1981 (uncodified); amending section 44, chapter 340, Laws of 1981 (uncodified); amending section 45, chapter 340, Laws of 1981 (uncodified); amending section 46, chapter 340, Laws of 1981 (uncodified); amending section 47, chapter 340, Laws of 1981 (uncodified); amending section 48, chapter 340, Laws of 1981 (uncodified); amending section 49, chapter 340, Laws of 1981 (uncodified); amending section 50, chapter 340, Laws of 1981 (uncodified); amending section 51, chapter 340, Laws of 1981 (uncodified); amending section 52, chapter 340, Laws of 1981 (uncodified); amending section 53, chapter 340, Laws of 1981 (uncodified); amending section 54, chapter 340, Laws of 1981 (uncodified); amending section 55, chapter 340, Laws of 1981 (uncodified); amending section 56, chapter 340, Laws of 1981 (uncodified); amending section 57, chapter 340, Laws of 1981 (uncodified); amending section 58, chapter 340, Laws of 1981 (uncodified); amending section 59, chapter 340, Laws of 1981 (uncodified); amending section 61, chapter 340, Laws of 1981 (uncodified); amending section 62,

chapter 340, Laws of 1981 (uncodified); amending section 63, chapter 340, Laws of 1981 (uncodified); amending section 66, chapter 340, Laws of 1981 (uncodified); amending section 67, chapter 340, Laws of 1981 (uncodified); amending section 68, chapter 340, Laws of 1981 (uncodified); amending section 69, chapter 340, Laws of 1981 (uncodified); amending section 70, chapter 340, Laws of 1981 (uncodified); amending section 71, chapter 340, Laws of 1981 (uncodified); amending section 72, chapter 340, Laws of 1981 (uncodified); amending section 73, chapter 340, Laws of 1981 (uncodified); amending section 74, chapter 340, Laws of 1981 (uncodified); amending section 75, chapter 340, Laws of 1981 (uncodified); amending section 76, chapter 340, Laws of 1981 (uncodified); amending section 78, chapter 340, Laws of 1981 (uncodified); amending section 80, chapter 340, Laws of 1981 (uncodified); amending section 81, chapter 340, Laws of 1981 (uncodified); amending section 82, chapter 340, Laws of 1981 (uncodified); amending section 84, chapter 340, Laws of 1981 (uncodified); amending section 85, chapter 340, Laws of 1981 (uncodified); amending section 86, chapter 340, Laws of 1981 (uncodified); amending section 87, chapter 340, Laws of 1981 (uncodified); amending section 92, chapter 340, Laws of 1981 (uncodified); amending section 94, chapter 340, Laws of 1981 (uncodified); amending section 99, chapter 340, Laws of 1981 (uncodified); amending section 100, chapter 340, Laws of 1981 (uncodified); amending section 105, chapter 340, Laws of 1981 (uncodified); amending section 106, chapter 340, Laws of 1981 (uncodified); amending section 107, chapter 340, Laws of 1981 (uncodified); amending section 108, chapter 340, Laws of 1981 (uncodified); amending section 109, chapter 340, Laws of 1981 (uncodified); amending section 110, chapter 340, Laws of 1981 (uncodified); amending section 111, chapter 340, Laws of 1981 (uncodified); amending section 112, chapter 340, Laws of 1981 (uncodified); amending section 113, chapter 340, Laws of 1981 (uncodified); amending section 115, chapter 340, Laws of 1981 (uncodified); amending section 116, chapter 340, Laws of 1981 (uncodified); amending section 118, chapter 340, Laws of 1981 (uncodified); amending section 119, chapter 340, Laws of 1981 (uncodified); amending section 120, chapter 340, Laws of 1981 (uncodified); amending section 121, chapter 340, Laws of 1981 (uncodified); amending section 122, chapter 340, Laws of 1981 (uncodified); amending section 123, chapter 340, Laws of 1981 (uncodified); amending section 124, chapter 340, Laws of 1981 (uncodified); amending section 127, chapter 340, Laws of 1981 (uncodified); amending section 37, chapter 67, Laws of 1981 (uncodified); amending section 2, chapter 69, Laws of 1981 (uncodified); amending section 123, chapter 136, Laws of 1981 (uncodified); amending section 42, chapter 137, Laws of 1981 (uncodified); amending section 1, chapter 159, Laws of 1981 (uncodified); amending section 1, chapter 234, Laws of 1981 and RCW 43.83H.172; amending section 16, chapter 268, Laws of 1981 (uncodified); amending section 6, chapter 317, Laws of 1981 (uncodified); amending section 7, chapter 317, Laws of 1981 (uncodified); amending section 8, chapter 317, Laws of 1981 (uncodified); amending section 11, chapter 317, Laws of 1981 (uncodified); amending section 10, chapter 330, Laws of 1981 (uncodified); adding a new section to chapter 143, Laws of 1981; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4385, by Senators Jones, Goltz, Benitz, Quigg, Hansen, Fleming and Sellar (by Governor Spellman request):

AN ACT Relating to the state trade fair fund; and amending section 2, chapter 93, Laws of 1972 ex. sess. as amended by section 8, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.832.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4386, by Senators Benitz, Hansen and Sellar:

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

Referred to Judiciary Committee.

SENATE BILL NO. 4387, by Senators Charnley, Zimmerman, Williams and Bottiger:

AN ACT Relating to revenue and taxation; adding a new title to the Revised Code of Washington; creating new sections; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4388, by Senator Talley:

AN ACT Relating to commercial salmon fishing; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4389, by Senator Talley:

AN ACT Relating to leasehold excise taxation; amending section 2, chapter 61, Laws of 1975-'76 2nd ex. sess. as amended by section 11, chapter 196, Laws of 1979 ex. sess. and RCW 82.29A.020; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4390, by Senator Talley:

AN ACT Relating to the oceanographic commission; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4391, by Senators Scott, Zimmerman and Gould (by Governor Spellman request):

AN ACT Relating to unclaimed property; enacting the Uniform Unclaimed Property Act of 1981; creating new sections; adding new sections as a new chapter in Title 63 RCW; repealing section 1, chapter 385, Laws of 1955, section 27, chapter 26, Laws of 1967 ex. sess., section 6, chapter 107, Laws of 1979 and RCW 63.28.070; repealing section 2, chapter 385, Laws of 1955, section 1, chapter 59, Laws of 1975-'76 2nd ex. sess. and RCW 63.28.080; repealing section 3, chapter 385, Laws of 1955 and RCW 63.28.090; repealing section 4, chapter 385, Laws of 1955 and RCW 63.28.100; repealing section 5, chapter 385, Laws of 1955 and RCW 63.28.110; repealing section 6, chapter 385, Laws of 1955 and RCW 63.28.120; repealing section 7, chapter 385, Laws of 1955 and RCW 63.28.130; repealing section 8, chapter 385, Laws of 1955 and RCW 63.28.140; repealing section 9, chapter 385, Laws of 1955, section 1, chapter 11, Laws of 1955 ex. sess. and RCW 63.28.150; repealing section 10, chapter 385, Laws of 1955 and RCW 63.28.160; repealing section 11, chapter 385, Laws of 1955 and RCW 63.28.170; repealing section 12, chapter 385, Laws of 1955 and RCW 63.28.180; repealing section 13, chapter 385, Laws of 1955 and RCW 63.28.190; repealing section 14, chapter 385, Laws of 1955 and RCW 63.28.200; repealing section 15, chapter 385, Laws of 1955 and RCW 63.28.210; repealing section 16, chapter 385, Laws of 1955 and RCW 63.28.220; repealing section 1, chapter 117, Laws of 1979 ex. sess. and RCW 63.28.225; repealing section 17, chapter 385, Laws of 1955 and RCW 63.28.230; repealing section 18, chapter 385, Laws of 1955 and RCW 63.28.240; repealing section 19, chapter 385, Laws of 1955 and RCW 63.28.250; repealing section 20, chapter 385, Laws of 1955 and RCW 63.28.260; repealing section 21, chapter 385, Laws of 1955 and RCW 63.28.270; repealing section 22, chapter 385, Laws of 1955 and RCW 63.28.280; repealing section 23, chapter 385, Laws of 1955 and RCW 63.28.290; repealing section 24, chapter 385, Laws of 1955 and RCW 63.28.300; repealing section 25, chapter 385, Laws of 1955 and RCW 63.28.310; repealing section 26, chapter 385, Laws of 1955 and RCW 63.28.320; repealing section 27, chapter

385, Laws of 1955 and RCW 63.28.330; repealing section 28, chapter 385, Laws of 1955 and RCW 63.28.340; repealing section 29, chapter 385, Laws of 1955 and RCW 63.28.350; repealing section 1, chapter 289, Laws of 1959, section 4, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.28.360; repealing section 32, chapter 385, Laws of 1955 and RCW 63.28.900; repealing section 31, chapter 385, Laws of 1955 and RCW 63.28.910; repealing section 30, chapter 385, Laws of 1955 and RCW 63.28.920; prescribing penalties; declaring an emergency; and making an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4392, by Senator Scott (by Governor Spellman request):

AN ACT Relating to revenue and taxation; amending section 3, chapter 130, Laws of 1975-76 2nd ex. sess. as amended by section 1, chapter 324, Laws of 1977 ex. sess. and RCW 82.04.2901; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 324, Laws of 1977 ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 79, chapter 37, Laws of 1980 and RCW 82.12.020; 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; amending section 82.32.090, chapter 15, Laws of 1961 as last amended by section 8, chapter 172, Laws of 1981 and RCW 82.32.090; amending section 2, chapter 46, Laws of 1979 ex. sess. and RCW 41.06.380; amending section 4, chapter 26, Laws of 1967 ex. sess. and RCW 82.01.070; amending section 1, chapter 7, Laws of 1981 as amended by section 7, chapter 172, Laws of 1981 and RCW 82.32.045; amending section 4, chapter 150, Laws of 1955 and RCW 14.20.040; amending section 82.48.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.030; amending section 82.48.100, chapter 15, Laws of 1961 as amended by section 28, chapter 173, Laws of 1965 ex. sess. and RCW 82.48.100; amending section 82.48.110, chapter 15, Laws of 1961 as amended by section 6, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.110; amending section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 3, chapter 144, Laws of 1981 and RCW 82.04.050; amending section 82.04.060, chapter 15, Laws of 1961 and RCW 82.04.060; amending section 82.04.190, chapter 15, Laws of 1961 as last amended by section 2, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.190; amending and reenacting section 82.04.260, chapter 15, Laws of 1961 as last amended by section 3, chapter 172, Laws of 1981 and by section 1, chapter 178, Laws of 1981 and RCW 82.04.260; amending section 82.04.460, chapter 15, Laws of 1961 as amended by section 9, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.460; amending section 82.04.470, chapter 15, Laws of 1961 as amended by section 43, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.470; amending section 82.08.080, chapter 15, Laws of 1961 as last amended by section 48, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.08.080; amending section 3, chapter 94, Laws of 1970 ex. sess. as amended by section 4, chapter 144, Laws of 1981 and RCW 82.14.020; amending section 82.16.010, chapter 15, Laws of 1961 as last amended by section 2, chapter 144, Laws of 1981 and RCW 82.16.010; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.48 RCW; providing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4393, by Senators Bluechel and Scott (by Governor Spellman request):

AN ACT Relating to revenue and taxation; amending section 2, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.020; amending section 8, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.080; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4394, by Senators Deccio, Newhouse and Hansen:

AN ACT Relating to city or town local improvement assessments; amending section 35.50.010, chapter 7, Laws of 1965 and RCW 35.50.010; amending section 35.50.150, chapter 7, Laws of 1965 and RCW 35.50.150; and adding a new section to chapter 7, Laws of 1965 and to chapter 35.50 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 4395, by Senators Metcalf and Benitz:

AN ACT Relating to state personnel.

Referred to Committee on State Government.

SENATE BILL NO. 4396, by Senators Metcalf and Benitz:

AN ACT Relating to public disclosure fees.

Referred to Committee on State Government.

SENATE BILL NO. 4397, by Senators Deccio, Benitz, Metcalf and McCaslin:

AN ACT Relating to civil service reform.

Referred to Committee on State Government.

SENATE BILL NO. 4398, by Senators Talley, Zimmerman, Fuller and Quigg:

AN ACT Relating to the Spirit Lake Memorial Highway; and amending section 132, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.655.

Referred to Committee on Transportation.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

#### MOTION

There being no objection, on motion of Senator Clarke, all measures were referred to the committees indicated on the Introduction and First Reading Calendar were ordered referred as indicated on the list on the desk of each member.

#### MOTIONS

On motion of Senator Clarke, the Committee on Social and Health Services was relieved from further consideration of Senate Bill No. 4365.

On motion of Senator Clarke, Senate Bill No. 4365 was rereferred to the Committee on Commerce.

#### POINT OF INQUIRY

Senator McDermott: "Things have been moving so fast. I would like to ask Senator Scott a question. Senator Scott, which of these bills that were introduced is the governor's budget proposal?"

Senator Scott: "4384, Senator."

Senator McDermott: "Is that printed form available now?"

Senator Scott: "Sorry. I can't answer. We had the original yesterday. Presumably if it isn't available it will be available by tomorrow morning. You and I will have access to a copy earlier than that."

Senator McDermott: "Thank you. I would like a copy as soon as possible."

#### REMARKS BY THE PRESIDENT

President Cherberg: "The Secretary advises that the measure will not be up from the printer until tomorrow morning."

#### MOTION

On motion of Senator Hayner, the following resolution was unanimously adopted:

## SENATE RESOLUTION 1981—154

By Senators Hayner, Jones, Bottiger, Fleming, Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman

WHEREAS, We, the Members of the Washington State Senate, as we assemble on this Veterans Day, are reminded of our common interest with all of the communities and people of this nation in the continued peace and freedom for our great nation; and

WHEREAS, This Veterans Day holiday reminds us of the dedication and sacrifices of the thousands upon thousands of men and women in this nation and from our own state who have served with duty and with honor in our Armed Forces; and

WHEREAS, We are reminded especially of those brave men and women who have nobly defended our Nation and who made the supreme sacrifice so that we could continue to proclaim to other nations that our faith, pride and love of freedom are the causes that give us strength and purpose; and

WHEREAS, We wish to proclaim to all of the veterans gathered today in ceremonies across this state and nation, that their service to this country is not forgotten, and that we remain ever grateful and dedicated to the well-being of those who have done so much to shape this Nation with their honor and valor;

NOW, THEREFORE, BE IT RESOLVED, That on this Veterans Day 1981; we, the Members of the Senate of the State of Washington, take a moment to pause from the duties that lay before us to reflect upon and give thanks to the veterans past and present who have given so much of themselves in their dedication to the peace and freedom that we all cherish.

## MOTION

On motion of Senator Goltz, the Senate observed a moment of silence in memory of veterans past and present.

## REMARKS BY SENATOR LYSEN

Senator Lysen: "Ladies and gentlemen of the Senate, today is another day that you may be aware of. Ninety-two years ago today Washington became a state. So it is our ninety-second birthday today. I think it is maybe the first time we have been in session on our birthday. So what kind of a present are we going to give the voters of the state on our birthday?"

## MOTION

At 1:16 p.m., on motion of Senator Clarke, the Senate adjourned until 1:00 p.m., Thursday, November 12, 1981.

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

## FOURTH DAY

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### AFTERNOON SESSION

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Senate Chamber, Olympia, Thursday, November 12, 1981.

The Senate was called to order at 1:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Charnley. There being no objection, Senator Charnley was excused.

The Color Guard, consisting of Pages Dixie Grunfelder and Jamie Briley, presented the Colors. Reverend George M. Sheldon, assisting Priest of St. John's Episcopal Church of Olympia offered the prayer.

### MOTION

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

### MESSAGES FROM THE HOUSE

November 12, 1981.

Mr. President: The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 557,

ENGROSSED HOUSE BILL NO. 757,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 766,

ENGROSSED HOUSE BILL NO. 780, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 4399, by Senator Shinpoch:

AN ACT Relating to equalization of timber taxes on public and private property.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4400, by Senators Shinpoch and Talmadge:

AN ACT Relating to equalization of preferential public utility taxes.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4401, by Senators Shinpoch, Fleming and Williams:

AN ACT Relating to equalizing preferential business and occupation taxes.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4402, by Senators Shinpoch, Hansen and Goltz:

AN ACT Relating to termination of certain retail sales tax exemptions and deferrals.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4403, by Senators Shinpoch, Moore, Charnley and

Hughes:

AN ACT Relating to an excise tax on mining and quarrying equal to the excise tax on timber.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4404, by Senators Shinpoch, Talmadge, Woody, Williams, Hansen, Wojahn, Bottiger and Fleming:

AN ACT Relating to equalization of excise taxes on recreational vehicles, aircraft, and watercraft.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4405, by Senators Shinpoch, Talmadge, Williams, Charnley, McDermott, Ridder, Wojahn, Hurley and Hughes:

AN ACT Relating to termination of pollution control tax credits.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4406, by Senator Deccio:

AN ACT Relating to social services.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4407, by Senator Deccio:

AN ACT Relating to public assistance.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4408, by Senator Deccio:

AN ACT Relating to the department of corrections.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4409, by Senator Deccio:

AN ACT Relating to medical assistance.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4410, by Senator Deccio:

AN ACT Relating to public assistance.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4411, by Senator Deccio:

AN ACT Relating to nursing homes.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4412, by Senator Deccio:

AN ACT Relating to health services.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4413, by Senator Deccio:

AN ACT Relating to corrections.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4414, by Senator Deccio:

AN ACT Relating to juveniles.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4415, by Senator Deccio:

AN ACT Relating to juvenile diagnostic services.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4416, by Senator Deccio:

AN ACT Relating to the certificate of need program.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4417, by Senator Deccio:

AN ACT Relating to authorizing the department of social and health services to establish fee schedules for certain services.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4418, by Senator Deccio:

AN ACT Relating to financial responsibility for all services and licensing activities of the department of social and health services.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4419, by Senator Deccio:

AN ACT Relating to agencies serving children, developmentally disabled persons, or expectant mothers.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4420, by Senator Scott:

AN ACT Relating to educational employment relations; and amending section 11, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.100.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4421, by Senators Gould, Bottiger and Zimmerman (by Governor Spellman request):

AN ACT Relating to revenue and taxation; amending section 4, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.030; amending section 5, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.040; amending section 36.32.120, chapter 4, Laws of 1963 as last amended by section 35, chapter 136, Laws of 1979 ex. sess. and RCW 36.32.120; amending section 1, chapter 87, Laws of 1972 ex. sess. as last amended by section 4, chapter 175, Laws of 1979 ex. sess. and RCW 82.44.150; adding a new section to chapter 82.14 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4422, by Senators Ridder, Gould, Goltz and Charnley:

AN ACT Relating to disclosure; amending section 17, chapter 1, Laws of 1973 as last amended by section 5, chapter 313, Laws of 1977 ex. sess. and RCW 42.17-.170; and amending section 20, chapter 1, Laws of 1973 and RCW 42.17.200.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4423, by Senators Moore, Peterson, Talley and Hansen:

AN ACT Relating to lease of harbor areas and first class shorelands; and amending section 2, chapter 97, Laws of 1979 ex. sess. and RCW 79.01.525.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4424, by Senators Hemstad, Benitz, Zimmerman, von Reichbauer and Goltz:

AN ACT Relating to early retirement; amending section 128, chapter 340, Laws of 1981 (uncodified); adding new sections to chapter 41.32 RCW; adding new sections to chapter 43.43 RCW; adding a new section to chapter 28B.10 RCW; adding new sections to chapter 41.40 RCW; repealing section 1, chapter 37, Laws of 1973 2nd ex. sess. and RCW 43.130.010; repealing section 2, chapter 37, Laws of 1973 2nd ex. sess. and RCW 43.130.020; repealing section 3, chapter 37, Laws of 1973 2nd ex. sess. and RCW 43.130.030; repealing section 4, chapter 37, Laws of 1973 2nd ex. sess. and RCW 43.130.040; repealing section 5, chapter 37, Laws of 1973 2nd ex. sess. and RCW 43.130.050; repealing section 6, chapter 37, Laws of 1973 2nd ex. sess. and RCW 43.130.060; repealing section 8, chapter 37, Laws of 1973 2nd ex. sess. and RCW 43.130.900; repealing section 9, chapter 37, Laws of 1973 2nd ex. sess. and RCW 43.130.910; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4425, by Senators Wojahn, Haley, Gaspard and Bottiger:

AN ACT Relating to port districts; and amending section 10, chapter 17, Laws of 1959 as last amended by section 7, chapter 51, Laws of 1965 and RCW 53.12-.120.

Referred to Committee on Local Government.

SENATE BILL NO. 4426, by Senators Haley, Goltz, Metcalf, Gould and Sellar (by Secretary of State request):

AN ACT Relating to the establishment of electoral boundaries for local, state, and congressional representative bodies; establishing a voting boundary commission system and criteria for district boundary establishment; and adding a new chapter to Title 29 RCW.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4427, by Senators Talmadge, Moore, Fleming and McDermott:

AN ACT Relating to cigarette taxes; and amending section 2, chapter 59, Laws of 1979 ex. sess. and RCW 82.24.025.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4428, by Senator Rasmussen:

AN ACT Relating to collection of property taxes; amending section 5, chapter 44, Laws of 1971 ex. sess. and RCW 84.40.380; and amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 322, Laws of 1981 and RCW 84.56.020.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4429, by Senators Kiskaddon, Bottiger, Scott and Wojahn:

AN ACT Relating to education; and amending section 1, chapter 47, Laws of 1975 and RCW 28A.58.430.

Referred to Committee on Education.

SENATE BILL NO. 4430, by Senators Talmadge and Shinpoch:

AN ACT Relating to corporate and other state filing fees.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4431, by Senators Talmadge, Shinpoch, Hughes, Moore, Talley, Gaspard and Peterson:

AN ACT Relating to a state lottery.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4432, by Senators Talmadge and Hughes:

AN ACT Relating to leasehold excise taxes for federal contractors.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4433, by Senators Moore, Peterson and Ridder:

AN ACT Relating to excise taxes on securities and commodities commissions.

Referred to Committee on Ways and Means.

SENATE JOINT MEMORIAL NO. 113, by Senators Moore, Pullen, Peterson, Ridder, McDermott, Talley, Fleming and Hughes:

Memorializing the President and Congress to pursue the modification of Federal Reserve Board monetary policies.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 135, by Senators Scott and Deccio:

Proposing Constitutional amendment having superintendent of public instruction appointed by and serving at the pleasure of the Governor.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 136, by Senators Haley, Goltz, Metcalf, Gould and Sellar (by Secretary of State request):

Authorizing an independent redistricting commission.

Referred to Committee on State Government.

SENATE CONCURRENT RESOLUTION NO. 124, by Senators Moore, Talmadge, Williams, Charnley, Bottiger, Fleming and Hughes:

Proposing a special school curriculum to warn of child abuse.

Referred to Committee on Education.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

There being no objection, on motion of Senator Clarke, there being no objection, all measures on the Introduction and First Reading Calendar were ordered referred as indicated on the list on the desk of each member.

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

#### MOTIONS

On motion of Senator Clarke, the Committee on State Government was relieved from further consideration of gubernatorial appointment 511, Hugh R. McGough.

On motion of Senator Clarke, gubernatorial appointment 511, Hugh R. McGough was rereferred to the Committee on Constitutions and Elections.

At 1:09 p.m., on motion of Senator Clarke, the Senate adjourned until 1:00 p.m., Friday, November 13, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FIFTH DAY**

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**AFTERNOON SESSION**

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Senate Chamber, Olympia, Friday, November 13, 1981.

The Senate was called to order at 1:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Charnley and McDermott. There being no objection, Senators Charnley and McDermott were excused.

**MOTION**

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

**INTRODUCTION AND FIRST READING**

**SENATE BILL NO. 4434**, by Senators McCaslin, Hansen, Craswell, Metcalf, Deccio and Guess:

AN ACT Relating to family day-care homes; amending section 2, chapter 172, Laws of 1967 as last amended by section 83, chapter 155, Laws of 1979 and RCW 74.15.020; amending section 1, chapter 50, Laws of 1980 and RCW 48.48.140; and adding new sections to chapter 74.15 RCW.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 4435**, by Senator Lee:

AN ACT Relating to revenue; amending section 43.33.010, chapter 8, Laws of 1965 and RCW 43.33.010; adding a new section to chapter 43.88 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 4436**, by Senators Hansen and Goltz:

AN ACT Relating to implied warranties; and amending section 2-316, chapter 157, Laws of 1965 ex. sess. as last amended by section 1, chapter 180, Laws of 1974 ex. sess. and RCW 62A.2-316.

Referred to Committee on Agriculture.

**SENATE BILL NO. 4437**, by Senators Hansen and Goltz:

AN ACT Relating to commission merchants; amending section 39, chapter 139, Laws of 1959 and RCW 20.01.390; amending section 43, chapter 139, Laws of 1959 as last amended by section 11, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.430; amending section 46, chapter 139, Laws of 1959 and RCW 20.01.460; and prescribing penalties.

Referred to Committee on Agriculture.

**SENATE BILL NO. 4438**, by Senator Hansen:

AN ACT Relating to commission merchants; amending section 1, chapter 139, Laws of 1959 as last amended by section 30, chapter 296, Laws of 1981 and RCW 20.01.010; and amending section 5, chapter 232, Laws of 1963 as last amended by section 6, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.210.

Referred to Committee on Agriculture.

SENATE BILL NO. 4439, by Senator Hansen:

AN ACT Relating to cattle assessments; and amending section 11, chapter 133, Laws of 1969 as amended by section 1, chapter 93, Laws of 1975 1st ex. sess. and RCW 16.67.120.

Referred to Committee on Agriculture.

SENATE BILL NO. 4440, by Senator Metcalf:

AN ACT Relating to educational employment relations; and amending section 11, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.100.

Referred to Committee on State Government.

SENATE BILL NO. 4441, by Senators Craswell and Shinpoch:

AN ACT Relating to revenue and taxation; amending section 16, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.160; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4442, by Senators Rasmussen, Conner and Gallagher:

AN ACT Relating to salmon; amending section 75.04.070, chapter 12, Laws of 1955 as amended by section 3, chapter 227, Laws of 1981 and RCW 75.04.070; amending section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 66, Laws of 1979 and RCW 75.28.300; and adding a new section to chapter 75:12 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4443, by Senators Talley and Peterson:

AN ACT Relating to fraternal organizations; amending section 1, chapter 139, Laws of 1981 and RCW 9.46.020; and amending section 2, chapter 139, Laws of 1981 and RCW 9.46.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4444, by Senator Hayner:

AN ACT Relating to juveniles; adding a new section to chapter 13.40 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4445, by Senators Goltz, Ridder, Bottiger and Wojahn:

AN ACT Relating to insurance; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.21A RCW; and adding a new section to chapter 48.44 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4446, by Senator Goltz:

AN ACT Relating to sales tax exemptions; repealing section 31, chapter 37, Laws of 1980 and RCW 82.08.0264; repealing section 32, chapter 37, Laws of 1980 and RCW 82.08.0265; repealing section 33, chapter 37, Laws of 1980 and RCW 82.08.0266; repealing section 35, chapter 37, Laws of 1980 and RCW 82.08.0268; repealing section 39, chapter 37, Laws of 1980 and RCW 82.08.0273; and repealing section 45, chapter 37, Laws of 1980 and RCW 82.08.0279.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4447, by Senators Hughes, Fleming, Ridder, Woody, Goltz and Bauer:

AN ACT Relating to parking; adding a new section to chapter 43.19 RCW; adding a new section to chapter 43.03 RCW; and adding a new section to chapter 44.04 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4448, by Senators Haley, Rasmussen, Gallagher, Bottiger, Gaspard and Wojahn:

AN ACT Relating to port commissions; amending section 10, chapter 17, Laws of 1959 as last amended by section 7, chapter 51, Laws of 1965 and RCW 53.12-.120; and amending section 11, chapter 17, Laws of 1959 as amended by section 8, chapter 51, Laws of 1965 and RCW 53.12.130.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4449, by Senator Conner:

AN ACT Relating to superior courts; and amending section 6, chapter 125, Laws of 1951 as last amended by section 1, chapter 65, Laws of 1981 and RCW 2.08.064.

Referred to Judiciary Committee.

SENATE BILL NO. 4450, by Senator Goltz:

AN ACT Relating to sales and use taxation; amending section 82.08.010, chapter 15, Laws of 1961 as last amended by section 18, chapter 149, Laws of 1967 ex. sess. and RCW 82.08.010; amending section 19, chapter 37, Laws of 1980 and RCW 82.08.0251; amending section 82.08.040, chapter 15, Laws of 1961 as amended by section 46, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.08-.040; amending section 82.08.050, chapter 15, Laws of 1961 as last amended by section 7, chapter 299, Laws of 1971 ex. sess. and RCW 82.08.050; amending section 82.12.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 1, Laws of 1975-'76 2nd ex. sess. and RCW 82.12.010; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 79, chapter 37, Laws of 1980 and RCW 82.12.020; amending section 82.12.040, chapter 15, Laws of 1961 as last amended by section 11, chapter 299, Laws of 1971 ex. sess. and RCW 82.12.040; 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. 4451, by Senators Quigg, Conner and McCaslin:

AN ACT Relating to revenue and taxation; amending section 82.02.020, chapter 15, Laws of 1961 as last amended by section 3, chapter 196, Laws of 1979 ex. sess. and RCW 82.02.020; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4452, by Senator Metcalf:

AN ACT Relating to state fisheries.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4453, By Senator Craswell:

AN ACT Relating to the taxation of inventories.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4454, by Senator Metcalf:

AN ACT Relating to adoption.

Referred to Judiciary Committee.

SENATE BILL NO. 4455, by Senator Talley:

AN ACT Relating to branch banking.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4456, by Senator Talley:

AN ACT Relating to volcanic dredge spoil site acquisition.

Referred to Committee on Natural Resources.

## SENATE BILL NO. 4457, by Senator Hurley:

AN ACT Relating to the community college system; abolishing community college districts and transferring their property to the respective regional universities to carry on an education program therein; abolishing the state board for community college education; abolishing individual boards of trustees for the community college districts; creating new sections; repealing section 28B.50.010, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.010; repealing section 28B.50.020, chapter 223, Laws of 1969 ex. sess., section 17, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.020; repealing section 28B.50.030, chapter 223, Laws of 1969 ex. sess., section 18, chapter 261, Laws of 1969 ex. sess., section 12, chapter 62, Laws of 1973 and RCW 28B.50.030; repealing section 28B.50.040, chapter 223, Laws of 1969 ex. sess., section 7, chapter 46, Laws of 1973 1st ex. sess., section 1, chapter 72, Laws of 1981 and RCW 28B.50.040; repealing sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, chapter 72, Laws of 1981 (uncodified); repealing section 28B.50.050, chapter 223, Laws of 1969 ex. sess., section 19, chapter 261, Laws of 1969 ex. sess., section 13, chapter 62, Laws of 1973, section 74, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.50.050; repealing section 28B.50.060, chapter 223, Laws of 1969 ex. sess., section 20, chapter 261, Laws of 1969 ex. sess., section 14, chapter 62, Laws of 1973, section 8, chapter 46, Laws of 1973 1st ex. sess., section 75, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.50.060; repealing section 28B.50.070, chapter 223, Laws of 1969 ex. sess., section 15, chapter 62, Laws of 1973, section 26, chapter 75, Laws of 1977 and RCW 28B.50.070; repealing section 28B.50.080, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.080; repealing section 4, chapter 246, Laws of 1981 and RCW 28B.50.085; repealing section 28B.50.090, chapter 223, Laws of 1969 ex. sess., section 21, chapter 261, Laws of 1969 ex. sess., section 16, chapter 62, Laws of 1973, section 4, chapter 282, Laws of 1977 ex. sess., section 20, chapter 151, Laws of 1979, section 2, chapter 246, Laws of 1981 and RCW 28B.50.090; repealing section 1, chapter 105, Laws of 1973, section 1, chapter 131, Laws of 1977 ex. sess. and RCW 28B.50.092; repealing section 2, chapter 105, Laws of 1973 and RCW 28B.50.093; repealing section 3, chapter 105, Laws of 1973 and RCW 28B.50.094; repealing section 1, chapter 129, Laws of 1973 and RCW 28B.50.095; repealing section 28B.50.100, chapter 223, Laws of 1969 ex. sess., section 22, chapter 261, Laws of 1969 ex. sess., section 17, chapter 62, Laws of 1973, section 2, chapter 282, Laws of 1977 ex. sess., section 1, chapter 103, Laws of 1979 ex. sess. and RCW 28B.50.100; repealing section 3, chapter 282, Laws of 1977 ex. sess. and RCW 28B.50.101; repealing section 28B.50.130, chapter 223, Laws of 1969 ex. sess., section 18, chapter 62, Laws of 1973, section 27, chapter 75, Laws of 1977 and RCW 28B.50.130; repealing section 6, chapter 14, Laws of 1979, section 11, chapter 226, Laws of 1979 ex. sess., section 3, chapter 246, Laws of 1981 and RCW 28B.50.140; repealing section 1, chapter 331, Laws of 1977 ex. sess. and RCW 28B.50.142; repealing section 2, chapter 331, Laws of 1977 ex. sess., section 21, chapter 151, Laws of 1979 and RCW 28B.50.143; repealing section 51, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.145; repealing section 28B.50.150, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.150; repealing section 28B.50.250, chapter 223, Laws of 1969 ex. sess., section 25, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.250; repealing section 28B.50.300, chapter 223, Laws of 1969 ex. sess., section 73, chapter 81, Laws of 1971, section 6, chapter 282, Laws of 1977 ex. sess. and RCW 28B.50.300; repealing section 28B.50.320, chapter 223, Laws of 1969 ex. sess., section 5, chapter 238, Laws of 1969 ex. sess., section 4, chapter 59, Laws of 1970 ex. sess., section 17, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.320; repealing section 28B.50.330, chapter 223, Laws of 1969 ex. sess., section 2, chapter 12, Laws of 1979 ex. sess. and RCW 28B.50.330; repealing section 18, chapter 15, Laws of 1970 ex. sess., section 18, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.340; repealing section 28B.50.350, chapter 223, Laws of

1969 ex. sess., section 106, chapter 232, Laws of 1969 ex. sess., section 27, chapter 261, Laws of 1969 ex. sess., section 19, chapter 15, Laws of 1970 ex. sess., section 32, chapter 56, Laws of 1970 ex. sess., section 2, chapter 59, Laws of 1970 ex. sess., section 2, chapter 8, Laws of 1971, section 19, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.350; repealing section 20, chapter 15, Laws of 1970 ex. sess., section 20, chapter 279, Laws of 1971 ex. sess., section 4, chapter 112, Laws of 1974 ex. sess. and RCW 28B.50.360; repealing section 28B.50.370, chapter 223, Laws of 1969 ex. sess., section 8, chapter 238, Laws of 1969 ex. sess., section 21, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.370; repealing section 28B.50.380, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.380; repealing section 28B.50.390, chapter 223, Laws of 1969 ex. sess., section 107, chapter 232, Laws of 1969 ex. sess., section 33, chapter 56, Laws of 1970 ex. sess. and RCW 28B.50.390; repealing section 28B.50.400, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.400; repealing section 1, chapter 223, Laws of 1977 ex. sess. and RCW 28B.50.401; repealing section 2, chapter 223, Laws of 1977 ex. sess. and RCW 28B.50.402; repealing section 1, chapter 112, Laws of 1974 ex. sess. and RCW 28B.50.403; repealing section 2, chapter 112, Laws of 1974 ex. sess. and RCW 28B.50.404; repealing section 3, chapter 112, Laws of 1974 ex. sess. and RCW 28B.50.405; repealing section 5, chapter 112, Laws of 1974 ex. sess. and RCW 28B.50.406; repealing section 6, chapter 112, Laws of 1974 ex. sess. and RCW 28B.50.407; repealing section 7, chapter 112, Laws of 1974 ex. sess. and RCW 28B.50.409; repealing section 28B.50.440, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.440; repealing section 28B.50.520, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.520; repealing section 28B.50.530, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.530; repealing section 30, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.535; repealing section 7, chapter 283, Laws of 1969 ex. sess., section 22, chapter 62, Laws of 1973, section 148, chapter 275, Laws of 1975 1st ex. sess., section 2, chapter 173, Laws of 1977 ex. sess., section 3, chapter 182, Laws of 1980 and RCW 28B.50.551; repealing section 28B.50.600, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.600; repealing section 28B.50.610, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.610; repealing section 28B.50.640, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.640; repealing section 28B.50.660, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.660; repealing section 28B.50.740, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.740; repealing section 32, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.850; repealing section 33, chapter 283, Laws of 1969 ex. sess., section 3, chapter 5, Laws of 1970 ex. sess., section 1, chapter 33, Laws of 1974 ex. sess., section 1, chapter 112, Laws of 1975 1st ex. sess. and RCW 28B.50.851; repealing section 34, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.852; repealing section 35, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.855; repealing section 36, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.856; repealing section 37, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.857; repealing section 38, chapter 283, Laws of 1969 ex. sess., section 7, chapter 282, Laws of 1977 ex. sess. and RCW 28B.50.860; repealing section 39, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.861; repealing section 40, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.862; repealing section 41, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.863; repealing section 42, chapter 283, Laws of 1969 ex. sess., section 24, chapter 62, Laws of 1973 and RCW 28B.50.864; repealing section 43, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.867; repealing section 44, chapter 283, Laws of 1969 ex. sess., section 4, chapter 5, Laws of 1970 ex. sess. and RCW 28B.50.868; repealing section 45, chapter 283, Laws of 1969 ex. sess., section 2, chapter 33, Laws of 1974 ex. sess. and RCW 28B.50.869; repealing section 1, chapter 282, Laws of 1977 ex. sess. and RCW 28B.50.870; repealing section 35, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.875; repealing section 28B.50.910, chapter 223, Laws of 1969 ex. sess.

and RCW 28B.50.910; repealing section 1, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.010; repealing section 2, chapter 196, Laws of 1971 ex. sess., section 1, chapter 205, Laws of 1973 1st ex. sess., section 12, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.020; repealing section 3, chapter 196, Laws of 1971 ex. sess., section 2, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.030; repealing section 4, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.035; repealing section 4, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.050; repealing section 5, chapter 196, Laws of 1971 ex. sess., section 3, chapter 205, Laws of 1973 1st ex. sess., section 13, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.060; repealing section 6, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.070; repealing section 7, chapter 196, Laws of 1971 ex. sess., section 5, chapter 205, Laws of 1973 1st ex. sess., section 14, chapter 296, Laws of 1975 1st ex. sess., and RCW 28B.52.080; repealing section 8, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.090; repealing section 9, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.100; repealing section 6, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.200; repealing section 28B.60.010, chapter 223, Laws of 1969 ex. sess. and RCW 28B.60.010; repealing section 28B.60.020, chapter 223, Laws of 1969 ex. sess. and RCW 28B.60.020; repealing section 28B.60.030, chapter 223, Laws of 1969 ex. sess. and RCW 28B.60.030; repealing section 28B.60.040, chapter 223, Laws of 1969 ex. sess. and RCW 28B.60.040; repealing section 28B.60.050, chapter 223, Laws of 1969 ex. sess. and RCW 28B.60.050; repealing section 28B.60.055, chapter 223, Laws of 1969 ex. sess. and RCW 28B.60.055; repealing section 28B.60.060, chapter 223, Laws of 1969 ex. sess. and RCW 28B.60.060; repealing section 28B.60.070, chapter 223, Laws of 1969 ex. sess. and RCW 28B.60.070; repealing section 28B.60.080, chapter 223, Laws of 1969 ex. sess. and RCW 28B.60.080; repealing section 28B.60.090, chapter 223, Laws of 1969 ex. sess. and RCW 28B.60.090; repealing section 28B.60.100, chapter 223, Laws of 1969 ex. sess. and RCW 28B.60.100; repealing section 28B.60.110, chapter 223, Laws of 1969 ex. sess. and RCW 28B.60.110; repealing section 28B.60.120, chapter 223, Laws of 1969 ex. sess. and RCW 28B.60.120; repealing section 8, chapter 257, Laws of 1981 and RCW 28B.15.502; and repealing section 29, chapter 261, Laws of 1969 ex. sess., section 8, chapter 59, Laws of 1970 ex. sess., section 12, chapter 279, Laws of 1971 ex. sess., section 2, chapter 191, Laws of 1973 1st ex. sess., section 1, chapter 148, Laws of 1979 ex. sess. and RCW 28B.15.520.

Referred to Committee on Higher Education.

SENATE BILL NO. 4458, by Senators Guess, Hayner, Jones, Scott, Bluechel, Haley, Craswell, Zimmerman, Deccio and Quigg (by Executive request):

AN ACT Relating to oil and gas taxation; amending section 82.04.100, chapter 15, Laws of 1961 as amended by section 2, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.100; adding a new chapter to Title 82 RCW; and prescribing penalties.

Referred to Committee on Ways and Means.

SENATE JOINT MEMORIAL NO. 114, by Senator Moore:

Requesting Congressional appropriations for salmon enhancement activities.

Referred to Committee on Natural Resources.

SENATE JOINT RESOLUTION NO. 137, by Senator Metcalf:

Authorizing use of associated student body program funds for scholarship or charitable purposes.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 138, by Senators Metcalf, Fuller and McCaslin:

Repealing the property tax and authorizing a flat income tax.

Referred to Committee on Ways and Means.

**SENATE CONCURRENT RESOLUTION NO. 125, by Senator Moore:**

Requesting the department of fisheries to develop a program of financial support for salmon enhancement activities.

Referred to Committee on Natural Resources.

**SENATE CONCURRENT RESOLUTION NO. 126, by Senators Quigg, Talley, Hemstad, Zimmerman and Gallagher:**

Establishing a select committee on Mt. St. Helens disaster relief.

**MOTION**

On motion of Senator Clarke, the rules were suspended, Senate Concurrent Resolution No. 126 was advanced to second reading and held.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

**FIRST READING OF HOUSE BILLS**

**SECOND SUBSTITUTE HOUSE BILL NO. 557, by Committee on Human Services (originally sponsored by Representatives Mitchell, Sommers, Nisbet, Becker, Chandler, Dickie, Padden, Kreidler, Bickham, Vander Stoep, Patrick, Williams, Hankins, Owen, Fancher, Scott, Brekke, Stratton, Nickell, Rosbach, G. A. Nelson, Valle, Chamberlain, Lundquist, Eberle, Martinis, Granlund, Isaacson, McCormick, Van Dyken, Hastings, Johnson, Heck, Amen, Gruger, Tilly, Bond, Struthers, James, Addison, Houchen, Clayton, Winsley, Barr and Ellis):**

Prohibiting transfer of assets for the purpose of qualifying for medical assistance benefits.

Referred to Committee on Social and Health Services.

**ENGROSSED HOUSE BILL NO. 757, by Committee on Human Services and Representative Mitchell (by Department of Social and Health Services request):**

Modifying provisions of the certificate of need program.

Referred to Committee on Social and Health Services.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 766, by Committee on Revenue (originally sponsored by Committee on Revenue and Representatives Ellis and Greengo) (by Governor Spellman request):**

Amending uniform disposition of unclaimed property act.

Referred to Committee on Ways and Means.

**ENGROSSED HOUSE BILL NO. 780, by Committee on Labor and Economic Development and Representative Sanders (by Governor Spellman request):**

Modifying provisions relating to the state trade fair fund.

Referred to Committee on Commerce and Labor.

**MOTION**

There being no objection, on motion of Senator Clarke, all measures were referred to the committee indicated on the Introduction and First Reading Calendar as indicated on the list on the desk of each member.

**MOTION**

At 1:02 p.m., on motion of Senator Clarke, the Senate adjourned until 2:00 p.m., Sunday, November 15, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SEVENTH DAY

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### AFTERNOON SESSION

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Senate Chamber, Olympia, Sunday, November 15, 1981.

The Senate was called to order at 2:00 p.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 Gail McClary and Doug Vaughn, presented the Colors. Reverend James Blundell, pastor of St. John's Episcopal Church of Olympia offered the prayer.

### MOTION

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

### MESSAGES FROM THE HOUSE

November 13, 1981.

Mr. President: The House has passed: SUBSTITUTE HOUSE BILL NO. 760, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

November 13, 1981.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 485,  
SUBSTITUTE HOUSE BILL NO. 774, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

At 2:10 p.m., on motion of Senator Clarke, the Senate recessed until 4:25 p.m.

### SECOND AFTERNOON SESSION

The President called the Senate to order at 4:25 p.m.

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

### REPORT OF STANDING COMMITTEE

SENATE BILL NO. 4374, relating to the budget (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4374 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Pullen, Zimmerman.

### MOTION

Senator Clarke moved the rules be suspended and Senate Bill No. 4374 be placed on the second reading calendar and read the second time in full.

## PARLIAMENTARY INQUIRY

Senator Fleming: "Just for my information, I am not too sure, I don't recall. Was this bill substituted when it passed out of the Ways and Means Committee or was it sent out as an amended bill? I didn't recall that move."

## REPLY BY THE PRESIDENT

President Cherberg: "If the bill gets to second reading, it will be substituted at that time, Senator."

There being no objection, the motion by Senator Clarke carried. Senate Bill No. 4374 was placed on second reading.

## POINT OF INQUIRY

Senator McDermott: "Mr. President, I would like to ask Senator Scott a question about this substitute bill because the one that passed out of committee is not the one which is now on our desks. Mr. President, now that Senator Scott is on the floor — Senator Scott, we are looking at a sixth draft of the bill. The bill that we dealt with in committee was the fourth draft, and on page 21 there should be some language here relating to the Insurance Commissioner, limitations on consumer protection. The bill that passed out of committee limited his ability to deal with consumer protection items, and I see that language has been deleted but I remember distinctly that on a vote in the committee it was retained. So I wonder where that language is."

Senator Scott: "You and I remember similarly, Senator. The staff remembered differently, and so I am going to put up an amendment that should be on your desk any minute to confirm the committee's decision. The body would have to confirm it in any event. I recognize that was a communications gap and appreciate your bringing it forward. I think that is a good form way that we can address the problem."

## MOTIONS

On motion of Senator Clarke, there being no objection, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, Rule 51 was suspended in its entirety to consider Senate Bill No. 4374 and Substitute Senate Bill No. 4374.

## REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President and ladies and gentlemen of the Senate, we find ourselves on the cutting edge of a crisis. The crisis is clear. The state simply does not have the money necessary to pay its bills, and we are going to have to face reality. I don't believe there are very many people in this body nor in this state who believe that a 10.1 percent cut across the board is reality. The Republicans have worked very hard to come up with a bill that was realistic and still took care of the problems of the people of this state. You have not been a part of that by your own choice. We asked that many of you come to a meeting at which the staff and the Ways and Means Committee would explain all of the changes that were being made and the justifications therefore and you declined. We then asked leadership if they would meet with us to look at what the problems were and they declined. We then asked you to make some amendments, constructive amendments, in the Ways and Means Committee, to the bill. And you had only four amendments. We now are suggesting that this bill be considered as any other bill so that you may have the opportunity to join the process and that you may be recorded on every vote, and that you may take the responsibility as well.

"Today we want to stop the rhetoric and we want to go forward to serve the people of this state. We have a proposal before us, and when you vote to increase this budget, it is your responsibility also to vote for the taxes to make that possible. When you vote for the revisions, I think you have to look very carefully at what you are doing to the services to the people of this state, but you also have to be very aware of what we are doing to the taxpayers, the plight of the overburdened taxpayer, especially in this day and age when the economy is slumping and we know that these people are having a very difficult time making ends meet."

#### POINT OF ORDER

Senator Rasmussen: "Mr. President, the Senator has indicated that we are going to increase the budget. We are going to vote on various things, and I was just wondering what amendment that she would happen to be talking about. I don't know that we have any of them yet presented to the body."

#### RULING BY THE PRESIDENT

President Cherberg: "Senator, your point is well taken in that respect. The President felt that Senator Hayner perhaps was giving a . . ."

Senator Hayner: "Mr. President, I am just urging the Democrats to join us in this process and to make a good investment in the future of this state."

President Cherberg: "That is what the President thought, Senator."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I feel the necessity of a reply to Senator Hayner. It is true that there were some, within the last couple of days, some invitations to attend some meetings. It is also true that those were originally proposed to be held behind closed doors and we had some objection to that and recommended that they be held in the open. You finally agreed to that just, I believe, last Friday, to hold the meetings in the open where you then presented us with draft four for our staff to prepare amendments to. Now let's be practical.

"The problem that we have and we may have reached a point where we are starting to talk about this and starting to attempt to find the middle ground. It is too bad it didn't occur back around September 1 and that we have waited until now. We have had several suggestions that were offered as a solution to the problem we are in. One is that you start this bill in the House along with a tax revenue bill to go with it. Now there is a reason for that, a very clear reason, a very practical political reason. We are making a mistake here. We are going to send a bill over to the House which will be rewritten and sent back to us with a tax package which we then can take or leave.

"Now the people on this side of the aisle have quite a bit of experience down here and we understand the ping pong, and we are suggesting and I am suggesting again that it isn't going to work this way, because when you add these amendments you have no assurance whatsoever, and everyone here knows it, that that amendment will be in the final version. However, if the bill came from the House first and we wrote the last series of amendments and the House passed the tax package, then if you raised the level of spending or cut the amount of cuts, you would have with it the responsibility to raise the additional taxes. But you have decided to split the issue and you have created a box for yourselves and us that there is no out. You are having difficulty because some of the amendments that might produce a tax vote from me, I don't have any assurance they will be in there. And that is the predicament that we see you are in.

"Now we do welcome the fact that you are not going to use the committee of the whole. That was one suggestion that we made that is being taken. We will run

the amendments out here today. It is too bad and I wish again that we had had the time and had the first draft or the fourth draft in time to prepare the amendments. We have had staff working sixteen, seventeen hours a day since last Tuesday trying to get our amendments in the right page, the right line, and making sure that the figures match when they cross reference to page 23 from page 51.

"Now we are starting and it is good and we are going to sit here this evening — I don't understand why we are doing it on Sunday unless everybody expects the press to go home — but we will do it and we will cooperate and we will have constructive suggestions, hopefully not increasing the amount to a substantial degree of the revenue to be raised."

### SECOND READING

SENATE BILL NO. 4374, by Senator Scott:  
Relating to the budget.

### MOTION

Senator Scott moved that Substitute Senate Bill No. 4374 be substituted for Senate Bill No. 4374 and the substitute bill be placed on second reading and read the second time in full.

### REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, I only want to state publicly that the process we are doing here violates previous Senate procedure. When a bill passes out of committee and votes have been taken, it should contain everything that was in the committee. And this bill was changed, whether by accident or by design is unclear, but we are accepting your statement that we will put that at some later point and I hope that it is clear to everybody that this bill was changed between the time we worked on it on Friday and the time it got to the floor on Sunday."

### REMARKS BY SENATOR SCOTT

Senator Scott: "Senator McDermott, I made it clear that it was changed by accident and not by design. I can't state more than that. Also that this body will have the opportunity to clear up the technical amendment that was overlooked."

The motion by Senator Scott carried.

Senator Gaspard moved adoption of the following amendment by Senators Moore, Williams and Wojahn:

On page 4, following line 27, add a new section to read as follows:

"**NEW SECTION.** Sec. 1. Unless specifically approved by two-thirds of the membership of the Legislative Budget Committee, no funds appropriated herein shall be expended for any remodeling, refurbishing, air conditioning, expansion, or relocation of any office facility, office building, office space, department or division or department director's headquarters unless the obligation for the expenditure was fully and legally incurred before the effective date of this act."

Renumber the remaining sections consecutively.

### POINT OF INQUIRY

Senator Pullen: "Would this amendment prevent remodeling, for example, for safety reasons? In other words, suppose the State Fire Marshal were to require some remodeling, say to provide for a fire escape in certain buildings. Would this prohibit remodeling for those particular reasons?"

Senator Gaspard: "I don't think it would at all, Senator. There is a safeguard here that it has to go before the Legislative Budget Committee if any expenditure is in doubt, whether it is legally or obligated to do so. So if there is any question we still have the Legislative Budget Committee to make that approval."

The motion by Senator Gaspard carried and the amendment was adopted.

Senator Gaspard moved adoption of the following amendment by Senators Gaspard, Bauer, Moore, Wojahn and Vognild:

On page 4, following line 27, insert a new section to read as follows:

"NEW SECTION. Sec. 1. Notwithstanding any other provision of law, no funds appropriated herein shall be expended for compensation or employee benefits for the position of deputy director unless such position existed in law prior to January 1, 1981."

Renumber the remaining sections consecutively.

‡

#### POINT OF INQUIRY

Senator Scott: "Senator, does this affect any deputy director or are you aiming at a single department, and if it does, how do we accommodate a situation like DSHS has been through for the last six months in which over 200 administrators have gone out the door? It obviously affects different departments differently, and what if this were to be adopted, would it keep a given department from not filling a deputy director's position but simply putting the same duties under a person with a different title?"

Senator Gaspard: "To answer that, Senator Scott, I would say that this amendment applies to all government agencies in the state, and to say how it affects each department, I should say that it affects them equally. But as to a director trying to get out of the policy that we are setting here, I think that they understand that we are setting legislative intent and they have the management skills and capability to handle the situation, and if they can't, then I don't know why they are the director of their department."

Debate ensued.

#### POINT OF INQUIRY

Senator Hemstad: "Senator Fleming, I believe at the last session of the Legislature we created the new Department of Corrections. On the assumption there is a deputy director in that department, will it not follow that that person will have to be terminated?"

Senator Fleming: "It says if it was not — repeat that again?"

Senator Hemstad: "Does it not follow under the amendment that we are now considering that any deputy director in the Department of Corrections will have to be terminated?"

Senator Fleming: "Not necessarily so, because, one, you did have a complete department before and I am sure it is very conceivable you probably had more deputy directors in that entire department over there than you will have in the new Corrections versus the other, so that does not necessarily say that he would be limited as to what he could do. Secondly, this is the middle of November and we are proceeding on down the line, and I would suggest to you, Senator, if something is that detrimental to what that individual is putting together over there, that that could not be brought to our attention two months later, then I would suggest that he is doing something wrong anyway."

Further debate ensued.

## REMARKS BY THE PRESIDENT

President Cherberg: "The President wishes to remind the members of Rule 28 which will be enforced."

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

On motion of Senator Pullen, the following amendment to the amendment by Senators Gaspard, Bauer, Moore, Wojahn and Vognild was adopted:

On line 2, after "law," and before "no" insert: "except for the Department of Corrections,".

Senator Craswell moved adoption of the following amendment to the amendment by Senators Gaspard, Bauer, Moore, Wojahn and Vognild:

Following "1981." strike the period and insert "except in the case of the departments of corrections and social and health services in which the date shall be July 1, 1981."

Debate ensued.

Senator Shinpoch 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 Craswell to the amendment by Senators Gaspard, Bauer, Moore, Wojahn and Vognild.

## ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 9; nays, 40.

Voting yea: Senators Craswell, Guess, Haley, Hemstad, McCaslin, Metcalf, Scott, Sellar, Zimmerman—9.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—40.

The President declared the question before the Senate to be the roll call, as requested by Senator Shinpoch and sustained earlier today, on the amendment by Senators Gaspard, Bauer, Moore, Wojahn and Vognild as amended by Senator Pullen.

## ROLL CALL

The Secretary called the roll and the amendment, as amended, was adopted by the following vote: Yeas, 37; nays, 12.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Craswell, Deccio, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Hughes, Hurley, Kiskaddon, Lee, Lysen, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—37.

Voting nay: Senators Benitz, Bluechel, Clarke, Fuller, Gould, Haley, Hemstad, Jones, McCaslin, Metcalf, Scott, Sellar—12.

Senator Hemstad moved adoption of the following amendment by Senators Hemstad, Gould and Pullen:

On page 10, beginning on line 20, strike all material down to and including "date:" on line 25.

## POINT OF INQUIRY

Senator Bottiger: "Senator Hemstad, when I heard the action of the Ways and Means Committee in setting the level at twenty-five thousand, I thought it was too low too. I was worrying about recruitment and things within areas where we are now actually competing with the private sector. And I had hoped that they had set it at thirty or thirty-five thousand which is really in the policy-making decision and that is not the competition that I was concerned about. My question is, would you consider an amendment instead of striking this, instead going to a higher figure as a compromise position?"

Senator Hemstad: "I myself would not support that. I think the same issue applies across the board. Persons with skills have options and will have incentives to leave state employment to go elsewhere, and for those kinds of reasons as well as simply the broad issue of treating everyone similarly, that would not be desirable in my opinion."

## PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, we have a striking amendment to the language of the bill and I was wondering if the proper procedure for me to make an oral amendment, raising twenty-five thousand where it appears in two places to thirty-five thousand, how I would do this in the process we are in where we are now considering a striking amendment."

## REPLY BY THE PRESIDENT

President Cherberg: "Such an amendment should have been presented prior to this but the President doesn't believe it would necessarily preclude your offering such an amendment."

Senator Bottiger: "At this point, Mr. President?"

President Cherberg: "Yes."

There being no objection, the amendment by Senators Hemstad and Gould will be considered at a later time.

Senator Bottiger moved adoption of the following amendment:

On page 10, lines 21, 23 and 24, strike "\$25,000" and insert "\$35,000."

Debate ensued.

## POINT OF INQUIRY

Senator Jones: "I wonder if Senator Bottiger or whoever dreams up this amendment for you could answer my question. What is the dollar difference between twenty-five thousand and thirty-five thousand in terms of total state dollars? If you want to respond, pick up the mike. It is not really very funny. We are talking about millions. You used to get very worried about millions. Can you respond? Do you understand the question first? I am sorry if I didn't make it crystal clear."

Senator McDermott: "I understood syntactically what you were up to. Friday in the committee we made a proposal to more equitably distribute the money that the Governor put in the budget. What happened was that we rejected the spreading through the lower employees . . ."

Senator Jones: "I asked you a question and I would like the answer, not paraphrasing."

Senator McDermott: "The amount saved under the thirty-five thousand dollar proposal, as nearly as we could tell from the LEAP run, is approximately two to three million dollars. The Republican majority reduced it to twenty-five thousand without knowing a single thing about what they were doing. They had no figures, no

run. So you really ought to ask somebody on your side how it ever got to twenty-five. If you can give me the figure twenty-five, I can subtract it from three."

Senator Jones: "Senator, knowing that it was going lower didn't bother me so much, but when you are spending more it tends to bother me, and it was my understanding that those figures were not all that firm coming off the LEAP run. I really don't think we know what this amounts to."

Further debate ensued.

#### REMARKS BY SENATOR SCOTT

Senator Scott: "By way of information, Mr. President, the saving in the amendment as proposed at the twenty-five thousand dollars is four and one-half million, and since that amendment was proposed subsequent to the thirty-five thousand dollar limitation, there was no idea at that time what the effect of the amendment was either, Senator McDermott, but the effect is four and one-half million."

Further debate ensued.

The motion by Senator Bottiger carried and the amendment was adopted on a rising vote.

The Senate resumed consideration of the following amendment by Senators Hemstad, Gould and Pullen:

On page 10, beginning on line 20, strike all material down to and including "date:" on line 25.

The motion by Senator Hemstad failed and the amendment was not adopted on a rising vote.

Senator Hemstad moved adoption of the following amendment by Senators Hemstad and Gould:

On page 9, beginning on line 14, strike all of section 13 and insert the following:

"Sec. 13. Section 14, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State	\$ ((+166,929,000))
	<u>137,236,000</u>
General Fund Appropriation—Federal	\$ ((27,117,000))
	<u>24,211,000</u>
Special Fund Salary and Insurance Contribution	
Increase Revolving Fund Appropriation	\$ ((54,499,000))
	<u>48,687,000</u>
Total Appropriation	\$ ((248,545,000))
	<u>210,134,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$((2,500,000)) 2,247,000 is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

(2) (a) A maximum of \$((+159,621,000)) 129,349,000 of general fund moneys (including \$((21,955,000)) 19,049,000 in federal funds) may be expended to implement salary increases, effective October 1, 1981, averaging 7.5% for higher education classified employees and 7.2% for commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the

state or higher education personnel board); and effective ((~~October~~) February 1, ((1982)) 1983, a salary increase averaging 7.0% for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board): PROVIDED, That the October 1, 1981, salary increase for higher education classified employees and state personnel board classified and exempt employees shall implement the salary ranges adopted by the higher education and state personnel boards resulting from the 1980 salary survey (catch-up results): PROVIDED, That increases granted in this subsection for higher education faculty and administrative exempt employees are inclusive of increments: PROVIDED FURTHER, That exclusive of merit pool and Washington state university (143) increase funds no higher education institution or community college district may grant from any fund source whatsoever any salary increases greater than that provided in this subsection.

(b) A maximum of \$((~~31,925,000~~)) 29,851,000 of general fund moneys (including \$5,162,000 in federal funds) may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$((~~24,413,000~~)) 22,339,000 of this amount (including \$3,947,000 in federal funds) may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of \$7,512,000 of this amount (including \$1,215,000 in federal funds) may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee.

(c) A maximum of \$((~~44,967,000~~)) 39,155,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect salary increases for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board) calculated in accordance with the procedures outlined in subsection (2)(a) of this section.

(d) A maximum of \$9,532,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$7,289,000 of this amount may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of \$2,243,000 of this amount may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee.

(e) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

(f) Notwithstanding any other provision of this subsection (2), Walla Walla community college may fund additional actual increments or their equivalents in salaries for each year of the biennium to equalize salaries to the state-wide average salaries as reflected by the average base salary of the annually contracted professional personnel of the Washington community colleges."

#### POINT OF ORDER

Senator Goltz: "It is my understanding that the motion that passed, the amended language in lines 20 through 25, that is, raising the amount from twenty-five to thirty-five would perhaps be struck. We have a second strike on that language with the motion now before us. Is that correct?"

#### RULING BY THE PRESIDENT

President Cherberg: "The amendment proposed by Senator Bottiger was adopted, was a perfecting amendment. The amendment proposed by Senator Hemstad is in order in the sense that an amendment to perfect is permitted first and then the body can decide for itself what they want to do."

Senator Goltz moved adoption of the following amendment to the amendment by Senators Hemstad and Gould:

On page 2, line 18 after the colon, insert:

"PROVIDED, That no raise effective February 1, 1983, shall increase any annual salary above \$35,000 in which case the recipient shall receive only that portion of the raise which would increase the salary to no more than \$35,000; PROVIDED FURTHER, That no employee making \$35,000 or more per year on February 1, 1983, shall be eligible for the raise effective on that date:"

#### POINT OF ORDER

Senator Hayner: "Is that motion in order since we voted on an exact motion at the same time?"

#### RULING BY THE PRESIDENT

President Cherberg: "Yes, Senator, it is an amendment to the amendment. The oral amendment proposed by Senator Goltz is in order."

#### POINT OF ORDER

Senator Newhouse: "I would suggest that he is proposing an amendment to an amendment to an amendment."

#### RULING BY THE PRESIDENT

President Cherberg: "The oral amendment is an amendment to the Hemstad amendment."

Senator Goltz moved adoption of the following amendment to the amendment by Senators Hemstad and Gould:

On page 2 of the amendment, insert the amendment by Senator Bottiger changing from \$25,000 to \$35,000 which will be adding the material following "board):" and before the proviso.

#### PARLIAMENTARY INQUIRY

Senator Clarke: "A point of parliamentary inquiry. I don't know if this is the proper time to raise it, but I suggest that Senator Hemstad proposed a striking

amendment and that was delayed until Senator Bottiger's perfecting amendment could then be considered. The striking amendment was then put and defeated and, in effect, we have now a perfecting amendment which relates to the same portion that the same people proposed as a striking amendment, and therefore the perfecting amendment at this time is out of order."

#### REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "May I speak to Senator Clarke's statement? I believe that we held over not to strike the amendment but the amending amendment. Yes, we did, and I expect if you research the records you will find that what we held over was this amendment while it was perfected. It was added to, as I recall."

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Goltz's amendment is an amendment to the amendment proposed by Senator Hemstad which means it is an amendment to the amendment."

Debate ensued.

On motion of Senator Bottiger, the amendment by Senators Hemstad and Gould and the amendment to the amendment by Senator Goltz will be considered after five additional amendments are considered.

On motion of Senator Hemstad, the following amendment was adopted on a rising vote with the President voting aye:

On page 14, line 18 strike "4,679,000" and insert "4,930,000"

On motion of Senator Zimmerman, the following amendment was adopted:

On page 14, line 20, strike "4,716,000" and insert "4,967,000"

On motion of Senator Zimmerman, the following amendments were considered and adopted simultaneously:

On page 14, line 34, strike "4,927,000" and insert "5,265,000"

On page 15, line 1, strike "7,500,000" and insert "7,838,000"

On page 15, line 23 after "positions" strike all material down to and including "legislature." on line 28 and insert:

"(4) The total of all billings submitted to state agencies shall reflect a 10.1% reduction from the original budget preparation estimates submitted to the Ways and Means Committee of the Senate and House of Representatives in the 1981 regular session of the legislature. Such reduction shall be offset by an amount not to exceed \$338,000 which reflects the impact of salary and insurance costs not provided to the Auditing Services Revolving Fund in the original budget."

Senator Bottiger moved adoption of the following amendment by Senators Bottiger and Bauer:

On page 16, line 19, strike "3,866,000" and insert "3,209,000" and on line 23, after "following" strike "condition or limitation:" and insert "((condition or limitation:)) conditions or limitations: no funds shall be expended for purposes of chapter 335, Laws of 1981; nor the purchase or lease of data processing;"

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Would Senator Scott tell me when he signed the contract for the computer?"

Senator Scott: "I can't answer that, Senator, but I would gather it is for the training of individuals to operate the computer. The computer is in storage. It is prior to, well prior to today's date and prior to last week's date when this budget was put together."

Senator Bottiger: "Was it prior to, say, September 1 when we knew we were in financial problems?"

Senator Scott: "Senator, I get where you are going but I think that we can hardly expect every department of state government to go around and anticipate what we might like to take out of them in a budget reduction process. I would also point out that the Attorney General — first, that we made every one of the state officials toe the line on 10.1 percent. That includes the courts, you will see. They are down considerably. Mr. Eikenberry is the only one that has gone more than the 10.1 percent. I can't give you a more specific answer to the question because there is none, Senator."

Senator Bottiger: "Perhaps, Senator, you could ask one of your staff to find out the date. I am curious as to whether it was before the four percent or the ten percent."

Senator Scott: "I will be happy to."

#### POINT OF INQUIRY

Senator Talmadge: "Senator, is it your contention that the Attorney General's office has not implemented the process of engaging in the prosecution of criminals, has not implemented . . ."

Senator Scott: "I don't even know how you can reach the question, Senator. What I said was that Senate Bill 3640, which is the criminal prosecution unit that was the subject of considerable controversy out here on the floor, was not funded. It has nothing to do with the activities of the rest of the AG's office."

Senator Talmadge: "That really doesn't, I guess it really doesn't get to my question. My question was . . ."

Senator Scott: "The answer is no."

Senator Talmadge: "Mr. President and members of the Senate, I know for a fact that Mr. Eikenberry has in fact hired an investigator very recently and has hired an attorney to begin the process of working in that division. It kind of astounds me to hear Senator Scott say that this Senate bill was not implemented. It has been implemented in fact."

Senator Scott: "If he has in fact done that, my only point is that it cannot be from money that would be directly applied for the creation of a criminal prosecution unit because the bill passed but it was not funded. If it is being done, it is from elsewhere in his budget."

The motion by Senator Bottiger carried and the amendment was adopted.

Senator Shinpoch moved adoption of the following amendment by Senators Shinpoch and Lysen:

On page 17, following line 22, add a new subsection to read as follows: "(6) As a portion of the expenditure reductions contained herein, the office of financial management shall direct all agencies, departments and divisions of the executive branch and all independent advisory and regulatory boards, commissions and agencies to reduce by thirty percent their expenditures for travel and lodging: PROVIDED, That the reductions shall be ordered only with respect to moneys unexpended as of the effective date of this act and: PROVIDED FURTHER, That this reduction shall not apply to any institution in which travel or lodging expenditures are otherwise reduced according to the provision of this act."

Debate ensued.

#### POINT OF INQUIRY

Senator Wilson: "Senator Shinpoch, does this amendment apply to institutions of higher learning? I see agencies, departments and so on, and the executive branch, independent advisory and regulatory boards and commissions and so on. It would

appear to me, however, that independent institutions of higher learning are not included within the scope of your amendment. Could you enlighten us on that?"

Senator Shinpoch: "You are correct, Senator Wilson. The institutions of higher education are not intended, at least, to be included within this. The last proviso is to assure that — there was an amendment that was being talked about on higher education. It was to insure that if that did occur, that this could not be interpreted to be a double whammy."

Further debate ensued.

#### POINT OF INQUIRY

Senator Scott: "If the expenditures at Washington State are 78 percent federally paid, then how do you get a reduction from that budget equal to what you are asking of the other agencies? You can't get 30 and 78 and bring them down by a like amount."

Senator Shinpoch: "Senator Scott, the amendment doesn't say that you are going to cut all expenditures by 30 percent. It says it applies to the general fund of the state. We have no control over the federal. We don't appropriate that."

Senator Scott: "My point is, Senator, that if 78 percent of their budget is excluded, then there is no way we can take as much out of Washington State University's hide as we do out of the Court of Appeals."

#### PARLIAMENTARY INQUIRY

Senator Bauer: "I have an amendment coming up later that deals only with higher ed, and it calls for a 30 percent cut. Would the President advise me, should I discuss that question here now or wait for my amendment?"

#### REPLY BY THE PRESIDENT

President Cherberg: "The President believes, under the circumstances, that your amendment should wait until its turn."

Further debate ensued.

Senator Shinpoch moved adoption of the following amendment to the amendment by Senators Shinpoch and Lysen:

On line 7, following "expenditures" insert "from state general fund sources"

#### POINT OF INQUIRY

Senator Benitz: "Senator Shinpoch, if I remember correctly, some of those commission moneys and others were taken by this Legislature and placed in the general fund on a kind of a borrowed schedule. I think you must be aware of that. I can't quote offhand, but I wish you would elaborate on that so we are sure we are not running into trouble here."

Senator Shinpoch: "To answer your question, not while I chaired the Appropriations Committee we didn't do that. Now what you people in your innovative financing last year may have done, I can't speak to that. It certainly never happened while I was chairing the Appropriations Committee."

The motion by Senator Shinpoch carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be the amendment by Senators Shinpoch and Lysen as amended by Senator Shinpoch.

Senator Bluechel 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 Senators Shinpoch and Lysen as amended by Senator Shinpoch.

## ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Charnley, Conner, Craswell, Fleming, Gaspard, Hansen, Hurley, Lysen, McCaslin, McDermott, Metcalf, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn—23.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Woody, Zimmerman—26.

On motion of Senator Zimmerman, the following amendment was adopted:  
On page 19, line 3 strike "39,494,000" and insert "39,170,000"

## MOTION

At 6:26 p.m., on motion of Senator Clarke, the Senate recessed until 8:45 p.m.

## EVENING SESSION

The President called the Senate to order at 8:45 p.m.

The Senate resumed consideration of Substitute Senate Bill No. 4374, as amended.

Senator Scott moved adoption of the following amendment:

On page 21, after line 27, insert the following: "The appropriation in this section is subject to the following condition or limitation: Not more than \$1,818,000 may be expended for the consumer protection program."

Debate ensued.

The motion by Senator Scott failed and the amendment was not adopted.

Senator Wilson moved adoption of the following amendment by Senators Wilson, Bauer, Hughes, Wojahn, Talmadge and Vognild:

On page 27, line 32, after "act." strike all the language down to and including "implementation." and insert "~~((Within the specific limitations in this act, the department of social and health services may modify allotments after the initial three months of the biennium with the approval of the office of financial management in consultation with the committees on ways and means of the senate and house of representatives. PROVIDED, That such allotment modifications may include transfers within programs only in sections 48, 49, 50, and 51 of this act to the extent that the director of financial management, after a ten-day prior notification to the committees on ways and means of the senate and house of representatives, shall attest to the critical nature of the modification.))~~"

Debate ensued.

Senator Wilson 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 Senators Wilson, Bauer, Hughes, Wojahn, Talmadge and Vognild:

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee,

McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—26.

### MOTION

At 9:05 p.m., Senator Vognild moved the Senate adjourn until 9:00 a.m., Monday, November 16, 1981.

Senator Jones 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 Vognild that the Senate adjourn until 9:00 a.m., Monday, November 16, 1981.

### ROLL CALL

The Secretary called the roll and the motion failed the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

### PERSONAL PRIVILEGE

Senator Vognild: "We went through this type of process last year. It landed several staff people, I am told, and at least one and I understand more Senators in the hospital. Because of that, I had asked for a rule change. It was not considered. You have boxed me in. If I leave this floor right now, as every instinct in me tells me to do, then I leave the 38th District without representation and I don't think that is quite right so I won't. If I stay on this floor, then I jeopardize my own health and help some of the rest of you jeopardize your health and certainly your staff's health. So now what do I do? Well, I guess what I do is I stay here. I help you to develop what probably will turn out to be another piece of poor legislation, the same as we did last time at three and four o'clock in the morning. I was just told a little while ago that we are not going to work all night. If we are not going to work all night, we are not going to finish this document, and if we are not going to finish this document, then what are we doing here on the floor Sunday night at nine o'clock? I don't understand. I personally do not like it and I think it is a big mistake."

Senator Hurley moved adoption of the following amendment by Senators Hurley and Hughes:

On page 29, following line 6, insert:

"(5) The department of social and health services shall provide no funding for medical care services where the purpose of such services is to obtain an abortion, induced miscarriage, or induced premature birth, except where such procedure is necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live, viable child and such procedure is necessary for the health of the mother or her unborn child."

Senator Haley moved the amendment by Senators Hurley and Hughes be laid upon the table.

Debate ensued.

Senator Hurley 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 Haley that the amendment by Senators Hurley and Hughes be laid upon the table.

### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 20; nays, 28; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Charnley, Clarke, Fuller, Gallagher, Gould, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Scott, Sellar, Williams, Wilson, Wojahn, Zimmerman—20.

Voting nay: Senators Bauer, Bottiger, Craswell, Deccio, Fleming, Gaspard, Goltz, Guess, Hughes, Hurley, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Woody—28.

Absent or not voting: Senator Conner—1.

The motion by Senator Hurley failed and the amendment was not adopted on a rising vote.

### MOTION

Senator Rasmussen moved that Substitute Senate Bill No. 4374 be rereferred to the Committee on Ways and Means.

Debate ensued.

Senator Shinpoch 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 Rasmussen that Substitute Senate Bill No. 4374 be rereferred to the Committee on Ways and Means.

### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Conner—1.

The Senate resumed consideration from earlier today the following amendment by Senators Hemstad and Gould:

On page 9, beginning on line 14, strike all of section 13 and insert the following:

"Sec. 13. Section 14, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE GOVERNOR—SPECIAL APPROPRIATIONS	
General Fund Appropriation—State	\$ ((166,929,000))
	137,236,000
General Fund Appropriation—Federal	\$ ((27,117,000))
	24,211,000
Special Fund Salary and Insurance Contribution	
Increase Revolving Fund Appropriation	\$ ((54,499,000))
	48,687,000
Total Appropriation	\$ ((248,545,000))

210,134,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$~~((2,500,000))~~ 2,247,000 is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

(2) (a) A maximum of \$~~((159,621,000))~~ 129,349,000 of general fund moneys (including \$~~((21,955,000))~~ 19,049,000 in federal funds) may be expended to implement salary increases, effective October 1, 1981, averaging 7.5% for higher education classified employees and 7.2% for commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board); and effective ~~((October))~~ February 1, ((1982)) 1983, a salary increase averaging 7.0% for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board): PROVIDED, That the October 1, 1981, salary increase for higher education classified employees and state personnel board classified and exempt employees shall implement the salary ranges adopted by the higher education and state personnel boards resulting from the 1980 salary survey (catch-up results): PROVIDED, That increases granted in this subsection for higher education faculty and administrative exempt employees are inclusive of increments: PROVIDED FURTHER, That exclusive of merit pool and Washington state university (143) increase funds no higher education institution or community college district may grant from any fund source whatsoever any salary increases greater than that provided in this subsection.

(b) A maximum of \$~~((31,925,000))~~ 29,851,000 of general fund moneys (including \$5,162,000 in federal funds) may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$~~((24,413,000))~~ 22,339,000 of this amount (including \$3,947,000 in federal funds) may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of \$7,512,000 of this amount (including \$1,215,000 in federal funds) may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee.

(c) A maximum of \$~~((44,967,000))~~ 39,155,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect salary increases for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board) calculated in accordance with the procedures outlined in subsection (2)(a) of this section.

(d) A maximum of \$9,532,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$7,289,000 of this amount may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of \$2,243,000 of this amount may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee.

(e) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

(f) Notwithstanding any other provision of this subsection (2), Walla Walla community college may fund additional actual increments or their equivalents in salaries for each year of the biennium to equalize salaries to the state-wide average salaries as reflected by the average base salary of the annually contracted professional personnel of the Washington community colleges."

Senator Goltz had moved adoption of the following amendment to the amendment by Senators Hemstad and Gould:

On page 2, line 18 after ":" insert: "PROVIDED, That no raise effective February 1, 1983, shall increase any annual salary above \$35,000 in which case the recipient shall receive only that portion of the raise which would increase the salary to no more than \$35,000; PROVIDED FURTHER, That no employee making \$35,000 or more per year on February 1, 1983, shall be eligible for the raise effective on that date."

The motion by Senator Goltz carried and the amendment to the amendment by Senators Hemstad and Gould was adopted.

The President declared the question before the Senate to be the amendment by Senators Hemstad and Gould as amended by Senator Goltz.

Debate ensued.

#### POINT OF INQUIRY

Senator Fleming: "Senator Gallagher, could you tell us, are you voting for or against the amendment? You never did say."

Senator Gallagher: "If this costs us more money, I will vote against it."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Did I hear you say that you objected to balancing the budget on the back of the public employees?"

Senator Hemstad: "That is correct, Senator Rasmussen."

Senator Rasmussen: "You are against this amendment then?"

Senator Hemstad: "I can explain it once more. This amendment is for the benefit of state employees, not to their detriment. The bill in front of you will defer their salary increases for six months. My amendment will reduce that to a four month deferral. If you want to support or maintain the best we can the salary levels for state employees or the increase that will be coming, you will vote for the amendment."

Further debate ensued.

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

## POINT OF INQUIRY

Senator Fleming: "Senator Hemstad, I can appreciate where you are coming from versus what is in the budget now, but I can also appreciate what Senator Rasmussen, where he was coming from. And I think both of you are trying to go in the same direction, so to try to bring you gentlemen together, would you support an oral amendment to move that date to October 1? Line 9, page 2."

Senator Hemstad: "We have now gone well beyond that point and I am not going to support an oral amendment to do that."

Senator Fleming: "What do you mean we have gone beyond that point? If you will support me, I can ask the body to support an oral amendment and if they go along with it, we are right in step."

Senator Fleming moved adoption of the following amendment to the amendment by Senators Hemstad and Gould:

On page 2, line 9 of the amendment, reinsert the stricken material.

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

Debate ensued.

## POINT OF ORDER

Senator Hemstad: "I believe you had called the vote and we had an oral vote on it, at which point I demanded a roll call vote. Isn't that in the middle of the voting which would make out of order any further floor amendments at this point?"

## RULING BY THE PRESIDENT

President Cherberg: "Senator Hemstad, your request for the roll call was sustained but that does not necessarily cut off debate."

Further debate ensued.

## RULING BY THE PRESIDENT

President Cherberg: "The proposed oral amendment is in order. The question is the adoption of the oral amendment."

The President declared the question before the Senate to be the roll call on the amendment by Senator Fleming to the amendment by Senators Hemstad and Gould.

## ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 26; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Absent or not voting: Senator Conner—1.

## MOTION

On motion of Senator Ridder, Senator Conner was excused.

The President declared the question before the Senate to be the roll call, as requested by Senator Hemstad and sustained earlier, on the amendment by Senators Hemstad and Gould as amended by Senator Goltz.

## ROLL CALL

The Secretary called the roll and the amendment, as amended, was adopted by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bauer, Charnley, Fleming, Fuller, Gaspard, Goltz, Gould, Hansen, Hemstad, Hughes, Kiskaddon, Lysen, McDermott, Moore, Peterson, Pullen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—26.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Gallagher, Guess, Haley, Hayner, Hurley, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Rasmussen, Scott, Sellar, Zimmerman—22.

Excused: Senator Conner—1.

Senator Moore moved adoption of the following amendment by Senators Moore, Lysen and Vognild:

On page 29, after line 6, insert "(5) No funds shall be expended for any regional office for the Department of Social and Health Services."

On motion of Senator Moore, the following amendment to the amendment by Senators Moore, Lysen and Vognild was adopted:

After "Services," strike the comma and insert "after December 31, 1982."

Debate ensued.

Senator Moore was permitted to make a technical correction to the amendment to the amendment by changing "1982" to "1981"

Further debate ensued.

The motion by Senator Moore carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be the amendment by Senators Moore, Lysen and Vognild as amended by Senator Moore:

Debate ensued.

The motion by Senator Moore failed and the amendment, as amended, was not adopted.

## PERSONAL PRIVILEGE

Senator Goltz: "I have observed during the passage of the last three amendments that the number of amendments that have arrived at the desk is now exceeding the number that we are passing, and I think under that arrangement we have become a full-time legislature."

## NOTICE OF PROPOSED RULE CHANGE RENEWED

Senator Bottiger: "Mr. President, I have also been keeping count of the sponsors and I want to assure everybody it is bipartisan and I would like to now give notice of renewing my proposed rule change of a forty-eight hour notice to propose any amendment."

The Senate resumed consideration of Substitute Senate Bill No. 4374.

Senator Talmadge moved the following amendments by Senators Talmadge and Fleming be considered and adopted simultaneously:

On page 29, line 15, delete "43,419,000" and insert "45,342,000"

On page 29, line 18, after "(a) \$" strike "~~((+8,321,000))~~ 15,038,000" and insert "18,321,000"

On page 29, line 21, after "PROVIDED, That \$" delete "~~((+8,000,000))~~ 334,000" and insert "1,000,000"

On page 29, line 26, after "(c) \$" delete "~~((23,290,000))~~ 21,777,000" and insert "23,290,000"

On page 29, line 27, after the ".", add new subsections to read as follows:

"(d) \$726,615 is provided for Progress House."

(e) \$136,006 is provided for Port Angeles Work/Release expansion.

(f) \$62,792 is provided for enhancement programs, recreational and vocational courses at Geiger Field.

(g) \$118,120 is provided for medical and dental programs at Geiger Field.

(h) \$34,300 is provided for equipment purchases and inmate wages at Geiger Field."

On page 29, line 30, delete "144,934,000" and insert "148,296,000"

On page 30, line 23, before "for" delete "20,000,000" and insert "23,100,000"

On page 30, line 25, after ";" delete "and".

On page 30, line 27, after the ".", add new subsections to read as follows:

"(ix) Such funds as may be necessary for planning, design, and preliminary location studies for two five-hundred bed penitentiaries; and: PROVIDED, That no funds appropriated under this subsection shall be used to purchase tobacco for inmates of state correctional facilities: PROVIDED FURTHER, That the appropriation for gate money for inmates released from correctional facilities shall be reduced by \$86,030.

(c) The savings in funds in subsection (2) above shall be used for costs associated with McNeil Island Penitentiary."

On page 30, line 30, delete "18,044,000" and insert "19,911,000"

On page 30, line 33, after "\$" delete "18,569,000" and insert "20,436,000"

On page 31, line 17, after "representatives" and before the period, insert "PROVIDED, That \$2,114,000 of the appropriation for program support \$2,922,000 is transferred from the community services appropriation to fund such population overruns: PROVIDED, FURTHER, That the department's contact with the Office of the Attorney General shall be reduced by \$207,438. \$124,726 of such reduction shall be taken from contracts for extra legal costs and parole revocation hearings, \$5,000 of such reduction shall be taken from the appropriation for travel, \$25,952 is from the appropriation for the Law Clerk I position and \$51,760 from the appropriation for the Tort claims investigator"

On page 31, line 18, after "(d) \$", delete "((1,200,000)) 1,079,000" and insert "1,200,000".

On page 31, line 20, after ".", insert a new subsection to read as follows: "(e) Funding for the Institutional Impact Account Appropriation shall be appropriated contingent upon the passage of HB \_\_\_\_\_."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendments by Senators Talmadge and Fleming.

## ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 20; nays, 28; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wojahn, Woody—20.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Wilson, Zimmerman—28.

Excused: Senator Conner—1.

Senator Woody moved the following amendments by Senator Woody, Gould, Wojahn, Kiskaddon, Gaspard and Vognild be considered and adopted simultaneously:

On page 29, line 21, after "~~(1,000,000)~~" strike "334,000" and insert "1,000,000"

On page 29, line 22, after "Snohomish", delete "and Pierce counties"

On page 29, line 24, after "programs" and before the period, insert "in Snohomish, Pierce and Clarke counties"

On page 29, line 24, after the period, insert "Such funds shall be distributed to the counties in a timely manner."

On motion of Senator Woody, the following amendment to the amendment to page 29, line 21 was adopted:

Strike "1,000,000" and insert "999,000"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendments by Senators Woody, Gould, Wojahn, Kiskaddon, Gaspard and Vognild as amended by Senator Woody.

### ROLL CALL

The Secretary called the roll and the amendments, as amended, were adopted by the following vote: Yeas, 26; nays, 22; absent or not voting, 1.

Voting yea: Senators Bottiger, Charnley, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Kiskaddon, Lysen, McDermott, Metcalf, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wojahn, Woody—26.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hurley, Jones, Lee, McCaslin, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Wilson, Zimmerman—22.

Excused: Senator Conner—1.

Senator Gallagher moved adoption of the following amendment by Senators Gallagher, Haley and Craswell:

On page 29, line 24 after "programs," and before the period insert "PROVIDED FURTHER, That \$375,000 of this appropriation is provided solely for the continuation of 50 work/training release beds at the Progress House Association of Tacoma"

Debate ensued.

The motion by Senator Gallagher carried and the amendment was adopted.

### MOTION

On motion of Senator Clarke, the Senate returned to the fifth order of business.

### INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 485, by Committee on Revenue (originally sponsored by Committee on Revenue and Representatives Chandler, Isaacson, Sommers, Grengo, Rinehart, Burns, Rust and Nelson (D)):

Terminating pollution control exemptions and credits.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 760, by Committee on Appropriations – Human Services (originally sponsored by Committee on Appropriations – Human Services and Representative Mitchell) (by Department of Social and Health Services request):

Modifying provisions relating to nursing homes.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 774, by Committee on Institutions (originally sponsored by Representatives Sommers, Owen, Williams, Nisbet, Monohon, McCormick, Amen, Brown, Fiske, Grimm, Heck, Hine, Houchen, J. King, Leonard, Prince, Scott, Struthers and Walk):

Modifying jail space requirements.

Referred to Committee on Social and Health Services.

MOTION

At 11:15 p.m., on motion of Senator Clarke, the Senate adjourned until 2:30 p.m., Monday, November 16, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## EIGHTH DAY

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### AFTERNOON SESSION

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Senate Chamber, Olympia, Monday, November 16, 1981.

The Senate was called to order at 2:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Conner. On motion of Senator Ridder, Senator Conner was excused.

The Color Guard, consisting of Pages Scott Lugar and Pam Wolfe, presented the Colors. Reverend Robert Keller, pastor of Lutheran Church of The Good Shepherd of Olympia offered the prayer.

### MOTION

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

### INTRODUCTION OF GUESTS

The President announced the presence in the gallery of guests of Senator Don Talley.

The President announced the presence in the gallery of Karen Marchioro, guest of Senator Al Williams.

### REPORT OF STANDING COMMITTEE

November 16, 1981.

ENGROSSED HOUSE BILL NO. 757, modifying provisions of the certificate of need program (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, Metcalf, Ridder.

Passed to Committee on Rules for second reading.

### POINT OF INQUIRY

Senator Bottiger: "Senator Clarke, on both sides of the aisle I am sure there are Seahawks tickets and dinner engagements, and I have an offer to buy my tickets and I would like to know whether to accept or not so could you give us some idea of today's schedule? I only had to discount two dollars when they found out it was television."

Senator Clarke: "The present intention is to endeavor to finish the second reading of the bill that is presently before us, the budget bill, and we will recess as close as possible to six p.m. for dinner and come back about seven fifteen and continue working on the bill, hopefully to finish second reading."

### SECOND READING

SUBSTITUTE SENATE BILL NO. 4374, by Committee on Ways and Means (originally sponsored by Senator Scott):

1981-83 appropriations modified.

The Senate resumed consideration of Substitute Senate Bill No. 4374, as amended. On November 15, 1981, the Senate commenced consideration of Senate Bill No. 4374.

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

On page 30, line 25 after the semi-colon strike "and" and insert "~~(and)~~".

On page 30, line 27 after "center" strike the period and insert "; and

(ix) Tobacco products shall not be provided to inmates who have not earned such products."

### PARLIAMENTARY INQUIRY

Senator McDermott: "Mr. President, we dealt last night with a large amendment on corrections in which we dealt with the question of tobacco products, that they not be given free to prisoners. Now we are dealing with only a part of that larger amendment last night, and I would like your parliamentary ruling on whether or not that is an appropriate way to deal with these issues."

### REPLY BY THE PRESIDENT

President Cherberg: "Senator McDermott, in replying to your question, Reed's Rule 143, motion to strike on page 87 covers the situation. The President believes that the two amendments are in order."

Debate ensued.

### POINT OF INQUIRY

Senator Fleming: "Senator, just glancing at this and not putting it in the right perspective in the bill, it appears that you are indicating here that one could not even receive cigarettes from outside that would be given or brought to them by relatives or whatever it is, the way that is read, or tobacco companies or whatever, you know, and I am just wondering, is that your intent?"

Senator Metcalf: "Thank you very much, Senator Fleming. I am glad that you noticed that. I didn't think of that and in order to get it into the record, we are referring to tobacco products that have been paid for by the state. If they are sent as gifts or whatever, I would see that this would not restrict it."

### POINT OF INQUIRY

Senator Talley: "Senator Metcalf, you and I have seen lots of people try to stop smoking and it seems to be very rough. Would you be amenable to an amendment that says they would be cut down ten percent a month?"

Senator Metcalf: "Would you repeat your question?"

Senator Talley: "Cut down the amount of tobacco they get by ten percent a month."

Senator Metcalf: "I am a nonsmoker and that sounds real good to me, but I would hesitate to impose that on the Department. I think this kind of thing I would like to leave in the hands of the Department."

### POINT OF INQUIRY

Senator Wilson: "Setting aside the question of pride of authorship, would you not feel that — is it possible that the wording in Senator Hurley's amendment which follows is clearer and eliminates the necessity to try to rely on legislative intent?"

Senator Metcalf: "This was discussed. The discussion that I heard of this was that, and I told Senator Hurley that I would support her amendment, but I heard

some discussion as far as flexibility to the Department that as incentive the earning is better wording than the other one which specifically says that no general fund moneys can be expended. Now that was the discussion that I heard and that is why I had my amendments prepared in this way. I have no pride of authorship."

Senator Wilson: "I just suspect, Senator, that a combination of your wording and Senator Hurley's would probably do the best job in this area."

### MOTIONS

On motion of Senator Fleming, further consideration of the amendments proposed by Senator Metcalf was ordered held following consideration of the next two amendments.

On motion of Senator Fleming, an amendment by Senator Hurley to page 30, line 27 was ordered held.

Senator Talmadge moved the following amendments by Senators Talmadge and Fleming be considered and adopted simultaneously:

On page 32, line 14, strike "19,010,000" and insert "20,310,000"

On page 32, line 17, strike "19,067,000" and insert "20,367,000"

Debate ensued.

The motion by Senator Talmadge failed and the amendments were not adopted on a rising vote.

Senator McDermott moved adoption of the following amendment:

On page 34, line 10, strike "53,186,000" and insert "54,186,000" and on line 15, strike "68,929,000" and insert "69,929,000"

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 McDermott.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Wilson, Zimmerman—27.

Excused: Senator Conner—1.

Senator Talmadge moved adoption of the following amendment:

On page 34, line 22, delete the colon and insert a period. Thereafter delete everything down to and include "1983," on line 31 and insert:

"These beds are to be phased in according to the following schedule: 45 beds available July 1, 1982; and an additional 45 beds available January 1, 1983."

Debate ensued.

Senator Bottiger 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 Talmadge.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognilid, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senator Conner—1.

### MOTION

On motion of Senator McDermott, there being no objection, an amendment by Senators McDermott, Charnley, Wojahn, Talmadge, Vognilid, Ridder and Fleming on page 35, line 13, on the desk of the Secretary of the Senate, was withdrawn.

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

On page 39, line 16, after the colon insert "(1)"

On page 39, after line 18, insert the following subsection:

"(2) If House Bill 760 is not enacted during the 1981 Second Extraordinary Session of the legislature, \$1,039,000 (including \$519,000 from the state general fund) shall be added to this appropriation to retain twenty-four hour registered nurse coverage as required by nursing homes and to continue funding for nursing assistant certification as necessary."

Debate ensued.

The motion by Senator Kiskaddon failed and the amendments were not adopted.

Senator McDermott moved the following amendments by Senators McDermott and Fleming be considered and adopted simultaneously:

On page 39, line 24, strike "299,620,000" and insert "308,343,000" and on line 26, strike "310,115,000" and insert "319,330,000" and on line 28, strike "609,735,000" and insert "627,673,000"

Debate ensued.

### POINT OF INQUIRY

Senator Gould: "This is just really a matter of clarification of the amendment, Senator. I don't understand the vendor increase burial part of the amendment. Would you explain that?"

Senator McDermott: "In going through the budget, one of the things that struck us was the fact that we gave increases to all vendors. We gave eleven plus percent increase to doctors; we gave increases to everybody including funeral directors at the same time that we were not only not going to give an increase in income maintenance, we were going to drop them down. It seems fair to me to not give a vendor rate increase to funeral directors at the time that you were not even giving anything to people who needed to eat to stay alive, so we reduced the vendor increase to funeral directors. We did not give them the second year increase."

Senator Gould: "If I may, Mr. President, follow on that, I understand that the budget document we have in front of us does decrease all vendor rates proportionally, and I wonder if the Senator would be willing to separate the issue so that when we deal with vendor rates we are dealing with them equitably in all areas?"

Senator McDermott: "If I could get your vote, I would do almost anything. I don't know a simple way. I will have to talk to staff, but if you would like I will set the amendment down and split it out for you."

## MOTION

On motion of Senator McDermott, further consideration of the amendments by Senators McDermott and Fleming was ordered held following consideration of the next two amendments.

The Senate resumed consideration of the following amendments by Senator Metcalf moved for adoption earlier today:

On page 30, line 25 after the semi-colon strike "and" and insert "~~(and)~~".

On page 30, line 27 after "center" strike the period and insert "; and  
(ix) Tobacco products shall not be provided to inmates who have not earned such products."

Debate ensued.

## POINT OF INQUIRY

Senator Fleming: "I didn't quite understand you. Did you indicate that the new Secretary plans to put in operation a rule that says that he will no longer furnish free cigarettes or cigarettes that are earned to the worker inmates in our adult corrections?"

Senator Deccio: "It is my understanding, Senator Fleming, that he intends to adopt the policy where those who work or pay for tobacco will be able to get it on that basis but there will be no further free tobacco made available. That is my understanding."

Senator Fleming: "Okay, I guess the question I would have — okay."

## POINT OF INQUIRY

Senator Goltz: "You used the word 'earned' in the amendment and to earn something could mean that they could receive them as a reward for having been on good behavior, for example, or they could earn them by working and receiving, as it were, small amounts of wages for their work and pay for them from that source. Does the word 'earn' here have more than the one meaning, to earn money?"

Senator Metcalf: "In answer to your question, Senator, the word does have more than the meaning of just specifically money. It could be privileges or incentive but it has to be definitely earned. No more free."

Further debate ensued.

## POINT OF INQUIRY

Senator McDermott: "I have trouble understanding what you have really accomplished by this. Do you think you have saved money for the state, or precisely what it is. It says 'tobacco products shall not be provided to inmates who have not earned such products.' Does that mean the state can't sell tobacco to inmates who have money from other sources, or do they — how do you earn the products? I mean, do they pay you and tax the cigarettes? I am unclear as to what you are trying to do here. It was much clearer in Senator Hurley's amendment where we just said we are not going to buy cigarettes and hand them out. I could understand that, but the earning question confuses me."

Senator Metcalf: "Senator McDermott, I thought that Senator Bottiger went through it and explained it very well. They can buy cigarettes. The cigarettes will no longer — here is what it means. It means that cigarettes will no longer be distributed just totally free in the institutions. They will have to be earned, they will have to pay cash for them or they could, I suppose, be earned as incentives or reward for particular work that they do, but no longer provided free cigarettes. That is the bottom line."

Senator McDermott: "What this says is it shall not be provided to an inmate who has not earned, so that means if somebody just sits in their cell but has money, they have not earned them so they won't have any smokes. They have got to go out and work and earn money in order to have earned them. Unless you tell me it says other than this, I am going to vote against this amendment. I don't think the state — I mean, we need the cigarette money, lord knows. That is the best tax we have, but I don't think the state ought to be providing free, but this language says that if somebody has the money they can't buy them, and I think that is not what you intend and I think for that reason we ought to vote the amendment down."

#### REMARKS BY SENATOR HEMSTAD

Senator Hemstad: "In response to Senator McDermott, I think his reading of the wording is simply too literal. It is clear from the questions and answers on the floor here as to what the purpose and intent of the Metcalf amendment is, so when the term 'provided' is used, it would mean provided by the Department as part of their program. An inmate who has resources of his own surely could still be able to buy cigarettes. So this is in the context of the Department's program that they cannot be given away freely to the inmates. They have to be given to the inmates only in the context of having earned them as part of the program."

#### POINT OF INQUIRY

Senator Wojahn: "Senator Metcalf, I would like to suggest that perhaps this could be reworded to make it a little more clear by stating that, adding the word 'free' after 'provided' and strike the words 'who have not earned such products' so it would read: 'tobacco products shall not be provided free to inmates.'"

Senator Metcalf: "Senator, that is the way I had it written originally and submitted, if you remember, and then I submitted the corrected copy because there was objection to that. I personally think that this wording is satisfactory. I think it will do what we want and I just don't think it is worth as much time as we are taking on it."

The motion by Senator Metcalf carried and the amendments were adopted on a rising vote.

There being no objection, on motion of Senator Hurley, an amendment by Senator Hurley to page 30, line 27 was withdrawn.

#### MOTION

On motion of Senator McDermott, there being no objection, the amendments by Senators McDermott and Fleming to page 39, lines 24, 26 and 28 considered earlier today, were withdrawn.

Senator McDermott moved the following amendments by Senators McDermott, Kiskaddon and Fleming be considered and adopted simultaneously:

On page 39, line 24 strike "299,620,000" and insert "308,220,000"

On page 39, line 26 strike "310,115,000" and insert "319,215,000"

On page 39, line 28 strike "609,735,000" and insert "627,435,000"

Debate ensued.

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 amendments by Senators McDermott, Kiskaddon and Fleming.

#### ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 24; nays, 24; excused, 1. The President voted "aye".

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Gould, Hemstad, Hughes, Kiskaddon, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hansen, Hayner, Hurley, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—24.

Excused: Senator Conner—1.

Senator Shipoch moved adoption of the following amendment by Senators Shipoch, Hughes, McDermott, Charnley, Wojahn and Fleming:

On page 39, line 24, strike "299,620,000" and insert: "301,799,000" and on page 40, line 12 strike "45,282,000" and insert: "47,471,000" and on line 15, after "program" insert: "of which \$2,189,000 shall be provided for unemployed pregnant women during the first two trimesters of pregnancy"

Debate ensued.

### RULING BY THE PRESIDENT

President Cherberg: "The President would like to call the attention of each member of Rule 28, 'When any Senator is about to speak in debate or submit any matter to the Senate, he/she shall rise from his/her seat and standing in place respectfully address himself/herself to Mr. President and when recognized shall in a courteous manner confine himself/herself to the question under debate, avoiding personalities, and when finished shall resume his or her seat.' The President would hope that the members of the Senate will follow the rules that you adopted."

Further debate ensued.

Senator Talmadge 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 Shipoch, Hughes, McDermott, Charnley, Wojahn and Fleming.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody, Zimmerman—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Vognild, von Reichbauer—27.

Excused: Senator Conner—1.

There being no objection, on motion of Senator McDermott, the amendments by Senators McDermott, Charnley and Fleming to page 41, lines 31 and 33; page 42, line 1, on the desk of the Secretary of the Senate, were withdrawn.

Senator Ridder moved adoption of the following amendment by Senators Ridder, Fleming, Shipoch, McDermott, Goltz, Talley, Bauer, Lysen, Moore, Williams, Charnley, Wojahn, Gaspard and Talmadge:

On page 41, line 31 strike "130,735,000" and insert: "135,235,000" and on page 42, line 1, strike "191,850,000" and insert: "196,350,000" and on page 42, line 4, strike "41,368,000" and insert: "45,868,000"

Debate ensued.

## POINT OF INQUIRY

Senator Deccio: "Senator Ridder, nobody wishes more than I that the people who are falling through the cracks and not being taken care of should be taken care of. Can you tell me exactly at what level that this money is going to be used for those persons who we have talked about today who are not being taken care of?"

Senator Ridder: "You mean all those over \$281 a month? In income?"

Senator Deccio: "That is what I am asking you, those who fall through the cracks, at what level will this four and one-half million dollars be spent? I guess the reason I am asking you this question, I am going to vote for this amendment but before I do I want to know specifically where this money is going to go and we forget the emotional flame fanning that went on today. Let's be realistic. Exactly where is this money going to go?"

Senator Ridder: "I am sorry but I can't tell you, for the reason that we have been defeated in our efforts to be very explicit in the appropriations that we have put in. We have granted the Secretary unlimited transfer authority. It is the intention that it go to supply contracted chore services for people who are now not receiving them but are at risk of hospitalization and nursing home care simply for the lack of some hours of chore service assistance. I am not sure that gets at your question, but the income limit level is \$281 a month."

## POINT OF INQUIRY

Senator Deccio: "Mr. President, in order for Senator McDermott's remarks to be written into the record, I would like to go on record as asking him the same question."

Senator McDermott: "In answer to your question, Senator Deccio, the money is being put into contract services which the departmental director, Mr. Gibbs, can dispense on an exception to policy basis or on the basis of extending the hours. Presently they have had to limit the hours because of budget reduction. They could then give more to somebody in need or they could take other people who are eligible but for whom there has not presently been money, and they could give it to those people. So it would be really in three categories that this could be distributed. It does not change the income eligibility which is, as Senator Ridder says, thirty percent of the median income, which is \$281 a month."

Senator Talmadge 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 Ridder and others.

## ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—40

Voting nay: Senators Benitz, Clarke, Craswell, Gould, Guess, Hayner, McCaslin, Pullen—8.

Excused: Senator Conner—1.

## MOTION

At 4:48 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 5:30 p.m.

At 5:31 p.m., on motion of Senator Clarke, the Senate recessed until 7:15 p.m.

#### EVENING SESSION

The President called the Senate to order at 7:15 p.m.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 4374, by Committee on Ways and Means (originally sponsored by Senator Scott):

1981-83 appropriations modified.

The Senate resumed consideration of Substitute Senate Bill No. 4374.

#### MOTION

On motion of Senator Kiskaddon, there being no objection, the amendments by Senator Kiskaddon to pages 41 and 42 were withdrawn.

Senator McDermott moved adoption of the following amendment by Senators McDermott and Fleming:

On page 45, line 15, strike "32,938,000" and insert "33,337,000"

Debate ensued.

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 Senators McDermott and Fleming.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; nays, 29; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hughes, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Wojahn, Woody—18.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Wilson, Zimmerman—29.

Absent or not voting: Senator Williams—1.

Excused: Senator Conner—1.

Senator Hughes moved adoption of the following amendment:

On page 46, beginning on line 8, reinsert the stricken language down to and including "counties.))" on line 12.

Debate ensued.

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

#### POINT OF INQUIRY

Senator Hughes: "Senator Scott, I wish I had the confidence you have in the Department and its ability to make sound judgments. I am wondering why this was in the budget last time if it wasn't of such an essential nature, why it was singled out and placed in there and now suddenly it isn't."

Senator Scott: "It was in there before because we had more money, Senator."

Senator Hughes: "All right. We have created some money by the elimination of one of the 'important' items left in that budget that the Department decided on was the cigarette money for prisoners, or for the deputy directors for DSHS. I really

wonder if we can really balance those with possibly finding a solution to something that really causes such untold hardship to people."

The President declared the question before the Senate to be the roll call on the amendment by Senator Hughes.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognil, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallaghan, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senator Conner—1.

Senator Shinpoch moved the following amendments by Senators McDermott, Shinpoch, Williams, Charnley, Gaspard, Talmadge, Vognil, Ridder and Fleming be considered and adopted simultaneously:

On page 52, following line 10, insert a new section to read as follows:

"Sec. 54. Section 64, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

General Fund Appropriation .....	\$( <del>35,000</del> )
	104,000
Accident Fund Appropriation .....	\$2,339,000
Medical Aid Fund Appropriation .....	\$2,339,000
Total Appropriation .....	\$( <del>4,713,000</del> )
	4,782,000
<del>((FTE Staff Years—Fiscal Year 1982 .....</del>	<del>55.0)</del>
<del>((FTE Staff Years—Fiscal Year 1983 .....</del>	<del>56.1)</del>

"The appropriations in this section are subject to the following conditions and limitations: Not more than \$69,000 shall be expended for appeals from rulings entered pursuant to the provisions of chapter 7.68 RCW, the crime victims compensation act; \$8,000 from the medical aid fund appropriation and \$8,000 from the accident fund appropriation is provided solely for an independent cost analysis of the appeals process to establish a valid method of allocating costs between the various appeals categories. The conclusions of the study shall be based on generally accepted work measurement principles and procedures in determining the allocation of direct and indirect labor costs. This cost allocation study shall be transmitted to the legislature upon completion."

Renumber the remaining sections consecutively.

On page 52, line 15, strike "5,862,000" and insert: "11,512,000" and on line 25, strike "87,899,000" and insert: "94,549,000" and following line 29, insert a new subsection to read as follows:

"(1) Not more than 6,650,000 shall be expended for the purposes of Chapter 7.68 RCW, the victims of crime compensation act."

Renumber the remaining subsections consecutively.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendments by Senators McDermott, Shinpoch, Williams, Charnley, Gaspard, Talmadge, Vognil, Ridder and Fleming.

## ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Wilson, Zimmerman—27.

Excused: Senator Conner—1.

On motion of Senator Hansen, there being no objection, an amendment by Senator Hansen to page 59, line 31, on the desk of the Secretary of the Senate, was withdrawn.

Senator Bluechel moved adoption of the following amendment:

On page 61, beginning on line 21, after "~~society~~")" strike all material down to and including "condition" on line 23, and insert "36,000 may be expended only to provide minimal heat, air circulation, water and maintenance necessary to prevent the deterioration of the St. Edwards facility"

There being no objection, the amendment by Senator Bluechel was ordered held for consideration following the next two amendments.

Senator Hughes moved the following amendments by Senators Hughes, Shinpoch, Gaspard and Ridder be considered and adopted simultaneously:

On page 62, line 9, strike "8,190,000" and insert "3,191,000"

On page 62, line 13, strike "8,976,000" and insert "3,977,000"

Senator Hughes had previously submitted three amendments. On motion of Senator Metcalf the third amendment will be considered separately.

Debate ensued.

Senators Wilson, Jones and von Reichbauer demanded the previous question and the demand was sustained.

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

The President declared the question before the Senate to be the roll call on the amendments by Senators Hughes, Gaspard, Shinpoch and Ridder.

## ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 20; nays, 28; excused, 1.

Voting yea: Senators Bottiger, Charnley, Craswell, Fleming, Gaspard, Hughes, Hurley, Lysen, McCaslin, McDermott, Metcalf, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Woody—20.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Moore, Newhouse, Patterson, Peterson, Quigg, Scott, Sellar, Talley, von Reichbauer, Wojahn, Zimmerman—28.

Excused: Senator Conner—1.

## MOTION

On motion of Senator Hughes, there being no objection, an amendment by Senators Hughes, Gaspard, Shinpoch and Ridder to page 62, line 13 was withdrawn.

## REMARKS BY SENATOR HUGHES

Senator Hughes: "I think this body has made a mistake in its last action, but so be it. One thing I would like to clarify and that is the implication was that the corporate welfare would end as a result of the first two amendments. That simply isn't the case. All we ask is that the corporate welfare take its 10.1 percent cut like all the other agencies, so you can rest assured that we not only have that but we have an additional 4.5 million now."

On motion of Senator Zimmerman, the following amendments were considered and adopted simultaneously:

On page 63, line 27 after ")))" and before "1,997,000" insert "a maximum of"

On page 63, line 27 after "1,997,000" strike "of the general fund state appropriation is provided solely" and insert "~~((of the general fund state appropriation is provided solely))~~ shall be expended"

Senator Zimmerman moved the following amendments by Senators Zimmerman, Lee and Patterson be considered and adopted simultaneously:

On page 66, line 28 strike "2,596,728,000" and insert "2,601,201,000"

On page 66, line 34 strike "2,600,728,000" and insert "2,605,201,000"

On page 67, line 33 strike "For the 1981-83 school year,"

On page 69, after line 15 strike all new material down to and including the period on line 2 of page 70 and renumber all sections accordingly.

On page 70, line 5 strike "and subsections (5) (a) and (c)"

On page 70, line 10 strike "and (5) (b)"

On page 70, line 14 strike "For the 1981-82 school year,"

On page 70, after line 28 strike all new material down to and including line 34 and renumber all subsections accordingly.

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Senator Zimmerman, one of my fellow Senators from Pierce County has been advocating that we mandate consolidation of a lot of these small districts. I am just wondering if we add this money, would they be less inclined to consolidate or more inclined?"

Senator Zimmerman: "The passage of this amendment with the four million four hundred and seventy-three thousand dollars would probably postpone certain consolidation. My personal feeling is that there are ways in which districts can cooperate, can get some of the benefits, what we would say benefits of cooperation, but still be able to retain their individual identity, and I would particularly say this is an anti-consolidation amendment but with good reasons why."

The motion by Senator Zimmerman carried and the amendments were adopted.

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

On page 66, line 28, strike "2,596,728,000" and insert "2,607,339,000"

On page 66, line 34, strike "2,600,728,000" and insert "2,611,339,000"

On page 72, following line 12, add a new subsection to read as follows:

"(13) No cash balances or cash reserves of any school district may be confiscated by the state nor used as a local revenue deduction when apportionment funds from this section are distributed to school districts."

Senator Lee moved adoption of the following amendment to the amendment by Senator Gaspard:

In the last line of the last amendment before the period following "district", insert "unless state law shall provide for repayment with interest"

Debate ensued.

## POINT OF INQUIRY

Senator Wilson: "Senator, we have a real nice, small, hardworking, industrious, conservative school district up in Ferry County at Curlew. Could you tell me how much of Curlew's money might evaporate as a result of the proposal before us?"

Senator McDermott: "The confiscation amount appears to be one hundred and eighty-five thousand dollars."

Senator Wilson: "Well that does it."

Debate ensued.

## POINT OF INQUIRY

Senator Woody: "One of the smallest school districts in the Thirty-ninth Legislative District is Index. Do you have the figures for Index?"

## POINT OF ORDER

Senator Lee: "I think we are supposed to be debating the oral amendment which is whether or not we should have the statement of whether state law should provide for repayment. Now the questions were very appropriate, I think, for the main motion."

## RULING BY THE PRESIDENT

President Cherberg: "Senator Lee's point is well taken. The question before the Senate is the amendment to the amendment which states, 'unless state law shall provide for payment with interest.'"

## POINT OF INQUIRY

Senator Lysen: "Senator Lee and I represent the Highline School District and I understand they don't have any money left over in the cash balance, so how could we borrow any money from the Highline School District to help the state?"

Senator McDermott: "Well, Senator, for those districts that haven't been such good, prudent managers, this won't affect them at all. Only the districts who have been good prudent managers will have any effect."

Senator Lysen: "That is a real relief, Senator McDermott."

## POINT OF ORDER

Senator Rasmussen: "On a point of order as raised by Senator Lee, she has by her amendment said that the state would borrow and pay back with interest. I think that when they are asking the question on how much money the state is going to borrow and pay back with interest it is very pertinent to the point and I think her point of order is not well taken. If I was going to borrow some money, I would want to know what the amount is, and this is what Senator McDermott was giving."

## RULING BY THE PRESIDENT

President Cherberg: "Senator, the President believes Senator Lee's point was that the amendment to the amendment was the topic of discussion. So the President would have to agree that Senator Lee was right and you are right also, in the President's opinion."

Further debate ensued.

Senator Bottiger 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 Lee to the amendment by Senator Gaspard.

## ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 19; nays, 29; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, von Reichbauer—19.

Voting nay: Senators Bauer, Bottiger, Charnley, Craswell, Fleming, Gaspard, Goltz, Gould, Hansen, Hemstad, Hughes, Hurley, Lysen, McCaslin, McDermott, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—29.

Excused: Senator Conner—1.

The President declared the question before the Senate to be the amendments by Senator Gaspard.

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

Debate ensued.

## POINT OF INQUIRY

Senator Woody: "Senator McDermott, I have as many very small school districts in my legislative district as I do students served by large districts. I guess the students in the small school districts are about fifty percent of my population and the students in the large districts are about fifty percent, but it is the smaller school districts that I have been most concerned about traditionally because they are the ones that have great difficulty in passing levies and in putting together a really quality education program. Senator McDermott, can I ask you, is Index affected by this rob?"

Senator McDermott: "Senator Woody, in consulting this list, Index would lose nineteen hundred and fifty-two dollars. They are one of the lesser losers, but clearly they do lose."

Further debate ensued.

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

## ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

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

Excused: Senator Conner—1.

## MOTION

At 9:25 p.m., Senator Vognild moved the Senate adjourn until 8:00 a.m., Tuesday, November 17, 1981.

The motion by Senator Vognild failed.

On motion of Senator McDermott, there being no objection, the amendments by Senators McDermott, Wilson, Bauer, Hansen, Goltz, Peterson and Hughes, on the desk of the Secretary of the Senate, were withdrawn.

On motion of Senator Bluechel, there being no objection, an amendment to page 61, beginning on line 21 that was moved for adoption earlier today and held for later consideration, was withdrawn.

On motion of Senator Bluechel, the following amendments by Senators Wojahn and Bluechel were considered and adopted simultaneously:

On page 60, line 8, strike "25,079,000" and insert "25,019,000".

On page 61, line 21, after "(9)" strike all the material down to and including "condition" on line 23 and insert "\$36,000 of this general fund — state appropriation is provided solely to provide minimal heat, air circulation, water and maintenance necessary to prevent the deterioration of the St. Edwards facility".

Senator Newhouse moved adoption of the following amendment by Senators Newhouse, Shinpoch, Benitz and Hansen:

On page 70, section 72, following line 34 insert: "It is the intent of the legislature where a reduction of employees occurs pursuant to a reallocation of funds as determined by this 1981 amendatory act, that the proportion between certified and classified employees shall be in the same ratio as set forth by the allocation formula in this section"

Debate ensued.

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

#### POINT OF INQUIRY

Senator Bauer: "Mr. President and members of the Senate, I think Senator Shinpoch raises another pertinent question here that we ought to ponder on for a moment, and he may be correct in that this is a provision that drives dollars out to the school districts and does not determine whether or not that school district shall have X number of certificated personnel and X number of classified and any ratio thereof. In that case then, what we are really saying is that maybe this is the way that we can change the way we drive dollars out to the school districts, and each time we make a termination we are going to drive more dollars out for certificated personnel, we have to drive an equal number of dollars out for classified personnel and thereby giving the Legislature a chance to get off the hook of funding all of the certificated personnel out there by funding classified personnel that may be aides, as opposed to certificated personnel. So if that be the case, Senator Shinpoch, it would give the Legislature an opportunity to drive dollars out, less dollars out, by determining that we will somehow equalize by some kind of ratio the number of classified to the number of certificated. You might want to respond to that, Senator Shinpoch."

Senator Shinpoch: "Yes, I would like to respond to that. To begin with, you are correct and all we are doing is driving dollars but to drive them separately you would have to change the statutory law. You could not do it in this document. You can't change the manner in which we distribute those dollars and they are on a proportionate basis, not on an equal basis. You are well aware of that. They are sixteen and two-thirds per thousand versus fifty per thousand. So, yes, but you would have to go back and change the statutory law to do that. You could not do it out of here."

The President declared the question before the Senate to be the roll call on the amendment by Senators Newhouse, Shinpoch, Benitz and Hansen.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 24; excused, 1. The President voted "no".

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallaghan, Guess, Haley, Hansen, Hayner, Jones, Lee, McCaslin, Metcalf,

Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shinpoch, von Reichbauer, Woody—24.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Gould, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Zimmerman—24.

Excused: Senator Conner—1.

Senator McDermott moved adoption of the following amendment by Senators McDermott, Williams, Goltz, Charnley, Wojahn, Gaspard, Talmadge, Talley, Vognild, Ridder and Fleming:

On page 66, line 23, strike all of Section 72 and insert the following:

"Sec. 72. Section 87, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION FORMULA FOR FISCAL YEARS 1982 and 1983**

General Fund Appropriation .....	(\$2,567,001,000)
	<u>2,627,099,000</u>
General Fund—State Timber Tax Réserve Account .....	\$ 4,000,000
(Common School Construction Fund Appropriation .....	\$ 52,379,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$2,624,260,000)</b>
	<u>2,631,099,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of this act and compliance with chapter 16, Laws of 1981, the superintendent of public instructions shall ensure that no district provides salary and compensation increases from any fund source whatsoever in excess of those amounts and/or percentages specified in this act: PROVIDED, That the superintendent withhold five percent of a district's respective basic education allocation if the school district violates any provisions of this act or chapter 16, Laws of 1981 until such time as a school district comes into compliance: PROVIDED FURTHER, That provisions of any contract in force as of the effective date of chapter 16, Laws of 1981, for school years 1981-82 and 1982-83 that conflict with the provisions of this act may continue in effect.

(2) A maximum of \$1,308,315,000 of this appropriation may be expended in fiscal year 1982.

~~(3)(a) The appropriations in this section and allocation authorized by sections 87 through 91 of this act per annual average full time equivalent student shall constitute 100% of formula as provided in RCW 28A.41.130 as now or hereafter amended.~~

~~(b) If the system-wide staff mix factor exceeds 1.6182, the superintendent of public instruction shall make such adjustments as are required to remain within the amounts generated by the staff mix assumption for the total appropriation.~~

(4) Formula allocation of certificated staff units shall be determined as follows:

(a) On certificated staff unit for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) For the 1981-82 school year one ((One)) certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction, and for the 1982-83 school year one sixty-seven one hundredths full time equivalent students enrolled in such approved program.

(c) For districts enrolling not more than one hundred average annual full time equivalent students (except as otherwise specified and for small school plants within

any school district, which small plants have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollment above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a K-8 program or 1-8 program, an additional one-half of a certificated staff unit;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a K-6 or 1-6 program, an additional one-half of a certificated staff unit.

(d) For districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students, certificated staff units shall be determined as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(5)(a) For nonemployee related costs with each certificated staff unit determined under subsection (4)(a), (c), and (d) of this section, there shall be provided a maximum of \$4,684 per staff unit in the 1981-82 school year and a maximum of \$5,166 per staff unit in the 1982-83 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (4)(b) of this section, there shall be provided a maximum of \$8,182 per staff unit in the 1981-82 school year and a maximum of \$8,964 per staff unit in the 1982-83 school year.

(6) Formula allocation of classified staff units shall be determined as follows:

(a) On classified staff unit per each three certificated staff units determined under subsection (4)(a), (c), and (d) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(7) The superintendent of public instruction shall distribute a maximum of \$565,000 outside of the basic education allocation of school districts for fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by RCW 52.36.020; a maximum of \$280,000 for the 1981-82 school year, and a maximum of \$285,000 for the 1982-83 school year.

(8) The general fund—state appropriation contained in this section includes all funds received by the state pursuant to Title 16, section 500, United States Code (federal forest funds) which are distributed to the general fund for the benefit of public schools in accordance with RCW 36.33.110. Within thirty days of receipt

within the state treasury, the superintendent of public instruction shall distribute such federal forest funds to each eligible school district in an amount not to exceed that which the district would have received in accordance with the basic education apportionment for the previous year. Funds determined to be in excess of that amount shall be distributed to the county for distribution to the school districts within the county for distribution to the school districts within the county in accordance with RCW 36.33.110: PROVIDED, That if the amount received by any district pursuant to this appropriation is less than the basic education allocation which the district would otherwise receive, the superintendent of public instruction shall allocate from basic education funds to the district an amount equal to the difference between the amount received under this appropriation and the amount the district would otherwise receive under the basic education act.

(9) The superintendent of public instruction may distribute a maximum of \$250,000 for school district emergencies outside of the basic education allocation.

(10) Not more than (~~(\$6,375,000)~~) \$4,518,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1981-82 school year from the 1980-81 base enrollment level. The superintendent of public instruction shall distribute funds based on certificated staff units in the 1981-82 and 1982-83 school years to such districts on the basis of current school year enrollment plus one quarter of the amount of the enrollment decline from the prior school year level. The superintendent of public instruction, in ascertaining the full time equivalent enrollment under this section for any school district declining in enrollment at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, shall increase the enrollment as otherwise herein computed by twenty-five percent of the full time equivalent pupil enrollment loss from the previous school year.

(11) Any contract in force as of the effective date of this 1981 act may continue in effect.

(12) No cash balances or cash reserves of local school districts may be confiscated nor used as a local revenue reductions when funds provided in this section are distributed to local districts."

Debate ensued.

#### POINT OF INQUIRY

Senator McDermott: "Senator Lee, would you point out the error in the amendment?"

Senator Lee: "The one error that I did mention to you was the deletion of the language for the non-high high school districts which . . ."

Senator McDermott: "Where is that? Could you give me the location?"

Senator Lee: "I think I can. While I am looking for it, let me fill in some . . ."

Senator McDermott: "I would like you to find the error before you go on any further because I think I know my amendment."

Senator Lee: "I am sure that you do feel confident in what you have, and I think that is part of the problem, so many different pages and different sizes."

Senator McDermott: "Senator Lee, my question was, can you point out the error in the amendment."

Senator Lee: "Did you make a request to have it set down, was that what your request was?"

Senator McDermott: "No, I don't think there is any real need to because—in fact, Mr. President, I don't think there is an error in here, Senator Lee, and I would like to point out if we want to go through this, if you look on the first page, (3) is stricken. That is the small school factor. If you go to the second page you will see that we have, in (b) for 1982-83 school district, increased the vocational ed requirement. There is no change on the third page. On the fourth page we have put in

money for the enrollment decline. Number 11 says 'any contract in force on the effective date shall continue in effect,' and number 12 says no cash balances may be used. Now I fail to see where you think the error is. If you can point it out to me maybe we can set it down, but otherwise I think there is no error here. What I said is in here is here."

On motion of Senator McDermott, there being no objection, the amendment was ordered held for consideration following the next two amendments.

On motion of Senator Gaspard, there being no objection, an amendment to page 72, line 12, on the desk of the Secretary of the Senate, was withdrawn.

Senator McDermott moved adoption of the following amendment by Senators McDermott and Fleming:

On page 72, line 13, strike all of section 73 and insert the following:

"SALARY AND COMPENSATION INCREASES

General Fund Appropriation ..... \$ ((+82,988,000))  
150,333,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds shall be allocated by the superintendent of public instruction as specified in this section and may be expended by school districts for any state funded activity.

(3) A maximum of \$((24,936,000)) 22,409,000 for the 1981-82 ((school)) fiscal year and a maximum of \$((80,977,000)) 58,958,000 for the 1982-83 ((school)) fiscal year may be expended for provision of basic education state-supported certificated staff salary increases and concomitant incremental fringe benefits. Percentage salary increases under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7) (b) and (c) of this section, shall not exceed the percentages specified in LEAP Document 2.

(4) A maximum of \$((5,457,000)) 4,904,000 for the 1981-82 ((school)) fiscal year and a maximum of \$((+8,136,000)) 13,158,000 for the 1982-83 ((school)) fiscal year may be expended for provision of basic education state-supported classified staff salary increases and concomitant incremental fringe benefits. Percentage increases provided under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7)(b) of this section, shall not exceed the percentages specified in LEAP Document 2.

(5) A maximum of \$((34,837,000)) 31,237,000 may be expended for insurance benefit increases for state-supported basic education certificated and classified staff at a rate of \$26 per month per full time equivalent staff unit in 1981-82 and an additional \$16 per month in 1982-83.

(6) A maximum of \$((4,930,000)) 4,430,000 may be expended in fiscal year 1982 and \$((+3,715,000)) 10,492,000 for fiscal year 1983 for state-supported staff salary, insurance benefit increases, and concomitant incremental fringe benefits for educational service district staff, institutional education staff (program 46), vocational-technical institutes/adult basic education (programs 47 and 48), handicapped program staff (program 21) and transportation staff (program 99), to be distributed at rates and/or percentages not exceeding those specified for the basic education certificated or classified staff, as the case may be, of a district using the pertinent program derived base salary and staff mix factor for certificated staff and average salary for classified staff. Educational service district staff shall receive salary increases funded from this appropriation at the support level provided in section 99 of this act at a rate of 6.87% in 1981-82 and 7.35% in 1982-83 and insurance benefit increases at the same rate as provided in subsection (5) of this section. Educational service districts, institutional education (program 46) and vocational-technical

institutes/adult basic education (programs 47 and 48) shall receive first draw from this appropriation.

(7) For purposes of chapter 16, Laws of 1981, the following conditions and limitations shall apply:

(a) Districts may provide salary and insurance benefit increases for nonstate-supported activities at rates not exceeding those specified by LEAP Document 2 for state-supported basic education certificated staff in each school year of the biennium for each district.

(b) ((Insurance benefit increases granted employees shall constitute a portion of the salary increase specified in LEAP Document 2 whenever a district's contribution to employee insurance benefits will exceed, by virtue of increases provided in 1981-82 or 1982-83, \$121 per full time equivalent staff unit in 1981-82 and \$137 per full time equivalent staff unit in 1982-83)) That part of insurance benefits granted employees that are in excess of:

(i) \$121 per full time equivalent staff unit in 1981-82 shall constitute a portion of the salary increase specified in LEAP Document 2: PROVIDED, That if insurance benefits granted employees in 1980-81 were in excess of \$121 per full time equivalent staff unit then only that part granted to employees for 1981-82 in excess of the 1980-81 level shall constitute a portion of the salary increase specified in LEAP Document 2.

(ii) \$137 per full time equivalent staff unit in 1982-83 shall constitute a portion of the salary increase specified in LEAP Document 2: PROVIDED, That if insurance benefits granted employees in 1981-82 were in excess of \$137 per full time equivalent staff unit then only that part granted to employees for 1982-83 in excess of the 81-82 level shall constitute a portion of the salary increase specified in LEAP Document 2.

(c) Increments granted by school districts to certificated staff shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments which are provided pursuant to LEAP Document 1.

(8) Notwithstanding any other provisions of law, no employee whose salary exceeds thirty-five thousand dollars per year may receive further increase from these funds, nor shall any employee whose salary is less than thirty-five thousand dollars exceed that figure as a result of further increases from these funds.

(9) Any contract in force as of the effective date of this 1981 act may continue in effect.

(10) The salary increase for the 1982-83 fiscal year shall take effect January 1, 1983, and make any internal corrections.

The President advised the members that the following amendments by Senator Kiskaddon should be considered before the amendment by Senators McDermott and Fleming.

Senator Kiskaddon moved the following amendments by Senators Kiskaddon, Hemstad and Gould be considered and adopted simultaneously:

On page 72, line 17 strike "139,690,000" and insert "153,989,000"

On page 72, line 29 strike "March" and insert "January"

On page 72, line 34 strike "49,512,000" and insert "60,031,000"

On page 73, line 9 strike "11,212,000" and insert "13,625,000"

On page 73, line 24 strike "8,973,000" and insert "10,340,000"

On page 74, line 3 strike "March" and insert "January"

On page 75, line 15 strike "March" and insert "January"

Debate ensued.

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

PARLIAMENTARY INQUIRY

Senator McDermott: "Mr. President, so it is clear to everybody, the amendment—this is a point of parliamentary inquiry. What amendment are we voting on?"

REPLY BY THE PRESIDENT

President Cherberg: "You are voting upon an amendment presented by Senator Kiskaddon, on several amendments."

Senator McDermott: "Yes, but my amendment is different than his, having the thirty-five thousand dollar lid in it."

President Cherberg: "Your amendment strikes the entire section. Senator Kiskaddon's amendment is a perfecting amendment."

Senator McDermott: "Mr. President, then mine still can be considered after his?"

President Cherberg: "Yes, Senator McDermott."

The President declared the question before the Senate to be the roll call on the amendments by Senators Kiskaddon, Hemstad and Gould.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bottiger, Charnley, Fleming, Gaspard, Goltz, Gould, Hemstad, Hughes, Kiskaddon, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody, Zimmerman—23.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hansen, Hayner, Hurlley, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Vognild, von Reichbauer—25.

Excused: Senator Conner—1.

The Senate resumed consideration of the following amendment by Senators McDermott and Fleming moved for adoption earlier today:

On page 72, line 13, strike all of section 73 and insert the following:

"SALARY AND COMPENSATION INCREASES

General Fund Appropriation . . . . . \$ ~~((182,988,000))~~  
150,333,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds shall be allocated by the superintendent of public instruction as specified in this section and may be expended by school districts for any state funded activity.

(3) A maximum of \$~~((24,936,000))~~ 22,409,000 for the 1981-82 ~~((school))~~ fiscal year and a maximum of \$~~((80,977,000))~~ 58,958,000 for the 1982-83 ~~((school))~~ fiscal year may be expended for provision of basic education state-supported certificated staff salary increases and concomitant incremental fringe benefits. Percentage salary increases under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7) (b) and (c) of this section, shall not exceed the percentages specified in LEAP Document 2.

(4) A maximum of \$~~((5,457,000))~~ 4,904,000 for the 1981-82 ~~((school))~~ fiscal year and a maximum of \$~~((18,136,000))~~ 13,158,000 for the 1982-83 ~~((school))~~ fiscal year may be expended for provision of basic education state-supported classified

staff salary increases and concomitant incremental fringe benefits. Percentage increases provided under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7)(b) of this section, shall not exceed the percentages specified in LEAP Document 2.

(5) A maximum of ~~\$(34,837,000)~~ 31,237,000 may be expended for insurance benefit increases for state-supported basic education certificated and classified staff at a rate of \$26 per month per full time equivalent staff unit in 1981-82 and an additional \$16 per month in 1982-83.

(6) A maximum of ~~\$(4,930,000)~~ 4,430,000 may be expended in fiscal year 1982 and ~~\$(13,715,000)~~ 10,492,000 for fiscal year 1983 for state-supported staff salary, insurance benefit increases, and concomitant incremental fringe benefits for educational service district staff, institutional education staff (program 46), vocational-technical institutes/adult basic education (programs 47 and 48), handicapped program staff (program 21) and transportation staff (program 99), to be distributed at rates and/or percentages not exceeding those specified for the basic education certificated or classified staff, as the case may be, of a district using the pertinent program derived base salary and staff mix factor for certificated staff and average salary for classified staff. Educational service district staff shall receive salary increases funded from this appropriation at the support level provided in section 99 of this act at a rate of 6.87% in 1981-82 and 7.35% in 1982-83 and insurance benefit increases at the same rate as provided in subsection (5) of this section. Educational service districts, institutional education (program 46) and vocational-technical institutes/adult basic education (programs 47 and 48) shall receive first draw from this appropriation.

(7) For purposes of chapter 16, Laws of 1981, the following conditions and limitations shall apply:

(a) Districts may provide salary and insurance benefit increases for nonstate-supported activities at rates not exceeding those specified by LEAP Document 2 for state-supported basic education certificated staff in each school year of the biennium for each district.

(b) ~~((Insurance benefit increases granted employees shall constitute a portion of the salary increase specified in LEAP Document 2 whenever a district's contribution to employee insurance benefits will exceed, by virtue of increases provided in 1981-82 or 1982-83, \$121 per full time equivalent staff unit in 1981-82 and \$137 per full time equivalent staff unit in 1982-83))~~ That part of insurance benefits granted employees that are in excess of:

(i) \$121 per full time equivalent staff unit in 1981-82 shall constitute a portion of the salary increase specified in LEAP Document 2: PROVIDED, That if insurance benefits granted employees in 1980-81 were in excess of \$121 per full time equivalent staff unit then only that part granted to employees for 1981-82 in excess of the 1980-81 level shall constitute a portion of the salary increase specified in LEAP Document 2.

(ii) \$137 per full time equivalent staff unit in 1982-83 shall constitute a portion of the salary increase specified in LEAP Document 2: PROVIDED, That if insurance benefits granted employees in 1981-82 were in excess of \$137 per full time equivalent staff unit then only that part granted to employees for 1982-83 in excess of the 81-82 level shall constitute a portion of the salary increase specified in LEAP Document 2.

(c) Increments granted by school districts to certificated staff shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments which are provided pursuant to LEAP Document 1.

(8) Notwithstanding any other provisions of law, no employee whose salary exceeds thirty-five thousand dollars per year may receive further increase from these

funds, nor shall any employee whose salary is less than thirty-five thousand dollars exceed that figure as a result of further increases from these funds.

(9) Any contract in force as of the effective date of this 1981 act may continue in effect.

(10) The salary increase for the 1982-83 fiscal year shall take effect January 1, 1983.", and make appropriate internal corrections.

### POINT OF INQUIRY

Senator Lee: "The question relates to the fact that, of course, you are striking all of existing Section 73, and (9) on that was one of the items that was in fact requested by local school districts. You may recall that we instructed that beginning July 1, 1981, that auditors would be checking the various staff mix factors so that when we go into the following year we will have a correct staff mix factor that everyone can agree has been carefully checked, because there have been complaints from school districts that what the SPI shows for them or what we have in our LEAP factor is not necessarily exactly what is out there in the district.

"Now the problem that arises is if the auditor, or particularly an auditor who is particularly interested is checking and he finds a minor error, they can be fined for it. And the language that we had in there and that you leave out would allow that as long as the bottom line was okay, that they would not be fined for minor errors that were internally found within that audit. I just wondered why that was left out?"

Senator McDermott: "Senator Lee, if you want to offer it as a friendly oral amendment, I am certainly willing to accept it. I would point out for you, had it not been for House Bill 166, these problems never would have occurred. We would not have had districts that are being threatened because they could not figure out LEAP document two or three or six or whatever. All the problems that were created in the last session by your school finance formula have created problems for small districts, and I would gladly accept (9) as a friendly amendment to this amendment."

Senator Lee moved adoption of the following amendment to the amendment by Senators McDermott and Fleming:

On page 3, following subsection "(9)" insert a new subsection as follows:

"(10) A district shall not be in violation of this section or chapter 16, Laws of 1981, as a result of corrections to the reported staff mix data in the 1980-81 or 1981-82 school year as long as the average salary for the 1981-82 school year does not exceed the average salary that would have been generated through consistent application of the incorrect base salary and staff mix in the 1981-82 school year."

Renumber the remaining subsection accordingly.

Debate ensued.

The motion by Senator Lee carried and the amendment to the amendment by Senators McDermott and Fleming was adopted.

The President declared the question before the Senate to be the amendment by Senators McDermott and Fleming as amended by Senator Lee.

Debate ensued.

### POINT OF INQUIRY

Senator Bauer: "Would Senator McDermott yield to a question? Earlier, we turned down an amendment that would make the slide from March to January for a savings of about—or an additional cost of about ten million dollars. How much will this slide cost?"

Senator McDermott: "Actually, the first one was about fifteen million. Excuse me, ten. This one will save about fifteen, and the difference is primarily in the area of the thirty-five thousand dollar lid which is in this which is not in the other amendment, so it is actually a more conservative amendment."

Senator Bauer: "So in other words, I opposed the other amendment and I am going to support this amendment because we are going to save the state five million dollars, and that is coming by way of putting a lid on thirty-five dollar cap salary lid. And that is like saying that we do have a Superintendent in the state of Washington who makes seventy-three thousand dollars, and we are saying at a time when we are in a financial crunch in this state and we are literally taking food out of the mouths of babies and we are literally turning back a whole bunch of education policy, or attempting to, that we established earlier, in the last ten years, to help correct some inequities in providing a good remediation program for boys and girls in this state and making a considerable change in other educational policy through this budget because these are hard times. Well, then I think it is reasonable that we put a lid on thirty-five thousand dollar salaries for a savings of five million dollars which we can use to do a better job for little kids in the classroom. I urge your support of this amendment."

Further debate ensued.

#### POINT OF INQUIRY

Senator Vognild: "Senator, we are talking about balancing the budget on the backs of the people and everybody should do their part to balance it. Referring to the budget bill which is now of this state, how does this compare in costs?"

Senator McDermott: "I need three walnut shells probably to explain it exactly. We gave a salary increase to school teachers on the first of September. The Governor made a proposal to slide the salary increase four months into the future to the first of February. I guess that is four months. No, I must make it five. To the first of the year. That would be a four month slide. The Republicans, in order to 'save more money' slid it another two months into 1983. What we are doing is bringing it back to the proposal that the Governor made which I think was an adequate one. The only addition is that we are adding a lid of thirty-five thousand, which will save three and one-half million dollars more than the Governor saved in his proposal to us. And I think that is the best way. The Governor made, I think, a proposal which is reasonable in this area and we ought to support the Governor in this."

Further debate ensued.

#### POINT OF INQUIRY

Senator Lee: "This is specifically relating to what is (3) on the McDermott amendment where the figure that previously had been appropriated to school districts, the twenty-four million nine is crossed out, reduced by approximately ten percent to twenty-two million four. Now even though you have got something back here that says 'make internal corrections' it doesn't say that you replace them the way it was. There is no . . ."

Senator Bottiger: "Is that a question or a speech?"

Senator Lee: "The question is, do you see that as I do, as a reduction in the amount of money the state is going to pay school districts for this school year?"

Senator Bottiger: "I yield to Senator McDermott."

Senator McDermott: "Senator Lee, Senator Scott and I had a long discussion last night about what the proper figure in this amendment should be. Staff has been discussing it backwards and forwards for nearly two days. It is clear that we intend to make a two month slide backward from six to four and make appropriate internal corrections inside this bill."

"Now the thing that is critical here, if you are correct and I don't think you are correct, but if you are, the thing that is missing is that this never had any public testimony with the Superintendent of Public Instruction to come and look at this amendment or to look at your bill. Your bill has never been commented on by the

Superintendent of Public Instruction or his budget officer. There are several ways that you can do this. I talked to Terry McCarthy this afternoon. It depends on when you decide to pay those school districts their money. Even though it is appropriated in this biennium, you don't necessarily have to give them all the money in this biennium because their school year goes into the next biennium. And when you start into this area, to be amending like this, as far as I am concerned, without public testimony from the people who have to administer it, when Senator Scott's staff and our staff can't agree, we at least ought to have an arbiter from SPI come in and talk. I am perfectly willing to go back to Ways and Means. I suspect we will probably spend some time in Ways and Means on this."

Further debate ensued.

Senator Bottiger 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 Senators McDermott and Fleming as amended by Senator Lee.

### ROLL CALL

The Secretary called the roll and the amendment, as amended, was adopted by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Gould, Hansen, Hemstad, Hughes, Kiskaddon, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—26.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Hurlley, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—22.

Excused: Senator Conner—1.

Senator Wojahn moved adoption of the following amendment:

On page 76, line 20, strike all of section 75.

Debate ensued.

### POINT OF INQUIRY

Senator Goltz: "Senator Scott, in arriving at these new enrollment figures, was any evidence or any testimony given that would have substantiated the estimates here in this bill by any of the vocational-technical institutes?"

Senator Scott: "The enrollment estimates for the voc-tech institutes have never been challenged, at least with me. Now maybe some other members have had contact with these schools on this basis. The community college figures have been in question."

Senator Goltz: "I even wonder, Senator Scott, if the members of the vocational-technical institutes are aware of this particular provision in the bill. It seems to me that what we have here is, again, an arbitrary reduction in order to cut dollars from the budget, and if these are policies to deny students the opportunity, then I certainly think we ought to support Senator Wojahn's amendment. If these are figures which have been derived because students have declined to come to the vocational-technical institutes and there are empty seats and there is no way to fill them, then I think we ought to support the bill. But the knowledge that I have, at least of one vocational-technical institute in Bellingham, is that there is great demand and as the unemployment figures grow, the demand grows. And it seems very shortsighted to deny opportunity at the very time when people need it most. So I think we should support Senator Wojahn's amendment."

Senator Scott: "Of course, we don't need to trim anywhere in this budget, Senator, other than that is what the people tell us in polls that they are looking for

before they are willing to accept tax increases, and we could tax the full amount to make up the budget gap, but what would your chances of a referendum be?"

Senator Goltz: "I defy anybody on this floor to show me a poll taken by the people of the state of Washington that says that we should cut vocational-technical institutes. I defy you. I don't think that has ever been true, that the public has not supported vocational-technical institutes."

Senator Scott: "I wasn't suggesting that, Senator. I said that the polls taken by KIRO, the WEA and a private poll all indicate that the public looks for us to do as much trimming as possible before we do any considering of taxes, and the only tax they are really willing to consider is the sales tax. I think that if the figures as to enrollments in these schools, and I wasn't challenging them one way or another, were wrong, the figures we are using, in the eyes of the Superintendent, they certainly would have come to you in Bellingham and Senator Bluechel in Kirkland and Senator Wojahn and Dr. Haley in Tacoma. We have heard no challenges."

### POINT OF INQUIRY

Senator Hughes: "Senator Scott, I agree with you. I think the people are looking for us to cut and I am wondering if you believe that the people would like us to cut in the area of corporate welfare as well, because I know we rejected one today but we are going to offer you some more later on."

(No reply by Senator Scott)

Senator Wojahn 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 Wojahn.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—26.

Excused: Senator Conner—1.

Senator Metcalf moved adoption of the following amendment:

On page 76, after line 19, insert the following subsection:

(5) The superintendent of public instruction shall not allocate funds to any school district for any program in violation of Article IX, Section 1 of the Washington Constitution, which mandates the state "to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race. . . ."

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

Debate ensued.

On motion of Senator Bottiger, the following amendment to the amendment by Senator Metcalf was adopted:

On the last line of the amendment, delete ". . ." and insert: "color, caste, or sex"

Further debate ensued.

The President declared the question before the Senate to be the roll call on the amendment by Senator Metcalf as amended by Senator Bottiger.

## ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted by the following vote: Yeas, 24; nays, 24; excused, 1. The President voted "no".

Voting yea: Senators Benitz, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Hurley, Jones, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, Vognil, von Reichbauer, Zimmerman—24.

Voting nay: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Fleming, Gaspard, Goltz, Gould, Hansen, Hemstad, Hughes, Kiskaddon, McDermott, Peterson, Ridder, Scott, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody—24.

Excused: Senator Conner—1.

On motion of Senator McDermott, there being no objection, an amendment by Senator McDermott held from earlier today, was withdrawn.

Senator McDermott moved adoption of the following amendment:

On page 66, line 28, strike "2,596,728,000" and insert "2,607,006,000"

On page 66, line 34, strike, "2,600,728,000" and insert "2,611,006,000"

Debate ensued.

## POINT OF INQUIRY

Senator Lee: "I would like to ask you whether or not you wish to amend the section, this (6) (a) and (b) on page 70 which still leaves the old figure for non-employee related costs?"

Senator McDermott: "It is my intention that the 10.278 million dollars be used for the non-employee related cost distribution element in the school apportionment formula. If the amendment goes on page 70 as you suggest, that is where we ought to put it, but I think the intention is very clear for the Superintendent of Public Instruction in his use of this money."

Further debate ensued.

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

## POINT OF INQUIRY

Senator Gould: "May I just ask a matter for clarification, and it is not an argument. It is just to clarify the numbers that are here? Senator McDermott, am I mistaken in reading this as two billion, five hundred ninety-six million seven hundred and twenty-eight thousand dollars? Do you have your decimal in the wrong place perhaps?"

Senator McDermott: "No, Senator Gould, we spend a lot of money on public schools."

Senator Gould: "Okay, this is the total appropriation then that you are talking about, not the . . . ."

Senator McDermott: "That is the total appropriation which is going up by 10.2 million dollars."

Senator Gould: "I think it is the hour that has gotten to me. Thank you."

The President declared the question before the Senate to be the roll call on the amendment by Senator McDermott.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—27.

Excused: Senator Conner—1.

### MOTION

Senator Rasmussen moved Substitute Senate Bill No. 4374 be indefinitely postponed.

Debate ensued.

### PARLIAMENTARY INQUIRY

Senator Clarke: "Mr. President, is this a debatable motion?"

### REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Clarke."

Further debate ensued.

There being no objection, on motion of Senator Rasmussen, the motion to indefinitely postpone Substitute Senate Bill No. 4374 was withdrawn.

### MOTION

At 10:32 p.m., Senator Rasmussen moved the Senate adjourn until 1:00 p.m. Tuesday, November 17, 1981.

The President advised Senator Rasmussen the motion would be held for later consideration.

On motion of Senator Kiskaddon, there being no objection, three amendments to page 77, lines 18, 21 and 23, on the desk of the Secretary of the Senate, were withdrawn.

On motion of Senator Lee, the following amendments by Senators Lee, Patterson, Bluechel and Craswell were considered and adopted simultaneously:

On page 77, line 18 strike "113,469,000" and insert "120,446,000"

On page 77, line 21 strike "140,669,000" and insert "147,646,000"

On motion of Senator McDermott, there being no objection, an amendment to page 77, line 13, on the desk of the Secretary of the Senate, was withdrawn.

Senator Bauer moved adoption of the following amendment:

On page 78, line 2, strike all of section 78.

Debate ensued.

Senator Bauer 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 Bauer.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Excused: Senator Conner—1.

#### MOTION

At 11:45 p.m., on motion of Senator Clarke, the Senate adjourned until 9:00 a.m., Tuesday, November 17, 1981.

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

## NINTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, November 17, 1981.

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 Charnley and Rasmussen. On motion of Senator Ridder, Senators Charnley and Rasmussen were excused.

The Color Guard, consisting of Pages Dixie Grunenfelder and Jamie Briley, presented the Colors. Reverend Robert Keller, pastor of Lutheran Church of The Good Shepherd of Olympia offered the prayer.

### MOTION

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

### MESSAGE FROM THE HOUSE

November 16, 1981.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 762,

ENGROSSED HOUSE BILL NO. 768,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 773, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 762, by Committee on State Government (originally sponsored by Committee on State Government and Representatives Addison and Berleen):

Reorganizing commissions, boards and councils.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 768, by Committee on Institutions and Representative Houchen:

Modifying provisions relating to the department of corrections.

Referred to Committee on Social and Health Services.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 773, by Committee on Ways and Means (originally sponsored by Committee on Revenue and Representative Greengo):

Providing methods for the management of state funds.

Referred to Committee on Ways and Means.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 4374, by Committee on Ways and Means (originally sponsored by Senator Scott):

1981—83 appropriations modified.

The Senate resumed consideration of Substitute Senate Bill No. 4374 as amended. The bill was placed on the second reading calendar on November 15, 1981 at which time action commenced on the bill.

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

On page 79, line 18 strike "107,470,000" and insert "109,770,000"

On page 79, line 21 strike "45,315,000" and insert "46,285,000"

On page 79, line 33 strike "59,026,000" and insert "60,289,000"

On page 80, line 27 strike "2,904,000" and insert "2,966,000"

On page 80, line 30 strike "225,000" and insert "230,000"

#### MOTION

At 9:12 a.m., on motion of Senator Fleming, the Senate recessed until 9:42 a.m.

#### SECOND MORNING SESSION

The President called the Senate to order at 9:42 a.m.

The Senate resumed consideration of Substitute Senate Bill No. 4374, as amended, and the amendments moved for adoption by Senator Kiskaddon.

Debate ensued.

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

#### POINT OF INQUIRY

Senator Bauer: "Senator Gaspard, if we pass this amendment is that a possibility that there will be more money in the program for remediation?"

Senator Gaspard: "Senator Bauer, I think it would probably be appropriately stated that there will be less cuts in programs like remediation, because when we looked at the budget last spring when we factor out the special education funds, that left twenty-two million dollars for the other block grants, and the current level of spending was about thirty-two million. Now as I understand Senator Kiskaddon's amendment, he is restoring a ten percent cut now from that block grant total for other programs such as remediation, that twenty-two million dollar level. So I understand that a lot of school districts have already eliminated the remediation program. So we are not adding any more funds to remediation. We are just trying to cut less from already that low level."

Senator Bauer: "Thank you, Senator Gaspard. If I understand this right then, in taking remediation separate from the other categorical funds, the bilingual and the gifted and the other programs in that block, that in 1979-81 we funded twelve million dollars alone for remediation. Then in 1981-83 biennium last spring we converted this into a block grant and put it in with special education, bilingual, remediation, gifted and all those other programs, and we hardly funded those at a level that would take care of the special education, so many school districts then dropped their remediation program, and I have seen a list of a number of them that have dropped the remediation program entirely, dropped the gifted program, dropped the bilingual program, and then now if we do not pass this amendment we are going back and cutting into that block grant amount and probably lose the rest of the school districts in the state that have intact a little bit of remediation as some do or gifted or bilingual."

"So this amendment if it passes will stop the deterioration of some of those very, very basic categorical funding areas where school districts are trying to pick up the kids that have special problems and keep them from getting into more serious trouble in their education mode. Is that correct, Senator Gaspard?"

Senator Gaspard: "It will stop further deterioration."

Further debate ensued.

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

### ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Bauer, Bottiger, Conner, Fleming, Gaspard, Goltz, Gould, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Moore, Peterson, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—22.

Excused: Senators Charnley, Rasmussen—2.

On motion of Senator Gaspard, there being no objection, an amendment to page 79, line 13, on the desk of the Secretary of the Senate, was withdrawn.

There being no objections, due to the absence of Senator Charnley, the amendments on the desk of the Secretary of the Senate by Senator Charnley, will be considered upon his return.

On motion of Senator Bottiger, there being no objection, the amendments by Senators Bottiger, Bauer, Lysen, Moore, Charnley and Fleming, on the desk of the Secretary of the Senate, were withdrawn.

On motion of Senator Scott, the following amendment by Senators Scott and Patterson was adopted:

On page 81, line 13 strike "351,561,000" and insert "378,408,000"

Senator Scott moved adoption of the following amendment by Senators Scott and Patterson:

On page 81, line 16 strike "351,832,000" and insert "378,679,000"

### POINT OF INQUIRY

Senator Goltz: "In light of the action which this body took last night on the vocational-technical institutes, is the same treatment being given to the community colleges as was given to the vocational-technical institutes last night? Is this the same, the basis?"

Senator Scott: "The voc-tech institutes were reduced four percent. We are here reducing the community colleges 4.7 percent. I was just going to say to Senator Goltz, there is a rough parity although we all know the funding formula is a little bit different. The percentage cut is greater in the community colleges."

### POINT OF INQUIRY

Senator Wojahn: "Would you give me the exact dollar amount of the amendment that we are passing right now?"

Senator Scott: "The amendment we just passed on page 81, line 13, raises the amount from three hundred and fifty-one million five hundred and sixty-one thousand to three hundred and seventy-eight million four hundred and eight thousand. The amendment we are now considering on page 81, line 16, makes the same change at the bottom of that section."

Senator Wojahn: "Would you state that in dollars. I was looking at the wrong amendment here."

Senator Scott: "Three hundred and fifty-one million dollars, eight hundred

Senator Wojahn: "No, would you state the difference, please. How much of the cuts are we restoring here in dollars?"

Senator Scott: "There is a little less than twenty-seven million dollar difference."

Senator Wojahn: "So we are adding twenty-seven million dollars. Is that correct?"

Senator Scott: "That is correct."

The motion by Senator Scott carried and the amendment was adopted.

Senator Scott moved the following amendments by Senators Scott and Patterson be considered and adopted simultaneously:

On page 82, line 4 strike "278,450,000" and insert "280,102,000"

On page 82, line 10 strike "335,859,000" and insert "337,511,000"

### PARLIAMENTARY INQUIRY

Senator McDermott: "Mr. President, I have an amendment here that puts more money back into the University of Washington than Senator Scott's and therefore has a higher appropriation level for the University. In which order will they be considered or should they be considered?"

### REPLY BY THE PRESIDENT

President Cherberg: "The higher figure of the two should be the one considered first."

The amendments by Senators Scott and Patterson were held for consideration at a later time.

Senator Bottiger moved adoption of the following amendment by Senators Bottiger, Bauer, Lysen, Moore, Charnley, Fleming, Talmadge and Hughes:

On page 81, after line 33, insert "(3) In making reductions in funds, no reductions shall be made affecting tuition waivers for the parenting education program."

Debate ensued.

### POINT OF INQUIRY

Senator Talmadge: "Senator Scott, Senator Bottiger had a question about how much this particular tuition waiver costs in this budget. Do you have any idea what this tuition waiver program actually costs in this budget?"

Senator Scott: "I can't quote you the figures this morning, Senator. I can get staff, which is off the floor, to give them to you within five minutes. It is not an enormous figure in the overall figure that was just quoted a moment ago for the community college system, the three hundred and fifty-one million dollars. It is a question of where, if you have got to make reductions, they should be made, either in the central academic programs or in desirable but comparatively peripheral courses, operations such as this."

Senator Talmadge: "Thank you, Senator."

Further debate ensued.

Senator Talmadge 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 Bottiger, Bauer, Lysen, Moore, Charnley, Fleming, Talmadge and Hughes.

### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 27; nays, 20; excused, 2.

Voting yea: Senators Bauer, Bottiger, Conner, Fleming, Gallagher, Gaspard, Goltz, Haley, Hansen, Hemstad, Hughes, Hurley, Lysen, McDermott, Moore,

Patterson, Peterson, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—27.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gould, Guess, Hayner, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Pullen, Quigg, Scott, Sellar, Zimmerman—20.

Excused: Senators Charnley, Rasmussen—2.

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

On page 82, line 4, strike "278,450,000" and insert "281,831,000".

On page 82, line 10, strike "335,859,000" and insert "339,240,000".

Debate ensued.

The motion by Senator McDermott failed and the amendments were not adopted.

The following amendments by Senators Scott and Patterson had been moved for adoption earlier and were held to first consider the amendments proposed by Senator McDermott to page 82, lines 4 and 10.

On page 82, line 4 strike "278,450,000" and insert "280,102,000"

On page 82, line 10 strike "335,859,000" and insert "337,511,000"

The motion by Senator Scott carried and the amendments were adopted.

On motion of Senator Scott, the following amendment was adopted:

On page 82, line 10 strike "335,859,000" and insert "337,511,000"

Senator Bauer moved the following amendments by Senators Bauer, Lysen and Fleming be considered and adopted simultaneously:

On page 82, line 12, after "condition" insert "s" and after "limitation" insert "s"

On page 82, line 13, after "education." insert "In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel."

On page 82, line 25, after "condition" insert "s" and after "limitation" insert "s"

On page 82, line 27, after "center." insert "In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel."

On page 83, after line 2, insert "The appropriations in this section are subject to the following condition or limitation: In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel."

On page 83, after line 11, insert "The appropriations in this section are subject to the following condition or limitation: In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated for travel."

On page 83, after line 26, insert "The appropriations in this section are subject to the following condition or limitation: In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel."

Senator Wilson moved adoption of the following amendment to the amendments by Senators Bauer, Lysen and Fleming:

On page 82, line 27, following "travel" insert ": PROVIDED, That no reduction in the state general fund moneys allocated to the Cooperative Extension Service program for travel shall be reduced"

Debate ensued.

## POINT OF INQUIRY

Senator Fleming: "Senator Wilson, by this amendment I would assume that you feel thoroughly confident as to what you know about these programs and the travel that is involved around these programs, that this is a program that in your opinion would not have unnecessary traveling or have the kind of traveling that they too could not reduce some of it."

Senator Wilson: "Senator Fleming, with respect to the overall amendment, I have the utmost . . ."

Senator Fleming: "No, I am talking about your extension services that you are amending out. I am saying you are fairly confident that this type of program that have these extension services to the counties, what you are trying to exclude from travel, these extension services, you are fairly confident that the amount of traveling that they do within this program is necessary and there would not be additional traveling in there that they could cut out?"

Senator Wilson: "Yes, Senator, I guess I would say that on the basis of having lived for thirty years in rural areas in Eastern Washington and observing county agents functioning, and to function very little value is attached to them if they are sitting in their offices. To function they are out talking with the farmers, visiting farms and this sort of thing."

Senator Fleming: "Senator Wilson, with that explanation, I appreciate that, and getting that explanation that I am going to support Senator Wilson's amendment because I would just like to point out to the members of this floor, when someone from the rural area has a very pertinent problem and they have information regarding that problem that we here in the Legislature and we on the west side of the mountains should understand, I want them to understand that I am willing to listen and go along with them, and I hope in the future when I have a problem in urban Seattle that I live with, that you are not aware of and you don't have the expertise that I do, that you will listen to me too."

Debate ensued.

On motion of Senator Bauer, there being no objection, the amendments, and the amendment to the amendments, were held for later consideration.

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

On page 82, line 18, strike "172,832,000" and insert "178,012,000".

On page 82, line 21, strike "~~((14,000,000))~~ 18,200,000" and insert the stricken language.

On page 82, line 23, strike "191,032,000" and insert "192,012,000".

Debate ensued.

## POINT OF INQUIRY

Senator Goltz: "As I look at the statement connected with the amendment, there is a paragraph labeled 'Effects' and it says in this note that the cut is seven point three percent, and I am wondering how that figure is in this explanation instead of the four point seven."

Senator Scott: "Since we haven't suggested no more than four point seven, the Governor originally suggested four point five, I have to assume that that is additive of the revenue raisers that were incorporated in the Governor's proposal. Maybe Dr. McDermott can tell you how they arrived at it."

Senator Goltz: "A second question. It has to do with the second part of that statement. Why is it that in certain cases additional funds from the projects, capital projects account has been included in the operating budget and is there any equity in the way that was done?"

Senator Scott: "The institutions have been treated the same, Senator Goltz. The aggregate of the building account funds that are available for operating purposes are six million dollars, and there is again no distinction between the institutions except that obviously each of them had a different amount in their building fund. They have all been drawn down at the same level."

Senator Goltz: "That is the Woody Allen approach again. You are going to take the money and run."

Senator Scott: "Let me phrase it another way then, Senator. They have all been drawn down the same level. Yes, they did have different amounts in their building accounts."

Senator Goltz: "It seems to me that that in itself is a very unequal treatment then. I would suggest that that should not be allowed to happen in the name of equity."

Senator Scott: "Well, you will remember that when we first took this approach, which was in the prior biennial budget at the suggestion of the Governor, the University of Washington had the great bulk of the local account moneys because of the METRO tract. If you are pointing, for instance to Western's position in this, it is true that there are different levels of balances in each institution, but I don't know how you correct that. We are looking for dollars that can be on a legal and legitimate basis put in on the operating side and to date the two universities have lost the greater amount of dollars as a result of the actions we have already taken."

#### REMARKS BY SENATOR McDERMOTT

Senator McDermott: "In answer to Senator Goltz's question about where those figures came below my amendment of seven point three percent, the Republican budget that came out of the Ways and Means had a seven point three percent cut built into it. I am bringing it up to four point five percent cut. What Senator Scott is saying, if you turn this amendment down and go for his, you will only make a four point seven percent cut. So the difference between my amendment and Senator Scott's amendment is point two percent."

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

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

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 18; nays, 29; excused, 2.

Voting yea: Senators Bauer, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, McDermott, Moore, Peterson, Ridder, Shinpoch, Talley, Talmadge, Vognil, Williams, Wojahn, Woody—18.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Wilson, Zimmerman—29.

Excused: Senators Charnley, Rasmussen—2.

On motion of Senator McDermott, there being no objection, the amendments to page 82, lines 32 and 35; and page 83, line 2, on the desk of the Secretary of the Senate, were withdrawn.

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

On page 83, line 7, strike "48,852,000" and insert "49,921,000".

On page 83, line 11, strike "50,518,000" and insert "51,587,000".

Debate ensued.

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

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

### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 17; nays, 29; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Bottiger, Conner, Fleming, Gaspard, Goltz, Hansen, Lysen, McDermott, Moore, Peterson, Ridder, Shinpoch, Talley, Talmadge, Williams, Woody—17.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Vognild, von Reichbauer, Wilson, Wojahn, Zimmerman—19.

Absent or not voting: Senator Hayner—1.

Excused: Senators Charnley, Rasmussen—2.

On motion of Senator McDermott, there being no objection, an amendment to page 83, line 16, on the desk of the Secretary of the Senate, was withdrawn.

Senator Scott moved adoption of the following amendment by Senators Scott and Patterson:

On page 83, line 16 strike "25,158,000" and insert "25,247,000"

Debate ensued.

The motion by Senator Scott carried and the amendment was adopted on a rising vote.

On motion of Senator Goltz, there being no objection, the amendments to page 83, lines 21, 23 and 26, on the desk of the Secretary of the Senate, were withdrawn.

The Senate resumed consideration of the following amendments by Senators Bauer, Lysen and Fleming that had been moved for adoption earlier today:

On page 82, line 12, after "condition" insert "s" and after "limitation" insert "s"

On page 82, line 13, after "education." insert "In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel."

On page 82, line 25, after "condition" insert "s" and after "limitation" insert "s"

On page 82, line 27, after "center." insert "In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel."

On page 83, after line 2, insert "The appropriations in this section are subject to the following condition or limitation: In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel."

On page 83, after line 11, insert "The appropriations in this section are subject to the following condition or limitation: In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel."

On page 83, after line 16, insert "The appropriations in this section are subject to the following condition or limitation: In making reductions, the college shall reduce by thirty percent the amount of state general fund moneys allocated to travel."

On page 83, after line 26, insert "The appropriations in this section are subject to the following condition or limitation: In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel."

On motion of Senator Wilson, an amendment to the amendments by Senators Bauer, Lysen and Fleming was withdrawn.

Senator Wilson moved adoption of the following amendment by Senators Wilson, Patterson and Gaspard to the amendments by Senators Bauer, Lysen and Fleming:

On page 82, line 27, following "travel" and before the period insert "PROVIDED, That no reduction in the state general fund moneys allocated to the Cooperative Extension Service program or the Agriculture Research Stations for travel shall be made"

Debate ensued.

The motion by Senator Wilson carried and the amendment to the amendments were adopted.

The President declared the question before the Senate to be the amendments by Senators Bauer, Lysen and Fleming as amended by Senators Wilson, Patterson and Gaspard.

Further debate ensued.

Senators Pullen, Clarke and Gould demanded the previous question and the demand was sustained.

On motion of Senator Ridder, Senator Shinpoch was excused.

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

The President declared the question before the Senate to be the roll call on the amendments by Senator Bauer, Lysen and Fleming as amended by Senators Wilson, Patterson and Gaspard.

### ROLL CALL

The Secretary called the roll and the amendments, as amended, were adopted by the following vote: Yeas, 37; nays, 9; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Hansen, Hughes, Hurley, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—37.

Voting nay: Senators Goltz, Haley, Hayner, Hemstad, Jones, Kiskaddon, McDermott, Patterson, Williams—9.

Excused: Senators Charnley, Rasmussen, Shinpoch—3.

### MOTION

At 11:40 a.m., on motion of Senator Clarke, the Senate recessed until 2:30 p.m.

### AFTERNOON SESSION

The President called the Senate to order at 2:30 p.m.

### MOTION

On motion of Senator Ridder, Senator Talley was excused.

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

### MESSAGE FROM THE HOUSE

November 17, 1981.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 778,

SUBSTITUTE HOUSE BILL NO. 782, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 778, by Select Committee on Deregulation and Productivity (originally sponsored by Select Committee on Deregulation and Productivity and Representative Williams):

Revising provisions for licensing and regulation of certain professions.

Referred to Committee on Commerce and Labor.

SUBSTITUTE HOUSE BILL NO. 782, by Committee on Higher Education (originally sponsored by Committee on Higher Education and Representative McDonald):

Implementing laws relating to discharge of community college personnel.

Referred to Committee on Higher Education.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 4374, by Committee on Ways and Means (originally sponsored by Senator Scott):

1981-83 appropriations modified.

The Senate resumed consideration of Substitute Senate Bill No. 4374 from earlier today.

Senator Charnley moved adoption of the following amendment. The amendment was held from earlier today pending arrival of Senator Charnley.

On page 80, line 35, strike all of section 80, and renumber the remaining sections consecutively.

Debate ensued.

Senator Charnley 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 Charnley.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 24; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, Moore, Peterson, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—24.

Absent or not voting: Senators Fuller, McDermott—2.

Excused: Senators Rasmussen, Talley—2.

Senator McDermott moved adoption of the following amendment by Senators McDermott, Shinpoch and Fleming:

On page 91, line 32, strike all of subsection "(20)" and renumber the remaining subsections consecutively.

Debate ensued.

Senator Moore 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 Senators McDermott, Shinpoch and Fleming.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 25; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Gallagher, Gaspard, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Fuller—1.

Excused: Senators Rasmussen, Talley—2.

Senator Goltz moved adoption of the following amendment:

On page 92, line 28, before the period, insert: "PROVIDED, That these funds shall revert to the general fund on April 1, 1982, unless the citizens of Benton and/or Franklin counties and/or the municipalities therein have favorably passed a bond issue and/or funds from private sources for not less than seven million six hundred thousand dollars which would fund that portion of Energy Fair '83 costs which are a local responsibility"

Senator Benitz moved adoption of the following amendment to the amendment by Senator Goltz:

In the amendment by Senator Goltz on line 6, after "issue" strike all material through "dollars"

## POINT OF INQUIRY

Senator Goltz: "The reason for the amount in the original amendment is to establish the standard or the threshold at which the state's appropriation would be eligible for expenditure, and I guess eliminating that, leaving it completely open and simply leaving it as a portion, I would like to know if you can give me an idea for the record, what would that portion likely be? Is there any level that is thought of as being the portion of the local community for this project?"

Senator Benitz: "Senator Goltz and members, that is very much under discussion now. I think it is generally agreed that it could not be the amount that was turned down by the lack of the sixty percent majority, so that it would have to be somewhat less; and further, there are other areas of participation, both public and private. The Energy Fair at this point is kind of in certain places. We have a coliseum as one part of it. That is what this was all about. We have the federal government, where they may be. We have Bonneville Power Administration with where they may be, and so there are a lot of pieces to put together. And at this point to restrict this to say 'not less than so many dollars' might put us on a terrible spot and I would hope that you could agree to the oral amendment."

## POINT OF INQUIRY

Senator Woody: "Senator Benitz, what was the amount that was turned down?"

Senator Benitz: "The amount that was turned down was almost identical to what you have here, seven point six. And I should explain further that early on it was decided by a group of people who wanted to join very strongly and have an ice rink and other things that would have put it up almost ten million and I believe that wisely was taken out. The point I am trying to make is that we are trying to pick and choose a program that will be highly successful at the least amount of money, and we really shouldn't be tied to an amount here that has to be not less than."

Senator Woody: "Senator Benitz, to continue, are we saying then, are we agreeing that there is no definition in statute of the language 'which are a local responsibility'? If there is no definition of what that amount should be by percentage, then why not take that language out also unless we can agree now on what that figure might reasonably be?"

Senator Benitz: "It would be permissible but I think it would weaken our position. I believe we do want to keep local responsibility in there. I think it is generally agreed at this point by the Energy Fair '83 people and the other parts of the community there is a tremendous local responsibility and I want to keep that in there."

Further debate ensued.

### POINT OF INQUIRY

Senator Talmadge: "Senator, in the course of remarks of Senator Williams, he indicated that somebody from your area was going to come back to the Legislature, somebody from Energy Fair '83, and request an additional appropriation from the Legislature of four point five million dollars or some figure thereabouts. Could you indicate to us categorically out here on the floor that that is or is not going to be the case?"

Senator Benitz: "I do not know if that is going to be the case. I have not been a party to that."

Senator Talmadge: "Thank you, Senator."

Further debate ensued.

Senator Wilson 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 Benitz to the amendment by Senator Goltz.

### ROLL CALL

The Secretary called the roll and the amendment to the amendment was adopted by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Ridder, Scott, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Excused: Senators Rasmussen, Talley—2.

The President declared the question before the Senate to be the amendment by Senator Goltz, as amended by Senator Benitz.

Debate ensued.

### POINT OF INQUIRY

Senator Bottiger: "Senator Benitz, I am concerned that that four point five million dollars in this budget for tourist promotion isn't already the four point five million dollars to finance the Energy Fair. That money isn't going to go there to meet this commitment that was talked about in the paper, is it?"

Senator Benitz: "I wish that were an easy solution, but that four and one-half million will go for tourism. I am quite convinced that our Governor has decided that is for tourism and as far as I am concerned, that is where it will go."

The motion by Senator Goltz carried and the amendment, as amended, was adopted.

Senator Williams moved adoption of the following amendment by Senators Williams, Bauer, Lysen, Hughes, Charnley, Wojahn and Vognild:

On page 92, line 18, strike all of sections 100 and renumber the remaining sections consecutively and on page 97, following line 10, add a new section to read as follows:

"NEW SECTION. Sec. 110. Section 2, chapter 69, Laws of 1981 (uncodified) is hereby repealed.

Renumber the remaining sections consecutively.

Debate ensued.

### POINT OF INQUIRY

Senator Gallagher: "I am aware and I think you are too that here recently we appropriated money for the Pantages Theater downtown that you and I both—should we then stop them from raising money to promote the Pantages? It seems to me that we are getting into a whole rat's nest of these types of operations. Are you aware of how much money that was that we . . .?"

Senator Wojahn: "I am very aware of how much money it was, Senator Gallagher. I am also aware that we were not facing a one plus billion dollar deficit in state funding at the time. I am also aware that there was a promise of economic development funds which has come through. There was a promise of city support which has come through. There was a promise of citizen participation of one point five million that we have now reached. There was community support, there was federal support, there was City of Tacoma support. They had already acquired the building. They had paid for the preliminary plans and they had hired an architect. They were on their way. Otherwise, I would not. If you will remember, I have never, never supported the philosophy of a world's fair for Tacoma until we were building motels, etc. to support it, and until we are, you won't see me asking for one. Then I probably will. As the second largest county in the state, I think that Tacoma should be ready in the very near future, but we do not have hotels, we do not have accommodations, and we do not ask for it."

Senator Gallagher: "But we do have it."

Senator Wojahn: "Beg pardon?"

Senator Gallagher: "We do have the money . . . for the Pantages?"

Senator Wojahn: "It was voted through three years ago when there was no economic problem that we are facing now. I am suggesting that we not use this money now when we need it for state programs that we are not funding."

Senator Gallagher: "You have answered my question. Thank you."

Further debate ensued.

Senator Williams 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 Senators Williams, Bauer, Lysen, Hughes, Charnley, Wojahn and Vognild.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 25; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Ridder, Scott, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, Vognild, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Craswell—1.

Excused: Senators Rasmussen, Talley—2.

Senator Sellar moved adoption of the following amendment by Senators Sellar, McCaslin and Hansen:

On page 97, after line 10 insert the following:

"Sec. 110. Section 17, chapter 143, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

(1) Prepare sites for commercial leases and land development projects.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	2,541,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
965,000	1,578,000	5,084,000

(2) Provide equipment repair and vehicle storage facility, Clearwater Correction Center Annex.

	Reappropriation	Appropriation
GF, CEP & RI Acct	268,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
268,300		536,300

(3) Construct roads and bridges to state land, Cavanaugh Block Access.

	Reappropriation	Appropriation
GF, For Dev Acct	450,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
25,000		475,000

(4) Develop irrigation for state land, Black Rock Project.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	206,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
84,000		290,000

(5) Improve road for timber sales activities, Elbe Hills Betterment.

	Reappropriation	Appropriation
GF, For Dev Acct	300,000	
GF, Res Mgmt Cost Acct	135,000	
Project Costs	Estimated Costs	Estimated Total

Through 6/30/81	7/1/83 and Thereafter	Costs
105,000		540,000

(6) Acquire recreational property on Mt. Si.

	Reappropriation	Appropriation
GF, ORA—State	200,000	
GF, ORA—Federal	200,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
1,400,000		1,800,000

(7) Replace existing water system at department of natural resources Lacey compound.

	Reappropriation	Appropriation
General Fund—State		16,000
GF, Res Mgmt Cost Acct		34,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		50,000

(8) Purchase land for resource management, Natural Resources Land Bank.

	Reappropriation	Appropriation
GF, For Dev Acct		2,000,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
1,000,000	4,000,000	7,000,000

(9) Construct and improve roads and bridges, management ponds.

	Reappropriation	Appropriation
GF, For Dev Acct		240,000
GF, Res Mgmt Cost Acct	1,273,000	929,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
193,000	4,000,000	6,958,000

(10) Develop irrigation projects on state-owned land.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	2,742,000	4,899,400
Project Costs	Estimated Costs	Estimated Total

Through 6/30/81	7/1/83 and Thereafter	Costs
2,968,000	12,000,000	22,609,400
(11) Acquire rights-of-way access for land management.		
	Reappropriation	Appropriation
GF, For Dev Acct		169,000
GF, Res Mgmt Cost Acct		676,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
	1,600,000	3,311,000
(12) Construct boat launch ramp and breakwater, Marine Research Center.		
	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		19,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		19,000
(13) Purchase culverts and other materials for honor camp road maintenance.		
	Reappropriation	Appropriation
GF, CEP & RI Acct		150,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
20,000	200,000	370,000
(14) Increase seedling quality and production, Forest Nursery.		
	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		110,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		310,000
(15) Improve forest fire protection facilities.		
	Reappropriation	Appropriation
General Fund—State		49,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
15,000	40,000	104,000

(16) Provide access to potential commercial lease property, highway 18 interchange.

	Reappropriation	Appropriation
GF, For Dev Acct		250,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		250,000

(17) Construct access to road to state land, Rock Creek Road rehabilitation.

	Reappropriation	Appropriation
GF, For Dev Acct		250,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs

(18) Construct and improve campsites, roads, trails, and other recreation projects.

	Reappropriation	Appropriation
GF, ORV	507,000	429,000
GF, Snowmobile Acct		67,000
GF, ORA—State	99,000	310,000
GF, ORA—Federal	300,000	310,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
2,470,000	1,379,000	5,871,000

(19) Construct bridge and access road to state lands, McDonald Mainline.

	Reappropriation	Appropriation
GF, For Dev Acct		69,700
GF, Res Mgmt Cost Acct		135,300
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		205,000

(20) Remodel five field buildings.

	Reappropriation	Appropriation
General Fund—State		27,000
GF, For Dev Acct		23,000
GF, Res Mgmt Cost Acct		46,000
Project Costs	Estimated Costs	Estimated Total

Through 6/30/81	7/1/83 and Thereafter	Costs
		96,000
(((21) Acquire the Milwaukee Railroad right-of-way and existing bridges from Easton in Kittitas County to Tckoa in Whitman County.		

	Reappropriation	Appropriation
GF, ORA—State		3,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		3,500,000))"

Renumber the sections consecutively.  
Debate ensued.

### POINT OF INQUIRY

Senator McCaslin: "Senator Zimmerman, who I respect very much, he is the gray haired gentleman in front of me here with dark glasses, pointed out the terrific values we are getting in the bridges. For instance, he mentioned the bridge worth two million dollars and, of course, I can see horses riding over that bridge, and repairing the rest of the bridges, of course, so the other horses can ride over those bridges.

"Now to go over to Senator Bottiger, the esteemed attorney on the other side, he tells us that we are keeping score on what we are cutting and what we are adding and says neither side can take credit for this three and one-half million dollars. So now I come to the point of asking you to yield. In your opinion, and I value your opinion very much, Senator Sellar, could you tell this esteemed body what you estimate it will cost in the future to maintain this trail for any purpose they might have in mind?"

Senator Sellar: "Senator McCaslin, I wish I could give you a figure on that. I really obviously can't because I don't know—I have kind of had a twist out here today. The money was appropriated for a recreational trail and now I find Senator Guess and even Senator Hemstad agreeing, saying oh, no, we don't really have to use it for that. We can put a coal slurry pipeline through there if we want to. We can get around the intent of the appropriation for recreation if in fact we want to do that. And I find that objectionable because we are not even talking to the people that are involved, the landowners, about whether they want a coal slurry line through their property. So I find a whole new twist out here today and I wish I could tell you, Senator McCaslin, what the cost of the liability, what the cost of the development, if it is a recreational trail, what it will cost to put up fences, to pick up garbage. I don't know. I can't answer that. The only thing I can say to you is, Senator Fleming, who is off the floor for just a minute has said many times here on the floor that you can pay me now or you can pay me later. I think this one is you can pay now and you can pay later also."

Senator McCaslin: "Thank you, Senator Sellar. Since you can't come up with a figure, some of the figures I have heard for building fences, picking up garbage, tearing up the old ties, maintaining the trail, let's take a figure of ten million. And many people here on this floor have thrown figures all over, so please accept that figure. Now that we have established the figure, I would like to notify Senator Bottiger that we just saved ten million dollars of the state's money."

Further debate ensued.

Senator Sellar 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 Senators Sellar, McCaslin and Hansen.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 25; excused, 2.

Voting yea: Senators Bauer, Conner, Craswell, Deccio, Fleming, Gallagher, Gould, Haley, Hughes, Hurley, Lee, McCaslin, Moore, Newhouse, Patterson, Quigg, Scott, Sellar, Vognild, von Reichbauer, Wilson, Wojahn—22.

Voting nay: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Fuller, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lysen, McDermott, Metcalf, Peterson, Pullen, Ridder, Shinpoch, Talmadge, Williams, Woody, Zimmerman—25.

Excused: Senators Rasmussen, Talley—2.

On motion of Senator Bottiger, there being no objection, an amendment to page 97, line 10, on the desk of the Secretary of the Senate, was withdrawn.

Senator Deccio moved adoption of the following amendment following the adopted Gaspard amendment:

On page 4, following line 27 after "law", insert:

"except for the Department of Social and Health Services"

#### POINT OF INQUIRY

Senator Bottiger: "In adopting this amendment it has been represented to us that there is one deputy director in the Department of Social and Health Services that was already hired, is on the job and is doing a good job and I think we all agree that we ought to make an exception to the deputy director rule for him, but we are not talking about a blank check for Social and Health Services to hire a whole bunch of new deputy directors."

Senator Deccio: "That is correct, Senator Bottiger. This is being offered for one individual who has already been hired. That is correct."

Debate ensued.

Senator Guess moved adoption of the following amendment to the amendment by Senator Deccio:

In the Deccio amendment, following "Services" and before the period, insert "and Department of Game"

Debate ensued.

Senator Talmadge 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 to the amendment by Senator Deccio.

#### ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 23; absent or not voting, 2; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Peterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman—22.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gallagher, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Patterson, Ridder, Scott, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Absent or not voting: Senators Deccio, Newhouse—2.

Excused: Senators Rasmussen, Talley—2.

The President declared the question before the Senate to be the amendment by Senator Deccio.

Debate ensued.

The motion by Senator Deccio carried and the amendment was adopted.

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

On page 25, line 5, strike "~~(1,197,000)~~ 1,076,000" and insert "1,197,000"

On motion of Senator Goltz, the following amendments by Senator Goltz were considered and adopted simultaneously:

On page 81, following line 33 insert "(3) In making reductions the board shall reduce by thirty per cent the amount of state general fund moneys allocated to travel."

On page 84, following line 6, insert "In making reductions the council shall reduce by thirty per cent the amount of state general fund allocated to travel."

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

On page 82, following line 33, insert a new subsection to read as follows:

(6) In making reductions in state general fund moneys pursuant to this section, the Board shall reduce by thirty percent the general funds expended for lobbying the legislature, members of the legislature and lobbying-related activities"

On page 83, following line 26, add a new subsection to read as follows:

"NEW SECTION. Sec. 88. In making reductions in state general fund moneys, pursuant to sections 82, 83, 84, 85, 86 and 87 of this act, the universities and college shall reduce by thirty percent the general funds expended for lobbying the legislature, members of the legislature and lobbying-related activities."

Renumber the remaining sections consecutively.

On page 84, following line 6, add a new subsection to read as follows:

"(1) In making reductions in state general fund moneys pursuant to this section, the council shall reduce by thirty percent the general funds expended for lobbying the legislature, members of the legislature and lobbying-related activities."

### POINT OF INQUIRY

Senator Guess: "Senator Hurley, I am trying to find how, since we do not in Sections 82, 83, 84, 85, 86 or 87 provide for a lobbying line item, how are we going to determine and how could you determine whether or not they were complying with the amendment."

Senator Hurley: "I am sure that it is almost impossible to separate those dollars out, but I think that a direction by this legislature to cut those activities would certainly be complied with. Even though there isn't any line item, there isn't any dollar amount, we know those activities go on. We certainly could tell the difference if they weren't here quite that much."

Senator Guess: "You know, I am reminded of the time that Vice President Agnew was out here and announced very proudly that the federal government was going to institute a new program of federal revenue sharing. And I don't know whether the Lieutenant Governor remembers or not but I asked the question and he pretty quickly squelched me. I asked Mr. Agnew, Vice President, how were they going to share zero. Now I ask you, how in the world would you limit thirty percent of something that is not expressed in the budget? This is an act of, in my opinion, an act of futility. Yes, I believe that there should be efficiency. I believe that the representatives of the universities do use their time properly. I have never been asked by a single representative, either WSU, the University of Washington or Eastern Washington University, to do an item or to comply with a wish of theirs that I did not think was reasonable. Now I have the greatest of faith in the administration of our colleges, and I believe that this is unnecessarily burdening the statutes of the state of Washington for an effort that would best be stated in a resolution, a floor

resolution, and asking them to cut down and to use as few trips as possible. It would have the same effect."

Senator Hurley: "To reply, if I may, to Senator Guess, oftentimes items of policy, what we would like to have as our policy, a direction of policy, and as far as Senator Guess' faith in the officials from institutions of higher learning, I have faith in them too. And I have faith if we come and say in this budget, cut out the items that you have down here, you are showing up a little bit too much, it looks like you are a little bit overeager, maybe you are making statements on things that are a little bit self-serving, why—especially after the talk on this Senate floor, I should think that they would get the idea right away. So I think a statement of policy is perfectly proper in this instance."

The motion by Senator Hurley failed and the amendments were not adopted.

Senator Hurley moved adoption of the following amendment by Senator Hurley and Hughes:

On page 83, following line 26, add a new section to read as follows:

**"NEW SECTION.** Sec. 88. In making reductions in state general fund moneys, pursuant to sections 82, 83, 84, 85, 86 and 87 of this act, the universities and college shall reduce by fifty percent the general fund moneys expended for sabbatical leaves."

Renumber the remaining sections consecutively.

Debate ensued.

Senator Hurley 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 Hurley and Hughes.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 10; nays, 35; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Conner, Craswell, Hansen, Hughes, Hurley, Lysen, McCaslin, Metcalf, Vognild—10.

Voting nay: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shipoch, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—35.

Absent or not voting: Senators Deccio, Pullen—2.

Excused: Senators Rasmussen, Talley—2.

Senator Bauer moved the following amendments be Senators Bauer and Wojahn be considered and adopted simultaneously:

On page 84, line 19, strike "1,734,000" and insert "500,000"

On page 84, line 22, strike "28,891,000" and insert "27,657,000"

On page 84, after line 28, insert the following:

"The State Board for Community College Education, the Superintendent of Public Instruction, and the Office of Financial Management are hereby directed to draft a joint agreement to designate one of these state agencies to administer the allocation of federal vocational education programs and funds."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendments by Senators Bauer and Wojahn.

## ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 13; nays, 32; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Charnley, Conner, Gaspard, Hansen, Hurley, Lysen, Moore, Ridder, Vognild, Williams, Wilson, Wojahn—13.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Newhouse, Peterson, Quigg, Scott, Sellar, Shinpoch, Talmadge, von Reichbauer, Woody, Zimmerman—32.

Absent or not voting: Senators Patterson, Pullen—2.

Excused: Senators Rasmussen, Talley—2.

## MOTION

At 5:32 p.m., on motion of Senator Clarke, the Senate adjourned until 9:30 a.m., Wednesday, November 18, 1981.

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

## TENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, November 18, 1981.

The Senate was called to order at 9:30 a.m. by President Cherberg.

Reverend Robert Keller, pastor of Lutheran Church of the Good Shepherd offered the prayer.

There being no objection, the Senate was declared to be at ease.

The President called the Senate to order at 1:30 p.m.

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

The Color Guard, consisting of Pages Cindy Lee and Doug Vaughn, presented the colors.

### MOTIONS

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

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

On motion of Senator Peterson, the following resolution was unanimously adopted:

#### SENATE RESOLUTION 1981-155

By Senators Peterson, Talley, Conner, Guess, Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallaghan, Gaspard, Goltz, Gould, Haley, Hanson, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman:

WHEREAS, Phil Sutherland was known as a determined man when representing his point of view and that of the Puget Sound Gillnetters before the Legislature, Executive agencies and the courts; and

WHEREAS, Phil Sutherland was a compassionate man, professionally and personally, whose humor and independence were well respected by those who knew and worked with him inside and outside of government; and

WHEREAS, Phil Sutherland shared his life with his family, his friends, and his fellow fishermen, and yet took the time to spend many hours working with the youth in their development of confidence and self respect; and

WHEREAS, Phil Sutherland showed those youth, his family and others how important it is to have self-respect and confidence in dealing with government and in sticking to one's principles; and

WHEREAS, Phil Sutherland, while pursuing his livelihood as a fisherman, as he had for over thirty years, lost his life at sea on Tuesday, November 3rd, 1981; and

NOW, THEREFORE, BE IT RESOLVED, By the Members and staff of the Washington State Senate, That our sincere condolences are given to Mrs. Loreen Sutherland, the Sutherland children, and other family members over their loss; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby directed to forward a certified copy of this resolution to Mrs. Sutherland as a gesture of the loss which is also felt within the halls of the Legislature.

REMARKS MADE DURING  
THE ADOPTION OF  
SENATE RESOLUTION 1981-155  
REMARKS BY SENATOR PETERSON

Senator Peterson: "Mr. President and members of the Senate, I am sure most if not all of you have probably come in contact at one time or another in the legislative arena. Phil appeared before the Natural Resources Committee in the years that I chaired it on numerous occasions. He was a very dedicated, sincere individual, and while we didn't always agree in philosophy on areas that he represented, he was always fair and open minded in the way he presented his case. I am in deep sympathy with his family. Phil worked awfully hard at his job, his profession, even to the extent in the early days of the Boldt decision he subjected himself and served a certain period of time in jail, upholding his philosophy and the rights of the fishermen. I move the adoption of the resolution."

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, having been from the east side of the state and not knowing a gillnetter from a purse seiner all these years, Phil undertook to educate me and I am not sure that he was successful; but he did point out the problems that the fisherman has and I certainly had the greatest empathy for the point of view that he brought. It is with rare exception that I find people that are as dedicated to the pursuit in life that I found that Phil had, and it was certainly a blow to lose him and to know that we will not be privileged to see him in and out of the chambers and the halls here from time to time, and I too want to express my sympathy for his family."

REMARKS BY SENATOR LYSEN

Senator Lysen: "I would like to add my voice to this resolution. I had the pleasure of offering Phil Sutherland's amendments in the last session on the ocean ranching bill. Phil sat in my office for most of a week or more than a week, ten days, as we drew them up and served within the wings in giving me the amendments, and I had a lot of respect for that man. He was a true rugged individualist. He thought he was a member of your party. I thought he probably should have been a Democrat, but in any event he really was a fine man who I got to know in the course of my interest in the salmon industry, and I had the honor of attending his funeral and it was a real tribute to that man and what he stood for. He was the kind of man that I think really makes us pause a minute. There are not many people like that left. It seems like in modern technology and society we produce sort of the mass urban man, but the true rugged individualist like Phil Sutherland really makes a contribution. He made it here and it was a real honor for me to work with him and to offer his amendments on the floor of this Senate."

REMARKS BY SENATOR GALLAGHAN

Senator Gallagher: "I would like to say amen to that myself, having been very close to Phil Sutherland over the years, working in the industry and the Department of Fisheries. Although we had tremendous differences in some areas, you could always depend on where the man came from. It is a true tribute to a true American. Bless him forever."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I too would like to join, having known Phil for many years, knowing his dedication to the people he represented, and to point out that he was representative of a very hazardous industry that spend their life out there producing food for the nation and foreign nations alike. Phil was just an

example, an experienced fisherman, yet he was killed in plying his trade. Many others have gone down in this industry supplying the needs of our nation. But Phil was dedicated, particularly dedicated. You don't find very many people these days that will express their convictions to the point where they are willing to put themselves in jeopardy of going to jail and as he did, it wasn't a violation; it was a deliberate display of showing how he thought the law was wrong and in trying to get it changed. Even though he has passed on, let us hope that the law will be changed so this will once again be a nation where everybody is equal instead of special privileges for some."

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

MESSAGE FROM THE GOVERNOR  
REPORT OF PARDON  
RICHARD E. ANDERSON

Office of the Governor, November 12, 1981.

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 the pardon of Mr. Richard E. Anderson, which has been granted since the adjournment of the First Extraordinary Session of the Forty-Seventh Regular Session of the Legislature.

Richard E. Anderson was found guilty of indecent liberties on January 27, 1948 in the Superior Court of Snohomish County, Washington, Cause Number 817. He then spent approximately eight months in the State Reformatory at Monroe and in Sedro-Woolley State Hospital before being paroled. Since 1952, Mr. Anderson has worked for the American-Canadian Stratigraphic Service Company, where he is now Senior Geologist. In 1968, Mr. Anderson became a Canadian citizen. So long as his conviction stands, he cannot obtain a visa to work for his company in the United States, which would be advantageous to him and his company. On June 23, 1981 the Snohomish County Superior Court, on motion of a Snohomish County Deputy Prosecuting Attorney, "dismissed" the information filed in Cause Number 817 against Mr. Anderson. This dismissal, however, was not sufficient to clear the way for obtaining a visa.

The passage of 33 years since Mr. Anderson was convicted, his many years of productive work, and his justifiable reasons for wanting to work in the United States all indicate that a pardon of Mr. Anderson is in the interests of justice.

On November 10, 1981, Richard E. Anderson was pardoned from the judgment and sentence of indecent liberties (Cause Number 817) entered on January 27, 1948, by the Superior Court of the state of Washington for Snohomish County.

Respectfully submitted,  
JOHN SPELLMAN  
Governor

MOTION

At 1:50 p.m., on motion of Senator Clarke, the Senate adjourned until 1:00 p.m., Thursday, November 19, 1981.

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

**ELEVENTH DAY**

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**AFTERNOON SESSION**

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Senate Chamber, Olympia, Thursday, November 19, 1981.

The Senate was called to order at 1:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Charnley. On motion of Senator Ridder, Senator Charnley was excused.

The Color Guard, consisting of Pages Cindy Lee and Carol Wolfe, presented the Colors. Reverend Robert Keller, pastor of The Lutheran Church of The Good Shephard, of Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

**SUBSTITUTE HOUSE BILL NO. 485**, terminating pollution control exemptions and credits (reported by Committee on Ways and Means):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Hayner, Jones, Lee, McDermott, Ridder, Wojahn.

On motion of Senator Clarke, the rules were suspended and Substitute House Bill No. 485 was advanced to second reading and placed on the second reading calendar for today.

November 19, 1981.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 766**, amending uniform disposition of unclaimed property act (reported by Committee on Ways and Means):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Haley, Hayner, Jones, Lee, McDermott, Ridder, Wojahn, Zimmerman.

On motion of Senator Clarke, the rules were suspended and Engrossed Substitute House Bill No. 766 was advanced to second reading and placed on the second reading calendar for today.

**MOTION**

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

**SECOND READING**

**SUBSTITUTE HOUSE BILL NO. 485**, by House Committee on Revenue (originally sponsored by House Committee on Revenue and Representatives Chandler, Isaacson, Sommers, Greengo, Rinehart, Burns, Rust and Nelson (D)):

Terminating pollution control exemptions and credits.

## REPORT OF STANDING COMMITTEE

November 19, 1981

SUBSTITUTE HOUSE BILL NO. 485, terminating pollution control exemptions and credits (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 9, after "November" strike "30" and insert "1"

On page 3, line 25, after "November" strike "30" and insert "1"

On page 4, line 16, after "November" strike "30" and insert "1"

On page 5, line 34, after "November" strike "30" and insert "1"

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Hayner, Jones, Lee, McDermott, Ridder, Wojahn.

On page 5, line 34, after "November" strike "30" and insert "1"

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Hayner, Jones, Lee, McDermott, Ridder, Wojahn.

The bill was read the second time by sections.

Senator Scott moved the committee amendments be considered and adopted simultaneously.

Senator Zimmerman moved adoption of the following amendments to the committee amendments be considered and adopted simultaneously:

On page 3, line 9, after "November" strike "30" and insert "12"

On page 3, line 25, after "November" strike "30" and insert "12"

On page 4, line 16, after "November" strike "30" and insert "12"

On page 5, line 34, after "November" strike "30" and insert "12"

Debate ensued.

The motion by Senator Zimmerman failed and the amendments to the committee amendments were not adopted.

The President declared the question before the Senate to be the committee amendments to Substitute House Bill No. 485.

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

The President declared the question before the Senate to be the roll call on the committee amendments to Substitute House Bill No. 485.

## ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 39; nays, 9; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Moore, Patterson, Peterson, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—39.

Voting nay: Senators Fuller, Guess, McCaslin, Metcalf, Newhouse, Pullen, Quigg, Sellar, Zimmerman—9.

Excused: Senator Charnley—1.

On motion of Senator Scott, the rules were suspended, Substitute House Bill No. 485, 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. 485, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Guess, McCaslin, Talley, Zimmerman—4.

Excused: Senator Charnley—1.

SUBSTITUTE HOUSE BILL NO. 485, 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. 766, by House Committee on Revenue (originally sponsored by House Committee on Revenue and Representatives Ellis and Greengo) (by Executive request):

Amending uniform disposition of unclaimed property act.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Engrossed Substitute House Bill No. 766 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Ridder, Senator Goltz was excused.

## POINT OF INQUIRY

Senator Hurley: "I wonder what advice you would give me in a practical situation. My daughter has a small checking account, I guess, that she left at a Spokane bank when she moved to Seattle. She knows the money is there. It is kind of like having it socked away. She would use it when she needs it. It is collecting interest but not very much, and she hasn't had any communication about it. Should I call her and say, please either write to them or take your money out of the bank? It has been there for about five or six years."

Senator Scott: "Senator Hurley, your daughter won't lose her money. First of all, she would have to have zero activity in it for five years. Secondly, she would have to be lost as far as the bank was concerned."

Senator Hurley: "Will they try to find her?"

Senator Scott: "They will tell you. They will say, what do you want to do with your account. Secondly, these are for individuals that have disappeared from sight. And thirdly, even after the five year period and if they couldn't find her, the money would still be hers if claimed. It is transferred to the state and the law of statutes isn't cut off."

Senator Hurley: "All right. Thanks a lot."

## POINT OF INQUIRY

Senator Wilson: "Senator, the Digest says no revenue, but you mentioned considerable amount of revenue. Could you tell me more specifically what good things this bill is expected to do for the general fund over what period of time?"

Senator Scott: "Senator Wilson, the revenue is generated not because there are more people out there losing track of their intangibles or because, at least before next winter we will be able to do a better job of auditing and finding out what is happening, but rather by reduction of the time periods, the point at which, those

deposits and accounts can be officially put in the state's care and earn us interest and become part of our cash flow as opposed to sitting in a savings account in a bank and that institution earning the interest on it. So our gain has to do with the reduction in the time period before which you can transfer the money to the state."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 766, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Lysen, Pullen—2.

Excused: Senators Charnley, Goltz—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 766, having received the 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 Bottiger: "Senator Scott, the mayors and the council members and the people from local government have been down here urging some action on a Governor's executive request bill, Senate Bill 4421, and I haven't heard there is any scheduled hearings or any opportunity for them to present their views to tell you the plight that they are having, and I noticed in the paper that we have cut mental health. Senator Quigg and I debated this about a program to cut state programs for things like mental health and dump them on county government and no money to pay for them, and the counties and cities are down here complaining that that is what is happening and they are asking for a hearing on their measure, and I am wondering when we are going to have an opportunity to have that addressed."

Senator Scott: "I suppose there are as many feelings about that proposal as there are Senators. Speaking from where I come from, the county of King is better off than almost any government you would like to name in the state of Washington. The city of Seattle may have as much a philosophical as a fiscal problem in that a number of us met with the Mayor for a couple of hours a month ago before coming down here, and if some of the things that did come out of our budget on the first round now came out of his, there would be no gap. Their solution in Seattle on the first round was to, had a ten percent gap the way we did, was to cut two and tax eight. And we did the reverse. Grantedly there are other governments in the state of Washington, local governments, that are in somewhat more difficult shape. There has been no schedule ahead for hearings in the committee because we have been dealing exclusively with the budget.

"Now with these revenue measures, there are three bills scheduled that are, I guess would be described as reform bills, for tomorrow morning. There is a major social and health services bill scheduled for Tuesday morning, and for Monday morning we are going to deal with the EAA, and after that time, Senator, presuming we are successful in getting the budget off the floor, I will try and be more definitive."

Senator Bottiger: "I would urge you, Senator, to do so because some of the revenue projections that we are now getting, and they are getting worse and worse,

are also the same taxes, the same identical taxes, that our counties and cities depend on and they are going down as well."

#### REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President and ladies and gentlemen of the Senate, I should like also to address myself to that question. This is a very short session. We were called here for the specific purpose of trying to settle the financial problems of the state. We are fully aware that the cities and counties also have problems and we are very sympathetic to those. However, I think our priorities are to take care of the state problems now. I can guarantee you that if we do not get to the problem of local option taxes this session, which is very doubtful, because of the parameters of it, we will get to that issue in January."

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

#### MESSAGES FROM THE HOUSE

November 18, 1981.

Mr. President: The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 756,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 759, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

November 18, 1981.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 770, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### INTRODUCTION AND FIRST READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 756, by Committee on Appropriations – Human Services (originally sponsored by Committee on Human Services and Representative Mitchell) (by Department of Social and Health Services request):

Modifying provisions relating to public assistance.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 759, by Committee on Appropriations – Human Services (originally sponsored by Committee on Appropriations – Human Services and Representatives Mitchell and Brekke (by Department of Social and Health Services request):

Enacting the social and health services financial responsibility act.

Referred to Committee on Social and Health Services.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 770, by Committee on Education (originally sponsored by Committee on Education and Representative Taylor):

Changing law respecting student learning objectives and achievement level surveys of students.

Referred to Committee on Education.

#### MOTION

At 1:45 p.m., on motion of Senator Clarke, the Senate adjourned until 1:00 p.m., Friday, November 20, 1981.

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

## TWELFTH DAY

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### AFTERNOON SESSION

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Senate Chamber, Olympia, Friday, November 20, 1981.

The Senate was called to order at 1:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Charnley and Williams. On motion of Senator Ridder, Senators Charnley and Williams were excused.

The Color Guard, consisting of Pages Pam Wolfe and Joe Cleary, presented the Colors. David S. Steen, pastor of The Lutheran Church of The Good Shepherd, of Olympia, offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

November 18, 1981

SECOND SUBSTITUTE HOUSE BILL NO. 557, prohibiting transfer of assets for the purpose of qualifying for medical assistance benefits (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Rasmussen.

### MOTION

On motion of Senator Clarke, the rules were suspended, Second Substitute House Bill No. 557 was advanced to second reading and placed on the second reading calendar for November 22, 1981.

November 18, 1981.

SUBSTITUTE HOUSE BILL NO. 760, modifying provisions relating to nursing homes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore.

### MOTION

On motion of Senator Clarke, the rules were suspended, Substitute House Bill No. 760 was advanced to second reading and placed on the second reading calendar for November 22, 1981.

November 20, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 773, providing methods for the management of state funds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Deccio, Gaspard, Hayner, Jones, Lee, Ridder, Zimmerman.

## MOTION

On motion of Senator Clarke, the rules were suspended, Engrossed Substitute House Bill No. 773 was advanced to second reading and placed on the second reading calendar for November 22, 1981.

November 18, 1981.

SUBSTITUTE HOUSE BILL NO. 774, modifying jail space requirements (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Rasmussen.

MINORITY recommendation: Do not pass.

Signed by: Senator Talmadge.

## MOTION

On motion of Senator Clarke, the rules were suspended, Substitute House Bill No. 774 was advanced to second reading and placed on the second reading calendar for November 22, 1981.

November 20, 1981.

ENGROSSED HOUSE BILL NO. 780, modifying provisions relating to the state trade fair fund (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

## MOTION

On motion of Senator Clarke, the rules were suspended, Engrossed House Bill No. 780 was advanced to second reading and placed on the second reading calendar for November 22, 1981.

## MESSAGE FROM THE HOUSE

November 19, 1981.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 766, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE HOUSE BILL NO. 766.

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

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 773, by Committee on Ways and Means (originally sponsored by Committee on Revenue and Representative Greengo):

Providing methods for the management of state funds.

## REPORT OF STANDING COMMITTEE

November 20, 1981

ENGROSSED SUBSTITUTE HOUSE BILL NO. 773, providing methods for the management of state funds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 1, strike all matter down through line 31 and insert the following:

"(1) The ((commissioner of public lands)) department shall deposit daily all moneys and fees collected or received by ((him)) the commissioner of public lands and the department of natural resources in the discharge of ((his)) official duties((; including all moneys and fees which remain in his custody and control awaiting disposition under the provisions of the land laws, or the action of the department of natural resources. PROVIDED, That all moneys collected or received by him, belonging to the state at the time, or to any department or institution thereof, in payment of principal and interest under outstanding contracts and leases, where no question is raised as to the right of the state to receive payment, shall be paid to the state treasurer daily in the manner provided by law)) as follows:

(a) The department shall pay moneys received as advance payments, deposits, and security from successful bidders under RCW 79.01.132 and 79.01.204 to the state treasurer for deposit under subsection (1)(b) of this section. Moneys received from unsuccessful bidders shall be returned as provided in RCW 79.01.204;

(b) The department shall pay all moneys received on behalf of a trust fund or account to the state treasurer for deposit in the trust fund or account after making the deduction authorized under RCW 76.12.030, 76.12.120, and 79.64.040;

(c) The natural resources deposit fund is hereby created. The state treasurer is the custodian of the fund. All moneys or sums which remain in the custody of the commissioner of public lands awaiting disposition or where the final disposition is not known shall be deposited into the natural resources deposit fund. Disbursement from the fund shall be on the authorization of the commissioner or the commissioner's designee, without necessity of appropriation;

(d) If it is required by law that the department repay moneys disbursed under subsections (1)(a) and (1)(b) of this section the state treasurer shall transfer such moneys, without necessity of appropriation, to the department upon demand by the department from those trusts and accounts originally receiving the moneys."

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Deccio, Gaspard, Hayner, Jones, Lee, Ridder, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Scott, the committee amendment was adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Substitute House Bill No. 773, 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 Talley: "Senator Scott, is there anything in this bill that would provide an extension of the time that a logger has to log this timber? Some of these loggers have bought timber and the market has gone down so bad they don't want to log it and they are waiting for the market to come up. Some of them have asked for an extension. Is there anything in this legislation that allows that?"

Senator Scott: "There is a provision in either rule or law now, Senator Talley, that allows a person that does not want to log on the agreed-upon schedule to get an extension. There is a minor penalty that goes along with that. After that extension is up, eventually they have to either opt to cut, start cutting, or give up their ten percent deposit, one or the other."

Senator Talley: "Thank you."

#### POINT OF INQUIRY

Senator Bottiger: "Senator Scott, I am afraid I don't consider that a direct answer. Is there anything in this bill that changes any of that in any way?"

Senator Scott: "No."

#### POINT OF INQUIRY

Senator Woody: "Senator Scott, I am not familiar with the bill. Somebody that I asked a short while ago about this bill indicated that Mr. Boyle had said that these same changes could be made with administrative rule. Is that right, or must we have legislation to effect your intent?"

Senator Scott: "The answer is yes and no. Commissioner Boyle bid, if you will, was willing to give us a letter to put eighty percent of the money in the treasury proper. This would be a temporary thing on a biennial basis and you would still have the problem of having local funds outside the treasury, not appropriated, unidentified as to their amount and to their use. So this is good management on the long term. That is why we are making it statutory."

#### POINT OF INQUIRY

Senator Peterson: "Senator, it is my understanding that the federal government, the Forest Service, has provided extensions without penalty on sales off of federal lands. As you indicated in your previous remarks, the purchaser of private timber or state timber in this state could get an extension with a surcharge, so to speak, or a penalty or a slight penalty or whatever it might be. However, to the best of my knowledge if, in fact, the purchaser buys the timber and then is not able to log it at its market value when the extension is up, then he relinquishes, he drops his ten percent down payment that he has made to the state.

"All right, then if he relinquishes with the ten percent penalty, then it goes back to the state, the state puts it up for rebid, and any differential in that bid, if the timber is sold for more than the purchaser paid for it, the purchaser picks up the balance. The original purchaser has to pick up the difference in valuation of that sale plus his ten percent penalty. And I am not sure but I think this would be an appropriate time and place, if we are amending this legislation, to go back and at least get to the federal level for our own people that are purchasing timber off the state lands."

Senator Scott: "What you say, Senator, is correct. There is pressure from the timber industry in Congress to in effect allow purchasers of contracts to be relieved of those contracts under conditions like we now have. It is well to remember, as I am sure you know, that contracting and logging timber is essentially a speculative business. There were some that did it five years ago in the state that were cutting it and contracting at sixty-nine dollars a thousand and they sold the timber at one hundred and thirteen, and now it is headed the other way. That is a very risky proposition and I would agree that that proviso that you described needs another look."

Senator Peterson: "Would it not be appropriate, Senator Scott, to at least hold this bill up in time to get an amendment prepared to at least get us on the same basis as the feds? It wouldn't affect the context of the bill. It wouldn't have any affect on that but it . . ."

Senator Scott: "I understand that. Senator, I would have to ask Senator Hayner what her pleasure is, but I am very surprised, if the issue were a burning one that some of the — Bob Austin was there this morning from the private Small Forestry Association, that someone wouldn't have brought that up or the Commissioner wouldn't have brought it up. It is apparently not a burning issue with them."

Senator Peterson: "It may not be to the Association but to my knowledge there were eight or ten sales that were relinquished in the last deadline and I am sure it was a burning issue with those eight or ten contract loggers that had to lose their livelihood, and I think this would be an appropriate time and an appropriate place to

at least conform with the feds and we could do it in this bill with very little time loss."

Senator Scott: "I have to follow Senator Hayner's lead in this respect, and she says that this is a fiscal matter, which it is, and that we would be happy to cooperate with you come January in doing that."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, I obviously represent, like Senator Peterson does, a rural logging area, and my biggest problem, Senator Peterson, is the constitutional prohibition against gifts; and relieving somebody of a contract penalty has been ruled as a gift. I am not sure we could do it but in January perhaps we could get an Attorney General's opinion and see if we might provide some relief for these people."

#### POINT OF INQUIRY

Senator Talmadge: "Senator Scott, I don't want to belabor this but there was a concern expressed that the state was handling these moneys in the same fashion that an escrow agent would handle money for people who were purchasing the timber lands. Could you please explain to me and the members on this side the implications for the state if we abrogate what are ordinarily the principles by which an escrow agent operates?"

Senator Scott: "The money generated in the suspense account is a ten percent deposit as opposed to a prepayment. A deposit at the time the contract is made. The only situation under which a portion of that money would have to be used is if the value and amount of board feet that came out of the woods proved to be greater than was estimated and there had to be, in the end, a reconciling with the contractor and an adjustment made. That has never happened. That money would still be due back to that contractor out of the general fund just as it is paid out now by the Land Commissioner, and so there is no change in that respect. The difference is the money is now in the treasury and can be used in our cash flow problem. If that were to happen, scale volume and value of the logs coming out of the woods was greater than the contract, there had to be an end adjustment, they would be paid."

Senator Talmadge: "Thank you, Senator."

#### POINT OF INQUIRY

Senator Wilson: "Did any logging interests have any objection to this bill when it was . . . ?"

Senator Scott: "No, Senator, they didn't. Bob Austin came in and talked for the small private foresters this morning, spoke to the corrections needed in the technical amendment that you adopted, and we have corrected those technical problems that existed in the House. There was no other criticism of the bill."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 773, 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 Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Deccio—1.

Excused: Senators Charnley, Williams—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 773, 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 CONCURRENT RESOLUTION NO. 126, by Senators Quigg, Talley, Hemstad, Zimmerman and Gallagher:

Establishing a select committee on Mt. St. Helens disaster relief.

The resolution was read the second time in full.

On motion of Senator Quigg, the rules were suspended, Senate Concurrent Resolution No. 126 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

### POINT OF INQUIRY

Senator Vognild: "Senator, looking at the makeup of this commission and having discussed this before on the floor of the Senate, would I have your assurance that the intent here is that the five members of the Senate, at least, be appointed in some proportion to both sides of the aisle?"

Senator Quigg: "That is correct, Senator Vognild."

### POINT OF INQUIRY

Senator Deccio: "I think that probably the representation isn't quite correct on this bill because I think Senator Hansen and Senator Deccio probably shared as much of the misery as anyone else. I think we may not get on the sponsorship or on the commission but could you at least guarantee us if that thing blows again it is going to go in another direction?"

Senator Quigg: "For the time being we will leave that up to Congressman Bonker."

### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 126, and the resolution passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Charnley, Williams—2.

SENATE CONCURRENT RESOLUTION NO. 126, having received the constitutional majority, was declared passed.

### MOTIONS

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

Senator Clarke moved the Committee on Ways and Means be relieved from further consideration of Senate Bill No. 4421.

Senator Clarke deferred to Senator Zimmerman to explain the reasons for relieving the Committee on Ways and Means of Senate Bill No. 4421.

There being no objection, the motion by Senator Clarke carried.

On motion of Senator Clarke, Senate Bill No. 4421 was rereferred to the Committee on Local Government.

Senator Ridder moved the Committee on Ways and Means be relieved from further consideration of Senate Bill No. 4444.

There being no objection, the motion by Senator Ridder carried.

On motion of Senator Ridder, Senate Bill No. 4444 was rereferred to the Judiciary Committee.

Senator Clarke moved the Committee on Education be relieved from further consideration of Senate Bill No. 4383.

#### POINT OF INQUIRY

Senator Bottiger: "Mr. President, I am a little bit unaware of why we are doing this. Why doesn't the Committee report it out with a recommendation that it go to Ways and Means? Is the chairman of the Committee in concurrence with this motion? We held one hearing and at the request of the chairman and his suggestion that we get further information and study it, we held it over until Monday and now you are taking it away from him."

Senator Hayner: "He has had several hearings on this bill—no, there was more than one—how many—two hearings on the bill and it does have to go to Ways and Means because it certainly has a fiscal impact. We could go that route and I am sorry I didn't discuss it with you but this was just to expedite it, actually."

Debate ensued.

#### POINT OF INQUIRY

Senator Ridder: "Question, and I am not sure whether—will Senator Kiskaddon yield? I suspect he stepped on a rusty nail in the woodshed. Senator Hayner? All I want is a point of information. What I want to know is—and I seem to be hearing that this did not follow the normal course, Senator Scott spoke to that, of going to the substantive committee where it would be voted out as a Do Pass before going to the Ways and Means Committee. Am I accurate that it has not achieved that desirable goal?"

(Senator Kiskaddon declined to yield)

Senator Hayner: "Mr. President and ladies and gentlemen of the Senate, I think you are making a mountain out of a molehill. This bill was—we talked about putting it in Ways and Means first. The Ways and Means Committee has been overloaded to this point because of all of this material that has been coming through, the budget and all of the rest. We have had two hearings in the Education Committee. We are trying to move it into Ways and Means now so that we can consider the fiscal impact which it has a very definite fiscal impact, not only on the state but on local school districts. So I don't think there is anything strange about this at all. We are trying to expedite the process. If you want to slow it down, so be it."

Further debate ensued.

#### POINT OF INQUIRY

Senator Fleming: "Just briefly, I would like for the real Bill Kiskaddon to stand up and tell us whether this is a mountain or a molehill."

Senator Kiskaddon: "Mr. President and ladies and gentlemen, I believe that considering the length of the session and where we are, this is definitely a molehill."

Senator Ridder 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 Clarke that the Committee on Education be relieved from further consideration of Senate Bill No. 4383.

#### ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

The Committee on Education was relieved from further consideration of Senate Bill No. 4383.

On motion of Senator Clarke, Senate Bill No. 4383 was rereferred to the Committee on Ways and Means.

On motion of Senator McDermott, the Committee on Ways and Means was relieved from further consideration of Senate Bill No. 4382.

On motion of Senator McDermott, Senate Bill No. 4382 was rereferred to the Committee on Local Government.

#### MOTION

At 2:05 p.m., on motion of Senator Clarke, the Senate adjourned until 3:00 p.m., Sunday, November 22, 1981.

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

## FOURTEENTH DAY

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### AFTERNOON SESSION

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Senate Chamber, Olympia, Sunday, November 22, 1981.

The Senate was called to order at 3:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming and Gaspard. On motion of Senator Ridder, Senators Fleming and Gaspard were excused.

The Color Guard, consisting of Pages Dixie Grunenfelder and Jamie Briley, presented the Colors. Reverend Robert Keller, pastor of Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

### MOTION

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

### MESSAGE FROM THE HOUSE

November 20, 1981

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 784,

HOUSE BILL NO. 800, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 784, by Committee on Appropriations-Education (originally sponsored by Committee on Appropriations-Education and Representative McDonald) (by Office of Financial Management request):

Making miscellaneous changes in law relating to institutions of higher education.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 800, by Committee on Appropriations-Education and Representative McDonald:

Eliminating explicit state support of traffic safety education and transferring the funds to the support of the common schools.

Referred to Committee on Ways and Means.

### MOTION

At 3:08 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

At 4:15 p.m., the President called the Senate to order.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 557, by House Committee on Human Services: (originally sponsored by Representatives Mitchell, Sommers, Nisbet, Becker, Chandler, Dickie, Padden, Kreidler, Bickham, Vander Stoep,

Patrick, Williams, Hankins, Owen, Fancher, Scott, Brekke, Stratton, Nickell, Rosbach, Nelson (G.), Valle, Chamberlain, Lundquist, Eberle, Martinis, Granlund, Isaacson, McCormick, Van Dyken, Hastings, Johnson, Heck, Amen, Gruger, Tilly, Bond, Struthers, James, Addison, Houchen, Clayton, Winsley, Barr and Ellis):

Prohibiting transfer of assets for the purpose of qualifying for medical assistance benefits.

## REPORT OF STANDING COMMITTEE

November 18, 1981.

SECOND SUBSTITUTE HOUSE BILL NO. 557, prohibiting transfer of assets for the purpose of qualifying for medical assistance benefits (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Section 1. There is added to chapter 74.09 RCW a new section to read as follows:

A person is ineligible for medical assistance or the limited casualty program for the medically needy for a period determined under section 2 of this act if the person knowingly and wilfully assigns or transfers cash or other resources at less than fair market value after the effective date of this act for the purpose of qualifying or continuing to qualify for such medical care within two years preceding the date of application for such care: PROVIDED, That for the purpose of qualifying for such care and notwithstanding the provisions of chapter 26.16 RCW, this section shall not prohibit the voluntary transfer or assignment between spouses.

NEW SECTION. Sec. 2. There is added to chapter 74.09 RCW a new section to read as follows:

(1) If the uncompensated fair market value of the resources assigned or transferred is:

(a) Twelve thousand dollars or less, the period of ineligibility shall be prorated up to twelve months from the date of transfer;

(b) More than twelve thousand dollars but less than thirty thousand dollars, the period of ineligibility shall be prorated up to twenty-four months;

(c) More than thirty thousand dollars but less than fifty thousand dollars, the period of ineligibility shall be prorated up to thirty-six months;

(d) More than fifty thousand dollars, the period of ineligibility shall be forty-eight months.

(2) The department may waive a period of ineligibility if the department determines that the application of the period of ineligibility will cause undue hardship.

NEW SECTION. Sec. 3. There is added to chapter 74.09 RCW a new section to read as follows:

In cases where applicants for or recipients of medical assistance or the limited casualty program for the medically needy have been found by the department to be ineligible because of the knowing and wilful transfer of cash or resources at less than fair market value, the department shall establish procedures by rule allowing applicants or recipients to rebut the finding that the transfer was made for the purpose of qualifying for or continuing to qualify for such medical care. The prevailing party in such an action shall be awarded reasonable attorney fees.

NEW SECTION. Sec. 4. There is added to chapter 74.09 RCW a new section to read as follows:

(1) Any person who knowingly and wilfully receives cash or resources transferred or assigned for less than fair market value after the effective date of this act to enable an applicant or recipient to qualify for assistance under RCW 74.09.510 or 74.09.700 is guilty of a gross misdemeanor.

(2) Any person who knowingly and wilfully receives cash or resources transferred or assigned for less than fair market value is liable for a civil penalty equal to the uncompensated value of the cash or resources transferred or assigned at less than fair market value. The civil penalty shall not exceed the cost of assistance rendered by the department to an applicant or recipient. The person may rebut the presumption that the transfer or assignment was made for the purpose of enabling the applicant or recipient to qualify or continue to qualify for assistance. The prevailing party in such an action shall be awarded reasonable attorney fees.

(3) Any moneys collected under this section shall be deposited in the revolving fund which is hereby created. This revolving fund shall consist of all fees collected under this section and any moneys appropriated to it by law. The state treasurer shall be the custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the secretary or the secretary's designee. In order to maintain an effective expenditure and revenue control, the revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

Sec. 5. Section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 20, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.09.510 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of social and health services, including the prohibition under sections 1 through 3 of this 1981-'82 act against the ((voluntary)) knowing and wilful assignment of property or cash for the purpose of qualifying for ((am)) such assistance ((grant)), as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) an intermediate care facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; ((and)) (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) individuals who would be eligible for but choose not to receive cash assistance; and (5) pregnant women who would be eligible for aid to families with dependent children if the child had been born and was living with the mother during the month of the payment, and the pregnancy has been medically verified.

Sec. 6. Section 22, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.09.700 are each amended to read as follows:

(1) To the extent of available funds, medical care may be provided under the limited casualty program to persons not otherwise eligible for medical assistance or medical care services who are medically needy as defined in the social security Title XIX state plan and medical indigents in accordance with medical eligibility requirements established by the department. This includes residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are aged, blind, or disabled as defined in Title XVI of the federal social security act and whose income exceeds three hundred percent of the federal supplement security income benefit level.

(2) Determination of the amount, scope, and duration of medical coverage under the limited casualty program shall be the responsibility of the department, subject to the following:

(a) Only inpatient hospital services; outpatient hospital and rural health clinic services; physicians' and clinic services; prescribed drugs, dentures, prosthetic devices, and eyeglasses; skilled nursing home services, intermediate care facility services, and intermediate care facility services for the mentally retarded; home health

services; other laboratory and x-ray services; and medically necessary transportation shall be covered;

(b) A patient deductible not to exceed one-half the payment the department makes for the first day's stay for inpatient hospital care, shall be included for the medically needy component of the program;

(c) Persons who are medically indigent and are not eligible for a federal aid program shall satisfy a deductible of not less than one thousand five hundred dollars in any twelve-month period;

(d) Medical care services provided to the medically indigent and received no more than seven days prior to the date of application shall be retroactively certified and approved for payment on behalf of a person who was otherwise eligible at the time the medical services were furnished: PROVIDED, That eligible persons who fail to apply within the seven-day time period for medical reasons or other good cause may be retroactively certified and approved for payment.

(3) The department shall establish standards of assistance and resource and income exemptions. All nonexempt income and resources of limited casualty program recipients shall be applied against the cost of their medical care services. In addition, the department ~~((may))~~ shall include a prohibition against the ~~((voluntary))~~ knowing and wilful assignment of property or cash for the purpose of qualifying for assistance under sections 1 through 3 of this 1981-'82 act.

~~((4) The department shall, to the maximum extent possible, recover the cost of medical care provided under this section from future income and resources. Future income and resources shall be limited to those available up to twenty-four months following the provision of care.))~~

NEW SECTION. Sec. 7. There is added to chapter 74.09 RCW a new section to read as follows:

If any part of this chapter is found to conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this chapter.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title after "care;" strike the remainder of the title and insert "amending section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 20, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.09.510; amending section 22, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.09.700; adding new sections to chapter 74.09 RCW; prescribing penalties; and declaring an emergency."

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Rasmussen.

The bill was read the second time by sections.

Senator Deccio moved adoption of the committee amendment.

Senator Talmadge moved adoption of the following amendment to the committee amendment:

On page 1 of the amendment, after line 31 strike everything down to and including "hardship." on page 2, line 23 and insert the following:

"(1) If the uncompensated fair market value of the resources assigned or transferred is: \*

(a) Twelve thousand dollars or less, the period of ineligibility shall be prorated up to twelve months from the date of transfer;

(b) More than twelve thousand dollars, the period of ineligibility shall be prorated up to twenty-four months;

(2) The department may waive a period of ineligibility if the department determines that the application of the period of ineligibility will cause undue hardship."

Senator Clarke 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 Talmadge to the committee amendment.

### ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 25; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senators Fleming, Gaspard—2.

Senator Talmadge moved adoption of the following amendment to the committee amendment:

On page 2 of the amendment, after line 26 strike everything down to and including "fees." on page 3, line 5 and insert the following:

"The department, by rule, shall adopt procedures to provide due process for applicants or recipients found not to qualify for medical assistance or the limited casualty program for the medically needy. At any hearing the department shall prove by a preponderance of the evidence that the person knowingly and wilfully assigned or transferred cash or other resources at less than fair market value for the purpose of qualifying or continuing to qualify for the benefits or care. The prevailing party in such an action shall be awarded reasonable attorney fees."

Debate ensued.

### POINT OF INQUIRY

Senator Kiskaddon: "Senator Talmadge, unfortunately I am not a lawyer and 'rebuttably presumed to be guilty' means nothing to me. Could you explain to me what that really means?"

Senator Talmadge: "A rebuttable presumption means that the fact is true unless somebody shows to the contrary. In other words, that older person is guilty of knowingly and wilfully transferring the asset for less than fair market value unless they can show in the hearing to the contrary."

Further debate ensued.

### POINT OF INQUIRY

Senator Hemstad: "Senator Talmadge, I am still trying to get clear in my mind the distinction between your amendment and the one from the committee. If there is a generational transfer within the four-year period, say to a son or a daughter, may that son or daughter be able to be pursued to recover the cost of the medical care even if the transfer is not made knowingly and wilfully to avoid payment by the donor?"

Senator Talmadge: "Senator, I would say yes. Later on in the bill there is a section that provides a criminal penalty and a civil sanction for those individuals who receive property with the understanding that it is divested in order to qualify

someone for nursing home care or for the limited casualty program. I would say yes in response to your question."

Senator Hemstad: "So does it follow that the state would be made whole for the costs of care if they were able to pursue and obtain access to the asset that had been transferred?"

Senator Talmadge: "If they can find the person to whom the assets have been transferred, yes. And there is a problem in reality that a lot of these people cannot be found, but if they can find the person, yes, they will. The problem is the older person that has actually done the transferring of the assets is then left holding the bag with ineligibility for nursing home care and also for the eligibility for the limited casualty program."

Senator Hemstad: "Thank you."

Further debate ensued.

#### POINT OF INQUIRY

Senator Hughes: "Senator Talmadge, in listening to Senator Shipoch discuss the shift of the burden of proof, I guess I am a little concerned that the possibility exists we are now abandoning the traditional English law principles of burden of proof and almost moving into the French system of proof where the individual has that responsibility placed upon him. Are we looking at denying needed services to senior citizens because they may or may not be able to meet the burden of proof that has now been shifted from the Department to them? Is that the effect if your amendment is not adopted?"

Senator Talmadge: "Senator, I believe that that would be the impact, and I believe that is the reason the senior citizens' lobby has been so very concerned about this bill and so very concerned about this particular section."

Further debate ensued.

#### POINT OF INQUIRY

Senator Hurley: "Senator Talmadge, it seems to me that your last sentence saying that the prevailing party should be awarded their attorney fees, it seems to me this should be so only if the individual is the prevailing party. It seems to me that the state is already, their attorneys and all of their many assistants and specialists and things like this, that only the individual should. Do you think that should be a correction?"

Senator Talmadge: "Senator, I would consider that a friendly amendment to the amendment to the amendment."

Senator Hurley: "I don't think that is possible, is it? How do you think I could accomplish that?"

#### POINT OF INQUIRY

Senator McDermott: "Senator Talmadge, if there was a wheat farmer who had ten thousand acres and he gave his farm to his son. His son came to him and said, 'Dad, you are seventy-five and I think it is too late. We ought to be passing on the farm here and you ought to retire and move into town,' and he gave that farm to his son and then got something, some disease or whatever and needed public assistance for some reason because he ran out of money. Would he be presumed guilty under this law?"

Senator Talmadge: "Yes."

## POINT OF INQUIRY

Senator Wilson: "Senator Talmadge, I guess we are kind of passing over Senator Hurley's point, but as far as I can see under the present wording of your amendment, if the state takes after the elderly person and if it succeeds in proving what took place, it can also go after some attorney fees which the elderly person might or might not be able to come up with. Although this amounts to the three amendments that can't be done, I don't think it is a point we should just slip by and it would seem to me if you would withdraw your amendment and put in one that corrects this point we would be doing a better job."

Senator Talmadge: "In response to Senator Wilson's remarks, if we could set the bill down one bill I would be happy to withdraw my amendment and prepare an amendment that would do exactly that."

## MOTIONS

On motion of Senator Jones, Second Substitute House Bill No. 557, together with the committee amendments and the pending amendment to the committee amendment, was ordered held for consideration later today.

On motion of Senator Clarke, Substitute House Bill No. 760 and Substitute House Bill No. 774 were ordered held on the second reading calendar for Monday, November 23, 1981.

## SECOND READING

ENGROSSED HOUSE BILL NO. 780, by House Committee on Labor and Economic Development and Representative Sanders (by Governor Spellman request):

Modifying provisions relating to the state trade fair fund.

## REPORT OF STANDING COMMITTEE

November 20, 1981.

ENGROSSED HOUSE BILL NO. 780, modifying provisions relating to the state trade fair fund (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 2, chapter 93, Laws of 1972 ex. sess. as amended by section 8, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.832 are each amended to read as follows:

In addition to the sum transferred in RCW 43.31.831, additional funds determined to be surplus funds by the director of the department of commerce and economic development may be transferred from the state (~~(international)~~) trade fair fund to the general fund upon the recommendation of the director of the department of commerce and economic development and the state treasurer: PROVIDED, That notwithstanding any provision of law to the contrary, the director may also elect to expend all or part of such surplus on the department of commerce and economic development foreign trade related activities, including, but not limited to, promotion of investment pursuant to RCW 43.31.060, tourism pursuant to RCW 43.31.050, and foreign trade pursuant to RCW 43.31.350 through 43.31.370."

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

The bill was read the second time by sections.

Senator Quigg moved adoption of the committee amendment.

## POINT OF INQUIRY

Senator Pullen: "I am reading the Senate committee amendment and I see a great deal of talk here on the floor and I have heard the talk in caucuses about foreign trade. However, I notice the Senate committee amendment also refers to tourism. What kind of tourism are we talking about there? Would it just be international tourism or are we talking about interstate tourism or what kind?"

Senator Quigg: "Senator Pullen, the matter before us on this bill would be international tourism which is a very substantial part of the potential tourist trade for the state of Washington, particularly as it relates to the Western Pacific nations."

Senator Pullen: "So it is the intent of this amendment to be applied to international tourism but not interstate tourism?"

Senator Quigg: "Well, Senator, I imagine if there was a tourist in Tokyo that dropped by the Washington State office there and found out about the wondrous tourist opportunities of our state and came here, we would then benefit from an intra or at least a non-international tourist coming our way. It is difficult to screen them, but the intent of this would be for international tourism which is a vast market and one that the state of Washington and its citizens could benefit greatly from developing."

Debate ensued.

## POINT OF INQUIRY

Senator Hurley: "Senator McDermott, you may have some figures that were in my mind when we had a very sketchy meeting on this bill. It was sort of a hurry up and I wasn't able to answer all the questions, and since then I have thought of a few more, and I wondered what percentage of the horse racing revenue that I know is allocated to the state trades fund, what percentage is that?"

Senator McDermott: "Senator Hurley, I don't know. I also had some questions today. This bill was not referred to Ways and Means. I went and got our copy of the OFM publication for the Commerce and Economic Development Department. I looked up the state trade fair fund. The money for that comes from the Horse Racing Commission. It said it was on page 185 and I looked through this OFM document and there is no page 185 in here, so I don't suppose anybody knows since apparently the Commerce and Economic Development Department didn't put a budget out for them. I do not know the percentage and I think it really ought to be referred to Ways and Means so we know exactly what we are doing."

Senator Hurley: "Mr. President, if I could ask my other questions, because if it is then referred to Ways and Means, I think the answers to these questions are necessary before we decide on the amendment. I would like to know how much is in the fund at present because it only mentions surplus, and what happens to that money, where does it go if it is not used for the state trade fair? Would that be going to the general fund or not?"

## REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, ladies and gentlemen, I don't know that my answers are authoritative, Senator Hurley, but sixteen percent of the revenue at the horse races goes to the state. One percent of that, you may recall, is reserved for Washington bred horses and the other is divided for the track and for the purses, and three percent of that which goes to the state goes to the state trade fair fund. That is not three percent of one hundred percent but three percent of the part that goes to the state, and this would amount to in a year somewhere near a half a million dollars, and of that amount, I think, one hundred and forty thousand, I am

about right, is committed to purposes at, as I recall, Washington State and the University of Washington for certain research, things like that."

#### REMARKS BY SENATOR HURLEY

Senator Hurley: "I would just like to respond to Senator Newhouse. I really don't like to use approximate figures, but if there should be a half a million at present, I don't think it is too much to ask those who would benefit by this establishment of the office overseas of a state trade fair. I don't think that those who benefit should complain about adding an equal amount in order to support this activity. I think that the trickle-down theory is one that is pretty obvious here. There were comments made in committee that it would then help the economy, it would then help the sales tax, help a few things, but those who have benefited directly by selling their products and their produce overseas, I think they should participate."

#### REMARKS BY SENATOR MOORE

Senator Moore: "Mr. President, fellow members, partially answering Senator Hurley's question on this, it is my understanding that basically these overseas offices that we would have would be to secure capital rather than or in addition to selling products and general promotion and this is a capital poor state and we need foreign investments to help create additional jobs. And I consider it not a corporate welfare bill at all. I think that it helps the economy by creating jobs which in turn help the taxpayers. Thank you."

#### POINT OF INQUIRY

Senator Shinpoch: "Mr. President, would Senator Quigg yield to a question? Mine is much simpler than some of the others. How much money is involved?"

Senator Quigg: "Senator, the fiscal note indicated three hundred and forty thousand dollars. I believe that was three hundred and forty thousand dollars for this biennium."

Senator Shinpoch: "Thank you, Senator."

Further debate ensued. ;

#### POINT OF INQUIRY

Senator Metcalf: "Senator Quigg, I told you previously that I would vote for this amendment and it is my fault, I apologize. I hadn't read it. Now I read that—I was speaking in terms of tourism and foreign trade, but I see on line 32 of the amendment we are talking also about the promotion of investments pursuant to RCW. Can you tell me, what do we mean by that? What is promotion of investment, includes what?"

Senator Quigg: "Senator Metcalf, the remarks of Senator Moore on this point, I think, would be well taken. The Western Pacific nations are the ones that would be the first to be targeted by this activity and those nations look to the state of Washington as an opportunity for investment, for capital investments to provide jobs in the state of Washington and of course the state, as we well know, is right around sixth in the nation in unemployment right now. So one of the important things those folks have to have before they make investments is information, to know about what the state of Washington provides for them in terms of raw materials and labor and energy and all of the other, and logistical connections to the rest of this nation and that is the kind of information this office can provide so that investment could then be directed to our state, so that is the role that this office would play as far as the investment side of the bill is concerned."

Senator Metcalf: "Thank you, Senator Quigg."

Further debate ensued.

Senator Pullen moved adoption of the following amendment to the committee amendment:

On lines 33 and 34 of the committee amendment, strike "tourism pursuant to RCW 43.31.050,"

#### POINT OF INQUIRY

Senator Woody: "Mr. President, I would like to ask either Senator Quigg or Senator Vognild or both to respond to a concern I have about this amendment. I notice on line 28 it says that the moneys may be spent by the Department of Commerce and Economic Development for foreign trade related activities including and not limited to promotion, tourism, foreign trade and so on, and my concern is, what are we including in this broad area of 'but not limited to'?"

Senator Quigg: "Senator Woody, the Department of Commerce and Economic Development's activities as it relates to foreign trade are, of course, carried out not only in the state of Washington but should this pass, it could be carried out overseas as well, but I think that the matter of trade, tourism and investment is one that the funds of the Department can be directed to on a regular basis and they do it throughout their spectrum of activities. I imagine that when they are over here informing the legislature on a matter like this, it could be considered somewhat outside the scope, possibly, of some of the items cited right there, but nonetheless they are still working on the expansion and development of trade, tourism and investment.

"So I think that that is the kind of broad language we see these folks getting regularly because we know when we try to direct them on a day-to-day basis it doesn't work very well. I think for that reason we should provide the Department with that kind of broad language so that they can be as effective as other states in doing this kind of competitive work to see that that investment trade and tourism come to our state. So that provides them that broad latitude."

#### REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Senator Quigg, I don't think your explanation was just accurate that you gave to Senator Woody.

"If I might refer you to the line starting on 24, 'Provided, that notwithstanding any provisions of law to the contrary the Director may also elect to spend all or part of such surplus on his Department of Commerce and Economic Development foreign trade related activities.' Notwithstanding any other law that we have on the books. The law that says that you shall not host and the law that says that you shall not waste money, and all the numerous things that we have and the fact that with this type of an amendment it is very handy because the auditor has nothing to hang his hat on. All the Department of Commerce has to say, well, the Legislature passed a law that says notwithstanding any other laws that we have on the books, we can spend the money in any way that we want to. That is for Senator Woody's information. That is not what you said, but when you strike all the laws off the books then in a freewheeling society they can spend their money any way they want to. Even you can't complain about it after it is spent and the auditor has nothing at all that he can hang his hat on, so I would urge you to take another look at the words that are in there and see if that is exactly what you want to espouse."

"I don't think even Congressman Bonker would espouse that, and I understand you are figuring on running against Congressman Bonker and he might use that in a campaign. Senator Quigg wants to throw money around notwithstanding any laws that we have had for years and years. Maybe that is what you want, Senator Quigg.

I don't know. I would prefer that you vote against this amendment and indicate you have some concern for the people's money."

The motion by Senator Pullen failed and the amendment to the committee amendment was not adopted.

Senator Woody moved adoption of the following amendment by Senators Woody and Metcalf to the committee amendment:

On page 1, line 27 of the committee amendment, after "expend" strike "all or part" and insert "up to \$1,000,000"

The motion by Senator Woody carried and the amendment to the committee amendment was adopted.

Senator Metcalf moved adoption of the following amendment to the committee amendment:

On page 1, line 32, strike line 32 and "RCW 43.31.060"

Debate ensued.

The motion by Senator Metcalf failed and the amendment to the committee amendment was not adopted.

On motion of Senator Rasmussen, the following amendment to the committee amendment was adopted:

Beginning on line 25 of the amendment, strike all material through "contrary," on line 26

Senator Woody moved adoption of the following amendment to the committee amendment:

On page 1, line 31, strike "including but not limited to" and insert "of,"

Debate ensued.

Senator Woody 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 Woody to the committee amendment.

### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 20; nays, 27; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Craswell, Goltz, Hughes, Hurley, McDermott, Metcalf, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Voting nay: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—27.

Excused: Senators Fleming, Gaspard—2.

Senator McDermott moved adoption of the following amendment to the committee amendment:

On page 2, line 1 following "43.31.370" and before the period, insert ": PROVIDED FURTHER, That the money shall be used for an office in Japan only"

Debate ensued.

The motion by Senator McDermott failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be the committee amendment, as amended.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the committee amendment, as amended.

## ROLL CALL

The Secretary called the roll and the committee amendment, as amended, was adopted by the following vote: Yeas, 27; nays, 20; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—27.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Goltz, Hughes, Hurley, McCaslin, McDermott, Metcalf, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Excused: Senators Fleming, Gaspard—2.

On motion of Senator Quigg, the rules were suspended, Engrossed House Bill No. 780, 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 Quigg, I think when we were debating previously the amendment, it was stated that there would be not more than three hundred and forty thousand available to this fund. Is that correct?"

Senator Quigg: "Senator Rasmussen, the present projection of funds for this program are estimated to be three hundred and forty thousand dollars. As you know, they are the surplus from those pari-mutuel funds. It could be greater or it could be less, but it is expected to be somewhere in that range."

Senator Rasmussen: "It is not our intention then to spend a million dollars?"

Senator Quigg: "The intention is, according to legislation, to spend less than a million dollars, Senator."

Senator Rasmussen: "Spend three hundred and forty thousand or less?"

Senator Quigg: "No, it is a million or less the way the bill is now, Senator Rasmussen, and three hundred and forty thousand is still less than a million. In fact, that will go for the improvement of trade which occurs in the Pierce County area at the Port of Tacoma, so I am sure you would be very interested in that."

Senator Rasmussen: "We will take care of that trade. I am not running for Congress, Senator Quigg. This amendment strikes everything after the enacting clause so there is no mention of a million dollars."

Senator Quigg: "The amendment as amended has a million dollar cap in it, Senator Rasmussen. Commissioner Rasmussen."

Senator Rasmussen: "Not more than. But there is only three hundred and forty thousand dollars available."

Senator Quigg: "Presently, there is estimated to only be three hundred and forty thousand dollars available, as I have answered earlier."

Senator Rasmussen: "Thank you."

Debate ensued.

## POINT OF INQUIRY

Senator Hurley: "I don't think it is absolutely clear. On line 13 it says, 'In addition to the sum transferred in RCW, additional funds determined to be surplus by the director.' Now I don't know what those additional funds determined to be surplus. It seems to me that this would give the director authority over all the funds that go to the Department of Commerce and Economic Development and that he could declare any amount of those surplus, add those to what he gets from that one percent, and spend it all for this purpose. Is that true?"

Senator Quigg: "Senator Hurley, there are trade funds as mentioned earlier by Senator Vognild in his remarks that have a matching ratio and that are used for that

particular purpose. There are two such accounts like that. These accounts, I believe, have a total appropriation for this biennium of around one hundred and fifty thousand dollars, so the moneys that come from the pari-mutuel funds that we are discussing here today in excess of those would be the funds that would be available for the purposes set forth in this bill."

Senator Hurley: "But he wouldn't be able to use any of the other funds then that come to the Department of Commerce and Economic Development? Is that right? Any of the other ones?"

Senator Quigg: "Senator, he can use other funds as well. It just says that these funds may also be used, the funds that are coming from the pari-mutuel betting."

Senator Hurley: "The limit is not what Senator Rasmussen thinks it is."

Further debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 780, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Scott, Sellar, Talley, von Reichbauer, Zimmerman—27.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Craswell, Goltz, Hughes, Hurley, McCaslin, McDermott, Metcalf, Pullen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Excused: Senators Fleming, Gaspard—2.

ENGROSSED HOUSE BILL NO. 780, 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

SECOND SUBSTITUTE HOUSE BILL NO. 557, by House Committee on Human Services (originally sponsored by Representatives Mitchell, Sommers, Nisbet, Becker, Chandler, Dickie, Padden, Kreidler, Bickham, Vander Stoep, Patrick, Williams, Hankins, Owen, Fancher, Scott, Brekke, Stratton, Nickell, Rosbach, Nelson (G.), Valle, Chamberlain, Lundquist, Eberle, Martinis, Granlund, Isaacson, McCormick, Van Dyken, Hastings, Johnson, Heck, Amen, Gruger, Tilly, Bond, Struthers, James, Addison, Houchen, Clayton, Winsley, Barr and Ellis).

Prohibiting transfer of assets for the purpose of qualifying for medical assistance benefits.

The Senate resumed consideration of Second Substitute House Bill No. 557 from earlier today. At that time, Senator Deccio had moved adoption of the committee amendment. An amendment by Senator Talmadge to page 2, following line 26 of the committee amendment had been moved for adoption.

On motion of Senator Talmadge, there being no objection, the amendment to the committee amendment was withdrawn.

Senator Talmadge moved adoption of the following amendment by Senators Talmadge and Deccio to the committee amendment:

On page 2 of the amendment, after line 26, strike everything down to and including "fees." on page 3, line 5 and insert the following:

"The department, by rule, shall adopt procedures to provide due process for applicants or recipients found not to qualify for medical assistance or the limited casualty program for the medically needy. At any hearing the department shall prove by a preponderance of the evidence that the person knowingly and wilfully

assigned or transferred cash or other resources at less than fair market value for the purpose of qualifying or continuing to qualify for the benefits or care. If the prevailing party in such an action is the person, the person shall be awarded reasonable attorney fees."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "I need a little clarification here, Senator. In the event that the Department is going after this aged person, whomever it may be, that they think has defrauded the state, who handles the Department's case? They usually use two or three Attorneys General, don't they?"

Senator Bottiger: "Yes, they would use the Attorney General's office."

Senator Rasmussen: "On full pay."

Senator Bottiger: "Sure. And sometimes they contract it out, Senator Rasmussen. If they are overloaded they may pick up somebody on a contract."

Senator Rasmussen: "On the bigger cases where there is a good . . ."

Senator Bottiger: "They have done it on little cases too."

Senator Rasmussen: "Then my question would be, so the state has the attorneys already paid for, presumably through the State Attorney General, but the party that is defending themselves doesn't have any state paid attorneys. This would say that if they could interest an attorney, such as Phil Talmadge who is very capable, in their case and he would study it and find out there was merit, that that attorney would then get his reasonable attorneys' fees. Are attorneys' fees awarded by the court? Would they be awarded against the state?"

Senator Bottiger: "Yes, Senator Rasmussen. Remember where we are. There is an amendment on that that is up there, and Senator Talmadge is offering to substitute this for the other amendment. The other amendment says the prevailing party, either way, gets the attorney fee. So if it is the state and the person has the money in the sock, he has to pay the state for the cost of bringing the action. If he is right, the individual is right, then he gets awarded his attorney fees for defending the action. That is the way we usually do it, and the original amendment is just fine.

"The concern Senator Hurley had for the elderly person who has no money, there is no way to collect it anyhow. If we are talking about somebody applying for Medicare or for nursing home care, they have no funds so there is no way to collect the money."

Senator Rasmussen: "Then the original amendment would be the better one."

Further debate ensued.

The motion by Senator Talmadge carried and the amendment to the committee amendment was adopted.

The President declared the question before the Senate to be the committee amendment, as amended.

#### POINT OF INQUIRY

Senator Williams: "Mr. President, before we adopt the amendment, which is the bill now as I understand it, would Senator Talmadge yield to a question? I assume you are the one who has been answering all the legal questions on this, but on Section 4, I have a question about the penalties to those people who receive property or something of value from the person who later on may apply for public assistance. The situation that I am curious about is, after the effective date of this act, let's say some time down the road, for whatever reason, a parent transfers property to a member of the family and at some later date, well past two, three, four, five years, for whatever reason, they are in a position of seeking public assistance. Does

the person who has received property or money and so forth, are they in jeopardy then of being, for whatever reason, being charged with some crime in this bill then?"

Senator Talmadge: "No, I think not, because if you look at Section 1 of the committee amendment there is a section on line 21 that indicates that the transfer must take place within two years preceding the date of application for such care, limited casualty program or the Medicaid program. So the way I would read Section 4 is the transfer has to take place within two years of the time of the application for the benefits before that criminal sanction can apply. So it wouldn't be seven or eight years in your example, Senator Williams."

Senator Williams: "Okay, that is a better way of asking the question which I really wanted to ask. In other words, does the two-year period that is mentioned in Section 1 then, as you understand it, apply within Section 4 also?"

Senator Talmadge: "Yes, it does."

Senator Williams: "Thank you."

Senator McDermott moved adoption of the following amendment to the committee amendment:

On page 8, line 28 of the committee amendment, strike "Sec. 9."

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Mr. President and Senator Clarke, we passed the bill, really the major bill was passed in the last session with bipartisan support and I think almost unanimous votes. This is just a little clean-up thing into the emergency section.

"Now nobody has put a fiscal note on this and somebody is telling us that we are now going to save a whole bunch of money by passing this bill. We would like to know about it. We are sure not counting on it saving more money. I think the bill we passed last year might save some, but has anybody got a fiscal dollar amount on this bill that we are going to save?"

Senator Deccio: "In response to Senator Bottiger's request, the dollar figure that we got from the Department was about four or five million dollars. Not in this biennium."

Further debate ensued.

#### POINT OF INQUIRY

Senator Hansen: "Senator Deccio, you raised some concerns in my mind when you said that there is four or five, six, seven million dollars that could be collected this direction, so I am going to put a hypothetical question to you.

"Say a farmer, and he has had a son, his son has been running the place for many years and has finally decided to transfer that estate into his son's name for their purposes. He gets in a car wreck and he is in intensive care for, say, a year. If he hadn't transferred that two years in advance, then is this the case that the state is going to go after that estate and mop it out for the gentlemen that had been working on that place his whole career?"

Senator Deccio: "Senator Hansen, I can't answer that question for you right now. I will get the answer in just a couple of minutes if I may."

#### POINT OF INQUIRY

Senator McDermott: "Senator Bottiger, let's suppose that an attorney had a client come into his office and ask him to draw up the papers to transfer his estate to one of his children, and the attorney was unaware of the change in this law and did not tell the client how that might be interpreted if something befell them in the future. In other words, he didn't tell them all the consequences. What liability does

the attorney have in that situation, having a law go into effect like this immediately?"

Senator Bottiger: "Senator McDermott, if the attorney was aware and didn't tell his client, he would very clearly be guilty of legal malpractice. I am more concerned about the poor attorney who has the client come in, and if you will look at page 5, the new (4). If somebody came into my office and looked it up, I looked at the 1981 statutes which are in the books that I buy, they are about 90 days after we adjourn they finally get to us and I looked it up and by golly, there is no subsection four. That language isn't in there talking about somebody who was not eligible or had not received, and so I analyse it and tell them, 'I can't find anything that says you can't do this.' And lo and behold, there was an emergency clause on a bill that none of the books contain any of that material or it is no place to be found. I guess I would call my malpractice carrier and tell them what happened."

Further debate ensued.

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "In response to both Senators Bottiger and McDermott, and Senator Bottiger referred to Section (4), number one says, 'Any person who knowingly and willingly receives cash or resources transferred or assigned for less than the fair market value'—wait a minute, I am reading the wrong section. What I am saying is that the transfer, in order to be in violation, must be for the purpose, in effect, of enabling the grantor to become eligible for welfare. So Senator Hansen, in your situation the transfer was not made for the purpose of enabling him to become eligible for welfare. It was made for other purposes, and your automobile accident occurred some time subsequently.

"As I understand this bill, it is to prevent transfers which are made for the purpose of having the donor become eligible for welfare. It is a thing that I think all attorneys will concede is not an unusual practice at all. We will have a person who would not otherwise be eligible for welfare because they own a substantial asset, and there is nothing in the law now that prevents them from transferring those assets to the son or the daughter or whoever and then they are eligible for welfare.

"Now the intent of this bill and the reason why there is an emergency clause on it is that this is a loophole that ought to be closed up so that the state does not become saddled with caring for people on welfare who, in reality, have sufficient assets to take care of themselves but in order, in effect, to have the state pay for their welfare, they transfer it.

"Now that is the whole purpose of the bill and that is the reason for the emergency clause, because we are closing a loophole. And in the event, as a matter of fact as Senator Bottiger suggests, we give the attorneys time to find out, they probably will go out and have everybody transfer it before the law becomes effective, and I suggest that is not the thing we are trying to do here."

Senators Jones, Clarke and Hayner demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the amendment by Senator McDermott to the committee amendment, as amended.

The motion by Senator McDermott failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be the committee amendment, as amended.

The motion by Senator Deccio carried and the committee amendment, as amended, was adopted.

On motion of Senator Deccio, the committee amendment to the title was adopted.

On motion of Senator Deccio, the rules were suspended, Second Substitute House Bill No. 557, 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 McDermott: "Senator Bottiger, today the average rate in a private nursing home is fifty dollars and fifty cents per day, which totals up to about eighteen thousand dollars a years. If an elderly person, at the suggestion of the operator of a nursing home, were to sign over their property at something less than its market value, who would then be liable if the elderly person was thrown out of the nursing home on the basis of that transaction? In other words, if they had signed over their property and the nursing home operator said, 'I will keep you as long as the value of the property lasts,' and then the value ran out and they put them on Medicaid. Who would be liable in that situation?"

Senator Bottiger: "There are two penalties, Senator McDermott. The first would be to the elderly person who would be disqualified if he knowingly and willfully did it, for a period of up to twenty-four months. Secondly, the recipient of the property, under section four, would be guilty of a gross misdemeanor and subject to a civil fine and that would include a church, a charitable organization, any type of group to which people traditionally make gifts like this. We have been talking about that mean kid that is out to get the family farm, but the breadth of this bill is much greater. I want to tell you, I support that. My only concern was, you are going to make it effective tomorrow and there are going to be a lot of churches that had better revamp their little fliers that they send out and things of this nature to make sure that that person knows that he is going to be ineligible to go on public assistance."

#### REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, ladies and gentlemen, I must argue a little with Senator Bottiger's answer. Under the particulars laid down by Senator McDermott, where the value was substantial, you did say that the entire assets would be used up by the per month charge in that nursing home and therefore there would be no willful or any disobedience to the law at all. The assets are used up and it would not be contrary to this bill."

#### POINT OF INQUIRY

Senator Talmadge: "Senator, I am looking at page 2, lines 18 through 23 of the committee amendment and that is subsection two of section two which states, 'The department may waive a period of ineligibility if the department determines that the application of the period of ineligibility will cause undue hardship.' Senator, by the adoption of that particular subsection to section two, is it the intent of the proponents of this bill that there would be no situation in which an old person who was really legitimately in need of nursing home care would be turned away from nursing home care by the Department of Social and Health Services?"

Senator Deccio: "Senator Talmadge, that is correct. As a matter of fact, we asked Mr. Jerry Riley, the head of the Medical Assistance Unit in DSHS two or three times whether this meant just exactly the way that it read and the answer was yes, and I think it has been reinforced and will be further reinforced by your question and my answer being read into the Journal."

Senator Talmadge: "So it is the intent that this section be very liberally construed."

Senator Deccio: "Yes, it is."

Senator Talmadge: "Thank you, Senator Deccio."

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 557, 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 Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senator Talley—1.

Absent or not voting: Senator Conner—1.

Excused: Senators Fleming, Gaspard—2.

SECOND SUBSTITUTE HOUSE BILL NO. 557, 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 6:47 p.m., on motion of Senator Jones, the Senate adjourned until 1:00 p.m., Monday, November 23, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTEENTH DAY

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### AFTERNOON SESSION

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Senate Chamber, Olympia, Monday, November 23, 1981.

The Senate was called to order at 1:00 p.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 Barb Meyer and Teresa Feist, presented the Colors. Father T. I. Marmo, pastor of St. Michael's Church of Olympia, offered the prayer.

#### MOTION

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

#### MOTION

At 1:07 p.m., on motion of Senator Clarke, the Senate recessed until 5:13 p.m.

### SECOND AFTERNOON SESSION

The President called the Senate to order at 5:13 p.m.

#### REPORT OF STANDING COMMITTEE

November 23, 1981.

SENATE BILL NO. 4421, authorizing an increase in the local option sales and use tax (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould.

#### MOTION

Senator Bottiger moved the rules be suspended and Senate Bill No. 4421 be advanced to second reading.

Debate ensued.

Senator Ridder 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 Bottiger that the rules be suspended and Senate Bill No. 4421 be advanced to second reading.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 21; nays, 27; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—27.

Absent or not voting: Senator Lysen—1.

Senate Bill No. 4421 was passed to the Committee on Rules for second reading.

### REPORT OF STANDING COMMITTEE

November 23, 1981.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 756, modifying provisions relating to public assistance (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

### MOTION

Senator Clarke moved the rules be suspended and Engrossed Second Substitute House Bill No. 756 be placed on the second reading calendar for today.

Senator Bottiger 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 Clarke that the rules be suspended and Substitute House Bill No. 756 be placed on the second reading calendar for today.

### ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Absent or not voting: Senator Lysen—1.

### PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, that was a suspension of the rules. It takes a two-thirds vote."

### REPLY BY THE PRESIDENT

President Cherberg: "Senator Bottiger, the Senate rules do not specifically cover this particular situation. That would apply during a regular session, but this being a special session, the rule simply doesn't cover it. Therefore, I would have to, where a situation is not specifically covered, go to Reed's Rules. Rule 23 applies."

Senator Bottiger: "Mr. President, I understood Senator Clarke's motion to be to suspend the rules, and I was looking at Rule 67 which reads 'every bill shall be read on three separate days.' The bill comes out of committee on second reading, and then on second reading calendar amendments at the end and where no further amendments shall be offered the President shall declare the bill is passed its second reading and shall be referred to the Committee on Rules for third reading, so we are suspending Rule 69 of the Senate Rules."

## REPLY BY THE PRESIDENT

President Cherberg: "What was considered was the receiving of the standing committee report. Rule 69 refers to advancing the bill from second reading."

## REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, referring to Rule 68 provides that after first reading a bill shall be referred to the proper standing committee and upon being reported back by the committee, all bills shall be referred to the Committee on Rules for second reading unless otherwise ordered by the Senate, and it provides then that you must have a suspension of the rules in order to get by Rule 68 which requires a suspension of the rules. Yes, the Senate at any time can do that by a suspension of the rules. And the special session has nothing to do with the rules because the rules of the regular session are adopted for the rules of the special session."

## REPLY BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, the President reads Rule 68, understanding of Rule 68 is somewhat different from yours. You read, 'Upon being reported by committee, all bills shall be referred to the Committee on Rules for second reading unless otherwise ordered by the Senate.' Rule 52 merely applies to the procedures in the Rules Committee."

## REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Yes, but the point is, Mr. President, on a point of order, that it does require a suspension of Rule 68 and that was what Senator Clarke moved and it did not get the two-thirds vote necessary to suspend the rules."

## REPLY BY THE PRESIDENT

President Cherberg: "The President believes that is covered by the statement, 'unless otherwise ordered by the Senate.' The Senate under Rule 67 ordered that every bill shall be read on three separate days unless the Senate deems it expedient to suspend this rule, provided however that on and after the tenth day preceding adjournment sine die of any regular session, this rule may be suspended by a majority vote. If this were a regular session, the President would agree with you, but this is a special session and this rule does not apply—or this situation is not specifically covered by the rules, in the mind of the President."

## PARLIAMENTARY INQUIRY

Senator Shinpoch: "Mr. President, maybe you could answer for the body. Would it be the ruling of the President that only a simple majority is required in order to suspend the rules? It was my understanding that the rules of the regular session had been adopted for the special session. If that is correct, then it would also be my understanding that it takes a two-thirds vote except near sine die in order to suspend the rules, and a rule suspension was specifically requested."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, . . . for your consideration, could I call your attention to Rule 42. You previously mentioned that the difference between the regular session and a special session, but Rule 42 makes all the rules apply to any session subsequently convened during the same legislative biennium, so I think the reference to regular session by using the rule the expression of one implies the

exclusion of the other, is negated by Rule 42 which says that all sessions called would be governed by the same set of rules."

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Bottiger, the President is not being facetious, but if you could tell me when the last ten days will be, I would agree with you."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, this being a session called by the Governor, the last ten days of this session would be at the end of the thirty days."

#### REPLY BY THE PRESIDENT

\*President Cherberg: "The President believes that the Governor called this session up to thirty days."

#### REPLY BY THE PRESIDENT

President Cherberg: "The President still believes that the situation is not specifically covered by Rule 67 or the Senate rules in general. Therefore, I will refer the members to rule of the majority, Rule 23 in Rules, 'Unless by organic law or by virtue of rules adopted by an assembly the number required for an affirmative decision is increased above a majority, the majority rules. The general principle of decision is the natural one that the majority shall govern. Any increase in the requirement is of course in the interest of conservatism.' The measure is advanced, put on second reading calendar for today."

The motion by Senator Clarke carried. Engrossed Second Substitute House Bill No. 756 was placed on the second reading calendar for today.

#### MESSAGES FROM THE HOUSE

November 23, 1981.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 773, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

November 23, 1981.

Mr. President: The House has adopted: SENATE CONCURRENT RESOLUTION NO. 126, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

November 22, 1981.

Mr. President: The House has passed:  
SECOND SUBSTITUTE HOUSE BILL NO. 788,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 811, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

November 23, 1981.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 780, and passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

## FIRST READING OF HOUSE BILLS

SECOND SUBSTITUTE HOUSE BILL NO. 788, by Committee on Ways and Means (originally sponsored by Committee on Revenue):

Providing a temporary modification in the state retail sales and use tax rates.

## MOTION

Senator Clarke moved that Second Substitute House Bill No. 788 be advanced to second reading and placed at the end of today's second reading calendar.

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, the constant motion to suspend the rules keeps bothering me. Again, Rule 51, 'unless ordered by the Senate.' Are we suspending the rules or not?"

## REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "I listened very carefully and there was no motion to suspend the rules, Senator Bottiger."

Senator Bottiger: "Mr. President, I'll ask for a roll call."

## REPLY BY THE PRESIDENT

President Cherberg: "A suspension of the rules is required. The President merely gave the proper motion."

Debate ensued.

Senator Bottiger 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 Clarke that the rules be suspended and Second Substitute House Bill No. 788 be placed at the end of today's second reading calendar.

## ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Absent or not voting: Senator Lysen—1.

The motion by Senator Clarke carried. Second Substitute House Bill No. 788 was placed at the end of today's second reading calendar.

## FIRST READING OF HOUSE BILL

ENGROSSED SUBSTITUTE HOUSE BILL NO. 811, by Committee on Ways and Means (originally sponsored by Committee on Ways and Means and Representative Chandler):

Reducing appropriations to state agencies.

## MOTION

On motion of Senator Clarke, Engrossed Substitute House Bill No. 811 was referred to the Committee on Ways and Means.

## MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Substitute House Bill No. 760.

## SECOND READING

**SUBSTITUTE HOUSE BILL NO. 760**, by House Committee on Appropriations—Human Services (originally sponsored by House Committee on Appropriations—Human Services and Representative Mitchell):

Modifying provisions relating to nursing homes.

## REPORT OF STANDING COMMITTEE

November 18, 1981.

**SUBSTITUTE HOUSE BILL NO. 760**, modifying provisions relating to nursing homes (reported by Committee on Social and Health Services):

**MAJORITY** recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Section 1. There is added to chapter 18.51 RCW a new section to read as follows:

- (1) The nursing home provider shall:
  - (a) Encourage self medication as appropriate;
  - (b) Only admit individuals if the nursing home's rated capacity will not be exceeded and if it has the capability to provide adequate treatment, therapy, and activities;
  - (c) Transfer the patient when change of condition requires care that the nursing home cannot provide;
  - (d) Design and equip the resident living areas for the comfort, safety, and privacy of each resident. Each resident's room shall:
    - (i) Be equipped with or conveniently located near toilet and bathing facilities;
    - (ii) Be at or above grade level;
    - (iii) Contain a suitable bed for each resident and other appropriate furniture;
    - (iv) Have closet space that provides security and privacy for clothing and personal belongings;
    - (v) Contain no more than four beds;
    - (vi) Have adequate space for each resident; and
    - (vii) Be equipped with a device for calling the staff member on duty;
  - (e) Have provisions for isolation;
  - (f) Have one or more dining and activity areas which do not interfere with each other; and
  - (g) Have an activities program designed to maintain normal activity and help each resident return to self care.
- (2) The department may waive the space and occupancy requirements of this section for as long as the department considers appropriate if the department finds that the requirements would result in unreasonable hardship on the facility, the waiver serves the particular needs of the residents, and the waiver does not adversely affect the health and safety of the residents.

**NEW SECTION.** Sec. 2. There is added to chapter 18.51 RCW a new section to read as follows:

The nursing home shall provide or arrange for the provision of the services listed in this section for each resident whose plan of care should provide for such services. These services are:

- (1) Rehabilitative services;
- (2) Social services;
- (3) Pharmacist services; and
- (4) Nutritionist services.

**NEW SECTION.** Sec. 3. There is added to chapter 18.51 RCW a new section to read as follows:

If any part of this chapter is found to conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this chapter.

Sec. 4. Section 6, chapter 117, Laws of 1951 as last amended by section 17, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.050 are each amended to read as follows:

Upon receipt of an application for license, the department shall issue a license if the applicant and the nursing home facilities meet the requirements established under this chapter. Prior to the issuance or renewal of the license, the licensee shall pay a license fee ~~((of one hundred dollars plus two dollars per bed per year))~~ as established by the department. No fee shall be required of government operated institutions. All licenses issued under the provisions of this chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed ~~((twelve))~~ thirty-six months in duration ~~((-- PROVIDED, That when the annual license renewal date of a previously licensed nursing home is set by the department on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license))~~. When a change of ownership occurs, the entity becoming the licensed operating entity of the facility shall pay ~~((the full licensing))~~ a fee ((for the facility)) established by the department at the time of application for the license. The previously determined date of license expiration shall not change.

All applications and fees for renewal of the license and for change of ownership licenses shall be submitted to the department not later than thirty days prior to the date of expiration of the license or the date of the proposed change of ownership. Each license shall be issued only to the operating entity and those persons named in the license application. The license is valid only for the operation of the facility at the location specified in the license application. Licenses are not transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 5. Section 8, chapter 117, Laws of 1951 as amended by section 64, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.070 are each amended to read as follows:

(1) The department, after consultation with the nursing home advisory council and the board of health, shall adopt, amend, and promulgate such rules, regulations, and standards with respect to all nursing homes to be licensed hereunder as may be designed to further the accomplishment of the purposes of this chapter in promoting safe and adequate medical and nursing care of individuals in nursing homes and the sanitary, hygienic and safe conditions of the nursing home in the interest of public health, safety, and welfare and in promoting maximum functioning and independence.

(2) The rules, regulations, and standards shall:

(a) Be the minimum for facilities licensed as nursing homes and for reimbursement; and

(b) Specify rights available to all nursing home residents and next friends, which shall be posted, including consultation regarding the plan of care, financial affairs of residents, privacy, and association.

(3) The nursing home shall meet applicable laws, codes, and standards of practice pertaining to health and safety.

Sec. 6. 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))~~ one inspection of ~~((all))~~ each nursing home~~((s))~~ prior to license renewal. 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. 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 notice shall describe the reasons for the facility's non-compliance. The notice shall inform the facility that it must comply with a plan of correction within a specified time, not to exceed sixty days from the date the plan of correction is approved by the department. The penalties in RCW 18.51.060 may be imposed if, after the specified period, the department determines that the facility has not complied. In life-threatening situations or situations which substantially limit the provider's capacity to render adequate care, the department may require immediate correction or proceed immediately under RCW 18.51.060. 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.

Sec. 7. Section 10, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.230 are each amended to read as follows:

The department shall, in addition to any inspections conducted pursuant to complaints filed pursuant to RCW 18.51.190, conduct at least one general inspection ~~((each year))~~ prior to license renewal of all nursing homes in the state without providing advance notice of such inspection. ~~((At least one))~~ Periodically, such inspection ~~((in any three year period))~~ shall take place in part between the hours of 7 p.m. and 5 a.m. or on weekends.

Sec. 8. Section 1, chapter 244, Laws of 1977 ex. sess. as last amended by section 12, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.310 are each amended to read as follows:

(1) ((No later than December 31, 1980;)) Within thirty days of admission, the department shall evaluate, through review and assessment, the comprehensive plan of care for each resident supported by the department under RCW 74.09.120 as now or hereafter amended.

(2) The department shall review the comprehensive plan of care for such resident at least annually or upon any change in the resident's classification.

(3) Based upon the assessment of the resident's needs, the department shall assign such resident to a classification. Developmentally disabled residents shall be classified under a separate system.

(4) The nursing home shall submit any request to modify a resident's classification to the department for the department's approval. The approval shall not be given until the department has reviewed the resident.

(5) The department shall adopt ~~((revised licensing standards for nursing homes. The))~~ licensing standards ~~((shall be))~~ suitable for implementing the civil penalty system authorized under this chapter ~~((, chapter 74.42 RCW,))~~ and chapter 74.46 RCW.

~~((2) The department, the board of health, the school of medicine, the University of Washington, and the schools of nursing within the state shall jointly submit to the legislature, not later than December 20, 1980, alternative methods of identifying and measuring the results of services delivered by the nursing home.~~

~~(3) No later than July 1, 1981, the department shall adopt all those regulations which meet all conditions necessary to fully implement the civil penalty system authorized by this chapter, chapter 74.42 RCW, and chapter 74.46 RCW.)~~

Sec. 9. Section 74.09.120, chapter 26, Laws of 1959 as last amended by section 11, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.09.120 are each amended to read as follows:

The department shall purchase necessary physician and dentist services by contract or "fee for service." 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. The department shall purchase nursing home care by contract. The department shall establish regulations for reasonable nursing home accounting and reimbursement systems which comply with RCW 74.09.610. The regulations 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.

All other services and supplies provided under the program shall be secured by contract.

The department may purchase care in institutions for the mentally retarded, also known as intermediate care facilities for the mentally retarded. The department shall establish rules for reasonable accounting and reimbursement systems for such care. Institutions for the mentally retarded include licensed nursing homes, public institutions, licensed boarding homes with fifteen beds or less, and hospital facilities certified as intermediate care facilities for the mentally retarded under the federal medicaid program to provide health, habilitative, or rehabilitative services and twenty-four hour supervision for mentally retarded individuals or persons with related conditions and includes in the program "active treatment" as federally defined.

Sec. 10. Section 4, chapter 260, Laws of 1977 ex. sess. as amended by section 2, chapter 2, Laws of 1981 1st 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.

(1)(a) Beginning with the settlements for calendar year 1981, the nursing home shall submit a preliminary settlement report simultaneously with the annual cost report.

(b) Within ninety days after receipt of the reports by the secretary, the department shall submit a proposed settlement report by cost center to the nursing home which fully substantiates disallowed costs, refunds, underpayments, and/or adjustments to the preliminary settlement report.

(c) The proposed settlement shall provide the basis for a schedule to correct overpayments and underpayments.

(2) (a) The department shall calculate a settlement for the 1980 cost reporting period by comparing the rate paid to a contractor with that contractor's reported allowable costs. Refunds due the department based upon overpayments made to nursing home contractors from January 1, 1980, through December 31, 1980, indicated by this settlement shall be due and payable in full within thirty days after written notice is received from the department.

(b) Where deemed appropriate by the department, repayment may be made according to a schedule determined by the department.

(c) Failure on the part of a nursing home contractor to tender payment due in full within thirty days after notice is received from the department shall render the contractor liable for the payment of interest to the department at the rate of one percent per month for any unpaid balance from thirty days after the date of notification until payment in full is received by the department. Liability for interest payments under this subsection (2)(c) shall remain in effect whether a contractor is in default of repayment or is making repayment according to a schedule determined by the department in lieu of payment in full upon notification of payment due.

(d) Unless payment due from a nursing home contractor is received in full within thirty days after notification from the department or unless principal and interest payments are received according to a schedule determined by the department, recoupment from current reimbursement payments due a contractor in default will commence according to a schedule determined by the department.

(e) Nothing in this subsection shall prejudice the rights of contractors or the department regarding audit adjustments and/or revised settlements which may be promulgated by the department from time to time in individual contractor cases.

(3) Operators of nursing homes shall refund all portions of payments received which exceed actual audited costs and all portions of payments received which are attributable to unreasonable or nonallowable costs as determined by federal or state regulations.

NEW SECTION. Sec. 11. There is added to chapter 74.46 RCW a new section to read as follows:

This chapter does not apply to institutions for the mentally retarded, also known as intermediate care facilities for the mentally retarded.

Sec. 12. Section 1, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.09.610 are each amended to read as follows:

(1) The nursing home auditing and cost reimbursement system of the department of social and health services shall be governed by this section until implementation of chapter 74.46 RCW. The department shall reimburse nursing homes on the basis of the following cost centers: Patient care, food, administration and operations, and property.

(2) (a) For rate setting purposes for fiscal year 1982, the department shall reimburse the patient care cost center at the January 1, 1981, reimbursement rate, as adjusted for inflation.

~~((a))~~ (b) For rate setting purposes in fiscal year 1983, this subsection (2)(b) applies.

(i) There shall be established by the department a redistribution pool consisting of overpayments to contractors for 1981 indicated by proposed settlements for 1981, less one million dollars.

(ii) If a contractor's patient care cost center rate for 1981 is greater than or equal to the contractor's desk reviewed 1981 patient care costs, the department shall reimburse the patient care cost center at the desk reviewed 1981 patient care costs plus any patient care funds shifted to other cost centers pursuant to subsection (8) of this section, as adjusted for inflation.

(iii) If the contractor's 1981 patient cost center rate is less than the contractor's desk reviewed 1981 patient care costs, the department shall reimburse the contractor's patient care cost at the January 1, 1982, reimbursement rate less one and one half percent, as adjusted for inflation, plus an allowance from the redistribution pool. The allowance for a contractor shall not exceed the contractor's patient care costs, as adjusted for inflation, and the total of allowances distributed shall not exceed the redistribution pool under subsection (2)(b)(i) of this section. If the funds contained in the redistribution pool exceed or are equal to the total amount by which contractors were underfunded in the patient care cost center, each contractor's allowance will be equal to the amount by which the contractor was underfunded. If the funds contained in the redistribution pool are less than the total amount by which contractors were underfunded in the patient care cost center, each contractor will receive an allowance which shall be a percentage of the amount by which the contractor was underfunded. The percentage shall be determined by dividing the amount of the pool by the total amount of underfunding.

(c) In addition, the reimbursement shall be enhanced by three million dollars for the first year of the biennium and by ~~((five))~~ one million four hundred thousand dollars for the second year of the biennium. These enhancements shall be apportioned among the nursing homes proportionately based on the patient care cost center for each nursing home.

~~((b))~~ (d) For the purpose of nursing assistant certification, the department shall reimburse at a rate of thirty cents for each medicaid patient day for the first year of the biennium ~~((and at a rate of thirty-three cents, as adjusted for inflation, for each medicaid patient day for the second year of the biennium))~~. This is in addition to the January 1, 1981, reimbursement rate.

(e) Effective July 1, 1982; the patient care cost center reimbursement rate shall be adjusted as follows:

(i) As used in (ii) of this subsection, patient care consultation refers to medical director, patient activities, physical therapy, speech therapy, occupational therapy, and other therapy consultation.

(ii) The department shall determine the average expense weighted by patient days for patient care consultation taken from the most recently completed cost reports.

In determining the patient care cost to be used for rate setting pursuant to subsections (2)(b)(ii) and (iii) of this section, the department shall not include any cost in excess of the average cost determined under (ii) of this subsection.

(3) Reimbursement for the food cost center shall be at the January 1, 1981, reimbursement rate, adjusted for inflation.

(4) The administration and operations cost center consists of two components:

(a) (i) For rate setting purposes for fiscal year 1982, the wages for all employees, other than nursing service personnel and administrators and assistant administrators, shall be reimbursed at the January 1, 1981, rate as adjusted for inflation.

(ii) For rate setting purposes for fiscal year 1983:

(A) If the contractor's administration and operations wage component rate for 1981 is greater than or equal to the contractor's desk reviewed 1981 administration and operations wage costs, the department shall reimburse the contractor's administration and operations wage component at the desk reviewed 1981 administration and operations wage component costs as adjusted for inflation.

(B) If the contractor's administration and operations wage component rate for 1981 is less than the contractor's desk reviewed 1981 administration and operations wage costs, the department shall reimburse the contractor's administration and operations wage component at the January 1, 1981, reimbursement rate as adjusted for inflation, except that, after distribution of the redistribution pool to contractors underfunded in the patient care cost center pursuant to subsection (2)(b)(iii) of this

section, any funds remaining will be distributed to contractors with rates below cost in proportion to the underfunding in this component. This distribution shall not exceed the total of underfunded cost in this component.

(b) Reimbursement for administration and operations, including all items not specified in subsections (2), (3), (4)(a), (5), and (6) of this section, shall not exceed the eighty-fifth percentile of the costs of all reporting facilities, not including any funds shifted pursuant to subsection (8) of this section, as adjusted for inflation, 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. Effective July 1, 1982, the administration and operations cost center reimbursement rate shall be adjusted as follows:

(i) As used in (ii) and (iii) of this subsection, administration and operations consultation expense refers to dietary and medical record consultant fees.

(ii) The department shall determine the average expense weighted by patient days for administration and operations consultation expense taken from the most recent completed cost report.

(iii) Reimbursement for administration and operations consultation shall be the lesser of the average expense as determined under (ii) of this subsection or the individual facility's costs for administration and operations consultation expenses taken from the most recent completed cost report, as adjusted for inflation. This adjustment applies only to the July 1, 1982, through July 1, 1983, reimbursement period.

(5) The return on net invested equity for each facility shall be determined by utilizing medicare rules and regulations.

(6) Property cost center 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. 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 reimbursement rate payable for the property cost center as of June 30, 1979, or July 1, 1979, whichever is higher, 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.

(7) The patient personal needs allowance limitation shall be thirty-three dollars and fifty cents.

(8) For settlement purposes only, for calendar years 1981, 1982, and 1983, a nursing home may shift among cost centers an amount not greater than twenty percent of the reimbursement rate of the cost center into which the shift is being made. Shifts may be made among the cost centers. However, shifts may not be made into the property cost center. The department shall monitor on a random basis the extent and patterns of shifting between cost centers authorized by this section. The department shall report to the legislature on its findings required by this section prior to ~~((February))~~ July 15th of each year.

(9) Audits shall be conducted by the department and settlements shall be calculated by cost center only.

(10) The department may adjust reimbursement rates to reflect required increases in staffing levels and capital improvements.

(11) Any reference in this section to a January 1, 1981, reimbursement rate includes any adjustment resulting from a rate appeal and its final resolution, but shall not include any adjustment resulting from litigation on reimbursement rates prior to June 30, 1981, or the procedures by which they were established.

(12) References in this section to adjustments for inflation mean adjustments of 5.0 percent for rates effective July 1, 1981, through December 31, 1981; 5.2 percent for rates effective January 1, 1982, through June 30, 1982; 2.91 percent for patient care and the wage component of administration and operations and 4.35 percent for food and the nonwage component of administration and operations for rates effective July 1, 1982, through December 31, 1982; and 4.35 percent for food and the nonwage component of administration and operations for rates effective January 1, 1983, through June 30, 1983. Rates for patient care and the wage component of administration and operations shall not be adjusted for inflation during the period January 1, 1983, through June 30, 1983.

NEW SECTION. Sec. 13. Section 7, chapter 114, Laws of 1979 and RCW 18.52A.070 are each repealed.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.010;
- (2) Section 2, chapter 211, Laws of 1979 ex. sess., section 6, chapter 184, Laws of 1980 and RCW 74.42.020;
- (3) Section 3, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.030;
- (4) Section 4, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.040;
- (5) Section 5, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.050;
- (6) Section 6, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.060;
- (7) Section 7, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.070;
- (8) Section 8, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.080;
- (9) Section 9, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.090;
- (10) Section 10, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.100;
- (11) Section 11, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.110;
- (12) Section 12, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.120;
- (13) Section 13, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.130;
- (14) Section 14, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.140;
- (15) Section 15, chapter 211, Laws of 1979 ex. sess., section 7, chapter 184, Laws of 1980 and RCW 74.42.150;
- (16) Section 16, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.160;
- (17) Section 17, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.170;
- (18) Section 18, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.180;
- (19) Section 19, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.190;
- (20) Section 20, chapter 211, Laws of 1979 ex. sess., section 8, chapter 184, Laws of 1980 and RCW 74.42.200;
- (21) Section 21, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.210;
- (22) Section 22, chapter 211, Laws of 1979 ex. sess., section 9, chapter 184, Laws of 1980 and RCW 74.42.220;
- (23) Section 18, chapter 184, Laws of 1980 and RCW 74.42.225;
- (24) Section 23, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.230;
- (25) Section 24, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.240;
- (26) Section 25, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.250;
- (27) Section 26, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.260;
- (28) Section 27, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.270;
- (29) Section 28, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.280;
- (30) Section 29, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.290;
- (31) Section 30, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.300;

(32) Section 31, chapter 211, Laws of 1979 ex. sess., section 10, chapter 184, Laws of 1980 and RCW 74.42.310;

(33) Section 32, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.320;

(34) Section 33, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.330;

(35) Section 34, chapter 211, Laws of 1979 ex. sess., section 11, chapter 184, Laws of 1980 and RCW 74.42.340;

(36) Section 35, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.350;

(37) Section 36, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.360;

(38) Section 37, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.370;

(39) Section 38, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.380;

(40) Section 39, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.390;

(41) Section 40, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.400;

(42) Section 41, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.410;

(43) Section 42, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.420;

(44) Section 43, chapter 211, Laws of 1979 ex. sess., section 12, chapter 184, Laws of 1980 and RCW 74.42.430;

(45) Section 44, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.440;

(46) Section 45, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.450;

(47) Section 46, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.460;

(48) Section 47, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.470;

(49) Section 48, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.480;

(50) Section 49, chapter 211, Laws of 1979 ex. sess., section 13, chapter 184, Laws of 1980 and RCW 74.42.490;

(51) Section 50, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.500;

(52) Section 51, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.510;

(53) Section 52, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.520;

(54) Section 53, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.530;

(55) Section 54, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.540;

(56) Section 55, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.550;

(57) Section 56, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.560;

(58) Section 57, chapter 211, Laws of 1979 ex. sess., section 14, chapter 184, Laws of 1980 and RCW 74.42.570;

(59) Section 58, chapter 211, laws of 1979 ex. sess., section 15, chapter 184, Laws of 1980 and RCW 74.42.580;

(60) Section 59, chapter 211, Laws of 1979 ex. sess., section 16, chapter 184, Laws of 1980 and RCW 74.42.590;

(61) Section 60, chapter 211, Laws of 1979 ex. sess., section 17, chapter 184, Laws of 1980 and RCW 74.42.600;

(62) Section 61, chapter 211, Laws of 1979 ex. sess., section 85, chapter 177, Laws of 1980 and RCW 74.42.610;

(63) Section 62, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.620;

(64) Section 21, chapter 184, Laws of 1980 and RCW 74.42.630;

(65) Section 69, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.900;

(66) Section 70, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.910; and

(67) Section 72, chapter 211, Laws of 1979 ex. sess., section 19, chapter 184, Laws of 1980 and RCW 74.42.920.

**NEW SECTION.** Sec. 15. Sections 4, 6, 7, 9, 10, and 11 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."

On page 1, line 1 of the Title, after "nursing homes;" strike the remainder of the Title and insert "amending section 6, chapter 117, Laws of 1951 as last amended by section 17, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.050; amending section 8, chapter 117, Laws of 1951 as amended by section 64, chapter 211, Laws

of 1979 ex. sess. and RCW 18.51.070; amending section 63, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.091; amending section 10, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.230; amending section 1, chapter 244, Laws of 1977 ex. sess. as last amended by section 12, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.310; amending section 1, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.09.610; amending section 74.09.120, chapter 26, Laws of 1959 as last amended by section 11, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.09.120; amending section 4, chapter 260, Laws of 1977 ex. sess. as amended by section 2, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.09.580; adding a new section to chapter 74.46 RCW; repealing section 7, chapter 114, Laws of 1979 and RCW 18.52A.070; repealing section 1, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.010; repealing section 2, chapter 211, Laws of 1979 ex. sess., section 6, chapter 184, Laws of 1980 and RCW 74.42.020; repealing section 3, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.030; repealing section 4, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.040; repealing section 5, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.050; repealing section 6, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.060; repealing section 7, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.070; repealing section 8, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.080; repealing section 9, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.090; repealing section 10, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.100; repealing section 11, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.110; repealing section 12, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.120; repealing section 13, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.130; repealing section 14, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.140; repealing section 15, chapter 211, Laws of 1979 ex. sess., section 7, chapter 184, Laws of 1980 and RCW 74.42.150; repealing section 16, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.160; repealing section 17, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.170; repealing section 18, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.180; repealing section 19, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.190; repealing section 20, chapter 211, Laws of 1979 ex. sess., section 8, chapter 184, Laws of 1980 and RCW 74.42.200; repealing section 21, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.210; repealing section 22, chapter 211, Laws of 1979 ex. sess., section 9, chapter 184, Laws of 1980 and RCW 74.42.220; repealing section 18, chapter 184, Laws of 1980 and RCW 74.42.225; repealing section 23, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.230; repealing section 24, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.240; repealing section 25, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.250; repealing section 26, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.260; repealing section 27, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.270; repealing section 28, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.280; repealing section 29, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.290; repealing section 30, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.300; repealing section 31, chapter 211, Laws of 1979 ex. sess., section 10, chapter 184, Laws of 1980 and RCW 74.42.310; repealing section 32, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.320; repealing section 33, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.330; repealing section 34, chapter 211, Laws of 1979 ex. sess., section 11, chapter 184, Laws of 1980 and RCW 74.42.340; repealing section 35, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.350; repealing section 36, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.360; repealing section 37, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.370; repealing section 38, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.380; repealing section 39, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.390; repealing section 40, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.400; repealing section 41, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.410; repealing section 42,

chapter 211, Laws of 1979 ex. sess. and RCW 74.42.420; repealing section 43, chapter 211, Laws of 1979 ex. sess., section 12, chapter 184, Laws of 1980 and RCW 74.42.430; repealing section 44, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.440; repealing section 45, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.450; repealing section 46, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.460; repealing section 47, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.470; repealing section 48, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.480; repealing section 49, chapter 211, Laws of 1979 ex. sess., section 13, chapter 184, Laws of 1980 and RCW 74.42.490; repealing section 50, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.500; repealing section 51, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.510; repealing section 52, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.520; repealing section 53, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.530; repealing section 54, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.540; repealing section 55, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.550; repealing section 56, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.560; repealing section 57, chapter 211, Laws of 1979 ex. sess., section 14, chapter 184, Laws of 1980 and RCW 74.42.570; repealing section 58, chapter 211, laws of 1979 ex. sess., section 15, chapter 184, Laws of 1980 and RCW 74.42.580; repealing section 59, chapter 211, Laws of 1979 ex. sess., section 16, chapter 184, Laws of 1980 and RCW 74.42.590; repealing section 60, chapter 211, Laws of 1979 ex. sess., section 17, chapter 184, Laws of 1980 and RCW 74.42.600; repealing section 61, chapter 211, Laws of 1979 ex. sess., section 85, chapter 177, Laws of 1980 and RCW 74.42.610; repealing section 62, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.620; repealing section 21, chapter 184, Laws of 1980 and RCW 74.42.630; repealing section 69, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.900; repealing section 70, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.910; repealing section 72, chapter 211, Laws of 1979 ex. sess., section 19, chapter 184, Laws of 1980 and RCW 74.42.920; and declaring an emergency."

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore.

The bill was read the second time by sections.

Senator Deccio moved adoption of the committee amendment.

Senator McDermott moved the following amendments to the committee amendment be considered and adopted simultaneously:

On page 1, beginning on line 7, strike all of sections "1" and "2" and renumber the remaining sections consecutively

On page 22, beginning on line 9, strike all of section "14" and renumber the remaining section consecutively

On page 28, beginning with "amending" on line 24, strike all material down to and including "RCW 74.42.920;" on page 33, line 14

Debate ensued.

### POINT OF INQUIRY

Senator Gould: "In reference to Senator McDermott's statement, and I recognize that you are not a lawyer either, but would it not appear to you that if the nursing home providers were responsible for encouraging a patient to take his own medication that if he mis-medicated himself or gave himself poor medication, that then he would be really liable for that, he would have that responsibility. The nursing home provider would, and therefore I guess my statement is, they would be very cautious as to who would give themselves medication."

Senator Deccio: "I can't answer your question fully, Senator Gould. I would assume that regardless, that the provider would be liable."

Further debate ensued.

The motion by Senator McDermott carried and the amendments to the committee amendment were adopted.

### PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, it is in order, at some time I realize I can't tell when Senator Deccio is yes or no, but I did not hear him, I was back on the telephone, that he was supporting the amendment, so if in fact he felt as though that our comments were sort of pointed at him or something, unjustly, then I would like to say that that is not what was intended, but if he was against the measure, I wanted to make sure that I was on the opposite side of it."

On motion of Senator McDermott, the following amendments to the committee amendment were considered and adopted simultaneously:

On page 5, beginning on line 6, strike all of section 5 and renumber the remaining sections consecutively

On page 22, beginning on line 19, strike all material down to and including "74.42.120;" and renumber the remaining subsections consecutively

On page 29, after "RCW 74.42.020;" strike all material down to and including "RCW 74.42.120;" on line 34

On motion of Senator McDermott, the following amendments to the committee amendment were considered and adopted simultaneously:

On page 9, beginning on line 11, strike all material down to and including "RCW:" on line 17 and restore the stricken material.

On page 27, beginning on line 1, strike all material down to and including "74.42.580;" on line 4 and renumber the remaining subsections consecutively

On page 32, beginning on line 29, strike all material down to and including "74.42.580;" on line 32

On motion of Senator McDermott, the following amendments to the committee amendment were considered and adopted simultaneously:

On page 10, line 29, strike "establish" and insert "develop"

On page 10, line 31, following "care" insert "and report such rules to the next regular session of the legislature for review prior to implementation"

On page 13, beginning on line 26, strike all of section 11 and renumber the remaining sections consecutively

On motion of Senator McDermott, the following amendment to the committee amendment was adopted:

On page 21, beginning on line 22, strike all of subsection "(12)" and insert:

"References in this section to adjustments for inflation mean adjustments of 5.0 percent for rates effective July 1, 1981, through December 31, 1981; ~~((5-2))~~ 4.25 percent for rates effective January 1, 1982, through June 30, 1982; ~~((4-35))~~ 3.25 percent for rates effective July 1, 1982, through December 31, 1982, and ~~((4-35))~~ 3.25 percent for rates effective January 1, 1983, through June 30, 1983."

On motion of Senator Deccio, there being no objection, an amendment by Senators Deccio and Jones to New Section, Sec. 14, on the desk of the Secretary, was withdrawn.

The motion by Senator Deccio carried and the committee amendment, as amended, was adopted.

On motion of Senator Deccio, the committee amendment to the title was adopted.

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 760, 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 Bottiger: "Senator, I have got about four—I don't want to exaggerate, four or five letters, I stopped counting them, from people that have read the story about the money that had been received but not properly spent, and can you tell me what is going to happen to that so that I can respond to these letters?"

Senator Deccio: "The newspaper article told about a four and one-half million dollar overpayment, but they said nothing about a six million dollar underpayment that also existed in some of the facilities. The Department—quite frankly, we have been after the Department for a long time to do something about these audits and I think now with the passage of this legislation these audits will be made on time. One of the reasons that they were concerned about leaving the audits set was because of lawsuits. I think this bill will go a long way to cleaning up some of the lawsuit problems that we have had. This bill was agreed to by the Department, by the industry, and by the Governor's office and that is the way it came to the House and subsequently to us."

Senator Bottiger: "Senator, just to be a little more specific, a nursing home operator who got too much money and put it in the bank and drew interest, is he going to pay that back along with the interest into the fund so that we can reimburse those people that were underpaid?"

Senator Deccio: "Senator, as I understand it, all of the money has to go back to the Department. That is the understanding that I have. If you want further detail on that, I would be glad to get it for you."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 760, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays 2; excused or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Shinpoch, Talley—2.

Excused: Senator Lysen—1.

SUBSTITUTE HOUSE BILL NO. 760, 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. 774, by House Committee on Institutions: (originally sponsored by Representatives Sommers, Owen, Williams, Nisbet, Monohon, McCormick, Amen, Brown, Fiske, Grimm, Heck, Hine, Houchen, King (J.), Leonard, Prince, Scott, Struthers and Walk):

Modifying jail space requirements.

## REPORT OF STANDING COMMITTEE

November 18, 1981.

SUBSTITUTE HOUSE BILL NO. 774, modifying jail space requirements (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:  
Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Section 1. The legislature finds that:

(1) The United States supreme court has reversed lower court decisions relating to jail and prisons standards, thus permitting state and local authorities more flexibility in planning jail and prison facilities;

(2) Current physical plant standards used by the state jail commission in allocating state funds for local jail construction are inconsistent with supreme court decisions, and will result in increased construction costs, and impose higher staffing costs on local governments;

(3) The major part of the two hundred thirty-six million dollars of bonds presently authorized for jail construction remains to be issued, and it is estimated that the state will exceed its statutory limit for bond issues by 1984;

(4) It is incumbent upon the legislature to eliminate unnecessary bond issues and to reduce costs to the state and local governments.

**NEW SECTION.** Sec. 2. There is added to chapter 70.48 RCW a new section to read as follows:

The jail commission shall immediately review and modify physical plant, operating, and other standards in accordance with current case law: **PROVIDED,** That the commission may also, alternatively, grant variances to existing physical plant standards for specific projects based upon such review. In accordance with such revised standards or variances, local governments may modify jail designs to reduce space and staffing requirements and construction costs.

**NEW SECTION.** Sec. 3. There is added to chapter 70.48 RCW a new section to read as follows:

The net capital savings resulting from the modification of jail designs under section 2 of this act shall be divided equally between the state and the local government making the modification.

A local government may use its share of such savings for capital costs relating to the jail, such as law enforcement offices, juvenile detention facilities, land, construction, remodeling, court facilities, equipment, and furnishings, except as prohibited in RCW 70.48.200(7).

**NEW SECTION.** Sec. 4. The state jail commission shall advise the legislature of the changes in standards by or before February 1, 1982.

Sec. 5. Section 5, chapter 316, Laws of 1977 ex. sess. as last amended by section 1, chapter 276, Laws of 1981 and RCW 70.48.050 are each amended to read as follows:

In addition to any other powers and duties contained in this chapter, the commission shall have the powers and duties:

(1) To adopt such rules and regulations, after approval by the legislature, pursuant to chapter 34.04 RCW, as it deems necessary and consistent with the purposes and intent of this chapter on the following subjects:

(a) Mandatory custodial care standards that are essential for the health, welfare, and security of persons confined in jails. In adopting each rule or regulation pertaining to mandatory custodial care standards, the commission shall cite the applicable case law, statutory law or constitutional provision which requires such rule or regulation. The commission shall grant variances from custodial care standards to governing units which operate jails with physical deficiencies which directly affect their ability to comply with these standards, if the governing unit is eligible for and has applied for funds under RCW 70.48.110. The variances remain in effect until state funding to improve or reconstruct the jails of these governing units has been expended for that purpose;

(b) Advisory custodial care standards;

(c) The classification and uses of holding, detention, and correctional facilities. Except for the housing of work releasees in accordance with commission rules, a person may not be held in a holding facility longer than seventy-two hours, exclusive

of weekends and holidays, without being transferred to a detention or correctional facility unless the court having jurisdiction over the individual authorizes a longer holding, but in no instance shall the holding exceed thirty days;

(d) The content of jail records which shall be maintained by the department of corrections or the chief law enforcement officer of the governing unit. In addition the governing unit, chief law enforcement officer, or department of corrections may require such additional records as they deem proper; and

(e) The segregation of persons and classes of persons confined in holding, detention, and correctional facilities;

(2) To investigate, develop, and encourage alternative and innovative methods in all phases of jail operation;

(3) To make comments, reports, and recommendations concerning all phases of jail operation including those not specifically described in this chapter;

(4) To hire necessary staff, acquire office space, supplies, and equipment, and make such other expenditures as may be deemed necessary to carry out its duties;

(5) The secretary shall submit minimum physical plant standards to the commission for review and promulgate proposed standards pursuant to chapter 34.04 RCW. After such promulgation, the standards shall be presented for review at a public conference of city, town, and county legislative and executive officials and directors of departments of correction or the chief law enforcement officers of the governing units in four regional meetings, two of which shall be east of the Cascade range. Subsequent to these reviews, and utilizing the data received, the commission shall adopt minimum physical plant standards pursuant to chapter 34.04 RCW, after approval by the legislature. The physical plant standards adopted by the commission shall be superior to and preemptive of provisions of the state building code, chapter 19.27 RCW, and any local ordinances with which there may be conflict. The commission shall not preempt any provisions of the state building code or local ordinances without a finding that the code or local ordinances conflict with the secure and humane operation of jails. Provisions of the state building code and local ordinances not in conflict with the physical plant standards of the commission shall apply to construction of jails pursuant to this chapter;

(6) To cause all jails to be inspected at least annually by designated jail inspectors and to issue a certificate of compliance to each facility which is found to satisfactorily meet the requirements of this chapter and the rules, regulations, and standards adopted hereunder: PROVIDED, That certificates of partial compliance may be issued where applicable. The inspectors shall have access to all portions of jails, to all prisoners confined therein, and to all records maintained by said jails; and

(7) To establish advisory guidelines and model ordinances to assist governing units in establishing the agreements necessary for the joint operation of jails and for the determination of the rates of allowance for the daily costs of holding a prisoner pursuant to the provisions of RCW 70.48.080(6).

NEW SECTION. Sec. 6. Effective June 30, 1984, sections 1 through 4 of this act, the RCW sections under which they are codified, and any amendments thereto, shall expire.

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 "standards;" strike the remainder of the title and insert "amending section 5, chapter 316, Laws of 1977 ex. sess. as last amended by section 1, chapter 276, Laws of 1981 and RCW 70.48.050; adding new sections to chapter 70.48 RCW; creating new sections; providing an expiration date; and declaring an emergency."

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Rasmussen.

The bill was read the second time by sections.

Senator Deccio moved adoption of the committee amendment.

Senator McDermott moved adoption of the following amendment to the committee amendment:

On page 2, following line 3, strike all material through "costs" on line 17 and insert:

"Upon application of a local government and a showing of need, the commission may grant variances to existing physical plant standards for specific projects based on current case law. In accordance with such variances, local governments may modify jail designs to reduce space and staffing requirements and construction costs"

#### POINT OF INQUIRY

Senator Gould: "Does the effect of this amendment allow the Jail Commission to establish or allow variances for less than those standards which have been provided under new case law? Does it allow variances for anything they want?"

Senator McDermott: "My amendment has been drawn so that the Jail Commission may grant variances to existing physical plant standards for any specific projects based on current case law. My intention was to allow them to use the current case law as the basis for granting changes to the standards that have already been established. I do not think it—at least, it is not my intention to allow them to grant beyond what current case law already has been established in other places in this country."

#### POINT OF INQUIRY

Senator Lee: "One of the things that puzzles me a bit, and probably would deserve some clarification for the record too, is that you say, 'upon application and a showing of extreme need.' What would you consider some of the criteria of extreme need?"

Senator McDermott: "I think the whole question of money is a matter of extreme need in this state at this moment, and if there is money to be saved, I think that that is the basis, at least, for them to go to the Jail Commission and say, 'We have this need. We have only so much money. We can save X number of dollars and for that reason we would like to have this kind of a variance.' I think that is at least one basis of extreme need. I really would leave that to a liberal interpretation by the Jail Commission to try and get new jails built. There are many jails in this state that are either under court order or have been threatened by court order by federal courts, and I think that that again is another example of extreme need. I don't want the federal courts running the jails in the state of Washington, so I think we ought to do everything we can to get jails built in the most expeditious way and at the least cost."

Senator Lee: "I do appreciate that and I think that is important for the record to show, particularly if this amendment should hang. My real concern is using the word 'extreme'. I think there—a showing of need would be an adequate criteria."

Senator McDermott: "If you would wish to make an oral amendment to strike the word 'extreme' I would consider that a friendly amendment."

Senator Lee: "I think that would be very helpful."

#### POINT OF INQUIRY

Senator Wilson: "I was going to suggest that the entire phrase, 'and a showing of extreme need' be deleted. Why wouldn't it work as well and logically to say,

'Upon application of a local government, the Commission may grant variances based on current case law'? Why do we have to insist that either extreme need or need be shown, because I wouldn't imagine the Commission would be granting a variance unless there were a good reason for it? Therefore, you now have the opportunity to make a second correction which will bring this amendment more into line with something that I might or might not support."

Senator McDermott: "Was there a question there or a request, or what am I supposed to do? The reason for putting the phrase in 'and a showing of need' is that they ought to at least be required to show there is a need. I'd assume there would be a need, but to have them go in and say, 'We want to make a modification without showing the need for it doesn't make a whole lot of sense, and it is for that reason that we had the phrase in 'a showing of need.' And I hope I won't lose your vote on that basis."

The motion by Senator McDermott failed and the amendment to the committee amendment was not adopted on a rising vote.

Senator Deccio moved adoption of the following amendment to the committee amendment:

On page 2 of the amendment, on line 8, after "law:" strike everything down to "review" on line 12

#### POINT OF INQUIRY

Senator Talmadge: "Senator, by the striking of the language in that particular section of the committee amendment, in those counties such as King County where a variance has been granted to the county jail to depart from the design and physical space standards of the Jail Commission, would not your amendment make that variance illegal?"

Senator Deccio: "Senator Talmadge, the input of this bill came from King County and they are in agreement with my position on this whole bill, and I would suspect that perhaps you probably could answer that question better by asking Mr. Metcalf. You live in King County. You seem to have the problem there. We don't have this much of a problem in Yakima County."

Debate ensued.

Senator Deccio 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 Deccio to the committee amendment.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 31; nays, 16; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, von Reichbauer, Wilson, Zimmerman—31.

Voting nay: Senators Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, McDermott, Moore, Peterson, Shinpoch, Talmadge, Vognild, Williams, Wojahn, Woody—16.

Absent or not voting: Senators Lysen, Ridder—2.

Senator Talmadge moved adoption of the following amendment to the committee amendment:

On page 2, line 18, strike all of section 3 and renumber the remaining sections consecutively.

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Goltz: "Inasmuch as the adoption of this amendment or the failure to adopt this amendment would change the conditions under which the bond issue was referred to the people, does such an amendment or such a bill require more than a majority vote in order for it to pass and thereby change the amendment, the referendum?"

Senator Clarke moved for adjournment before the President could reply to the inquiry by Senator Goltz.

## SIGNED BY THE PRESIDENT

The President signed: SENATE CONCURRENT RESOLUTION NO. 126.

## MOTION

At 6:50 p.m., on motion of Senator Clarke, the Senate adjourned until 11:00 a.m., Tuesday, November 24, 1981.

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

## SIXTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, November 24, 1981.

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 Tracie Leslie and Jeff Wilson, presented the Colors. Father T. I. Marmo, pastor of St. Michael's Church of Olympia, offered the prayer.

### MOTION

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

### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Guess, Bottiger, Hayner, Goltz, Lee, Wojahn and Shinpoch as a committee of honor to escort Trooper Michael Buckingham to the bar of the Senate.

### MOTION

On motion of Senator von Reichbauer, all members were permitted as additional sponsors on Senate Resolution 1981-159.

On motion of Senator von Reichbauer, the following resolution was unanimously adopted:

### SENATE RESOLUTION

1981-159

By Senators von Reichbauer, Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Marilyn Brachtenbach, Deputy Secretary of the Senate; and Fred Hildebrand, Sergeant at Arms:

WHEREAS, Trooper Michael Buckingham has faithfully served the people of the State of Washington for the past four years as a member of the Washington State Patrol; and

WHEREAS, In the tradition that has characterized that highly esteemed organization did, on April 12, 1981, place his personal safety and well-being after that of his fellow man; and

WHEREAS, In displaying the type of courage and selflessness that epitomizes the troopers of the Washington State Patrol, Michael Buckingham was involved in a serious traffic accident while in pursuit of a drunk driver; and

WHEREAS, As a result of this accident, he has spent seven long and painful months, involving many hours of surgery and physical therapy, recovering from the severe injuries sustained in this accident; and

WHEREAS, Throughout his ordeal, Michael Buckingham, bolstered by the support of his wife, Cindy, his parents, fellow troopers and friends, and his continuing faith in God, never gave up hope of recovery; and

WHEREAS, The Washington State Senate wishes to recognize Trooper Michael Buckingham's strength and courage, as well as the great personal sacrifice he has made;

NOW, THEREFORE, BE IT RESOLVED, That the members and staff of the Washington State Senate do hereby pay tribute and express their deepest personal gratitude to Trooper Michael Buckingham for his bravery, courage, and willingness to lay his life on the line to preserve the health, safety, and welfare of the people of our state; and

BE IT FURTHER RESOLVED, That Trooper Michael Buckingham be commended for his courage and further that he be extended our best wishes for a successful and speedy recovery from his injuries; and

BE IT FINALLY RESOLVED, That the Secretary of the Senate shall personally transmit certified copies of this resolution to Trooper Michael Buckingham and members of his family this 24th day of November, 1981.

REMARKS MADE DURING  
THE ADOPTION OF  
SENATE RESOLUTION 1981-159  
REMARKS BY SENATOR VON REICHBAUER

Senator von Reichbauer: "Mr. President, there is not a great deal I can add to what has been described by the clerk in outlining what Michael has gone through. We have often debated the merits of individual issues here on the floor of the Senate but today we have the opportunity to salute an individual, one who personifies the highest principles of his profession, one who put his own welfare after that of his fellow citizens. When I heard last April of the accident involving Mike, I did not know what trooper was involved and as I know a great many troopers from my role as chairman of the Senate Committee on Transportation, I was deeply concerned. We sit here often in comfortable chairs passing laws, and troopers like Mike Buckingham are often placed in an uncomfortable position implementing those laws. Mike is today joined, Mr. President, by his wife, by his parents, by his mother-in-law here, and hopefully joined by those of us who are appreciative of what he has done. Mike is not only a credit to his profession but to humanity and I would like to share a quote in a local paper about Mike after the accident and after the identity of the person responsible was convicted. Referring to the person responsible for this accident Mike said, 'I hope it helps him turn his direction around and gets him to square things away. If he becomes a positive contributing member of society, it would be a neat deal to come out of this thing.' Mr. President and members of the Senate, Mike Buckingham is a credit to the Washington State Patrol and he is a credit to humanity. Thanks, Mike."

REMARKS BY THE PRESIDENT

President Cherberg: "At this time, honored members of the Senate, honored members of the Washington State Patrol and other very welcome and distinguished guests, the President should like to present to you the beautiful, charming and loyal wife of trooper Buckingham, Mrs. Cynthia Buckingham. Won't you please stand in order that the Senators may properly recognize and welcome you.

"It is also the President's privilege to present to you trooper Buckingham's mother and father, Mr. Ward Buckingham and his lovely wife, Doris. Won't you please stand in order that the members may properly recognize you.

"And it is also a privilege and a pleasure to present to you Mrs. Evelyn Love who is Cynthia's mother and Michael's mother-in-law. Won't you please stand in order that you may be properly recognized and welcomed.

"Honorable ladies and gentlemen, it is with pride and honor that the President presents to you the Honorable John Spellman, Governor of the State of Washington.

#### REMARKS BY THE GOVERNOR

Governor Spellman: "Thank you, Mr. President and members of the Senate. I am very proud of the State Patrol, as you are. I am exceedingly proud of trooper Buckingham, his wife and family. It is my pleasure to heartily concur in the resolution which you have adopted this morning and join you in wishing every blessing in terms of recuperation and support and strength to trooper Buckingham and to his family. Thank you."

#### REMARKS BY THE PRESIDENT

President Cherberg: "Also, the President is happy to present to you the Chief of the Washington State Patrol, the Honorable Neil Moloney."

#### REMARKS BY CHIEF MOLONEY

Chief Moloney: "Thank you, Mr. President, Governor Spellman, members of the Senate, guests. I would only make this very short and to the point. Six months ago I met Michael in the hospital and he has been a supporter of the Patrol from the day I walked in the office and all the men and women of the Patrol. I can only say how lucky we are as citizens and how lucky I am to be a member of the Patrol that has youngsters like Michael join the Patrol, those people that will follow him and myself. Thank you very much."

#### REMARKS BY THE PRESIDENT

President Cherberg: "Trooper Buckingham, we are all honored and proud to have you present with us today because, after all, we are glorying in the reflection of your splendor, courage and character. Thank you for coming. And now, trooper Michael Buckingham."

#### REMARKS BY MICHAEL BUCKINGHAM

Michael Buckingham: "Thank you. Governor Spellman, Governor Cherberg, Chief Moloney, members of the Legislature, my wife, my parents, Sergeant Little and other family and friends, I wish to thank you all. I was just doing a job. Seven months ago I never thought that humanity could be the way it has shown me in the last seven months. People really care. I have been lucky enough for God to give me a second chance at my life and perhaps I can do something even better to better humanity and maybe not go quite through what I went through in the process. It is a great honor and a privilege to be here and I thank you all very much."

#### REMARKS BY THE PRESIDENT

President Cherberg: "Thank you, Mike. We are proud of you.

"It is my pleasure, on behalf of the members of the Washington State Senate and indeed all the people of the state of Washington, to present this copy of the resolution to you. This resolution will also be documented in the Washington State Senate Journal. I just want you to take a look now because we would like to get this suitably framed for you."

Michael Buckingham: "Thank you very much. It is beautiful."

President Cherberg: "We will let you have it for the time being but we will want it back to frame."

Michael Buckingham: "Okay. All right."

The committee of honor escorted Trooper Michael W. Buckingham from the Senate Chamber and the committee was discharged.

The committee of honor escorted Governor John Spellman from the Senate Chamber and the committee was discharged.

### MOTIONS

On motion of Senator Talmadge, all members were permitted as sponsors to Senate Resolution 1981-157.

On motion of Senator Hughes, the following resolution was unanimously adopted:

### SENATE RESOLUTION

1981 - 157

By Senators Hughes, Deccio, Hurley, McCaslin, Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Marilyn Brachtenbach, Deputy Secretary of the Senate; and Fred Hildebrand, Sergeant at Arms:

WHEREAS, The legislative process is dependent upon many things, not the least of which is sound and accurate information for deliberation on the issues affecting Washington's citizens; and

WHEREAS, Lobbyists are a major source of that information, and are respected when that information is accurate, provided in a timely manner, and in a candid manner; and

WHEREAS, Friendship and respect are earned by those who ply their trade and live life to its fullest, but who also are considerate of others, their needs and positions; and

WHEREAS, David Cunningham is a friend and a respected lobbyist who has gained the trust of legislators from his many years of providing that necessary and complete information, which has been accurate and which has also represented the needs of the Washington Water Power Company; and

WHEREAS, David's congenial, courteous and helpful relationship with members of the Senate has endeared him to those he worked with; and

WHEREAS, David Cunningham was seriously injured in an accident and is presently convalescing at the University of Washington Medical Center;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate on behalf of the Members and staff, that prayers and good wishes be offered for David's speedy and complete recovery; and

BE IT FURTHER RESOLVED, That our friend and colleague, Dave Cunningham, receive a certified copy of this resolution as representative of the respect David has in our hearts and minds.

### REMARKS MADE DURING THE ADOPTION OF SENATE RESOLUTION 1981-157

#### REMARKS BY SENATOR HUGHES

Senator Hughes: "I think most of you on this floor know Dave Cunningham and you know the circumstances that prevent Dave from being with us today. He is

listening on a phone in his bed at the University of Washington Medical Hospital and I just would like to make a couple of personal comments myself, and I hope some of the rest of you will have an opportunity to join with me on that. I think the job of a lobbyist is a most difficult one. To perform that job and to perform it in a manner that gains the respect of everybody who meets you is certainly something that we can look upon with pride. Dave Cunningham has performed that obligation for many years down here. And, Dave, we just want you to know that all of us here constantly have you in our prayers and our thoughts, and we are very confident that your recovery will be speedy and that it will be full. We know these are tough times but we want you to know we are thinking about you, and we expect to have you back with us just as soon as possible."

#### POINT OF INQUIRY

Senator Bottiger: "Senator Hughes, I don't find anything in here about being stubborn, unreasonable, bullheaded, a whole bunch of other things that I think would be only fair if you are talking about the same Cunningham that I am thinking of."

Senator Hughes: "I would tend to agree, but, unfortunately, Dave was able to edit that out of this and I regret that we weren't able to put that forward, but I think it is well that you noted that."

#### PERSONAL PRIVILEGE

Senator McCaslin: "Senator Bottiger, those things you mentioned, this resolution does not concern me. I would like to say a word about Dave Cunningham who I consider a friend. He is from my district and he laughingly calls me his Senator. He always has a smile on his face. Dave is a sincere individual. He is fun loving. He is a personal friend. And as an Episcopalian, you know, in our prayer books we are asked to say five prayers a day, and being an Episcopalian and always in a hurry, of course, we count the three prayers at the meal so we can get away with a short prayer to God. But every night when I go to bed, and I am sincere and I say my prayers at night, I say a prayer for Dave Cunningham and I do ask God to heal him to the extent that God would. And I sincerely hope that Dave recuperates to the extent that he can recuperate, but regardless of what life leaves Dave, he still has a tremendous sense of humor. He is an honest individual, he is compassionate, and he does his job as well as any lobbyist here, so I sincerely wish Dave Cunningham the very best in life."

#### REMARKS BY SENATOR HURLEY

Senator Hurley: "Mr. President and members of the Senate, Dave Cunningham was one of my favorite lobbyists. I don't think I should say was. He is one of my favorite lobbyists, not only because he is a Spokaneite, but he is always fun to be with. In my estimation he is extremely handsome, and it is a funny thing, I noticed this the very first time I ever met him, besides being extremely loyal to his company and extremely serious about the job that he has with that company, he is extremely courteous also in his dealings with all legislators. The last time I saw Dave was just a few days before his accident. He had come to my back door just to say hello, and I invited him in and we talked for a while over my kitchen table with a cup of coffee. And it was just before the session was called and we talked a little and joked a little about the coming session and we laughed a lot because there is always a lot of laughing to be done when you are talking with Dave. I have prayed every day for his complete recovery and I just want to say, if that recovery necessitates a miracle, Dave deserves it."

## REMARKS BY SENATOR GOULD

Senator Gould: "Mr. President, I would like to add my thoughts to this. As Chairman of the Senate Energy and Utilities Committee, I had quite an opportunity to get to know Dave and to work with him, and I want to say that in my judgment he represented well the Washington Water Power Company. He was quiet, but had a good humor and he was very persuasive and even when he lost, which was a few times, why he always did it with grace and came back for another chance the next time, and I hope his recovery is speedy."

## REMARKS BY SENATOR DECCIO

Senator Deccio: "Dave is listening on a telephone hookup, and Senator Gould, when you said he was quiet, I don't know whether that is the same Dave Cunningham that I know. Dave, I think everybody on this floor, including the other lobbyists and the House think of you nearly every day, and want you to know that our prayers are with you and we are asking for a speedy and a complete recovery."

## REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, adding to what has been said, we can only wish Dave all of our best wishes for a speedy recovery. I would move, Mr. President, that you add all of the names of the members of the Senate to Senate Resolution 1981-157."

## REMARKS BY THE PRESIDENT

President Cherberg: "The members may be interested in knowing that Dave is listening in on the telephone and I am sure you will all join with me in wishing Dave the very best of everything in the future."

## MOTION

Senator Patterson moved adoption of the following resolution:

SENATE RESOLUTION  
1981-156

By Senators Patterson, Jones, McDermott, Gallagher, Wilson, Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Marilyn Brachtenbach, Deputy Secretary of the Senate; and Fred Hildebrand, Sergeant at Arms:

WHEREAS, For the first time in forty-five years, the intrastate rivalry between the Huskies and the Cougars decided the Pacific 10 Rose Bowl representative; and

WHEREAS, For the second consecutive year, the Huskies will be playing in the Rose Bowl and will be competing in a bowl game for the fourth time in the past five years; and

WHEREAS, The Cougars will be playing in the Holiday Bowl, their first bowl game appearance in fifty-one years; and

WHEREAS, The Huskies posted a 9 and 2 record in a rebuilding year and the Cougars were the nation's surprise team with an 8-2-1 record; and

WHEREAS, This represents a fundamental and basic shift in the power base of the Pac 10 Conference from southern California to the State of Washington; and

WHEREAS, The successful seasons recorded by the two teams can be expected to reflect on their fortunes in the recruiting wars with the southern California schools; and

WHEREAS, The Apple Cup Trophy game between these two national power-houses drew over 61,000 people, one of the largest crowds ever for a football game in this state; and

WHEREAS, This combination of factors should generate discussion as to the appropriateness of relocating the Rose Bowl from Pasadena to Seattle; and

WHEREAS, The two schools have two of the finest coaches in the nation who emphasize both the development of athletic ability and character amongst their ball players; and

WHEREAS, This is the first time ever that both the Huskies and the Cougars will be appearing in bowl games in the same year;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That even though in a contest of skills of this nature there must be victors and vanquished, both the Huskies and the Cougars and the State of Washington as a whole stand as winners as a result of this football season; and

BE IT FURTHER RESOLVED, That it rains in Pasadena and that the sun shines in San Diego on the respective game days; and

BE IT FURTHER RESOLVED, That congratulations are in order for both the UW and WSU football teams on their excellent seasons and that the whole state is exceedingly proud of both the teams and will look forward to the 1982 football season; and

BE IT FURTHER RESOLVED, That all of the State of Washington wishes the best of luck to the Cougars on December 18th in the Holiday Bowl and to the Huskies on January 1st in the Rose Bowl; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to both football teams with our heartiest congratulations.

On motion of Senator Bottiger, there being no objection, an amendment on the desk of the Secretary of the Senate was withdrawn.

#### POINT OF INQUIRY

Senator Fleming: "Senator Patterson, I appreciate the resolution and all this camaraderies and so forth that we have here on the floor and I am sure that it is sincere coming on your part, but I just wanted to ask a question. It has been obvious to me that you have not been your usual self the last few days and it has been obvious to me that you have been avoiding me and ignoring me or not speaking to me, and so I know that when we take issues on this floor we usually say that we don't take anything personal, anything of that nature, and I hope that that same thing is following through. Maybe I have misread your movements in the last few days but if that has been the case, I am wondering why."

Senator Patterson: "I am just being my usual ornery self. I assure you that — I want to at this time, Senator Fleming, I do want to congratulate the Washington Huskies in the game and their victory, but I do think it is even more important that we recognize that these two teams really have achieved great goals in this last football season and I would hope that we can extend the same kind of feeling to both of the teams, even though the Cougars lost and the Huskies won."

The motion by Senator Patterson carried and the resolution was unanimously adopted.

#### MOTION

Senator Lysen moved adoption of the following resolution:

SENATE RESOLUTION  
1981-158

By Senators Lysen, Hayner, Bottiger, Fleming and Jones:

WHEREAS, Expenditures from the Washington State Retirement Systems in 1981-1983 are \$857,000,000 and are expected to be over a billion dollars in 1983-1985; and

WHEREAS, The Washington cases of Bakenhus v. City of Seattle (1956) and Mulholland v. City of Tacoma (1974) held that public employee pensions are deferred compensation and once earned can only be modified for the purpose of keeping the retirement system flexible and maintaining its integrity; and

WHEREAS, There are allegations that some jurisdictions have engaged in questionable practices to artificially inflate the final two-year compensation of some public employees in order to inflate their pensions;

NOW, THEREFORE, BE IT RESOLVED, That a Select Senate Committee on Public Pension Abuse be created to; investigate the various public pension systems now existing in the state of Washington; assess the need for corrective action; determine whether abuses exist in any of the systems; and develop appropriate legislation for consideration by the 1982 session of the legislature including possible constitutional amendment(s); and

BE IT FURTHER RESOLVED, That the Select Committee shall, from time to time, report any of its recommendations to the Senate; and

BE IT FURTHER RESOLVED, That the Washington State Department of Retirement Systems, the Department of Personnel, the State Actuary, the School Director's Association, the Department of Social and Health Services, the Washington State Patrol, the Attorney General, the State Board for Community College Education, the Superintendent of Public Instruction, and the Higher Education Personnel Board, as well as all other public bodies and jurisdictions and interested private groups are requested to cooperate and provide information to the Select Committee in carrying out its duties and responsibilities; and

BE IT FURTHER RESOLVED, That the President of the Senate shall appoint six members, three from the majority caucus and three from the minority caucus, to the Select Committee on Public Pension Abuse; and

BE IT FURTHER RESOLVED, That the Select Committee on Public Pension Abuse shall be empowered to hold hearings during any regular or special legislative session and during the interim.

On motion of Senator Rasmussen, the following amendment to the resolution was adopted:

After "interim" on the last line of the resolution, add "subject to rule 48"

The motion by Senator Lysen carried and the resolution, as amended, was adopted.

MOTION

At 11:56 a.m., on motion of Senator Clarke, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 2:10 p.m.

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

## REPORT OF STANDING COMMITTEE

November 23, 1981.

**SUBSTITUTE HOUSE BILL NO. 782**, implementing laws relating to discharge of community college personnel (reported by Committee on Higher Education):

**MAJORITY recommendation:** Do pass as amended.

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

**MINORITY recommendation:** Do not pass as amended.

Signed by: Senators Charnley, Goltz, McDermott, Shinpoch.

## MOTION

Senator Clarke moved the rules be suspended and Substitute House Bill No. 782 be advanced to second reading and placed on the second reading calendar for today.

Senator Bottiger 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 Clarke that the rules be suspended and Substitute House Bill No. 782 be advanced to second reading and placed on the second reading calendar for today.

## ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Substitute House Bill No. 782 was placed on the second reading calendar for today.

## MESSAGES FROM THE HOUSE

November 24, 1981.

Mr. President: The Speaker has signed: **SENATE CONCURRENT RESOLUTION NO. 126**, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

November 24, 1981.

Mr. President: The Speaker has signed: **SUBSTITUTE HOUSE BILL NO. 773**, and the same is herewith transmitted.

VITO T. CHIECHI, Chief-Clerk.

November 23, 1981.

Mr. President: The House has passed: **ENGROSSED SUBSTITUTE HOUSE BILL NO. 763**, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed: **SUBSTITUTE HOUSE BILL NO. 773**.

## INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 763, by Select Committee on Deregulation and Productivity (originally sponsored by Select Committee on Deregulation and Productivity and Representative Williams):

Revising public employment laws.

Referred to Committee on State Government.

## MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 774, by House Committee on Institutions: (originally sponsored by Representatives Sommers, Owen, Williams, Nisbet, Monohon, McCormick, Amen, Brown, Fiske, Grimm, Heck, Hine, Houchen, King (J.), Leonard, Prince, Scott, Struthers and Walk):

Modifying jail space requirements.

The Senate resumed consideration of Substitute House Bill No. 774 from November 23, 1981. At that time, the committee amendment had been moved for adoption. An amendment by Senator Deccio to the committee amendment had been adopted. The following amendment by Senator Talmadge to the committee amendment had been moved for adoption:

On page 2, line 18, strike all of section 3 and renumber the remaining sections consecutively

The motion by Senator Talmadge carried and the amendment to the committee amendment was adopted.

On motion of Senator McDermott, there being no objection, an amendment to page 2, following line 35, to the committee amendment, on the desk of the Secretary of the Senate, was withdrawn.

Senator Talmadge moved adoption of the following amendment to the committee amendment:

On page 3, line 2, strike "February" and insert "July"

Debate ensued.

On motion of Senator Talmadge, there being no objection, the amendment to the committee amendment was withdrawn.

On motion of Senator McDermott, there being no objection, an amendment to page 3, line 4 to the committee amendment, on the desk of the Secretary of the Senate, was withdrawn.

Senator Talmadge moved adoption of the following amendment to the committee amendment:

On page 6, line 10, after "chapter" insert "Any action of the commission which purports to preempt the provisions of chapter 19.27 RCW, shall be immediately reported to the Senate Committee on Social and Health Services and the House Committee on Human Services."

On motion of Senator Talmadge, there being no objection, the amendment to the committee amendment was withdrawn.

Senator Deccio moved adoption of the following amendment to the committee amendment:

On page 5 of the amendment, on line 31 after "legislature," strike everything down to and including "chapter" on page 6, line 10 and insert "The commission may preempt any provisions of the state building code under chapter 19.27 RCW and any local ordinances that apply to jails or a particular jail if the provisions relate"

the installation or use of sprinklers in the cells and the commission finds that compliance with the provisions would conflict with the secure and humane operation of jails or the particular jail"

#### POINT OF INQUIRY

Senator Goltz: "Senator Deccio, this is a very serious power we are giving o this Jail Commission because it would remove from fire marshals, apparently, the right to determine what is necessary for life safety in a jail which would be resulting from the removal of these sprinklers. I wonder what liability the state would have or the county would have if the Jail Commission overruled and a death occurred as a result of a fire; and secondly, what provision is made then under the law for providing an alternative to the sprinkler for life safety?"

Senator Deccio: "Senator Goltz, this situation exists in Yakima County so I am a little more than just a little familiar with it. The problem they have there is in the local ordinance which requires the installation of sprinkler systems, and in this case the county is arguing that it is a class A building which reduces greatly the possibility of fire. However, they are offering to install smoke detectors because they feel that smoke could be a greater hazard to life and public safety than the sprinkler head. These are only in the cells.

"The other argument that the Sheriff of Yakima County gives is that the sprinkler heads could lead to a situation where it increases the possibility of suicide. It has been argued quite extensively between the counties and the Jail Commission. The Commission found no problem with this amendment. However, what we are doing is, rather than have the Jail Commission overrule the Fire Marshal in all instances, this would narrow it to just sprinklers alone in the cell. I think the liability would be less, Senator Goltz, under this kind of an amendment than it would be with the former situation that I explained."

#### POINT OF INQUIRY

Senator Talley: "Senator Deccio, I think this is one of the poorest attempts of anything we could do to take out these sprinklers. You can set a sprinkler nowadays flush. You don't have anything they can hang a rope on, and I think it would be much better for a man if he wanted to hang himself than burn himself to death. It would be a lot quicker death. I think it is a terrible thing to take these sprinklers out. You get these men locked in these cells and you get a fire, you can't get them out. You just let them sit there and roast. Is that what you want to do?"

Senator Deccio: "Senator Talley, I am not the sheriff. The only thing that this was in the bill as it came over from the House, which was as I indicated, gave the Commission the power to overrule any ordinance, and what I think I am trying to do here is to not take away that power or the responsibility that the fire marshals and the local authority has by limiting it to the problem that Yakima County says that they have, and I think that if it would apply to Yakima County it would also apply to the other counties that are going to be under new construction. That is the best answer I can give you."

Senator Talley: "You are not (inaudible) but the Senate rule is advocating taking them out, so you are more than responsible if somebody burns to death, in my opinion."

#### POINT OF INQUIRY

Senator Vognild: "Senator, I am very concerned about this amendment and one thing you said really caught my attention. Did I understand you to say that this would only allow the exclusion of sprinklers from the cells themselves?"

Senator Deccio: "As I understand it, Senator Vognild, that is correct. This was the case in point was the sprinklers in the cells, not in the rest of the jail."

Senator Vognild: "Thank you, Senator. On that basis, with some reluctance I perhaps should support this, but I wonder if the language shouldn't be clarified so that intent of the Legislature is extremely clear here, that we are only talking about the variance in regard to the cell itself. There is no such thing, as you said, as a fireproof building, and the prisoners in many of these jails seem to delight in setting fires and probably trying to use that, and sometimes successfully, for an escape route. I think a good dousing with water might do them good and cool everything down as well as stop the escape. But I could, I guess, reluctantly accept it if we could change this language to read specifically the cell itself."

Senator Deccio: "Senator Vognild, it is my understanding that is the only requirement that Yakima County would like to have so I see no objection to having the amendment worded exactly that way."

On motion of Senators Clarke and Wilson a technical correction was made to the amendment by Senator Deccio to the committee amendment.

### POINT OF INQUIRY

Senator Williams: "In reading the language, I just wanted to clarify one thing. The language of the amendment says the Commission may preempt any provision. Now is the intent here that the preemption shall relate only to sprinklers, etc? That sort of thing? Or is it if the sprinklers are found and not proper and so forth, that we have then preempted all other aspects of the Uniform Building Code?"

Senator Deccio: "I don't think so, Senator Williams. I think whatever circumstances might develop, we are still coming back to the wording in this bill, that the preemption can only apply to sprinklers."

Senator Williams: "I guess what I am getting at is the intent. Is it the intent that it is only the sprinkler situation that we are dealing with and not preempting all the rest of the Building Code when in fact we find that sprinklers as required for the Uniform Building Code are not appropriate?"

Senator Deccio: "Senator Williams, the intent of this language is to limit it to sprinklers only."

Senator Williams: "Thank you."

The motion by Senator Deccio carried and the amendment to the committee amendment was adopted.

The motion by Senator Deccio carried and the committee amendment, as amended, was adopted.

On motion of Senator Deccio, the committee amendment to the title was adopted.

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 774, 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.

### PARLIAMENTARY INQUIRY

Senator Talley: "Am I required to vote? I think a vote either way is wrong. I feel so strong about it that I think to even vote on it is wrong."

### REPLY BY THE PRESIDENT

President Cherberg: "Senator Talley, if you would care to leave the floor you wouldn't have to vote."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 774, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Hughes, Moore—2.

Absent or not voting: Senator Talley—1.

**SUBSTITUTE HOUSE BILL NO. 774**, 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. 756**, by House Committee on Appropriations—Human Services (originally sponsored by House Committee on Human Services and Representative Mitchell) (by Department of Social and Health Services request):

Modifying provisions relating to public assistance.

## REPORT OF STANDING COMMITTEE

November 23, 1981.

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 756**, modifying provisions relating to public assistance (reported by Committee on Ways and Means):

**MAJORITY recommendation:** Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Section 1. There is added to chapter 74.04 RCW a new section to read as follows:

(1) Applicants and recipients under this title must satisfy all reporting requirements imposed by the department.

(2) The secretary shall have the discretion to consider: (a) Food stamp allotments and/or (b) rent or housing subsidies as income in determining eligibility for and assistance to be provided by public assistance programs. If the department considers food stamp allotments as income in determining eligibility for assistance, applicants or recipients for any grant assistance program must apply for and take all reasonable actions necessary to establish and maintain eligibility for food stamps.

**NEW SECTION.** Sec. 2. There is added to chapter 74.04 RCW a new section to read as follows:

Payment of assistance shall not be made for any month if the payment prior to any adjustments would be less than ten dollars. However, if payment is denied solely by reason of this section, the individual with respect to whom such payment is denied is determined to be a recipient of assistance for purposes of eligibility for other programs of assistance except for a community work experience program.

**NEW SECTION.** Sec. 3. There is added to chapter 74.12 RCW a new section to read as follows:

(1) A family or assistance unit is not eligible for aid for any month if for that month the total income of the family or assistance unit, without application of income disregards, exceeds one hundred fifty percent of the state standard of need for a family of the same composition.

(2) Participation in a strike does not constitute good cause to leave or to refuse to seek or accept employment. Assistance is not payable to a family for any month in which any caretaker relative with whom the child is living is, on the last day of the month, participating in a strike. An individual's need shall not be included in determining the amount of aid payable for any month to a family or assistance unit if, on the last day of the month, the individual is participating in a strike.

(3) Children over eighteen years of age and under nineteen years of age who are full-time students reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before reaching nineteen years of age are eligible to receive aid to families with dependent children: PROVIDED HOWEVER, That if such students do not successfully complete such program before reaching nineteen years of age, the assistance rendered under this subsection during such period shall be a debt due the state.

NEW SECTION. Sec. 4. There is added to chapter 74.04 RCW a new section to read as follows:

The department shall establish consolidated standards of need each biennium which may vary by geographical areas, program, and family size, for aid to families with dependent children, refugee assistance, supplemental security income, and general assistance to unemployable persons. Standards for aid to families with dependent children, refugee assistance, and general assistance to unemployable persons shall include reasonable allowances for shelter, fuel, food, transportation, clothing, household maintenance and operations, personal maintenance, and necessary incidentals. The standard of need shall take into account the economics of joint living arrangements.

The department is authorized to establish rateable reductions and grant maximums consistent with federal law.

Payment level will be equal to need or a lesser amount if rateable reductions or grant maximums are imposed. In no case shall a recipient of supplemental security income receive a state supplement less than the minimum required by federal law.

The department may establish a separate standard for shelter provided at no cost.

Sec. 5. Section 1, chapter 6, Laws of 1981 1st 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 social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" 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 for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6) "General assistance"—Aid to unemployable persons in need who:

(a) Are not eligible to receive federal-aid assistance; and

(b) Are incapacitated from gainful employment by reason of:

(i) Bodily or mental infirmity;

(ii) Participation in an approved drug or alcoholism treatment program; or

(iii) Being sixty-five years of age, or over: PROVIDED, That such incapacity in (b) (i) through (iii) of this subsection, as determined by the department, will last at least sixty days from the date of application, except that persons in approved alcoholism and/or drug programs may be eligible for less than a sixty-day period in accordance with the terms of their treatment plan.

(7) "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.

(8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

((H)) (10) "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 effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) (Term and burial insurance for use of the applicant or recipient.

(d) Vehicle(s)) A motor vehicle, other than a motor home, used and useful 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) 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.

(g)) (d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) 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, but the department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient.

~~((12))~~ (11) "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))~~ an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income 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. In formulating rules and regulations pursuant to this chapter, the department shall define ~~((earned))~~ income~~((s))~~ and resources and the availability thereof, 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))~~ (12) "Need"—The difference between the applicant's or recipient's standards of assistance 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))~~ (13) 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. 6. Section 22, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.09.700 are each amended to read as follows:

(1) To the extent of available funds, medical care may be provided under the limited casualty program to persons not otherwise eligible for medical assistance or medical care services who are medically needy as defined in the social security Title XIX state plan and medical indigents in accordance with medical eligibility requirements established by the department. This includes residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally

retarded who are aged, blind, or disabled as defined in Title XVI of the federal social security act and whose income exceeds three hundred percent of the federal supplement security income benefit level.

(2) Determination of the amount, scope, and duration of medical coverage under the limited casualty program shall be the responsibility of the department, subject to the following:

(a) Only inpatient hospital services; outpatient hospital and rural health clinic services; physicians' and clinic services; prescribed drugs, dentures, prosthetic devices, and eyeglasses; skilled nursing home services, intermediate care facility services, and intermediate care facility services for the mentally retarded; home health services; other laboratory and x-ray services; and medically necessary transportation shall be covered;

(b) A patient deductible not to exceed one-half the payment the department makes for the first day's stay for inpatient hospital care, shall be included for the medically needy component of the program;

(c) Persons who are medically indigent and are not eligible for a federal aid program shall satisfy a deductible of not less than one thousand five hundred dollars in any twelve-month period;

(d) Medical care services provided to the medically indigent and received no more than seven days prior to the date of application shall be retroactively certified and approved for payment on behalf of a person who was otherwise eligible at the time the medical services were furnished: PROVIDED, That eligible persons who fail to apply within the seven-day time period for medical reasons or other good cause may be retroactively certified and approved for payment.

(3) The department shall establish standards of assistance and resource and income exemptions. All nonexempt income and resources of limited casualty program recipients shall be applied against the cost of their medical care services. In addition, the department ~~((may))~~ shall include a prohibition against the ~~((voluntary))~~ knowing and wilful assignment of property or cash for the purpose of qualifying for assistance under sections 1 through 3 of chapter — (2SHB 557), Laws of 1981 2nd ex. sess.

~~((4) The department shall, to the maximum extent possible, recover the cost of medical care provided under this section from future income and resources. Future income and resources shall be limited to those available up to twenty-four months following the provision of care.))~~

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

(1) Section 9, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.525; and

(2) Section 10, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.041.

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."

On page 1, line 1 of the title, after "public assistance;" strike the remainder of the title and insert "amending section 1, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.04.005; amending section 22, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.09.700; adding new sections to chapter 74.04 RCW; adding a new section to chapter 74.12 RCW; repealing section 9, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.525; repealing section 10, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.041; and declaring an emergency."

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

The bill was read the second time by sections.

Senator Scott moved adoption of the committee amendment.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Scott, I am looking at a provision on page 5, line 21 where a motor vehicle is exempted, but it goes on to say, and this is new material that has never been in there before, 'other than a motor home.' Now if a motor home was being used as a residence, would that still prohibit people from getting assistance?"

Senator Scott: "It would exclude—the motor home would be included in their asset level."

Senator Rasmussen: "A home is excluded. The home can be any value. And that is my question. If a person does not have a home and would be living in a motor home, he would evidently be excluded from assistance."

Senator Scott: "Senator, I think you have got a good point. While we are waiting for Dr. McDermott's amendment, can I investigate that a little? Maybe we can cooperate."

Senator Rasmussen: "Thank you."

Senator McDermott moved adoption of the following amendment to the committee amendment:

On page 4, line 16, following "plan" strike the period and insert "; (c) or are unemployed needy pregnant women without other children who are in the third, fourth and fifth months of pregnancy."

## REMARKS BY SENATOR SCOTT

Senator Scott: "In response to Senator Rasmussen's earlier question, we have something here from the Attorney General that, apparently in the federal definition of motor homes, automobile includes motorcycles and pickup trucks and part of the worry here is that there is a broader definition. I am also told by staff that if a motor home is on a fixed pad with sewer and water and electric hookups, the Department has the power and does generally—there is no reason to say that it isn't a home and thus within the definition, so I don't think we have any problem here, Senator."

## POINT OF INQUIRY

Senator Newhouse: "Senator McDermott, I am not sure whether I am accusing you of not being able to count to three, but if you are talking about second trimester, in my opinion the first, second and third months should be the first, and the fourth, fifth and sixth ought to be the second. Am I wrong?"

Senator McDermott: "I haven't delivered a baby since 19... I am a psychiatrist. I deal with them when they come. The amendment should be on page 4, line 16."

"In answer to your question, Senator Newhouse, obviously in the first month of pregnancy you are not sure that you are pregnant. You become pregnant, you know it in the next month. The second month—I don't have to explain it to you, the second month we have a consolidated emergency medical program which kicks in and that covers one month. Then this amendment would take care of the third, fourth and fifth month, and then the way the present law is, medical assistance kicks in, or GAU kicks in in the sixth month. So we are really taking care of the time between the confirmation of the pregnancy and the time where the present law gives assistance. So it is a little bit of the first trimester and a little bit of the second trimester."

Debate ensued.

## POINT OF INQUIRY

Senator McDermott: "The question is this. Are you saying that without this amendment the Department still could grant assistance to both housing and food without this amendment?"

Senator Scott: "I said food stamps and medical care."

Senator McDermott: "Could they grant any other cash grant without the adoption of this amendment for that period of time?"

Senator Scott: "Not before the sixth month."

Senator McDermott: "Not before the sixth month."

Further debate ensued.

Senator Hughes 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 McDermott to the committee amendment.

### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Kiskaddon, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Senator Rasmussen moved the following amendments to the committee amendment by considered and adopted simultaneously:

On page 2, line 22, after "cause" strike "to leave or"

On page 2, line 23, after "employment" strike all material through line 35.

Senator Clarke moved the amendments by Senator Rasmussen to the committee amendment be laid upon the table.

Senator Bottiger 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 Clarke that the amendments by Senator Rasmussen to the committee amendment be laid upon the table.

### ROLL CALL

The Secretary called the roll and the motion by Senator Clarke failed by the following vote: Yeas, 24; nays, 24; absent or not voting, 1. The President voted no.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—24.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Absent or not voting: Senator McDermott—1.

The President declared the question before the Senate to be the amendments by Senator Rasmussen to the committee amendment.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendments by Senator Rasmussen to the committee amendment.

## ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were not adopted by the following vote: Yeas, 24; nay, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

The President declared the question before the Senate to be the committee amendment to Engrossed Second Substitute House Bill No. 756.

Debate ensued.

## POINT OF INQUIRY

Senator Woody: "Senator Scott, would you take a look at Section 3 on the second page, sub three, and on line 22 you have 'Provided, however, that if such students do not successfully complete such programs before reaching nineteen years of age, the assistance rendered under this subsection during such period shall be a debt due to the state.' Senator Scott, is that a debt that the parent or parents owe or is that a debt that the student owes and how would that be collected? And is there interest on that or are we leaving these various questions up to the Department?"

Senator Scott: "No interest is mentioned here or elsewhere in the law. The debt is owed by the student. The repayment would be made by standard means, presumably income of one form or another or borrowing or other means of support."

Senator Woody: "To continue with that, I just wanted to make sure that if the debt was owed by the student, that the parents' welfare grant would not be ratably reduced or reduced on a percentage over a period of months to make up that debt. Thank you."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the committee amendment.

## ROLL CALL

The Secretary called the roll and the committee amendment was adopted by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Benitz, Bluechel, Charnley, Clarke, Fleming, Fuller, Gaspard, Gould, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McDermott, Moore, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody—27.

Voting nay: Senators Bauer, Bottiger, Conner, Craswell, Deccio, Gallagher, Goltz, Guess, Hughes, Hurley, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Vognild, von Reichbauer, Zimmerman—22.

On motion of Senator Scott, the committee amendment to the title was adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Second Substitute House Bill No. 756, 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 Ridder: "Senator Scott, earlier in the discussion on the amendment you mentioned grant standards and you mentioned the amount of seven hundred dollars. I would not want this body to have the understanding that that is the actual cash amount that is received. Would you describe what that might be?"

Senator Scott: "Senator, I was referred to Section 3, and the standard is one hundred and fifty percent of the need standard which is established—the actual level in the DSHS study for a family of three in Area One which you and I live in would have been seven hundred, and here we are contemplating six hundred and twenty-two dollars."

Senator Ridder: "In actual cash, won't that come out closer to about five hundred dollars?"

Senator Scott: "Those are the figures given in committee."

Senator Ridder: "Yes."

Senator Scott: "But that is in addition to benefits from whatever source."

Senator Ridder: "I understand that, but I would not want it thought that we were handing out seven hundred dollars when in actuality we are not, and this is a measure that while it may be in conformity with the federal standards, I think it is too bad that we should be adopting the standards which are now at least in part pulling us into depression and recession, and I would think that it would be the responsibility of the state to pick up some of that gap. I think that is the new federalism that was endorsed during the last campaign and I am sorry that we don't have that attitude."

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 756, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 756, 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 4:04 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 5:00 p.m.

At 5:02 p.m., there being no objection, the Senate was declared to be at ease.

The President called the Senate to order at 5:30 p.m.

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

## MESSAGES FROM THE HOUSE

November 24, 1981.

Mr. President; The Speaker has signed: HOUSE BILL NO. 780, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

November 24, 1981.

Mr. President: The House has concurred in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 557, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed: HOUSE BILL NO. 780.

## MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Second Substitute House Bill No. 788.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 788, by House Committee on Ways and Means (originally sponsored by Committee on Revenue):

Providing a temporary modification in the state retail sales and use tax rates.

The bill was read the second time by sections.

Senator Shinpoch moved adoption of the following amendment:

On page 2, after line 26, insert:

"Section 3. Section 16, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A-.160 are each amended to read as follows:

(1) The department of revenue shall conduct an audit of the project upon its completion in order to determine the total amount of tax deferral. Any tax found due on nonqualifying construction or purchases shall be immediately assessed and payable.

(2) Except as provided in subsection (3) of this section, the manufacturing firm will begin paying the deferred taxes three years after the date certified by the authority as the date on which the construction project has been operationally completed. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years with amounts of payment scheduled as follows:

DEFERRED	PERCENT	OF
REPAYMENT CALENDAR YEAR	TAX REPAID	
1982	30%	
1983	35%	
1984	35%	

(3) If a manufacturing firm has not paid more than one or two years of deferred taxes under subsection (2) of this section by January 1, 1982, thirty-five percent of the total amount of tax deferred shall be due on December 31, 1982, and the balance of the tax deferred shall be due on December 31, 1983.

If a manufacturing firm has not paid any deferred taxes before January 1, 1982, on an eligible investment project, the manufacturing firm's deferred taxes shall

be due on the later of December 31, 1982, or December 31st of the year the authority certifies that the construction project has been operationally completed, with subsequent annual payments due on December 31st of the following two years with amounts of payment scheduled as follows:

DEFERRED	PERCENT	OF
REPAYMENT YEAR		TAX REPAID
$\frac{1}{2}$		30%
$\frac{2}{3}$		* 35%
$\frac{3}{3}$		35%

This subsection does not apply to a manufacturing firm whose total dollar value of all eligible investment projects at time of completion has been determined by the department to be thirty million dollars or less."

Renumber the remaining sections consecutively.

#### POINT OF ORDER

Senator Clarke: "The point of order is that the proposed amendment is not within the scope and object of the original bill. The original bill is a very simple, temporary increase in the sales tax, and as has been very eloquently explained by Senator Shinpoch, the object of the proposed amendment is something entirely different and relates to an entirely different section of existing law."

#### REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "Mr. President, the bill does deal with the sales tax, with the increase in the sales tax and this is doing away with the sales tax deferral and, very simply, both of them raise money."

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Clarke, the President finds that Second Substitute House Bill No. 788 is simply a measure which provides an increase in the sales tax from 4½ percent to 5½ percent for the time period of December 1, 1981 through June 30, 1983.

"The amendment proposed by Senator Shinpoch deals with the Economic Assistance Act which encourages business investment through incentives and defines a repayment schedule for sales taxes which have been deferred.

"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 Shinpoch was ruled out of order.

Senator Bottiger moved adoption of the following amendment:

On page 2, after line 26, insert "**NEW SECTION.** Sec. 3. Section 36, chapter 37, Laws of 1980 and RCW 82.08.0269 is repealed."

#### POINT OF ORDER

Senator Clarke: "Mr. President, point of order. I also raise the question of scope and object with respect to this amendment. I might remark that many of these items may be entirely desirable in separate bills, but we have a clean bill here and I am going to have to raise scope and object so that we have the single issue before us."

On motion of Senator Bottiger, there being no objection, the amendment was withdrawn.

On motion of Senator Scott, the rules were suspended, Second Substitute House Bill No. 788 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Talley, Guess and Peterson demanded the previous question and the demand was sustained.

#### MOTION

On motion of Senator Ridder, Senator Rasmussen was excused.

The President declared the question before the Senate to be the roll call on Second Substitute House Bill No. 788 on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 788, and the bill failed to pass the Senate by the following vote: Yeas, 20; nays, 28; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Gould, Guess, Hayner, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, von Reichbauer—20.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Craswell, Fleming, Gaspard, Goltz, Haley, Hansen, Hughes, Hurley, Lysen, McCaslin, McDermott, Moore, Peterson, Pullen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—28.

Excused: Senator Rasmussen—1.

SECOND SUBSTITUTE HOUSE BILL NO. 788, having failed to receive the constitutional majority, was declared lost.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Zimmerman served notice that he would, on the next working day, move for reconsideration of the vote by which Second Substitute House Bill No. 788 failed to pass.

#### PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, I don't want to put you in a tough situation, but you have been in those before, but I would like to ask the President to take under advisement the question that Senator Clarke in his inimitable way put it. I would like for you to put under advisement the ruling on what is rhetoric and what is not because what Senator Clarke was doing sure sounded like rhetoric to me."

#### MOTION

At 7:28 p.m., on motion of Senator Clarke, the Senate recessed until 9:00 p.m.

#### EVENING SESSION

The President called the Senate to order at 9:00 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 9:30 p.m.

•  
MOTION

At 9:32 p.m., on motion of Senator Clarke, the Senate adjourned until 8:00 a.m., Wednesday, November 25, 1981.

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

## SEVENTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, November 25, 1981.

The Senate was called to order at 8:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Fleming. On motion of Senator Ridder, Senator Fleming was excused.

The Color Guard, consisting of Pages Chris Mattos and Traci Leslie, presented the Colors. Father T. I. Marmo, pastor of St. Michael's Church of Olympia, offered the prayer.

### MOTION

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

### MOTION

At 8:06 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 10:25 a.m.

### REPORT OF STANDING COMMITTEE

November 24, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 811, reducing appropriations to state agencies (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Pullen, Zimmerman.

### MOTION

On motion of Senator Clarke, the rules were suspended and Engrossed Substitute House Bill No. 811 was advanced to second reading and placed at the beginning of the second reading calendar for today.

### MESSAGES FROM THE HOUSE

November 25, 1981.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 774, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

November 24, 1981.

Mr. President: The House has passed: SUBSTITUTE HOUSE BILL NO. 808, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

November 25, 1981.

Mr. President: The Speaker has signed: SECOND SUBSTITUTE HOUSE BILL NO. 557, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### SIGNED BY THE PRESIDENT

The President signed: SECOND SUBSTITUTE HOUSE BILL NO. 557.

### FIRST READING OF HOUSE BILL

SUBSTITUTE HOUSE BILL NO. 808, by Committee on Appropriations - Human Services (Originally sponsored by Representatives Nisbet, Owen, Houchen and Struthers) (by Governor Spellman request):

Providing for a 500-man medium security correction center.

Referred to Committee on Social and Health Services.

### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Scott, McDermott, Ridder, Benitz, Patterson and Wilson as a committee of honor to escort Don James, football coach of the University of Washington, and Milo Lude, director of intercollegiate athletics at the University of Washington to the Senate rostrum.

There being no objection, business was suspended to permit Coach James and Mr. Lude to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

### MOTIONS

On motion of Senator Clarke, there being no objection, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate resolved itself into a Committee of the Whole pursuant to Rule 58.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 811, by Committee on Ways and Means (originally sponsored by Committee on Ways and Means and Representative Chandler):

Reducing appropriations to state agencies.

## REPORT OF STANDING COMMITTEE

November 24, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 811, reducing appropriations to state agencies (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. Unless specifically approved by two-thirds of the membership of the Legislative Budget Committee, no funds appropriated herein shall be expended for any remodeling, refurbishing, air conditioning, expansion, or relocation of any office facility, office building, office space, department or division or department director's headquarters unless the obligation for the expenditure was fully and legally incurred before the effective date of this act.

NEW SECTION. Sec. 2. Notwithstanding any other provision of law, except for the Department of Corrections and the Department of Social and Health Services, no funds appropriated herein shall be expended for compensation or employee benefits for the position of deputy director unless such position existed in law prior to January 1, 1981.

Sec. 3. Section 2, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

## FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation .....	\$	<del>((17,742,000))</del>
		15,944,000
<del>((FTE Staff Years — Fiscal Year 1982.....</del>		<del>319.0</del>
<del>FTE Staff Years — Fiscal Year 1983.....</del>		<del>319.0))</del>

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$8,000 is for the house ethics committee.
- (2) \$9,000 is for the western forest practices task force.
- (3) \$49,000 is for dues of the national conference of state legislatures.
- (4) \$49,000 is for dues of the council of state governments.

Sec. 4. Section 3, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

## FOR THE SENATE

General Fund Appropriation .....	\$	<del>((15,407,000))</del>
		13,846,000
<del>((FTE Staff Years — Fiscal Year 1982.....</del>		<del>280.0</del>
<del>FTE Staff Years — Fiscal Year 1983.....</del>		<del>280.0))</del>

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$8,000 is for the senate ethics committee.
- (2) \$9,000 is for the western forest practices task force.
- (3) \$49,000 is for dues of the national conference of state legislatures.
- (4) \$49,000 is for dues of the council of state governments.

Sec. 5. Section 4, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

## FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation .....	\$	<del>((1,294,000))</del>
		1,163,000
<del>((FTE Staff Years — Fiscal Year 1982.....</del>		<del>16.0</del>
<del>FTE Staff Years — Fiscal Year 1983.....</del>		<del>16.0))</del>

Sec. 6. Section 5, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation .....	\$	((1,313,000))
		<u>1,180,000</u>
((FTE Staff Years — Fiscal Year 1982 .....		8.0
FTE Staff Years — Fiscal Year 1983 .....		8.0))

Sec. 7. Section 6, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund Appropriation .....	\$	((330,000))
		<u>296,000</u>
((FTE Staff Years — Fiscal Year 1982 .....		4.0
FTE Staff Years — Fiscal Year 1983 .....		4.0))

Sec. 8. Section 7, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation .....	\$	((4,512,000))
		<u>4,275,000</u>
((FTE Staff Years — Fiscal Year 1982 .....		58.8
FTE Staff Years — Fiscal Year 1983 .....		67.2))

Sec. 9. Section 8, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation .....	\$	((5,949,000))
		<u>5,710,000</u>
((FTE Staff Years — Fiscal Year 1982 .....		60.0
FTE Staff Years — Fiscal Year 1983 .....		60.0))

The appropriation in this section is subject to the following condition or limitation: \$((1,456,000)) 1,325,000 is provided solely for indigent appeal cases.

Sec. 10. Section 9, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund Appropriation .....	\$	((1,727,000))
		<u>1,658,000</u>
((FTE Staff Years — Fiscal Year 1982 .....		14.4
FTE Staff Years — Fiscal Year 1983 .....		14.4))

The appropriation in this section is subject to the following condition or limitation: All nonstate agency users of the Westlaw system shall be charged a service fee sufficient to cover the costs of their usage.

Sec. 11. Section 10, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation .....	\$	((8,460,000))
		<u>7,820,000</u>
((FTE Staff Years — Fiscal Year 1982 .....		97.0
FTE Staff Years — Fiscal Year 1983 .....		97.0))

The appropriation in this section is subject to the following condition((s)) or limitation((s)): ((+)) \$1,273,000 is provided solely for lease and associated costs for Division I relocation, and no other moneys may be expended for these purposes.

((2) If Senate Bill No. 3843 is enacted during the 1981 regular session of the legislature and if it contains an appropriation for the purchase of Division III Court

of Appeals facilities, the general fund appropriation shall be reduced to ~~\$8,270,000~~.)

Sec. 12. Section 11, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund Appropriation .....	\$	<del>((10,780,000))</del>
		<u>10,485,000</u>
General Fund—Judiciary Education Account Approp- riation .....	\$	359,000
Total Appropriation .....	\$	<del>((11,139,000))</del>
		<u>10,844,000</u>
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>155.0</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>155.0</del> )

The appropriations in this section are subject to the following condition or limitation: A maximum of \$8,185,000 of the general fund appropriation may be spent for the superior court judges, including prior claims. Of this amount, ~~\$(360,000)~~ 310,000 is provided solely for criminal cost bills, including prior claims; ~~\$(350,000)~~ 300,000 is provided solely for mandatory arbitration costs, including prior claims; and \$114,000 is provided solely for judges pro tempore for the superior courts. The administrator for the courts shall authorize and approve all such expenditures.

Sec. 13. Section 12, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE JUDICIAL COUNCIL**

General Fund Appropriation .....	\$	<del>((294,000))</del>
		<u>264,000</u>
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>4.7</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>4.7</del> )

Sec. 14. Section 13, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund Appropriation .....	\$	<del>((3,555,000))</del>
		<u>3,195,000</u>
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>38.0</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>38.0</del> )

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of ~~\$(3,163,000)~~ 2,851,000 may be spent for executive operations.

(2) ~~((A maximum of \$48,000 may be spent for investigations and emergency purposes.~~

~~(3))~~ (3) A maximum of \$193,000 may be spent for extradition expenses to carry out the provisions of RCW 10.34.030 providing for the return of fugitives by the governor, including prior claims and for extradition-related legal services as determined by the attorney general.

~~((4))~~ (3) A maximum of \$151,000 is provided solely for mansion maintenance, and no other moneys may be expended for this purpose.

~~((5))~~ (4) A maximum of \$1,000 may be spent for implementation of the corporate responsibilities award program under which appropriate recognition shall be awarded by the governor to those private businesses or corporations which contribute at least two percent of their before-tax profit to programs which result in a reduction in state government costs, especially those programs which aid the poor and infirm.

Sec. 15. Section 14, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR—SPECIAL APPROPRIATIONS**

General Fund Appropriation—State .....	\$	<del>((166,929,000))</del>
		<u>137,236,000</u>
General Fund Appropriation—Federal .....	\$	<del>((27,117,000))</del>
		<u>24,211,000</u>
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation .....	\$	<del>((54,499,000))</del>
		<u>48,687,000</u>
Total Appropriation .....	\$	<del>((248,545,000))</del>
		<u>210,134,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$~~((2,500,000))~~ 2,247,000 is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

(2) (a) A maximum of \$~~((159,621,000))~~ 129,349,000 of general fund moneys (including \$~~((21,955,000))~~ 19,049,000 in federal funds) may be expended to implement salary increases, effective October 1, 1981, averaging 7.5% for higher education classified employees and 7.2% for commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board); and effective ~~((October))~~ February 1, ((1982)) 1983, a salary increase averaging 7.0% for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board): PROVIDED, That no raise effective February 1, 1983, shall increase any annual salary above \$35,000 in which case the recipient shall receive only that portion of the raise which would increase the salary to no more than \$35,000: PROVIDED FURTHER, That no employee making \$35,000 or more per year on February 1, 1983, shall be eligible for the raise effective on that date: PROVIDED, That the October 1, 1981, salary increase for higher education classified employees and state personnel board classified and exempt employees shall implement the salary ranges adopted by the higher education and state personnel boards resulting from the 1980 salary survey (catch-up results): PROVIDED, That increases granted in this subsection for higher education faculty and administrative exempt employees are inclusive of increments: PROVIDED FURTHER, That exclusive of merit pool and Washington state university (143) increase funds no higher education institution or community college district may grant from any fund source whatsoever any salary increases greater than that provided in this subsection.

(b) A maximum of \$~~((31,925,000))~~ 29,851,000 of general fund moneys (including \$5,162,000 in federal funds) may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$~~((24,413,000))~~ 22,339,000 of this amount (including \$3,947,000 in federal funds) may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to

\$121.00 per month per eligible employee. A maximum of \$7,512,000 of this amount (including \$1,215,000 in federal funds) may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee.

(c) A maximum of \$~~((44,967,000))~~ 39,155,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect salary increases for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board) calculated in accordance with the procedures outlined in subsection (2)(a) of this section.

(d) A maximum of \$9,532,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$7,289,000 of this amount may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of \$2,243,000 of this amount may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee.

(e) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

(f) Notwithstanding any other provision of this subsection (2), Walla Walla community college may fund additional actual increments or their equivalents in salaries for each year of the biennium to equalize salaries to the state-wide average salaries as reflected by the average base salary of the annually contracted professional personnel of the Washington community colleges.

Sec. 16. Section 15, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE LIEUTENANT GOVERNOR**

General Fund Appropriation .....	\$	<del>((226,000))</del>
		<u>203,000</u>
<del>((FTE Staff Years — Fiscal Year 1982.....</del>		<u>3.0</u>
<del>FTE Staff Years — Fiscal Year 1983.....</del>		<u>3.0))</u>

Sec. 17. Section 16, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund Appropriation .....	\$	<del>((4,044,000))</del>
		<u>3,800,000</u>

<u>Archives and Records Management Account Appropria-</u>		
<u>tion .....</u>	\$	<u>1,135,000</u>
<u>Total Appropriation .....</u>	\$	<u>4,935,000</u>
<del>((FTE Staff Years — Fiscal Year 1982.....</del>		<u>50.4</u>
<del>FTE Staff Years — Fiscal Year 1983.....</del>		<u>50.4))</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$~~((972,000))~~ 923,000 is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(2) \$~~((610,000))~~ 559,000 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$~~((50,000))~~ 25,000 is provided solely for costs associated with redistricting.

Sec. 18. Section 17, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS, THE COMMISSION ON ASIAN-AMERICAN AFFAIRS, AND THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

Commission on Mexican-American Affairs	
General Fund Appropriation .....	\$ ((116,667)) <u>105,000</u>
Commission on Asian-American Affairs	
General Fund Appropriation .....	\$ ((116,667)) <u>105,000</u>
Governor's Office of Indian Affairs	
General Fund Appropriation .....	\$ ((116,667)) <u>105,000</u>
Total Appropriation .....	\$ ((350,001)) <u>315,000</u>
((FTE Staff Years — Fiscal Year 1982 .....	4.0
FTE Staff Years — Fiscal Year 1983 .....	4.0))

The appropriations in this section are subject to the following condition((s)) and limitation((s)): ((1)) The position of executive director for each commission or office shall be retained. The agencies for which appropriations are provided by this section shall jointly fund a common secretarial/clerical pool and consolidate their respective office spaces upon expiration of current lease agreements.

~~((2) The appropriation for the commission on Asian-American affairs shall fund a commission membership not to exceed twelve members and the commission shall amend its bylaws to provide for a quorum of seven members, provided conforming changes to chapter 43.117 RCW are enacted during the 1981 regular session of the legislature.))~~

Sec. 19. Section 18, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER**

Motor Vehicle Fund Appropriation—State .....	\$ 37,000
State Treasurer's Service Fund Appropriation .....	\$ ((5,205,000)) <u>4,930,000</u>
Total Appropriation .....	\$ ((5,242,000)) <u>4,967,000</u>
((FTE Staff Years — Fiscal Year 1982 .....	71.4
FTE Staff Years — Fiscal Year 1983 .....	71.5))

Sec. 20. Section 19, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund Appropriation—State .....	\$ ((2,120,000)) <u>1,906,000</u>
General Fund Appropriation—Federal .....	\$ 352,000
General Fund Appropriation—Private/Local .....	\$ 48,000
Motor Vehicle Fund Appropriation .....	\$ 267,000

Auditing Services Revolving Fund Appropriation .....	\$	((5,480,000))
		5,265,000
Total Appropriation .....	\$	((8,267,000))
		7,838,000
<del>((FTE Staff Years — Fiscal Year 1982 .....</del>		<del>117.5</del>
<del>FTE Staff Years — Fiscal Year 1983 .....</del>		<del>117.3)</del>

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of municipal corporations shall give high priority to examining the accuracy of local school district reporting of staff mix and enrollment data for state reimbursement purposes. Beginning with the 1981-82 school year, any significant inaccuracies shall be reported to the attorney general and the superintendent of public instruction. The superintendent shall take action to recover any overpayment which results from the reporting of inaccurate data.

(2) No general fund moneys may be expended for the training of municipal auditors or other local personnel.

(3) Legal costs incurred by the attorney general to insure compliance with the findings of the state auditor in state agency audits shall be charged to the agency that received the audit. Costs to audited agencies shall not exceed the budget preparation estimates provided by the state auditor to the committees on ways and means of the senate and house of representatives which were based on the governor's requested staff level plus seven positions.

(4) The total of all billings submitted to state agencies shall reflect a 10.1% reduction from the original budget preparation estimates submitted to the ways and means committee of the senate and house of representatives in the 1981 regular session of the legislature. Such reduction shall be offset by an amount not to exceed \$338,000 which reflects the impact of salary and insurance costs not provided to the Auditing Services Revolving Fund in the original budget.

NEW SECTION. Sec. 21. There is added to chapter 340, Laws of 1981 a new section to read as follows:

State agencies shall pay into the auditing services revolving fund such moneys and at such times as are provided by chapter 336, Laws of 1981 and the rules of the office of financial management: PROVIDED, That if a state agency does not pay into the auditing services revolving fund its required amount within twenty days of the beginning of the quarter, the director of financial management shall make such transfer within thirty days of the beginning of the quarter.

NEW SECTION. Sec. 22. There is added to chapter 340, Laws of 1981 a new section to read as follows:

Net savings of general fund—state moneys realized by agencies as a result of 10.1% reductions in billings to agencies from the following funds shall be placed in reserve status by the director of financial management and shall not be expended until appropriated by law:

- (1) Auditing services revolving fund;
- (2) Legal services revolving fund;
- (3) General administration facilities and services revolving fund (excluding the portion reflecting utilities);
- (4) Department of personnel service fund; and
- (5) Higher education personnel board service fund.

Sec. 23. Section 20, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund Appropriation .....	\$	((4,300,000))
		3,866,000
Legal Services Revolving Fund Appropriation .....	\$	((19,513,000))

	17,542,000
Total Appropriation .....	\$ ((23,813,000))
	<u>21,408,000</u>
((FTE Staff Years — Fiscal Year 1982.....	317.1
FTE Staff Years — Fiscal Year 1983.....	320.1))

The appropriations in this section are subject to the following condition or limitation: \$150,000 of the general fund appropriation is provided solely for the continuation of the crime watch program.

Sec. 24. Section 21, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation—State .....	\$ ((14,009,000))
	<u>12,752,000</u>
General Fund Appropriation—Federal .....	\$ 6,300,000
Total Appropriation .....	\$ ((20,309,000))
	<u>19,052,000</u>
((FTE Staff Years — Fiscal Year 1982.....	128.6
FTE Staff Years — Fiscal Year 1983.....	127.1))

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((750,000)) 675,000 of the general fund—state appropriation is provided solely for the completion of the higher education personnel/payroll system.

(2) \$70,000 of the general fund—state appropriation is provided solely for the payment of assessments against state-owned land.

(3) \$1,568,000 of the general fund—state appropriation is provided solely for the completion of the state budget and accounting systems development.

(4) \$((1,725,000)) 1,553,000 of the general fund—state appropriation is provided solely for payment of supplies and services furnished in previous biennia.

(5) \$5,000 of the general fund—state appropriation is provided solely for payment of claims against the state.

Sec. 25. Section 23, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation .....	\$ ((8,830,000))
	<u>7,938,000</u>
((FTE Staff Years — Fiscal Year 1982.....	132.7
FTE Staff Years — Fiscal Year 1983.....	132.7))
State Employees' Insurance Fund Appropriation .....	\$ 1,443,000
((FTE Staff Years — Fiscal Year 1982.....	15.0
FTE Staff Years — Fiscal Year 1983.....	15.0))
Total Appropriation .....	\$ ((10,273,000))
	<u>9,381,000</u>

The appropriations in this section ((is) are subject to the following condition or limitation: \$((319,000)) 287,000 of the department of personnel service fund appropriation ((and 6.0 FTE staff years)) shall be transferred to the personnel appeals board ((upon enactment, during the 1981 regular session, of Substitute House Bill No. 302)).

Sec. 26. Section 24, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE DATA PROCESSING AUTHORITY

General Fund Appropriation .....	\$ ((443,000))
	<u>398,000</u>
((FTE Staff Years — Fiscal Year 1982.....	10.0

~~FTE Staff Years — Fiscal Year 1983~~ ..... 0.0)

The appropriation in this section is subject to the following condition or limitation: ~~\$(443,000 and 10.0 FTE staff years are)~~ 398,000 is provided solely for one year. Funding for the second fiscal year of the biennium shall be considered in the 1982 regular session of the legislature based upon interim recommendations.

Sec. 27. Section 25, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE COMMITTEE FOR DEFERRED COMPENSATION**

General Fund Appropriation ..... \$ ((35,000))  
31,000

Sec. 28. Section 26, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund Appropriation ..... \$ ((35,336,000))  
36,493,000

General Fund—State Timber Tax Reserve Account  
 Appropriation ..... \$ 2,794,000  
 Motor Vehicle Fund Appropriation ..... \$ 110,000  
 Total Appropriation ..... \$ ((38,240,000))  
39,397,000

~~((FTE Staff Years — Fiscal Year 1982~~ ..... 636.7  
~~FTE Staff Years — Fiscal Year 1983~~ ..... 635.7))

The appropriations in this section are subject to the following conditions and limitations:

(1) \$393,000 of the state timber tax reserve account appropriation is provided solely for reimbursement to counties with timberland for the costs of establishing forest land grades for each parcel of classified or designated forest land.

(2) The department of revenue shall maintain ~~((current services including))~~ advisory appraisals as required by RCW 84.41.060.

(3) The department of revenue shall add one full time equivalent staff year for the 1982 fiscal year only to help conduct a new study of the financial impact of tax exemptions and a review of the effectiveness and problems of the current use law.

(4) That portion of the general fund—state appropriation which is allotted to the inheritance tax division for fiscal year 1983 is reduced by \$125,000 in this 1981 amendatory act in recognition of the passage of Initiative No. 402 and the resultant workload decrease in the inheritance tax division.

(5) \$2,444,000 of the general fund—state appropriation is provided solely for costs incurred by the excise tax division and the interpretation and appeals division as a result of the expanded effort at revenue recovery and appeals resolution. No more than 50.0 FTE staff years may be utilized for these purposes, 17.25 FTE staff years in fiscal year 1982 and the additional 32.75 FTE staff years in fiscal year 1983.

Sec. 29. Section 27, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund Appropriation ..... \$ ((985,000))  
885,000

~~((FTE Staff Years — Fiscal Year 1982~~ ..... 14.0  
~~FTE Staff Years — Fiscal Year 1983~~ ..... 14.1

The appropriation in this section is subject to the following condition or limitation: \$104,000 is provided solely to employ one hearing examiner and one clerk typist. The positions shall terminate at the end of the biennium.)

Sec. 30. Section 28, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State .....	\$ ((11,182,000))
	<u>6,505,000</u>
General Fund Appropriation—Private/Local .....	\$ 89,000
General Fund—Motor Transport Account Appropria- tion .....	\$ 8,688,000
General Administration Facilities and Services Revolv- ing Fund Appropriation .....	\$ ((15,361,000))
	<u>13,378,000</u>
Total Appropriation .....	\$ ((35,320,000))
	<u>28,660,000</u>
((FTE Staff Years—Fiscal Year 1982.....	433.0
FTE Staff Years—Fiscal Year 1983.....	435.1))

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of general administration shall not expend any of the general fund appropriation for the replacement of motor transport division vehicles.

(2) ~~(((\$2,697,000 of the general fund appropriation is provided solely for the banking program. Revenues generated from fees and charges in this program shall equal or exceed expenditures.~~

~~(3) \$1,127,000 of the general fund appropriation is provided solely for the savings and loan program. Revenues generated from fees and charges shall equal or exceed expenditures.~~

(4)) The department of general administration shall provide insurance coverage for all state-owned, state-chartered, state-rented, or state employee-owned aircraft being used on authorized state business, including passengers. This coverage shall be in force for all such aircraft whether piloted by a state employee or employees of a charter or rental firm. The department may require reimbursement for premium costs from user agencies on a pro rata basis.

((5)) (3) The department of agriculture shall transfer \$21,000 from its local fund accounts to the motor transport account. The state treasurer shall transfer to the motor transport account \$29,000 from the grain and hay inspection fund, \$8,000 from the community college capital projects account, and \$24,000 from the highway safety fund. These transfers shall be in accordance with schedules provided by the office of financial management.

Sec. 31. Section 29, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund Appropriation .....	\$ ((7,997,000))
	<u>7,189,000</u>
((FTE Staff Years—Fiscal Year 1982.....	123.2
FTE Staff Years—Fiscal Year 1983.....	123.2))

Sec. 32. Section 32, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST

Fisheries Bond Redemption Fund 1977 Appropriation .....	\$ 1,399,006
Salmon Enhancement Bond Redemption Fund 1977 Appropriation .....	\$ 4,674,396
Higher Education Refunding Bond Redemption Fund 1977 Appropriation .....	\$ 8,759,499

Fire Service Training Center Bond Retirement Fund 1977 Appropriation .....	\$	95,500
Highway Bond Retirement Fund Appropriation .....	\$	76,269,110
State Building Construction Bond Redemption Fund Appropriation .....	\$	2,129,015
Higher Education Bond Redemption Fund 1977 Approp- riation .....	\$	3,536,312
Ferry Bond Retirement Fund 1977 Appropriation .....	\$	13,995,976
Emergency Water Projects Bond Retirement Fund 1977 Appropriation .....	\$	2,574,560
Public School Building Bond Redemption Fund 1961 Appropriation .....	\$	3,749,388
General Administration Building Bond Redemption Fund Appropriation .....	\$	606,238
Juvenile Correctional Institutional Building Bond Redemption Fund 1963 Appropriation .....	\$	632,700
Outdoor Recreation Bond Redemption Fund Appropria- tion .....	\$	2,341,138
Public School Building Bond Redemption Fund 1965 Appropriation .....	\$	2,456,825
State Building and Higher Education Construction Bond Redemption Fund 1965 Appropriation .....	\$	3,171,525
Spokane River Toll Bridge Account Appropriation .....	\$	876,963
Public School Building Bond Redemption Fund 1963 Appropriation .....	\$	8,763,316
Higher Education Bond Retirement Fund 1979 Approp- riation .....	\$	5,301,459
State General Obligation Bond Retirement Fund 1979 Appropriation .....	\$	((35,888,357))
		<u>44,288,357</u>
Fisheries Bond Redemption Fund 1976 Appropriation .....	\$	769,416
State Building Bond Redemption Fund 1967 Appropria- tion .....	\$	652,110
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation .....	\$	13,371,499
Common School Building Bond Redemption Fund 1967 Appropriation .....	\$	6,852,460
Outdoor Recreation Bond Redemption Fund 1967 Appropriation .....	\$	6,231,258
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation .....	\$	3,902,420
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation .....	\$	9,968,433
State Building and Parking Bond Redemption Fund 1969 Appropriation .....	\$	2,451,780
Waste Disposal Facilities Bond Redemption Fund Appropriation .....	\$	((23,366,544))
		<u>27,566,544</u>
Water Supply Facilities Bond Redemption Fund Approp- riation .....	\$	11,670,220
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation .....	\$	3,718,307
Recreation Improvements Bond Redemption Fund Appropriation .....	\$	6,017,375

Community College Capital Improvement Bond Redemption Fund 1972 Appropriation .....	\$	7,502,480
State Building Authority Bond Redemption Fund Appropriation .....	\$	9,754,055
Office-Laboratory Facilities Bond Redemption Fund Appropriation .....	\$	273,505
University of Washington Hospital Bond Retirement Fund 1975 Appropriation .....	\$	1,158,211
Washington State University Bond Redemption Fund 1977 Appropriation .....	\$	553,065
Higher Education Bond Redemption Fund 1975 Appropriation .....	\$	2,172,740
State Building Bond Redemption Fund 1973 Appropriation .....	\$	3,886,348
State Building Bond Retirement Fund 1975 Appropriation .....	\$	759,572
State Higher Education Bond Redemption Fund 1973 Appropriation .....	\$	4,392,557
Social and Health Services Bond Redemption Fund 1976 Appropriation .....	\$	9,971,978
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation .....	\$	385,958
Community College Refunding Bond Retirement Fund 1974 Appropriation .....	\$	9,553,126
State Higher Education Bond Redemption Fund 1974 Appropriation .....	\$	1,218,350
Total Appropriation .....	\$	<del>((317,775,050))</del>
		<u>330,375,050</u>

Sec. 33. Section 33, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation .....	\$	<del>((998,000))</del>
		<u>897,000</u>
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>12.6</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>12.6))</del>

Sec. 34. Section 35, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE MUNICIPAL RESEARCH COUNCIL**

General Fund Appropriation .....	\$	1,197,000
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Sec. 35. Section 36, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE BOARD OF ACCOUNTANCY**

General Fund Appropriation .....	\$	<del>((596,000))</del>
		<u>556,000</u>
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>5.3</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>5.3))</del>

The appropriation in this section is subject to the following conditions and limitations:

(1) The board of accountancy shall not restrict entrance to CPA examinations as a result of reductions in state funding.

(2) \$20,000 of this appropriation shall not be expended unless, by February 1, 1982, the board of accountancy has increased its CPA examination fees to the maximum level authorized under RCW 18.04.160.

Sec. 36. Section 37, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE ((~~ATHLETIC~~)) BOXING COMMISSION**

General Fund Appropriation .....	\$	((71,000))
		<u>64,000</u>
((FTE Staff Years—Fiscal Year 1982.....		1.9
FTE Staff Years—Fiscal Year 1983.....		1.9))

Sec. 37. Section 41, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE PHARMACY BOARD**

General Fund Appropriation .....	\$	((1,075,000))
		<u>966,000</u>
((FTE Staff Years—Fiscal Year 1982.....		18.5
FTE Staff Years—Fiscal Year 1983.....		18.5))

The appropriation in this section is subject to the following condition or limitation: No moneys appropriated in this section may be expended for continuation of the diversion investigation unit.

Sec. 38. Section 44, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF EMERGENCY SERVICES**

General Fund Appropriation—State .....	\$	((1,118,000))
		<u>1,005,000</u>
General Fund Appropriation—Federal .....	\$	((2,241,000))
		<u>2,227,000</u>
Total Appropriation .....	\$	((3,359,000))
		<u>3,232,000</u>
((FTE Staff Years—Fiscal Year 1982.....		22.0
FTE Staff Years—Fiscal Year 1983.....		22.0))

The appropriations in this section are subject to the following condition or limitation: \$242,000 of the general fund—state appropriation is provided solely to reimburse the federal emergency management agency for the state's share of costs of individual and family grants provided for disaster relief: PROVIDED, That the department of emergency services, in conjunction with the department of social and health services, will reinstate an appeal process to the federal emergency management agency with respect to the \$87,102 in audit exceptions relative to the 1977 floods.

Sec. 39. Section 45, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund Appropriation—State .....	\$	((7,044,000))
		<u>6,330,000</u>
General Fund Appropriation—Federal .....	\$	((1,838,000))
		<u>1,764,000</u>
Total Appropriation .....	\$	((8,882,000))
		<u>8,094,000</u>
((FTE Staff Years—Fiscal Year 1982.....		129.7
FTE Staff Years—Fiscal Year 1983.....		129.7))

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((310,000)) 279,000 of the general fund—state appropriation is provided solely for the continuation of the educational assistance grant program, of which a maximum of \$10,000 may be expended for administrative costs.

(2) \$32,000 of the general fund—state appropriation is provided solely for the Washington state guard.

Sec. 40. Section 46, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation .....	\$ ((1,305,000))
	1,173,000
((FTE Staff Years—Fiscal Year 1982.....	16.4
FTE Staff Years—Fiscal Year 1983 .....	16.4

The appropriation in this section is subject to the following condition or limitation: ~~If Senate Bill Nos. 3405 and 3406, or House Bill Nos. 479 and 480, are enacted during the 1981 regular session of the legislature, the appropriation shall be reduced by \$10,000.)~~

Sec. 41. Section 47, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

The appropriations made by this act to the department of social and health services are subject to the following conditions and limitations:

(1) The department of social and health services shall not initiate any new services which will incur general fund state expenditures beyond those authorized by appropriation.

(2) Funds appropriated by this act to the department of social and health services shall be allotted and expended reflecting the legislative intent of this act. Within the specific limitations in this act, the department of social and health services may modify allotments after the initial three months of the biennium with the approval of the office of financial management in consultation with the committees on ways and means of the senate and house of representatives: PROVIDED, That ((such allotment modifications may include transfers within programs only in sections 48, 49, 50, and 51 of this act to the extent that the director of financial management, after a ten-day prior notification to the committees on ways and means of the senate and house of representatives, shall attest to the critical nature of the modification)) because substantial uncertainty continues to exist as to actual federal revenues available to the department of social and health services and because major changes in federal entitlement programs affecting income maintenance, community social services, and medical assistance programs may have significant effects on caseloads and expenditures in those programs, allotment modifications may include transfers between programs in sections 49, 50, 51, 53, 54, and 55 of chapter 340, Laws of 1981. Allotment modifications shall be submitted to the legislative budget committee for approval prior to implementation.

(3) The department of social and health services may seek and receive additional federal funds not included in this act, subject to approval of the office of financial management, provided that such funding does not require additional expenditure of state funds.

(4) In anticipation of significant reductions in federal support for social service, public health, and Title XIX programs, the legislature has reduced the state's dependency on federal entitlement programs within the income maintenance, medical assistance, and social service programs. However, additional federal reductions may require further reductions to all human service programs. To ensure that the loss of federal funds does not result in an accelerated expenditure of state funds, the following requirements are placed on the department of social and health services:

(a) The department shall prepare a contingency expenditure plan to reflect anticipated loss of federal funds. This contingency plan shall include necessary program changes and a redefinition of services or eligibility criteria which will not

require expenditures in excess of any appropriation provided in this act. The contingency plan shall be transmitted to the legislature upon completion and at least ten days before implementation.

Sec. 42. Section 48, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ( <del>(SOCIAL AND HEALTH SERVICES</del>	
<del>ADULT))</del> CORRECTIONS ( <del>(PROGRAM))</del>	
(FTE Staff Years — Fiscal Year 1982 .....	3,165.5
FTE Staff Years — Fiscal Year 1983 .....	3,096.5)
(1) COMMUNITY SERVICES	
General Fund Appropriation .....	\$ (( <del>48,264,000</del> ))
	43,419,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$((~~18,321,000~~)) 15,038,000 is provided solely to contract with nonprofit corporations to provide diversionary programs and operate and/or contract for work/training release for convicted felons: PROVIDED, That \$((~~1,000,000~~)) 999,000 of this appropriation is provided solely for (~~(Snohomish county))~~ pre-trial diversion and the continuation of the alternatives to street crime programs in Snohomish, Pierce and Clarke counties. Such funds shall be distributed to the counties in a timely manner: PROVIDED FURTHER, That \$375,000 of this appropriation is provided solely for the continuation of 50 work/training release beds at the Progress House Association of Tacoma.

(b) \$2,479,000 is provided solely for intensive parole.

(c) \$((~~23,290,000~~)) 21,777,000 is provided solely for probation and parole.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation .....	\$ (( <del>141,532,000</del> ))
	149,390,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The (~~(division (or))~~ department(~~(?))~~) of corrections shall present to the legislature by October 12, 1981, a comprehensive institutional educational policy. This report shall explain the basis for selection of educational programs and participation and shall outline program and payment policies for contracting for educational services. The report shall include, but is not limited to, a detailing by month for each institution of the programs, program goals, staffing, costs per offering, and actual and estimated inmate participation.

(b) It is the assumption of the legislature that the appropriation in this subsection initially provides:

(i) \$24,731,000 (~~(and 735.7 FTE staff years)~~) for the Washington Corrections Center, excluding funds related to court orders under Hoptowit v. Ray, No. 79-359 (E. D. Wash.);

(ii) \$38,312,000 (~~(and 1,375.5 FTE staff years)~~) for the Washington State Penitentiary, excluding funds relating to court orders under Hoptowit v. Ray, No. 79-359 (E. D. Wash.);

(iii) \$1,010,000 (~~(and 44.0 FTE staff years)~~) for the Monroe mental health unit;

(iv) \$24,990,000 (~~(and 762.0 FTE staff years)~~) for the Washington State Reformatory;

(v) \$8,269,000 (~~(and 271.0 FTE staff years)~~) for the Purdy Treatment Center for Women;

(vi) \$((~~16,000,000 and 570.0 FTE staff years~~)) 20,816,000 for the McNeil Island Penitentiary;

(vii) ~~\$9,090,000 ((and 322.0 FTE staff years))~~ for the Special Offenders Center; ~~((and))~~

(viii) Funds for other costs associated with honor camps and the Pine Lodge Corrections Center; and

(ix) Tobacco products shall not be provided to inmates who have not earned such products.

(3) PROGRAM SUPPORT

General Fund Appropriation ..... \$ ~~((16,989,000))~~  
18,044,000

General Fund—Institutional Impact Account Approp-  
 riation ..... \$ 525,000

Total Appropriation ..... \$ 18,569,000

The appropriations in this subsection ((is)) are subject to the following conditions and limitations:

(a) \$500,000 is provided solely for individual legal services. There shall be no solicitation of legal action and all informal means of resolving disputes shall be utilized. These funds shall not be used to support class action litigation.

(b) ~~\$4,102,000 ((and 122.0 FTE staff years are))~~ is provided solely for costs directly resulting from the decision in Hoptowit v. Ray, No. 79-359 (E. D. Wash.): PROVIDED, That no expenditure of funds may be made without the signature of the agency's assistant attorney general on the authorizing document.

(c) ~~\$4,057,000 ((and 89.0 FTE staff years))~~ for fiscal year 1982 and ~~\$4,902,000~~ for fiscal year 1983 are provided solely to address population overrun in excess of current bed capacity. Such funds shall be released only with the approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

(d) ~~\$((1,200,000))~~ 1,079,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(4) ~~((If a department of corrections is established by an act of the 1981 regular session of the legislature, the appropriations in this section shall be transferred to the department of corrections. All conditions and limitations as expressed in sections 47 and 48 of this act shall apply to the department of corrections.~~

(5)) Funds may be transferred from program support to institutional services for costs associated with Hoptowit v. Ray, No. 79-359 (E. D. Wash.), and population overruns to the extent provided for in this section.

~~((6))~~ (5) The ~~((department of social and health services, or the))~~ department of corrections ~~((if it is created during the 1981 regular session of the legislature,))~~ shall in conjunction with the office of financial management and the committees on ways and means of the senate and house of representatives develop staff-to-inmate ratios or a system of post assignment for each correctional unit by August 1, 1981. By September 1, 1981, a written report on proposed staffing levels shall be presented to the legislature comparing this staffing to prior biennial levels and discussing its programmatic and fiscal implications.

Sec. 43. Section 49, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
 JUVENILE REHABILITATION PROGRAM

~~((FTE Staff Years—Fiscal Year 1982..... 810.5~~

~~FTE Staff Years—Fiscal Year 1983..... 811.5))~~

(1) COMMUNITY SERVICES

General Fund Appropriation—State ..... \$ ~~((20,562,000))~~  
19,010,000

General Fund Appropriation—Federal ..... \$ 57,000

Total Appropriation ..... \$ ((20,619,000))

19,067,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~\$(1,480,000)~~ 1,228,000 of the general fund—state appropriation is provided solely for community diagnostic services. (~~(A maximum of \$857 per youth may be expended for community diagnostic services.)~~)

(b) \$700,000 from the general fund—state appropriation (~~(and 20.0 FTE staff years are)~~) is provided solely for additional group home beds.

(c) \$224,000 (~~(and 3.8 FTE staff years are)~~) is provided solely to establish a special treatment program for violent assault offenders in community programs.

(d) \$175,000 from the general fund—state appropriation (~~(and 10.0 FTE staff years are)~~) is provided solely to increase the bed capacity of state-operated group homes.

(e) ~~\$(7,047,000)~~ 8,104,000 is provided solely for consolidated local programs. It is the intent of this funding to reduce existing program categorical barriers for funding and services and to support coordinated community-based treatment programs designed to more effectively and efficiently rehabilitate youthful offenders while protecting society. The department of social and health services shall report to the legislature by January 15, 1982, on the services funded under this program and the success of the programs in preventing institutionalization and reducing recidivism.

## (2) INSTITUTIONAL SERVICES

General Fund Appropriation—State .....	\$	35,443,000
General Fund Appropriation—Federal .....	\$	682,000
Total Appropriation .....	\$	36,125,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$428,000 (~~(and 12.0 FTE staff years are)~~) is provided solely for a violent assault offender unit at the Green Hill School.

(b) It is the assumption of the legislature that the appropriations in this subsection initially provide:

(i) \$10,046,000 (including \$9,834,000 from the state general fund) (~~(and 379.8 FTE staff years)~~) for the Echo Glen Children's Center to operate at least twelve cottages;

(ii) \$8,646,000 (including \$8,456,000 from the state general fund) (~~(and 326.0 FTE staff years)~~) for the Maple Lane School to operate at full bed capacity;

(iii) \$10,095,000 (including \$9,965,000 from the state general fund) (~~(and 327.4 FTE staff years)~~) for the Green Hill School to operate at full bed capacity;

(iv) \$4,483,000 (including \$4,393,000 from the state general fund) (~~(and 152.0 FTE staff years)~~) for the Naselle Youth Camp to operate at full bed capacity; and

(v) \$2,855,000 (including \$2,795,000 from the state general fund) (~~(and 82.0 FTE staff years)~~) for the Mission Creek Youth Camp to operate at full bed capacity.

## (3) PROGRAM SUPPORT

General Fund Appropriation .....	\$	<del>(2,439,000)</del>
		<u>1,889,000</u>

Sec. 44. Section 50, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

## FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— MENTAL HEALTH PROGRAM

<del>((FTE Staff Years—Fiscal Year 1982 .....</del>	<del>1,808.5</del>
<del>FTE Staff Years—Fiscal Year 1983 .....</del>	<del>1,834.5))</del>

## (1) COMMUNITY SERVICES

General Fund Appropriation—State .....	\$	<del>((55,684,000))</del> 53,186,000
General Fund Appropriation—Federal .....	\$	<del>((14,996,000))</del> 14,821,000
General Fund Appropriation—Local .....	\$	922,000
Total Appropriation .....	\$	<del>((71,602,000))</del> 68,929,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~\$((51,010,000))~~ 49,212,000 of which ~~\$((36,570,000))~~ 34,815,000 is from the general fund—state appropriation is provided solely for community mental health services. Of this amount, \$1,150,000 of the general fund—state appropriation is provided solely for 90 new residential treatment facility beds: PROVIDED, That Substitute House Bill No. 353 is passed during the 1981 legislative session: PROVIDED FURTHER, That if Substitute House Bill No. 353 should not pass, the funds provided for these beds shall be transferred to the institutional category of the mental health divisions appropriation. These beds are to be phased in according to the following schedule: 30 beds available January 1, 1982; an additional 30 beds available July 1, 1982; and an additional 30 beds available January 1, 1983. The department of social and health services shall contract for these beds at a rate not exceeding \$35.00 per day. These beds shall serve the chronically mentally ill.

(b) ~~\$((20,592,000))~~ 19,717,000 of which ~~\$((19,114,000))~~ 18,371,000 is from the general fund—state appropriation is provided solely for Involuntary Treatment Act costs. Up to \$2,200,000 of the general fund—state appropriation is provided for 60 new evaluation and treatment beds. These beds are for 72-hour and 14-day commitments. All 60 beds shall be available no later than January 1, 1983. The department of social and health services shall contract for these beds at a rate not to exceed \$50.00 per day.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State .....	\$	<del>((73,910,000))</del> 77,511,000
General Fund Appropriation—Federal .....	\$	<del>((4,978,000))</del> 5,085,000
Total Appropriation .....	\$	<del>((78,888,000))</del> 82,596,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~\$((48,259,000))~~ 49,931,000, of which ~~\$((45,862,000))~~ 47,464,000 is from state funds, is provided solely for Western State Hospital. ~~((Funds are provided for the operation of up to 95% of the rated bed capacity of this institution. 548.0 FTE staff years are provided for maintenance and support staff.))~~

(b) ~~\$((22,375,000))~~ 24,410,000, of which ~~\$((20,718,000))~~ 22,717,000 is from state funds, is provided for Eastern State Hospital. ~~((Funds are provided for the operation of up to 95% of the rated bed capacity of this institution. 342.0 FTE staff years are provided for maintenance and support staff.))~~

(c) \$4,856,000, of which \$4,105,000 is from state funds, is provided solely for the PORTAL program at the Northern State facility. The secretary of social and health services shall prepare a report for submittal to the legislature by October 1, 1982, on the feasibility and method for implementing the residential treatment program utilized by PORTAL, in communities around the state.

(d) \$3,399,000, of which \$3,225,000 is from state funds, is provided solely for the child study and treatment center.

(e) Upon completion of the new hospital beds at the state hospitals, the department may, by contract, allow other public agencies to utilize the beds made surplus

by the opening of the new facility if those agencies provide the funds to cover the full cost of such operation. The hospital shall account for these patients separately from state-supported patients. The care of these patients shall not be subject to the staff-to-patient ratio required in this act.

## (3) SPECIAL PROJECTS

General Fund Appropriation—State .....	\$	<del>((1,514,000))</del>
		<u>1,410,000</u>
General Fund Appropriation—Federal .....	\$	320,000
Total Appropriation .....	\$	<del>((1,834,000))</del>
		<u>1,730,000</u>

The appropriations in this subsection are subject to the following condition or limitation: ~~\$(683,000))~~ 579,000 from the general fund—state appropriation is provided solely for the continuation of the case management projects in Snohomish, King, Pierce, and Clark counties, and such other counties as funds allow: PROVIDED, That each county receiving these funds shall develop a method of funding case management within its 1983-85 grant-in-aid awards.

## (4) PROGRAM SUPPORT

General Fund Appropriation—State .....	\$	1,851,000
General Fund Appropriation—Federal .....	\$	549,000
Total Appropriation .....	\$	2,400,000

Sec. 45. Section 51, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
DEVELOPMENTAL DISABILITIES PROGRAM

((FTE Staff Years—Fiscal Year 1982 .....	3,387.5
FTE Staff Years—Fiscal Year 1983 .....	<del>3,339.5))</del>

## (1) COMMUNITY SERVICES

General Fund Appropriation—State .....	\$	<del>((47,569,000))</del>
		<u>47,179,000</u>
General Fund Appropriation—Federal .....	\$	<del>((11,645,000))</del>
		<u>9,434,000</u>
Total Appropriation .....	\$	<del>((59,214,000))</del>
		<u>56,613,000</u>

The appropriations in this subsection are subject to the following condition((s)) and limitation((s)): ~~((a) \$2,000,000))~~ \$1,000,000 of which ~~\$(1,000,000))~~ 500,000 is from federal funds is provided solely for the fragile children's program to be implemented during fiscal year 1982. If the fragile children's program is not developed by January 1, 1983, then these funds shall revert to the general fund.

## (2) INSTITUTIONAL SERVICES

General Fund Appropriation—State .....	\$	<del>((84,178,000))</del>
		<u>84,028,000</u>
General Fund Appropriation—Federal .....	\$	49,036,000
Total Appropriation .....	\$	<del>((133,214,000))</del>
		<u>133,064,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of social and health services in conjunction with the superintendent of public instruction and a legislative study committee shall study the services provided by the School for the Deaf and the School for the Blind. The study shall be prepared in consultation with the parents of students enrolled in these schools as well as members of the deaf and blind community. The study shall

include the role these schools play in the provision of education to sensory handicapped pupils in the state. The study shall further include an assessment of the advantages and disadvantages of (i) continuing the operation of the schools; (ii) changing the operation of the schools; and (iii) closing the schools and serving the students through public schools' special programs. The report shall be completed and submitted to the legislature for review by December 30, 1981.

(b) \$6,781,000 is provided solely for the School for the Deaf, of which \$3,356,000 is for fiscal year 1982 and \$3,424,000 is for fiscal year 1983. ~~\$(4,679,000)~~ 4,529,000 is provided solely for the School for the Blind, of which ~~\$(2,316,000)~~ 2,256,000 is for fiscal year 1982 and ~~\$(2,363,000)~~ 2,273,000 is for fiscal year 1983.

(c) It is the assumption of the legislature that the appropriations in this subsection initially provide:

- (i) \$32,544,000 (~~and 775.0 FTE staff years~~) for the Fircrest School to operate at a biennial average daily population of 491;
- (ii) \$15,264,000 (~~and 386.0 FTE staff years~~) for the Interlake School to operate at a biennial average daily population of 248;
- (iii) \$34,237,000 (~~and 801.0 FTE staff years~~) for the Rainier School to operate at a biennial average daily population of 531;
- (iv) \$24,651,000 (~~and 574.0 FTE staff years~~) for Lakeland Village to operate at a biennial average daily population of 359;
- (v) \$10,020,000 (~~and 243.0 FTE staff years~~) for the Yakima Valley School to operate at a biennial average daily population of 148;
- (vi) \$3,921,000 (~~and 94.0 FTE staff years~~) for the Francis Haddon Morgan Children's Center to operate at a biennial average daily population of 55; and
- (vii) \$1,117,000 (~~and 23.0 FTE staff years~~) for the Cerebral Palsy Center to operate at a biennial average daily population of 16.

(3) SPECIAL PROJECTS

General Fund Appropriation—State	\$	984,000
General Fund Appropriation—Federal	\$	2,397,000
Total Appropriation	\$	3,381,000

(4) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,056,000
General Fund Appropriation—Federal	\$	227,000
Total Appropriation	\$	3,283,000

Sec. 46. Section 52, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
NURSING HOMES PROGRAM

General Fund Appropriation—State	\$	<del>((175,951,000))</del>
		<u>169,475,000</u>
General Fund Appropriation—Federal	\$	<del>((175,951,000))</del>
		<u>169,527,000</u>
Total Appropriation	\$	<del>((351,902,000))</del>
		<u>339,002,000</u>

The appropriations in this section are subject to the following condition or limitation: This appropriation assumes passage of Senate Bill No. 3765 and a two-year delay of implementation of chapter 74.46 RCW.

Sec. 47. Section 53, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
INCOME MAINTENANCE GRANTS PROGRAM

General Fund Appropriation—State	\$	<del>((329,489,000))</del>
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		308,220,000
General Fund Appropriation—Federal . . . . .	\$	<del>(342,795,000)</del>
		<u>319,215,000</u>
Total Appropriation . . . . .	\$	<del>(672,284,000)</del>
		<u>627,435,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((2))~~ (1) \$20,000,000 is provided solely for implementation of the consolidated emergency assistance program to provide specifically directed cash or in-kind benefits to meet the specific emergent need(s) of the applicant. Aid may be provided for up to two months in any consecutive twelve-month period to low-income families with children who are ineligible for other state or federal assistance. It is the intent of the legislature that eligibility requirements shall be stricter than AFDC requirements. The department of social and health services shall immediately apply for waivers under Title XI, section 1115 of the federal social security act to allow federal matching funds to be used for the consolidated emergency assistance program as provided for in this section and in chapter 74.04 RCW (Senate Bill No. 4299).

~~((3))~~ (2) ~~\$(53,428,000)~~ 45,282,000 of the general fund—state appropriation is provided solely for income maintenance grants for the general assistance—unemployable program.

~~((4))~~ (3) The department of social and health services shall immediately evaluate federal proposals which are presently legal options to the states and implement those which are found to be cost-effective. In addition, the department shall seek waivers for any specific federal proposals which are cost-effective and are not now authorized. When waivers are obtained, changes shall be implemented. The department of social and health services shall provide proper notification, in accordance with state and federal laws and regulations, of any changes that are implemented. Furthermore, the department of social and health services shall draft rules to implement enacted changes to Title IV-A of the federal social security act prior to the issuance of federal regulations in order to avoid overexpenditure of state funds.

~~((5))~~ (4) The department of social and health services shall submit a report no later than November 2, 1981, to the committees on ways and means, social and health services, and human services of the senate and house of representatives detailing the implementation schedule and fiscal and program impact of these changes.

~~((6))~~ (5) It is the assumption of the legislature that the appropriations in this section initially provide:

(a) \$44,220,000 from federal funds for energy assistance;  
 (b) \$61,220,000 from federal funds for Indochinese refugees;  
 (c) \$20,000,000 from the state general fund for the consolidated emergency assistance program;

(d) \$453,334,000 (including \$219,086,000 from the state general fund) for aid to families with dependent children, with a caseload assumption for fiscal year 1982 of 59,890 cases and a caseload assumption for fiscal year 1983 of 61,797 cases;

(e) \$31,103,000 from the state general fund for the supplemental security income state supplement;

(f) \$53,428,000 from the state general fund for general assistance, with a caseload assumption for fiscal year 1982 of 9,075 cases and a caseload assumption for fiscal year 1983 of 9,692 cases;

(g) \$2,034,000 from the state general fund for supplemental security income—additional requirements;

(h) \$2,116,000 from the state general fund for burial assistance;

(i) \$2,361,000 (including \$1,475,000 from the state general fund) for employment and training day-care; and

(j) \$2,468,000 (including \$247,000 from the state general fund) for work incentive payments.

Sec. 48. Section 54, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
COMMUNITY SOCIAL SERVICES GRANTS PROGRAM

General Fund Appropriation—State .....	\$	<del>((137,474,000))</del> 135,235,000
General Fund Appropriation—Federal .....	\$	<del>((69,318,000))</del> 61,010,000
General Fund Appropriation—Local .....	\$	105,000
Total Appropriation .....	\$	<del>((206,897,000))</del> 196,350,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(42,000,000))~~ 45,868,000 of which ~~\$(19,566,000))~~ 16,044,000 is from federal funds is provided solely for the provision of chore services to persons at risk of institutionalization who meet the eligibility criteria in RCW 74.08.540, and for the support of programs utilizing volunteers to provide chore services. Of that amount, ~~\$(29,200,000))~~ 28,568,000 is provided for a limited chore service program in which services are provided solely on an hourly basis, with a monthly lid on chore service hours which may be authorized. \$12,800,000 is provided for chore services to clients in need of attendant care whose services are authorized on a monthly rate basis. The department of social and health services shall immediately seek waivers which allow the use of Title XX funds in a lidded program.

(2) \$1,698,000 is provided solely for the provision of chore services on a case-by-case exception-to-policy basis to severely handicapped persons in need of attendant care whose income exceeds 30% of the state median income but does not exceed 57% of the state median income. Services may be provided under this subsection only to the extent necessary to allow the individual to remain in his or her own home, and no services may be authorized for more than ninety days at any one time.

(3) \$1,226,000 of the general fund—state appropriation is provided solely for long-term alcoholism beds.

(4) ~~\$(14,960,000))~~ 14,330,000 of the general fund—state appropriation is provided solely for implementation of the senior citizens services act. At least 7.0% of these funds shall be used to develop and implement programs which utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the state chore service program.

(5) \$1,148,000 of the general fund—state appropriation is provided solely for the victims of domestic violence program.

(6) \$1,335,000 of the general fund—state appropriation, or so much thereof as may be necessary, is provided solely for the migrant day-care program.

(7) \$40,000 of the general fund—state appropriation in this subsection is provided solely to complete the child abuse demonstration project directed by RCW 74.13.200.

(8) It is the assumption of the legislature that the appropriations in this section initially provide:

(a) \$15,851,000 (including \$11,559,000 from the state general fund) for alcoholism grants;

(b) \$5,475,000 (including \$4,590,000 from the state general fund) for detoxification;

- (c) \$9,558,000 (including \$3,545,000 from the state general fund) for substance abuse grants;
- (d) \$2,500,000 from federal funds for Indochinese refugees;
- (e) \$17,642,000 from federal funds for aging services under Title III of the federal older Americans act;
- (f) \$14,960,000 from the state general fund for the senior citizens services act;
- (g) \$4,482,000 (including \$2,275,000 from the state general fund) for crisis residential centers;
- (h) \$28,887,000 from the state general fund for congregate care facilities;
- (i) \$45,072,000 (including \$38,120,000 from the state general fund) for foster care payments, with a caseload assumption of 5,433 for fiscal year 1982 and a case-load assumption of 5,327 for fiscal year 1983;
- (j) \$8,931,000 (including \$1,758,000 from the state general fund) for child care payments;
- (k) \$4,816,000 (including \$4,372,000 from the state general fund) for adoption support;
- (l) \$43,698,000 (including \$24,132,000 from the state general fund) for chore services;
- (m) \$1,148,000 from the state general fund for victims of domestic violence;
- (n) \$831,000 (including \$150,000 from the state general fund) for adult day care;
- (o) \$2,537,000 (including \$634,000 from the state general fund) for crisis intervention services;
- (p) \$1,200,000 from the state general fund for adult family homes; and
- (q) \$144,000 from the state general fund for nursing home discharge allowances.

Sec. 49. Section 55, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MEDICAL ASSISTANCE GRANTS PROGRAM.**

General Fund Appropriation—State .....	\$	<del>((274,462,000))</del> 246,389,000
General Fund Appropriation—Federal .....	\$	<del>((206,907,000))</del> 212,923,000
Total Appropriation .....	\$	<del>((481,369,000))</del> 459,312,000

The appropriations in this section are subject to the following conditions or limitations:

(1) \$~~((50,000,000))~~ 43,999,000 of the general fund—state appropriation is provided solely for the medical care of individuals not eligible for categorical assistance. Eligibility standards and scope of service shall be determined by the department of social and health services.

(2) \$~~((39,144,000))~~ 34,146,000 of the general fund—state appropriation is provided solely for the medical component of the general assistance—unemployable program.

(3) The legislature supports efforts to maximize the cost benefits of pre-paid risk-sharing contracts in the provision of medical services through health maintenance organizations (HMOs) and individual practice associations (IPAs). The department is directed to seek increased participation of recipients enrolled in these programs. The legislature further supports the use of a hospital reimbursement system based on prospectively established rates. The department shall cooperate with the hospital commission in determining the possible savings to the state of using such a system.

((5)) (4) The department of social and health services shall establish by rule a system to insure that these funds are not expended to cover persons who are already covered by private or public programs.

Sec. 50. Section 56, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
PUBLIC HEALTH PROGRAM**

General Fund Appropriation—State .....	\$	<del>(30,434,000)</del>
		32,938,000
General Fund Appropriation—Federal .....	\$	<del>(56,635,000)</del>
		50,028,000
General Fund Appropriation—Local .....	\$	<del>(1,473,000)</del>
		2,842,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)— Appropriation .....	\$	10,000,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27); chapter 258, Laws of 1979 ex. sess. (chapter 43.99D RCW); and chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Reappropriation .....	\$	19,900,000
Total Reappropriation .....	\$	19,900,000
Total New Appropriation .....	\$	<del>(98,542,000)</del>
		85,323,000
Total Appropriation .....	\$	<del>(118,442,000)</del>
		115,708,000
((FTE Staff Years—Fiscal Year 1982 .....		427.0
FTE Staff Years—Fiscal Year 1983 .....		427.0

The appropriations in this section are subject to the following condition or limitation: \$40,000 of the general fund—state appropriation is provided solely for an epidemiological study on the incident of multiple sclerosis in Lincoln and Spokane counties:))

Sec. 51. Section 57, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State .....	\$	<del>(9,648,000)</del>
		16,154,000
General Fund Appropriation—Federal .....	\$	<del>(45,351,000)</del>
		27,468,000
Total Appropriation .....	\$	<del>(54,999,000)</del>
		43,622,000
((FTE Staff Years—Fiscal Year 1982 .....		335.5
FTE Staff Years—Fiscal Year 1983 .....		335.5))

Sec. 52. Section 58, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State .....	\$	<del>(68,798,000)</del>
		63,017,000

General Fund Appropriation—Federal .....	\$	<del>((44,200,000))</del>
		<u>44,191,000</u>
General Fund—Institutional Impact Account Approp- riation .....	\$	<del>((600,000))</del>
		<u>75,000</u>
Total Appropriation .....	\$	<del>((113,598,000))</del>
		<u>107,283,000</u>
<del>((FTE Staff Years—Fiscal Year 1982 .....</del>		<del>1,417.0</del>
<del>FTE Staff Years—Fiscal Year 1983 .....</del>		<del>1,417.5))</del>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((525,000 of the general fund—institutional impact account appropriation shall be transferred to the department of corrections if a department of corrections is created during the 1981 regular session of the legislature.~~

~~(2) If Second Substitute House Bill No. 235 is enacted during the 1981 regular session of the legislature, there shall be transferred to the department of corrections an amount of the general fund—state appropriation and FTE staff years provided in this section, the exact amount to be negotiated by the secretary of social and health services and the secretary of corrections, with the approval of the director of financial management. The transferred appropriation shall not exceed \$4,252,000.~~

~~(3)) \$((4,186,000)) 3,187,000 of the general fund—state appropriation ((and 50.0 FTE staff years are)) is provided solely for the integrated systems development project. This project shall include among its top priorities the development of a method for the identification of common client information and the tracking of clients through all human service programs provided by the department of social and health services. This project is subject to the following conditions:~~

~~(a) By ((January 15)) October 1, 1982, the department of social and health services shall make reports available to the legislature that analyze client, service delivery, and service cost data across systems containing common client identifier information, including but not limited to Social Service Payment Systems, Medicaid Management Information Systems, and the Interactive Terminal Input Systems/Client Financial Systems.~~

~~(b) \$686,000 of this sum shall be used to: (i) Establish a centralized data administration function; (ii) enhance and establish centralized data security and privacy controls; and (iii) implement a comprehensive data system methodology. By ((January 15)) October 1, 1982, the department shall submit a report to the legislature that includes: (i) Plans for including each client, service cost, and service delivery information system in the department's data dictionary; (ii) an approach for unique identifications of individual service recipients, service recipient households, and service recipient families, and for the incorporation of such in each client, service cost, and service delivery information system; and (iii) plans for extracting data from those systems which include unduplicated recipient counts and service histories.~~

~~(c) These systems shall meet the following criteria: (i) Contain client, service cost, service delivery, or financial data; and (ii) lend themselves to rapid, flexible, and efficient data extraction and report generation. Those systems containing client information should include unique identifiers of individual recipients, recipient families, and recipient households with confidentiality of patient information and records as provided by state and federal law.~~

~~(d) A high priority of projects funded with this appropriation is the mental health information system for institutions and community mental health. This project shall be developed and completed during the 1981–83 biennium.~~

~~((4) 19.0 FTE staff years shall be added to fiscal year 1983 for nursing-home audits if Substitute Senate Bill No. 3765 is enacted during the 1981 regular session of the legislature.~~

(5)) (2) In addition to any other reporting requirements, the department of social and health services shall report in writing to the committees on ways and means of the senate and house of representatives not later than January 15, 1982, and January 14, 1983, on actions taken to implement the conditions and limitations provided in sections 47 through 60 of this act and on the funds expended in support of each condition or limitation. If a department of corrections is created, it shall provide any reports required under this subsection for the conditions and limitations established in sections 47 and 48 of this act.

((6)) (3) The department of social and health services shall perform ongoing random samplings of those individuals affected by the elimination and/or reduction of public assistance programs and chore services as required by this budget. This study shall include the detailing of the following impacts: (a) The extent to which individuals are institutionalized as the result of loss of assistance or service; (b) the number of individuals who were able to find assistance from private sources to meet basic needs; (c) the number of individuals who became enrolled in another state or locally funded program: PROVIDED, That the department shall make regular reports to the legislature detailing the progress of the projects done under the authority of this section.

Sec. 53. Section 59, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation—State	\$	((102,812,000))
		<u>102,651,000</u>
General Fund Appropriation—Federal	\$	((139,494,000))
		<u>127,224,000</u>
General Fund Appropriation—Local	\$	48,000
Total Appropriation	\$	((242,354,000))
		<u>229,923,000</u>
((FTE Staff Years—Fiscal Year 1982		<u>4,274.9</u>
FTE Staff Years—Fiscal Year 1983		<u>4,361.3))</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((255.0 FTE staff years are provided solely to increase the diversion capabilities of the employment and training program.))~~ The department of social and health services shall monitor and determine the net reduction in income maintenance and medical costs as a result of the employment and training program.

(2) The department of social and health services in conjunction with the employment security department shall seek federal funding to support the placement incentive demonstration project.

(3) The department of social and health service in conjunction with the employment security department shall monitor and determine the net reduction in income maintenance and medical costs as a result of the placement incentive demonstration project.

(4) \$350,000 is provided solely for the sexual assault victims program.

(5) The department shall provide necessary assistance in each community service office to ensure that applicants or recipients of general assistance who may qualify for supplemental security income make prompt application for and actively pursue qualification for the supplemental security income program.

~~((6) \$5,481,000 (of which \$2,741,000 is from federal funds) shall revert to the general fund if Substitute Senate Bill No. 3765 is enacted during the 1981 regular session of the legislature.~~

(7) \$565,000 (of which \$282,000 is from federal funds) shall be transferred to the department of social and health services—administration and supporting services program if Substitute Senate Bill No. 3765 is enacted during the 1981 regular session of the legislature:))

Sec. 54. Section 61, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State .....	\$	<del>((15,263,000))</del>
		14,727,000
General Fund Appropriation—Local .....	\$	2,496,000
Total Appropriation .....	\$	<del>((17,759,000))</del>
		17,223,000
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>371.1</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>371.1</del>

Sec. 55. Section 62, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation—State .....	\$	<del>((5,270,000))</del>
		4,226,000
General Fund Appropriation—Federal .....	\$	28,152,000
Total Appropriation .....	\$	<del>((33,422,000))</del>
		32,378,000
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>85.0</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>85.0</del>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation is provided solely for City Fair—Seattle.

(2) In anticipation of significant reductions in federal support, the agency shall prepare a contingency expenditure plan which adjusts the allotments to reflect the anticipated loss of federal funds and required state matching funds. This contingency plan shall include necessary program changes and a redefinition of services. As a result of any loss of federal funds, subsequent state matching funds shall be placed in reserve. The contingency plan shall be transmitted to the legislature upon completion.

~~((4))~~ (3) \$~~((1,891,000))~~ 1,132,000 of the general fund—state appropriation is provided solely for the Mt. St. Helens Zone Enforcement/Assistance Project to expedite a coordinated three-county response to an emergency generated by tourist and public response to Mt. St. Helens volcano activity and/or disaster. ~~((If necessary, a portion of the funds provided in this subsection may be spent prior to July 1, 1981:))~~

Sec. 56. Section 63, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State .....	\$	<del>((2,769,000))</del>
		2,488,000
General Fund Appropriation—Federal .....	\$	517,000
Total Appropriation .....	\$	<del>((3,286,000))</del>
		3,005,000
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>47.2</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>44.5</del>

Sec. 57. Section 66, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation—State .....	\$	((6,523,000))
		<u>5,862,000</u>
General Fund—Crime Victims' Compensation		
Account Appropriation .....	\$	160,000
Accident Fund Appropriation—State .....	\$	39,401,000
Accident Fund Appropriation—Federal .....	\$	366,000
Electrical License Fund .....	\$	7,381,000
Medical Aid Fund Appropriation .....	\$	33,619,000
Plumbing Certificate Fund .....	\$	283,000
Pressure Systems Safety Fund .....	\$	827,000
Total Appropriation .....	\$	((88,560,000))
		<u>87,899,000</u>
((FTE Staff Years—Fiscal Year 1982 .....		1,400.9
FTE Staff Years—Fiscal Year 1983 .....		1,417.0))

The appropriations in this section are subject to the following conditions and limitations:

(1) General fund expenditures for the building and construction program together with associated indirect cost and salary increase costs shall not exceed general fund revenue from the building and construction program.

(2) \$((1,100,000)) 1,094,000 of the general fund—state appropriation ((and 37.2 FTE staff years are)) is provided solely for the fiscal year 1982 employment standards and apprenticeship programs. Fiscal year 1983 funding shall be determined on the basis of a legislative budget committee review of the employment standards program within the criteria established in chapter 43.131 RCW and complete a report prior to December 15, 1981. Fiscal year 1983 funding of the apprenticeship program shall be determined on the basis of a legislative study to be completed by January 15, 1982.

(3) \$632,000 of the general fund—state appropriation ((and 2.0 FTE staff years are)) is provided solely for victims of crime pension benefit payments.

Sec. 58. Section 67, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation .....	\$	((2,446,000))
		<u>2,198,000</u>
((FTE Staff Years—Fiscal Year 1982 .....		29.0
FTE Staff Years—Fiscal Year 1983 .....		29.0))

Sec. 59. Section 68, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE HOSPITAL COMMISSION

General Fund Appropriation—State .....	\$	((549,000))
		<u>489,000</u>
General Fund Appropriation—Federal .....	\$	((132,000))
		<u>128,000</u>
General Fund—Hospital Commission Account		
Appropriation .....	\$	915,000
Total Appropriation .....	\$	((1,596,000))
		<u>1,532,000</u>
((FTE Staff Years—Fiscal Year 1982 .....		20.3
FTE Staff Years—Fiscal Year 1983 .....		19.8))

The appropriations in this section are subject to the following condition or limitation: The hospital commission shall further review the benefits and possible savings to the state of utilizing a reimbursement system based on prospectively established hospital rates.

Sec. 60. Section 69, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund Appropriation—State .....	\$	<del>((2,270,000))</del>
		<u>2,050,000</u>
General Fund Appropriation—Federal .....	\$	158,908,000
General Fund Appropriation—Local .....	\$	23,571,000
Administrative Contingency Fund Appropriation—		
Federal .....	\$	2,231,000
Unemployment Compensation Administration Fund		
Appropriation .....	\$	93,132,000
Total Appropriation .....	\$	<del>((280,112,000))</del>
		<u>279,892,000</u>
<del>((FTE Staff Years—Fiscal Year 1982 .....</del>		<del>2,813.1</del>
<del>FTE Staff Years—Fiscal Year 1983 .....</del>		<del>2,759.9))</del>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(900,000)~~ 729,000 of the general fund—state appropriation is provided solely for work orientation of ex-offenders.

(2) \$300,000 of the general fund—state appropriation is provided solely for a placement incentive demonstration project to serve AFDC-R recipients who have been on assistance for three consecutive years or more and have been determined to have the most severe barriers to employment.

The goal of this program is to establish a demonstration program that will use performance-based contracts to achieve full-time job placement and ensure long-term job retention. Not more than \$1,000 may be spent per participant and the payment schedule shall be structured to ensure incentive is built-in with twelve-month job retention for a minimum of 50% of the participants. The results of this program will be analyzed and evaluated and a written report will be submitted to the legislature by January, 1983. The report shall also contain comparative analysis of other similar employment and training programs including the employment and training program of the department of social and health services. The employment security department shall cooperate with the department of social and health services in seeking federal funds for this program and in monitoring savings in income maintenance and medical assistance as a result.

Sec. 61. Section 70, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE COMMISSION FOR THE BLIND**

General Fund Appropriation—State .....	\$	<del>((2,746,000))</del>
		<u>2,468,000</u>
General Fund Appropriation—Federal .....	\$	5,254,000
Total Appropriation .....	\$	<del>((8,000,000))</del>
		<u>7,722,000</u>
<del>((FTE Staff Years—Fiscal Year 1982 .....</del>		<del>71.0</del>
<del>FTE Staff Years—Fiscal Year 1983 .....</del>		<del>70.5))</del>

Sec. 62. Section 71, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE JAIL COMMISSION**

General Fund Appropriation .....	\$	<del>((390,000))</del>
		<u>350,000</u>
General Fund—Local Jail Improvement and Con-		
struction Account Appropriation .....	\$	511,000
Total Appropriation .....	\$	<del>((901,000))</del>
		<u>861,000</u>

~~((FTE Staff Years—Fiscal Year 1982..... 9.0  
FTE Staff Years—Fiscal Year 1983..... 9.0))~~

Sec. 63. Section 72, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE STATE ENERGY OFFICE**

General Fund Appropriation—State .....	\$	<del>((1,300,000))</del>
		<u>1,105,000</u>
General Fund Appropriation—Federal .....	\$	<del>((4,720,000))</del>
		<u>4,641,000</u>
Total Appropriation .....	\$	<del>((6,020,000))</del>
		<u>5,746,000</u>

~~((FTE Staff Years—Fiscal Year 1982..... 49.9  
FTE Staff Years—Fiscal Year 1983..... 28.8))~~

Sec. 64. Section 73, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund Appropriation .....	\$	<del>((76,000))</del>
		<u>68,000</u>

Sec. 65. Section 74, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund Appropriation—State .....	\$	<del>((20,093,000))</del>
		<u>18,057,000</u>
General Fund Appropriation—Federal .....	\$	<u>14,380,000</u>
General Fund—Special Grass Seed Burning Research Account Appropriation .....	\$	35,000
General Fund—Reclamation Revolving Account Appropriation .....	\$	580,000
General Fund—Litter Control Account Appropria- tion .....	\$	4,110,000
Stream Gaging Basic Data Fund Appropriation .....	\$	200,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26) .....	\$	54,315,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Reappropriation (Referendum 26) .....	\$	61,797,000
General Fund—Water Pollution Control Facilities Account Appropriation .....	\$	50,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27) .....	\$	7,284,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Reappropriation (Referendum 27) .....	\$	4,700,000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess. ....	\$	7,358,000
General Fund—Emergency Water Project Revolving Account: Reappropriation .....	\$	6,500,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities:		

Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38).....	\$	18,095,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39) .....	\$	84,780,000
Total Reappropriation .....	\$	72,997,000
Total New Appropriation.....	\$	<del>((211,280,000))</del>
		209,244,000
Total Appropriation .....	\$	<del>((284,277,000))</del>
		282,241,000
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>509.5</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>512.1))</del>

The appropriations in this section are subject to the following conditions and limitations:

(1) On or before October 1, 1981, the department of ecology shall file with the committees on ways and means of the senate and house of representatives a master compilation by project type of those projects proposed for funding during the 1981–83 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each referendum bond issue. The department shall submit updates for the master compilation to the committees on ways and means at six-month intervals during the 1981–83 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering the projects. If the department proposes to change or modify any project list on the master compilation, it shall give the committees on ways and means thirty days' written notice of the change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall immediately inform the committees of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities.

(2) The appropriation from the state and local improvements revolving account—water supply facilities (Referendum 27) may be expended to pay up to 50% of the eligible cost of any project, as a grant or loan or combination thereof. Also, the department may lend up to 100% of the eligible costs of preconstruction activities and the department may provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(3) The appropriation from the state and local improvements revolving account—waste disposal facilities (Referendum 26) may be expended by the department to pay for up to 50% of the eligible cost of any project, as a grant or up to 100% as a loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(4) The appropriation from the state and local improvements revolving account—waste disposal facilities 1980 (Referendum 39) may be expended by the department to pay up to 75% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(5) \$130,000 of the general fund—state appropriation is provided solely to augment current department planned expenditures for the assessment of sources of, and abatement programs for, toxic substances in Commencement Bay and its waterways. Of that amount:

(a) \$90,000 is for field and laboratory studies and activities needed for determining the source or sources of toxic substances in Commencement Bay and its waterways; and

(b) \$40,000 is for collecting and analyzing samples of sediments from any deep water portions of Commencement Bay that have been utilized for waste disposal sites, for the purpose of identifying the nature and extent of the wastes deposited.

(6) ~~\$(1,306,000)~~ 1,106,000 of the general fund—state appropriation is provided solely for the vehicle emission inspection program.

(7) The department shall expend no funds for a wastewater outfall that would discharge into the waters of Puget Sound at any point south of the location commonly known as Duwamish Head.

Sec. 66. Section 75, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation .....	\$	<del>((658,000))</del>
		<u>591,000</u>
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>7.0</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>7.0)</del>

Sec. 67. Section 76, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State .....	\$	<del>((27,511,000))</del>
		<u>25,019,000</u>
General Fund Appropriation—Federal .....	\$	185,000
General Fund Appropriation—Private/Local.....	\$	467,000
General Fund—Trust Land Purchase Account		
Appropriation .....	\$	<del>((5,854,000))</del>
		<u>5,498,000</u>
General Fund—Winter Recreation Parking Account		
Appropriation .....	\$	<del>((139,000))</del>
		<u>64,000</u>
General Fund—Outdoor Recreation Account Approp-		
riation .....	\$	81,000
General Fund—Snowmobile Account Appropriation.....	\$	555,000
Motor Vehicle Fund Appropriation.....	\$	600,000
Total Appropriation .....	\$	<del>((35,392,000))</del>
		<u>32,469,000</u>
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>553.3</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>553.4)</del>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of ~~\$(155,000 is provided solely)~~ 140,000 may be expended 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.

(2) ~~\$(178,000)~~ 104,000 is provided solely for a manual campsite reservation system.

(3) A maximum of ~~\$(239,000)~~ 193,000 may be expended for a lifeguard program.

(4) A maximum of ~~\$(90,000)~~ 80,000 may be expended for the operation of the Goldendale Observatory.

(5) No moneys appropriated in this section may be expended for an agreement with the department of transportation for maintenance of the restroom at Snoqualmie Pass.

(6) ~~\$(870,000 is provided solely)~~ 700,000 may be expended for facility maintenance.

(7) ~~\$(221,000 is provided solely)~~ 162,000 may be expended for law enforcement, including an agreement with the Washington state patrol.

(8) ~~((If House Bill No. 386 is not enacted during the 1981 regular session of the legislature, the winter recreation parking account appropriation shall be reduced to \$64,000.~~

~~(9))~~ ~~\$(100,000)~~ 75,000 is provided solely to determine the potential long-range alternative uses of the St. Edwards facility. The study shall include all potential uses, including but not limited to recreation. The results of the study shall be reported to the legislature not later than December 1, 1981.

~~((10))~~ (9) ~~(\$196,000 is provided solely for the St. Edwards facility. These moneys shall be expended to put the facility in an operable condition.)~~ \$36,000 of this general fund — state appropriation is provided solely to provide minimal heat, air circulation, water and maintenance necessary to prevent the deterioration of the St. Edwards facility.

~~((11))~~ (10) ~~\$(55,000 is provided solely)~~ 15,000 may be expended to implement the recommendations of the Mt. St. Helens recreation and tourism task group for the operation of Sequest state park tourist information center and various viewpoints and sanitary facilities.

Sec. 68. Section 78, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund Appropriation—State	\$	<del>((344,000))</del>
		309,000
General Fund Appropriation—Federal	\$	<del>((5,136,000))</del>
		205,000
Total Appropriation	\$	<del>((5,480,000))</del>
		514,000
<del>((FTE Staff Years—Fiscal Year 1982</del>		<del>8.0</del>
<del>FTE Staff Years—Fiscal Year 1983</del>		<del>8.0))</del>

Sec. 69. Section 80, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation—State	\$	<del>((3,550,000))</del>
		8,190,000
General Fund Appropriation—Federal	\$	391,000
Motor Vehicle Fund Appropriation	\$	395,000
Total Appropriation	\$	<del>((4,336,000))</del>
		8,976,000
<del>((FTE Staff Years—Fiscal Year 1982</del>		<del>44.0</del>
<del>FTE Staff Years—Fiscal Year 1983</del>		<del>44.0))</del>

Sec. 70. Section 81, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	<del>((38,582,000))</del>
		34,672,000
General Fund Appropriation—Federal	\$	5,777,000
General Fund Appropriation—Private/Local	\$	1,873,000
General Fund—Lewis River Hatchery Account		
Appropriation	\$	27,000
Total Appropriation	\$	<del>((46,259,000))</del>

	42,349,000
<del>((FTE Staff Years — Fiscal Year 1982.....</del>	<del>600.8</del>
<del>FTE Staff Years — Fiscal Year 1983.....</del>	<del>607.0))</del>

The appropriations in this section are subject to the following condition or limitation: ~~\$(234,000)~~ 211,000 of the general fund—state appropriation is provided solely for bait fish and ling cod enhancement efforts.

Sec. 71. Section 83, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund Appropriation—State .....	\$	((23,616,000))
		21,418,000
General Fund Appropriation—Federal .....	\$	1,354,000
General Fund—ORV (Off-Road Vehicle) Account Appropriation .....	\$	1,711,000
General Fund—Forest Development Account Approp- riation .....	\$	16,669,000
General Fund—State Timber Tax Reserve Account Appropriation .....	\$	414,000
General Fund—Landowner Contingency Forest Fire Suppression Account Appropriation .....	\$	1,878,000
General Fund—Resource Management Cost Account Appropriation .....	\$	49,977,000
Total Appropriation .....	\$	((95,619,000))
		93,421,000
<del>((FTE Staff Years — Fiscal Year 1982.....</del>		<del>1,512.4</del>
<del>FTE Staff Years — Fiscal Year 1983.....</del>		<del>1,533.5))</del>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,782,000 of the general fund—state appropriation is provided solely for emergency fire suppression. The funds shall also be available for interfund loans with the landowner contingency forest fire suppression account.

(2) ~~(\$2,221,000 of the general fund—state appropriation is provided solely)~~  
A maximum of \$1,997,000 shall be expended for the operation of the Clearwater, Olympic, Larch Mountain, Indian Ridge, Cedar Creek, Maple Lane, Naselle, and Mission Creek Honor Camps.

(3) Up to \$13,000,000 of the resource management cost account appropriation may be substituted by additional forest development account funds in excess of the appropriation. Any funds so replaced shall not be expended for any purpose.

(4) A maximum of ~~\$(2,038,000)~~ 1,832,000 of the general fund—state appropriation may be expended for the geology and earth resources program.

(5) \$40,000 of the resource management cost account appropriation is provided solely for lake management.

(6) The department of natural resources shall provide a report on the urban lands program to the committees on ways and means of the house of representatives and the senate by December 1, 1981. The report shall include an inventory of urban lands, a management plan for each urban parcel, involvement in land use planning, and any other information necessary for policy determination.

Sec. 72. Section 84, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund Appropriation—State .....	\$	((9,401,000))
		8,475,000
General Fund Appropriation—Federal .....	\$	777,000

General Fund—Feed and Fertilizer Account Approp- riation .....	\$	29,000
Fertilizer, Agricultural, Mineral and Lime Fund Approp- riation .....	\$	358,000
Commercial Feed Fund Appropriation—State .....	\$	311,000
Commercial Feed Fund Appropriation—Federal .....	\$	22,000
Seed Fund Appropriation .....	\$	913,000
Nursery Inspection Fund Appropriation .....	\$	270,000
Grain and Hay Inspection Fund Appropriation .....	\$	17,278,000
Total Appropriation .....	\$	<del>((29,359,000))</del> 28,433,000

~~((FTE Staff Years—Fiscal Year 1982..... 807.4~~

~~FTE Staff Years—Fiscal Year 1983..... 814.7))~~

The appropriations in this section are subject to the following condition((s)) and limitation((s)): ~~((1) If House Bill No. 252 is enacted during the 1981 regular session of the legislature, there shall be no hay and grain inspection fund appropriation:~~

~~(2)) A maximum of \$((15,000)) 13,000 of the general fund—state appropriation shall be expended for starling control.~~

Sec. 73. Section 85, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation .....	\$	<del>((10,492,000))</del> 9,412,000
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General Fund—Architects' License Account Approp- riation .....	\$	173,000
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General Fund—Opticians' Account Appropriation .....	\$	33,000
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General Fund—Optometry Account Appropriation .....	\$	81,000
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General Fund—Professional Engineers' Account Appropriation .....	\$	478,000
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General Fund—Real Estate Commission Account Appropriation .....	\$	3,444,000
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<del>((General Fund—Sanitarians' Licensing Account Appropriation .....</del>	<del>\$</del>	<del>20,000))</del>
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General Fund—Board of Psychological Examiners Account Appropriation .....	\$	42,000
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Game Fund Appropriation .....	\$	148,000
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Highway Safety Fund Appropriation .....	\$	33,286,000
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Motor Vehicle Fund Appropriation .....	\$	27,399,000
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Total Appropriation .....	\$	<del>((75,596,000))</del> 74,496,000
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~~((FTE Staff Years—Fiscal Year 1982..... 1,209.0~~

~~FTE Staff Years—Fiscal Year 1983..... 1,205.7~~

The appropriations in this section are subject to the following condition or limitation: The sanitarians' licensing account appropriation is contingent on the enactment of House Bill No. 311 or Senate Bill No. 3314 during the 1981 regular session of the legislature.))

Sec. 74. Section 86, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)

General Fund Appropriation—State .....	\$	<del>((13,697,000))</del> 12,314,000
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General Fund Appropriation—Federal .....	\$	5,981,000
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## General Fund—Traffic Safety Education Account

Appropriation .....	\$	460,000
Total Appropriation .....	\$	<del>((20,138,000))</del>
		18,755,000
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>266.5</del>
FTE Staff Years—Fiscal Year 1983.....		266.5))

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$460,000 may be expended for the state office administration of the traffic safety education program.

(2) The superintendent shall ensure that data reported by school districts for reimbursement and state budget planning purposes is accurate and timely.

Sec. 75. Section 87, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION FORMULA FOR FISCAL YEARS 1982 AND 1983**

General Fund Appropriation .....	\$	<del>((2,567,881,000))</del>
		2,611,812,000
General Fund—State Timber Tax Reserve Account .....	\$	4,000,000
<del>((Common School Construction Fund Appropriation .....</del>		<del>52,379,000))</del>
Total Appropriation .....	\$	<del>((2,624,260,000))</del>
		2,615,812,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of this act and compliance with chapter 16, Laws of 1981, the superintendent of public instruction shall ensure that no district provides salary and compensation increases from any fund source whatsoever in excess of those amounts for insurance benefit increases and/or ((percentages)) for those percentages for salary increases specified in this act: **PROVIDED**, That the superintendent shall withhold five percent of a district's respective basic education allocation if the school district violates any provision of this act or chapter 16, Laws of 1981 until such time as a school district comes into compliance: **PROVIDED FURTHER**, That provisions of any contract in force as of the effective date of chapter 16, Laws of 1981, for school years 1981–82 and 1982–83 that conflict with the provisions of this act may continue in effect: **PROVIDED FURTHER**, That provisions of a contract in compliance with chapter 16, Laws of 1981, entered into prior to November \_\_, 1981, for the 1982–83 school year that conflicts with provisions of this 1981 amendatory act may continue in effect.

(2) A maximum of \$~~((1,308,315,000))~~ 1,297,817,000 of this appropriation may be expended in fiscal year 1982.

(3)(a) The appropriations in this section and allocation authorized by sections 87 through 91 of this act per annual average full time equivalent student shall constitute 100% of formula as provided in RCW 28A.41.130 as now or hereafter amended.

(b) If the system-wide staff mix factor exceeds 1.6182, the superintendent of public instruction shall make such adjustments as are required to remain within the amounts generated by the staff mix assumption for the total appropriation.

(4) Formula allocation of certificated staff units shall be determined as follows:

(a) One certificated staff unit for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) One certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction.

(c) For districts enrolling not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollment above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a K-8 program or 1-8 program, an additional one-half of a certificated staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a K-6 or 1-6 program, an additional one-half of a certificated staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(d) For districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students, certificated staff units shall be determined as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(5)(a) For nonemployee related costs with each certificated staff unit determined under subsection (4) (a), (c), and (d) of this section, there shall be provided a maximum of ~~\$(4,684)~~ 4,572 per staff unit in the 1981-82 school year and a maximum of ~~\$(5,166)~~ 4,966 per staff unit in the 1982-83 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (4)(b) of this section, there shall be provided a maximum of ~~\$(8,182)~~ 8,000 per staff unit in the 1981-82 school year and a maximum of ~~\$(8,964)~~ 8,641 per staff unit in the 1982-83 school year.

(6) Formula allocation of classified staff units shall be determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (4) (a), (c), and (d) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(7) The superintendent of public instruction shall distribute a maximum of \$565,000 outside of the basic education allocation to school districts for fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by RCW 52.36.020; a maximum of \$280,000 for the 1981-82 school year, and a maximum of \$285,000 for the 1982-83 school year.

(8) The general fund—state appropriation contained in this section includes all funds received by the state pursuant to Title 16, section 500, United States Code (federal forest funds) which are distributed to the general fund for the benefit of public schools in accordance with RCW 36.33.110. Within thirty days of receipt within the state treasury, the superintendent of public instruction shall distribute such federal forest funds to each eligible school district in an amount not to exceed that which the district would have received in accordance with the basic education apportionment for the previous year. Funds determined to be in excess of that amount shall be distributed to the county for distribution to the school districts within the county in accordance with RCW 36.33.110: PROVIDED, That if the amount received by any district pursuant to this appropriation is less than the basic education allocation which the district would otherwise receive, the superintendent of public instruction shall allocate from basic education funds to the district an amount equal to the difference between the amount received under this appropriation and the amount the district would otherwise receive under the basic education act.

(9) The superintendent of public instruction may distribute a maximum of \$250,000 for school district emergencies outside of the basic education allocation.

(10) Not more than ~~\$(6,375,000)~~ 4,518,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1981-82 school year from the 1980-81 base enrollment level and in the 1982-83 school year from the 1981-82 base enrollment level. The superintendent of public instruction shall distribute funds based on certificated staff units in the 1981-82 and 1982-83 school years to such districts on the basis of current school year enrollment plus one quarter of the amount of the enrollment decline from the prior school year level. The superintendent of public instruction, in ascertaining the full time equivalent enrollment under this section for any school district declining in enrollment at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, shall increase the enrollment as otherwise herein computed by twenty-five percent of the full time equivalent pupil enrollment loss from the previous school year.

(11) No cash balances or cash reserves of any school district may be confiscated by the state nor used as a local revenue deduction when apportionment funds from this section are distributed to school districts.

Sec. 76. Section 92, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**SALARY AND COMPENSATION INCREASES**

General Fund Appropriation . . . . . \$ ~~((182,988,000))~~  
153,989,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds shall be allocated by the superintendent of public instruction as specified in this section and may be expended by school districts for any state funded activity.

(3) The 1982-83 salary and incremental fringe benefit increase allocation provided by this section shall be implemented on January 1, 1983, to each local school

district on the basis of the RCW 28A.48.010 monthly schedule for the applicable months during the 1982-83 state fiscal year.

((4)) A maximum of \$((24,936,000)) 24,746,000 for the 1981-82 ((school)) fiscal year and a maximum of \$((80,977,000)) 60,031,000 for the 1982-83 ((school)) fiscal year may be expended for provision of basic education state-supported certificated staff salary increases and concomitant incremental fringe benefits. Percentage salary increases under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection ((7)) (8) (b) and (c) of this section, shall not exceed the percentages specified in LEAP Document 2.

((5)) (5) A maximum of \$((5,457,000)) 5,497,000 for the 1981-82 ((school)) fiscal year and a maximum of \$((18,136,000)) 13,625,000 for the 1982-83 ((school)) fiscal year may be expended for provision of basic education state-supported classified staff salary increases and concomitant incremental fringe benefits. Percentage increases provided under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection ((7)(b)) (8)(b) of this section, shall not exceed the percentages specified in LEAP Document 2.

((6)) (6) A maximum of \$((34,837,000)) 12,214,000 for the 1982 fiscal year and a maximum of \$22,458,000 for the 1983 fiscal year may be expended for insurance benefit increases for state-supported basic education certificated and classified staff at a rate of \$26 per month per full time equivalent staff unit in 1981-82 and an additional \$16 per month in 1982-83.

((7)) (7) A maximum of \$((4,930,000)) 5,078,000 may be expended in fiscal year 1982 and \$((13,715,000)) 10,340,000 for fiscal year 1983 for state-supported staff salary, insurance benefit increases, and concomitant incremental fringe benefits for educational service district staff, institutional education staff (program 46), vocational-technical institutes/adult basic education (programs 47 and 48), handicapped program staff (program 21) and transportation staff (program 99), to be distributed at rates and/or percentages not exceeding those specified for the basic education certificated or classified staff, as the case may be, of a district using the pertinent program derived base salary and staff mix factor for certificated staff and average salary for classified staff. Educational service district staff shall receive salary increases funded from this appropriation at the support level provided in section 99 of this act at a rate of 6.87% in 1981-82 and 7.35% in 1982-83, effective January 1, 1983, and insurance benefit increases at the same rate as provided in subsection ((5)) (6) of this section. Educational service districts, institutional education (program 46) and vocational-technical institutes/adult basic education (programs 47 and 48) shall receive first draw from this appropriation.

((8)) (8) For purposes of chapter 16, Laws of 1981, the following conditions and limitations shall apply:

(a) Districts may provide salary and insurance benefit increases for nonstate-supported activities at rates not exceeding those specified by LEAP Document 2 for state-supported basic education certificated staff in each school year of the biennium for each district.

(b) ((Insurance benefit increases granted employees shall constitute a portion of the salary increase specified in LEAP Document 2 whenever a district's contribution to employee insurance benefits will exceed, by virtue of increases provided in 1981-82 or 1982-83, \$121 per full time equivalent staff unit in 1981-82 and \$137 per full time equivalent staff unit in 1982-83)) That part of insurance benefits granted employees that are in excess of:

(i) \$121 per full time equivalent staff unit in 1981-82 shall constitute a portion of the salary increase specified in LEAP Document 2: PROVIDED, That if insurance benefits granted employees in 1980-81 were in excess of \$121 per full time

equivalent staff unit then only that part granted to employees for 1981-82 in excess of the 1980-81 level shall constitute a portion of the salary increase specified in LEAP Document 2.

(ii) \$137 per full time equivalent staff unit in 1982-83 shall constitute a portion of the salary increase specified in LEAP Document 2: PROVIDED, That if insurance benefits granted employees in 1981-82 were in excess of \$137 per full time equivalent staff unit then only that part granted to employees for 1982-83 in excess of the 81-82 level shall constitute a portion of the salary increase specified in LEAP Document 2.

(c) Increments granted by school districts to certificated staff shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments which are provided pursuant to LEAP Document 1.

(9) A district shall not be in violation of this section or chapter 16, Laws of 1981, as a result of corrections to the reported staff mix data in the 1980-81 or 1981-82 school year as long as the average salary for the 1981-82 school year does not exceed the average salary that would have been generated through consistent application of the incorrect base salary and staff mix in the 1981-82 school year.

(10) The salary increase for the 1982-83 fiscal year shall take effect January 1, 1983.

(11) Notwithstanding any other provisions of law, no employee whose salary exceeds thirty-five thousand dollars per year may receive further increase from these funds, nor shall any employee whose salary is less than thirty-five thousand dollars exceed that figure as a result of further increases from these funds. Any savings created by such action shall be expended only for nonemployee related items.

Sec. 77. Section 94, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund Appropriation . . . . . \$ ~~((185,828,000))~~  
148,057,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent of public instruction shall not distribute more than ~~\$((89,978,000))~~ 79,319,000 to local school districts for pupil transportation during the 1981-82 state fiscal year.

(2) A maximum of \$842,000 may be expended for regional transportation coordinators.

(3) A maximum of \$74,000 may be expended for driver training.

(4) (a) If House Bill No. 711 is enacted during the 1981 regular session of the legislature, activities eligible for state reimbursement in the 1982-83 school year are as follows:

(i) Handicapped student transportation;

(ii) Transportation of students to and from the nearest or next-nearest school in accordance with RCW 28A.41.160(1) as amended by Engrossed Substitute House Bill No. 711;

(iii) Costs of acquisition of approved transportation equipment in accordance with RCW 28A.41.160(2);

(iv) Transportation of students to and from two or more locations during the school day when necessary for the student to pursue his or her course of study: PROVIDED, That field trips and extracurricular transportation shall not be funded under this section.

(b) The superintendent of public instruction shall transfer \$6,000,000 from this appropriation to the appropriation provided for block grants in section 100 of this

act if Engrossed Substitute House Bill No. 711 is enacted during the 1981 regular session of the legislature and if, on or after October 1, 1982, the superintendent certifies to the governor that its enforcement was not subject to a permanent or preliminary injunction at any time during the previous thirty days.

Sec. 78. Section 95, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES**

General Fund Appropriation .....	\$	<del>((43,134,000))</del>
		<u>41,434,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) The 1981-82 school year appropriation is based on an enrollment of ~~((9,960))~~ 9,561 full time equivalent students at a state support level per student of \$2,063, not including salary and insurance benefit increases.

(b) The 1982-83 school year appropriation is based on an enrollment of ~~((10,318))~~ 9,905 full time equivalent students at a state support level per student of \$2,136, not including salary and insurance benefit increases.

(2) A maximum of \$533,000 of this appropriation may be expended for adult education.

Sec. 79. Section 96, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund Appropriation—State .....	\$	<del>((7,157,000))</del>
		<u>6,432,000</u>
General Fund Appropriation—Federal .....	\$	69,744,000
Total Appropriation .....	\$	<del>((76,901,000))</del>
		<u>76,176,000</u>

Sec. 80. Section 97, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED COSTS**

General Fund Appropriation—State .....	\$	<del>((121,294,000))</del>
		<u>120,446,000</u>
General Fund Appropriation—Federal .....	\$	27,200,000
Total Appropriation .....	\$	<del>((148,494,000))</del>
		<u>147,646,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$68,026,000 of the general fund—state appropriation may be expended in fiscal year 1981-82.

(2) For the 1981-82 school year, the superintendent of public instruction shall allocate funds in accordance with LEAP Document 3.

(3) For the 1982-83 school year, the superintendent of public instruction shall allocate funds in accordance with LEAP Document 3 (Revised).

(4) Communication disordered, specific learning disabled, and behaviorally disabled students may be served from funds appropriated for the block grant program under section 100 of this act.

Sec. 81. Section 99, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund Appropriation—State .....	\$	<del>((4,435,000))</del>
		<u>3,986,000</u>
State Funding Sources .....	\$	3,373,000
Total Appropriation .....	\$	<del>((7,808,000))</del>
		<u>7,359,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) Educational service districts shall be apportioned funds based upon the following schedule:

	General Fund—State	State Funding Sources
E.S.D. No. 101 .....	\$ <del>((562,000))</del>	\$562,000
	<u>505,000</u>	
E.S.D. No. 105 .....	\$ <del>((539,000))</del>	\$269,000
	<u>484,000</u>	
E.S.D. No. 112 .....	\$ <del>((453,000))</del>	\$453,000
	<u>407,000</u>	
E.S.D. No. 113 .....	\$ <del>((483,000))</del>	\$483,000
	<u>434,000</u>	
E.S.D. No. 114 .....	\$ <del>((416,000))</del>	\$208,000
	<u>374,000</u>	
E.S.D. No. 121 .....	\$ <del>((396,000))</del>	\$396,000
	<u>356,000</u>	
E.S.D. No. 123 .....	\$ <del>((525,000))</del>	\$262,000
	<u>472,000</u>	
E.S.D. No. 171 .....	\$ <del>((642,000))</del>	\$321,000
	<u>577,000</u>	
E.S.D. No. 189 .....	\$ <del>((419,000))</del>	\$419,000
	<u>377,000</u>	
Total .....	\$ <del>((4,435,000))</del>	\$3,373,000
	<u>3,986,000</u>	

(2) School districts in the respective educational service districts shall provide the amounts specified from state funding sources accruing under section 87 of this act on a per capita enrollment basis prior to June 30th of each school year.

(3) Educational service districts may provide additional services, not funded under this section but desired by school districts, by billing the school districts desiring the services for the cost of the services.

(4) Educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

Sec. 82. Section 100, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR BLOCK GRANTS**

General Fund Appropriation—State .....

\$ 109,770,000

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$46,285,000 may be expended in the 1981–82 (~~school~~) fiscal year for provision of programs as delineated in subsection (3) of this section to be distributed on a pro rata basis by the superintendent of public instruction to school districts on the basis of the amount of state funds received by each school district on an annual average full time equivalent enrollment for the 1980–81 school year using the following: Bilingual program; gifted program; urban and rural racially disadvantaged program; remediation program; and state funds received for

specific learning disabled students, behaviorally disabled students, and communication disordered students.

(2) A maximum of \$60,289,000 may be expended for the 1982-83 (~~school~~) fiscal year to be distributed by the superintendent of public instruction as follows:

(a) One-third of the funds shall be distributed on the basis of each district's annual average full time equivalent enrollment adjusted by the ratio of a district's (~~derived base~~) recognized basic education average certificated salary to the state-wide average (~~derived base~~) recognized basic education average certificated salary.

(b) The remaining funds shall be distributed on the same basis as funds were distributed in the 1981-82 school year pursuant to subsection (1) of this section.

(3) The funds allocated by this section may be expended by school districts for provision of special instructional programs, including but not limited to: Remediation assistance programs; cultural enrichment programs; transitional bilingual programs; preschool education programs; alternative education programs; community involvement programs (including PUSH-EXCEL); environmental education programs; education for superior students programs; Indian education programs; Pacific Science Center programs; and programs for the specific learning disabled, communication disordered, and behaviorally disordered.

(4) From the dollars allocated per student, the superintendent may charge a state-wide or regional fee to maintain programs of state-wide or regional benefit, provided school boards representing a majority of the population agree to the fee.

(5) \$2,966,000 is provided solely for support of Indochinese refugee educational programs.

(6) The superintendent of public instruction shall contract \$230,000 for services to support an approved gifted program to be conducted at Fort Worden state park.

(7) Salary and benefits increases are included in the funds allocated by this section.

Sec. 83. Section 107, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation—State .....	\$	<del>((398,428,000))</del>
		<u>378,408,000</u>
General Fund Appropriation—Federal .....	\$	271,000
Total Appropriation .....	\$	<del>((398,699,000))</del>
		<u>378,679,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((58,380,007 is provided solely for the replacement and repair of instructional equipment:~~

~~(2)))~~ A maximum of \$2,608,000 may be spent for the small school adjustment to Whatcom, Olympia Technical, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, Lower Columbia, and Walla Walla Community Colleges. The distribution of such funds shall be based on a percent of formula entitlement for faculty staffing which shall be increased at the rate of one percentage point above the 71.0% base level for each 100 full time equivalent students below the 2,500 full time equivalent student enrollment level, except that no community college shall be funded in excess of 86.0% of formula.

~~((3)))~~ (2) At least \$227,291 shall be expended for the purchase and maintenance of equipment to access the higher education personnel payroll system.

(3) In making reductions in funds, no reductions shall be made affecting tuition waivers for the parenting education program.

(4) In making reductions, the Board shall reduce by thirty percent the amount of state general fund moneys allocated to travel.

Sec. 84. Section 108, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation .....	\$	<del>((295,111,000))</del>
		280,102,000
Accident Fund Appropriation .....	\$	1,027,000
Medical Aid Fund Appropriation .....	\$	1,027,000
University of Washington Building Account Appropria- tion .....	\$	55,355,000
Total Appropriation .....	\$	<del>((352,520,000))</del>
		337,511,000

The appropriations in this section are subject to the following conditions or limitations: \$1,600,000 is provided solely for family medicine education. In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel.

Sec. 85. Section 109, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation .....	\$	<del>((186,400,000))</del>
		172,832,000
Washington State University Building Account Appropria- tion .....	\$	<del>((14,000,000))</del>
		18,200,000
Total Appropriation .....	\$	<del>((200,400,000))</del>
		191,032,000

The appropriations in this section are subject to the following conditions or limitations: A maximum of \$380,000 may be expended for federal matching purposes for the small business development center. In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel: PROVIDED, That no reduction in the state general fund moneys allocated to the cooperative extension service program or the Agriculture Research Stations for travel shall be made.

Sec. 86. Section 110, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation .....	\$	<del>((58,956,000))</del>
		54,417,000
Eastern Washington University Capital Projects Account Appropriation .....	\$	<del>((1,666,000))</del>
		2,066,000
Total Appropriation .....	\$	<del>((60,622,000))</del>
		56,483,000

The appropriations in this section are subject to the following condition or limitation: In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel.

Sec. 87. Section 111, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation .....	\$	<del>((52,154,000))</del>
		48,852,000
Central Washington University Capital Projects Account Appropriation .....	\$	1,666,000
Total Appropriation .....	\$	<del>((53,820,000))</del>
		50,518,000

The appropriations in this section are subject to the following condition or limitation: In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel.

Sec. 88. Section 112, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation .....	\$	<del>((26,575,000))</del>
		<u>25,247,000</u>

The appropriations in this section are subject to the following condition or limitation: In making reductions, the college shall reduce by thirty percent the amount of state general fund moneys allocated to travel.

Sec. 89. Section 113, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation .....	\$	<del>((63,130,000))</del>
		<u>58,362,000</u>

Western Washington University Capital Projects Account Appropriation.....	\$	<del>((1,666,000))</del>
		<u>3,102,000</u>

Total Appropriation .....	\$	<del>((64,796,000))</del>
		<u>61,464,000</u>

The appropriations in this section are subject to the following condition or limitation: In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel.

Sec. 90. Section 115, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE COUNCIL FOR POSTSECONDARY EDUCATION**

General Fund Appropriation—State .....	\$	<del>((22,788,000))</del>
		<u>20,478,000</u>

General Fund Appropriation—Federal .....	\$	<u>3,684,000</u>
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Total Appropriation .....	\$	<del>((26,472,000))</del>
		<u>24,162,000</u>

The appropriations in this section are subject to the following condition(s) and limitation(s):

~~((1) The displaced homemakers program will be continued contingent on passage of House Bill No. 286.~~

(2)) \$106,000 shall be expended to honor higher education reciprocity agreements with the state of Oregon.

In making reductions the council shall reduce by thirty percent the amount of state general fund moneys allocated to travel.

Sec. 91. Section 116, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE PUBLIC BROADCASTING COMMISSION**

General Fund Appropriation—State .....	\$	<del>((142,000))</del>
		<u>128,000</u>

General Fund Appropriation—Federal .....	\$	<u>8,000</u>
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Total Appropriation .....	\$	<del>((150,000))</del>
		<u>136,000</u>

Sec. 92. Section 118, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE COMMISSION FOR VOCATIONAL EDUCATION**

General Fund Appropriation—State .....	\$	<del>((1,930,000))</del>
		<u>1,734,000</u>

General Fund Appropriation—Federal .....	\$	<u>27,157,000</u>
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Total Appropriation .....	\$	<del>((29,087,000))</del>
		<u>28,891,000</u>
<del>((FTE Staff Years — Fiscal Year 1982.....</del>		<del>53.0</del>
<del>FTE Staff Years — Fiscal Year 1983.....</del>		<del>53.0))</del>

The appropriations in this section are subject to the following condition(s) and limitation(s): ((†)) No state funds may be used by the advisory council for vocational education.

Sec. 93. Section 119, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION PERSONNEL BOARD**

General Fund Appropriation .....	\$	<del>((150,000))</del>
		<u>135,000</u>
Higher Education Personnel Board Service Fund		
Appropriation .....	\$	<del>((1,350,000))</del>
		<u>1,214,000</u>
Total Appropriation .....	\$	<del>((1,500,000))</del>
		<u>1,349,000</u>
<del>((FTE Staff Years — Fiscal Year 1982.....</del>		<del>26.2</del>
<del>FTE Staff Years — Fiscal Year 1983.....</del>		<del>16.2))</del>

The appropriations in this section are subject to the following condition or limitation: \$((150,000)) 135,000 and 10.0 FTE staff years are provided for developing a classification plan for the common school classified employees. The plan shall be completed no later than June 30, 1982, for use in the 1982-83 school year.

Sec. 94. Section 120, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE STATE LIBRARY**

General Fund Appropriation—State .....	\$	<del>((7,195,000))</del>
		<u>6,466,000</u>
General Fund Appropriation—Federal .....	\$	<u>2,147,000</u>
General Fund Appropriation—Private/Local .....	\$	168,000
Washington Library Network Computer System		
Revolving Fund Appropriation—Private/Local .....	\$	5,417,000
Total Appropriation .....	\$	<del>((14,927,000))</del>
		<u>14,198,000</u>
<del>((FTE Staff Years — Fiscal Year 1982.....</del>		<del>169.4</del>
<del>FTE Staff Years — Fiscal Year 1983.....</del>		<del>169.4))</del>

The appropriations in this section are subject to the following condition or limitation: \$1,155,000 (of which \$98,000 is from federal funds) of the general fund appropriation, or as much additional funding as is necessary to maintain current service levels and expand the radio reading service to Spokane, shall be expended for the library for the blind and physically handicapped.

Sec. 95. Section 121, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund Appropriation—State .....	\$	<del>((1,367,000))</del>
		<u>1,228,286</u>
General Fund Appropriation—Federal .....	\$	893,000
Total Appropriation .....	\$	<del>((2,260,000))</del>
		<u>2,121,286</u>
<del>((FTE Staff Years — Fiscal Year 1982.....</del>		<del>9.0</del>
<del>FTE Staff Years — Fiscal Year 1983.....</del>		<del>9.0))</del>

The appropriations in this section are subject to the following condition or limitation: \$((750,000)) 679,000 is provided solely for the cultural enrichment program in the common schools.

Sec. 96. Section 122, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation .....	\$	((602,000))
		<u>541,000</u>
<del>((FTE Staff Years — Fiscal Year 1982 .....</del>		<del>12.0</del>
<del>FTE Staff Years — Fiscal Year 1983 .....</del>		<del>12.0))</del>

The appropriation in this section is subject to the following condition or limitation: ~~\$((30,000))~~ 27,000 is provided solely for a state historical monument to recognize the World War II internment of Japanese-Americans at the Western Washington fairgrounds in Puyallup. Funds appropriated for this memorial may be expended to the extent that at least twenty-five percent of the total cost of the project authorized is obtained from federal, local, or private sources.

Sec. 97. Section 123, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation .....	\$	((505,000))
		<u>454,000</u>
<del>((FTE Staff Years — Fiscal Year 1982 .....</del>		<del>11.6</del>
<del>FTE Staff Years — Fiscal Year 1983 .....</del>		<del>11.6))</del>

Sec. 98. Section 124, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE STATE CAPITOL HISTORICAL ASSOCIATION**

General Fund Appropriation .....	\$	((444,000))
		<u>399,000</u>
General Fund—State Capitol Historical Association		
Museum Account Appropriation .....	\$	53,000
Total Appropriation .....	\$	((497,000))
		<u>452,000</u>
<del>((FTE Staff Years — Fiscal Year 1982 .....</del>		<del>8.1</del>
<del>FTE Staff Years — Fiscal Year 1983 .....</del>		<del>8.1))</del>

Sec. 99. Section 125, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund .....	\$	8,000
General Fund—Criminal Justice Training Account Appropriation: For transfer to the general fund on or before June 30, 1983, an amount up to \$1,100,000 .....	\$	1,100,000
General Fund—Investment Reserve Account Appropriation: For transfer to the general fund on or before June 29, 1983, pursuant to chapter 50, Laws of 1969 .....	\$	40,000,000
Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the Washington state patrol during the period July 1, 1981, through June 30, 1983 .....	\$	3,000,000
Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protective Fund for appropriation to the utilities and transportation commission for the 1981-1983 biennium to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, and		

81.53.291 .....	\$	697,000
Motor Vehicle Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund .....	\$	40,000
State Treasurer's Service Fund Appropriation: For transfer to the general fund on or before July 20, 1983, an amount up to \$17,794,000 in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1984, for credit to the fiscal year in which earned .....	\$	17,794,000
Teachers' Retirement Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund .....	\$	2,572,000
General Fund—Trust Land Purchase Account Appropriation: For transfer to the general fund on or before June 30, 1983, an amount up to \$((500,000)) <u>856,000</u> in excess of the cash requirements in the Trust Land Purchase Account, as determined by the office of financial management .....	\$	((500,000)) <u>856,000</u>

Sec. 100. Section 127, chapter 340, Laws of 1981 (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, 1981, to June 30, 1983.

#### SUNDRY CLAIMS

General Fund Appropriations, except as otherwise provided, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

(1) Architectural Woods, Inc., Payment of interest on judgment .....	\$	10,338.89
(2) The Gerald B. Coburn estate, Payment for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund .....	\$	1,000.00
(3) Phil Louis Deiro, Payment for personal injuries resulting while confined at Northern State Hospital .....	\$	28,000.00
(4) Rudolfo Gutierrez, Payment of expenses in State v. Gutierrez, pursuant to RCW 9.01.200 .....	\$	1,230.00
(5) Don G. Hendrickson, Payment for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund .....	\$	1,736.00
(6) David Hug, Payment of expenses in State v. Hug, pursuant to RCW 9.01.200 .....	\$	4,053.00
(7) Martin Buchanan .....	\$	782.64
Richard Czyhold .....	\$	669.31
James F. Farrel .....	\$	178.80
Dean Farrens .....	\$	3,085.29
Arne Filan .....	\$	6,786.75
Leon Filan .....	\$	473.58
Elie Ganguet .....	\$	251.71
Morris Ganguet Farms, Inc. ....	\$	809.43
Earnest Katsel .....	\$	423.00
Andrew Lyons .....	\$	132.76

Donald D. Meiners .....	\$	2,967.58
Schwerin Farms, Inc. ....	\$	464.40
Howard Smith .....	\$	567.45
Payment for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund.		
(8) Foster, Pepper and Riviera Trust Account, Payment of costs in Seattle School District v. State .....	\$	5,346.71
(9) Melvina A. Shafer, Payment for personal property stolen during liquor store robbery: PROVIDED, That payment shall be made from the Liquor Revolving Fund .....	\$	1,129.13
(10) Jeremiah B. Sexton, Payment for personal property stolen during liquor store robbery: PROVIDED, That payment shall be made from the Liquor Revolving Fund .....	\$	1,100.00
(11) J. C. Dellinger, Payment for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund .....	\$	3,564.00
(12) Better Building Supply Corp., Payment of Stipulation # 78-2-00277-1 .....	\$	16,463.00
(13) Garland Sponburgh .....	\$	10,303.82
Jack C. Hood .....	\$	14,491.98
Leroy M. Hittle .....	\$	14,491.98
Don Eldridge .....	\$	14,491.98
Payment of legal fees incurred in the defense of court actions brought against them while performing their duties as members of the state liquor control board: PROVIDED, That payment shall be made from the Liquor Revolving Fund.		
(14) Penelope A. Morgan, Payment for compensation as a victim of crime, notwithstanding late filing of claim .....	\$	20,160.00
(15) Ruth Hammond, Payment of vehicle license refund for destroyed vehicle .....	\$	39.58
(16) Malcolm Seater O'Brien, Payment of a judgment in State v. O'Brien, pursuant to RCW 9.01.200 .....	\$	3,416.00
(17) Eugene Victor Fischer, In settlement of all claims for expenses in State v. Fischer, pursuant to RCW 9.01.200 .....	\$	10,000.00
(18) Donald W. Rustvold, Payment of expenses in City of Bellevue v. Donald W. Rustvold, pursuant to RCW 9.01.200 .....	\$	1,400.00
(19) The Evergreen State College, Reimbursement of interest and court costs paid in Architectural Woods, Inc. v. State of Washington .....	\$	12,097.00
(20) 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 50.0% of their approved value: PROVIDED FURTHER, That \$60,957 shall be from federal sources .....	\$	((1,171,124.00))
		<u>1,047,000.00</u>

(21) United Nursing Homes and Arlington Convalescent Center, payment of a judgment in Thurston County Superior Court causes nos. 55007 and 55613. . . . . \$ 346,813.00

Sec. 101. Section 37, chapter 67, Laws of 1981 (uncodified) is amended to read as follows:

To carry out this act, there is appropriated to the office of the chief administrative law judge from the general fund for the fiscal year from July 1, 1981, through June 30, 1982, the sum of one hundred (~~twenty~~) eight thousand dollars, or so much thereof as may be necessary.

Sec. 102. Section 2, chapter 69, Laws of 1981 (uncodified) is amended to read as follows:

There is appropriated to the office of financial management from the general fund for the biennium ending June 30, 1983, the sum of one million (~~five hundred~~) three hundred fifty thousand dollars, or so much thereof as may be necessary, to be disbursed to the department of commerce and economic development, the state energy office, and the department of natural resources, or their successor agencies, for the development, installation, and presentation of an exhibition at Energy Fair '83 during the period of the exposition: PROVIDED, That these funds shall revert to the general fund on April 1, 1982, unless the citizens of Benton and/or Franklin counties and/or the municipalities therein have favorably passed a bond issue which would fund that portion of Energy Fair '83 costs which are a local responsibility.

Sec. 103. Section 123, chapter 136, Laws of 1981 (uncodified) is amended to read as follows:

There is hereby appropriated from the general fund ~~\$(5,090,000)~~ 372,565 to the corrections standards board and \$4,630,000 to the department of corrections as established in this 1981 act. This appropriation shall be subject to the following conditions and limitations:

- (1) For the 1981-83 biennium the department of corrections shall be authorized an additional 93 FTE staff years.
- (2) These additional FTE staff years shall be in addition to the staffing level authorized in ESSB 3636. There shall be transferred to the department of corrections an amount of general fund appropriation, state and FTE staff years, the exact amount to be determined by the secretary of social and health services and the secretary of corrections subject to the approval of the director of the office of financial management.

Sec. 104. Section 42, chapter 137, Laws of 1981 (uncodified) is amended to read as follows:

There is appropriated from the state general fund to the sentencing guidelines commission for the biennium ending June 30, 1983, the sum of six hundred (~~eighty-five~~) sixteen thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

Sec. 105. Section 1, chapter 159, Laws of 1981 (uncodified) is amended to read as follows:

There is appropriated from the general fund for the biennium ending June 30, 1983, to the employment security department, the sum of (~~ten~~) nine thousand dollars, or so much thereof as may be necessary, for the veterans service section of the employment security department to conduct employer awareness seminars to insure private employer knowledge and support for veterans' employment programs. These seminars shall be coordinated with the department of veterans affairs. At least one seminar shall have direct impact upon incarcerated veterans.

Sec. 106. Section 16, chapter 268, Laws of 1981 (uncodified) is amended to read as follows:

There is hereby appropriated from the general fund to the judicial qualifications commission for the biennium ending June 30, 1983 a sum of \$~~((287,000))~~ 258,000.

Sec. 107. Section 6, chapter 317, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund Appropriation—State .....	\$	<del>((13,433,985))</del>
		<u>12,062,761</u>
Motor Vehicle Fund— <u>State Patrol Highway Account</u>		
Appropriation—State .....	\$	90,391,815
Highway Safety Fund Appropriation—State .....	\$	9,000
Total Appropriation .....	\$	<del>((103,834,800))</del>
		<u>102,463,576</u>

The appropriations contained in this section are subject to the following condition((s)) and limitation((s)): ~~((+))~~ The highway safety fund appropriation in this section is provided for the vehicle equipment safety commission.

~~((2) If either Substitute Senate Bill No. 3357 or Substitute Senate Bill No. 4283 is enacted during the 1981 regular session of the legislature, the motor vehicle fund appropriation shall be made from the state patrol highway account in the motor vehicle fund:~~

~~(3) If House Bill No. 603 is enacted during the 1981 session of the legislature, the general fund...state appropriation contained in this section shall be reduced by \$1,064,000.)~~

Sec. 108. Section 7, chapter 317, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

General Fund—Aeronautics Account Appropria- tion—State .....	\$	390
General Fund Appropriation—State .....	\$	<del>((3,150))</del>
		<u>2,520</u>
Motor Vehicle Fund—Puget Sound Capital Con- struction Account Appropriation—State .....	\$	22,380
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation—State .....	\$	49,710
Motor Vehicle Fund Appropriation—State .....	\$	324,370
Total Appropriation .....	\$	<del>((400,000))</del>
		<u>399,370</u>

The appropriations contained in this section are contingent on the enactment of House Bill No. 75 during the 1981 regular session of the legislature. If House Bill No. 75 is enacted, the transportation commission shall submit to the legislative transportation committee prior to December 15, 1981, a detailed six-year plan for implementing House Bill No. 75. Upon legislative transportation committee approval of the plan, the department of transportation may transfer from any motor vehicle fund appropriation contained in sections 9 through 19 of this act sufficient amounts to implement the plan. ~~((If House Bill No. 75 is not enacted during the 1981 regular session of the legislature, \$300,000 of this appropriation may be expended for executive management under Programs S and Z, and \$100,000 of this appropriation may be expended for highway construction under Program B:))~~

Sec. 109. Section 8, chapter 317, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—EXECUTIVE  
MANAGEMENT—PROGRAM Z—MANAGEMENT SERVICES—  
PROGRAM S**

General Fund—Aeronautics Account Appropriation—State .....	\$	8,722
General Fund Appropriation—State .....	\$	((74,000))
		<u>59,200</u>
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—State .....	\$	525,462
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation—State .....	\$	441,773
Motor Vehicle Fund Appropriation—State .....	\$	15,417,283
Total Appropriation .....	\$	((16,467,240))
		<u>16,452,440</u>

The appropriations contained in this section are provided for executive management, management services, and support costs of the department of transportation. The department of transportation may transfer any portion of the motor vehicle fund appropriations in this section between Programs S and Z.

Sec. 110. Section 17, chapter 143, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

- (1) Prepare sites for commercial leases and land development projects.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	2,541,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
965,000	1,578,000	5,084,000

- (2) Provide equipment repair and vehicle storage facility, Clearwater Correction Center Annex.

	Reappropriation	Appropriation
GF, CEP & RI Acct	268,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
268,300		536,300

- (3) Construct roads and bridges to state land, Cavanaugh Block Access.

	Reappropriation	Appropriation
GF, For Dev Acct	450,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
25,000		475,000

- (4) Develop irrigation for state land, Black Rock Project.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	206,000	

Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
84,000		290,000

(5) Improve road for timber sales activities, Elbe Hills Betterment.

	Reappropriation	Appropriation
GF, For Dev Acct	300,000	
GF, Res Mgmt Cost Acct	135,000	

Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
105,000		540,000

(6) Acquire recreational property on Mt. Si.

	Reappropriation	Appropriation
GF, ORA—State	200,000	
GF, ORA—Federal	200,000	

Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
1,400,000		1,800,000

(7) Replace existing water system at department of natural resources Lacey compound.

	Reappropriation	Appropriation
General Fund—State		16,000
GF, Res Mgmt Cost Acct		34,000

Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		50,000

(8) Purchase land for resource management, Natural Resources Land Bank.

	Reappropriation	Appropriation
GF, For Dev Acct		2,000,000

Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
1,000,000	4,000,000	7,000,000

(9) Construct and improve roads and bridges, management ponds.

	Reappropriation	Appropriation
GF, For Dev Acct		240,000
GF, Res Mgmt Cost Acct	1,273,000	929,000

Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
193,000	4,000,000	6,958,000
(10) Develop irrigation projects on state-owned land.		
	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	2,742,000	4,899,400
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
2,968,000	12,000,000	22,609,400
(11) Acquire rights-of-way access for land management.		
	Reappropriation	Appropriation
GF, For Dev Acct		169,000
GF, Res Mgmt Cost Acct		676,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
	1,600,000	3,311,000
(12) Construct boat launch ramp and breakwater, Marine Research Center.		
	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		19,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		19,000
(13) Purchase culverts and other materials for honor camp road maintenance.		
	Reappropriation	Appropriation
GF, CEP & RI Acct		150,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
20,000	200,000	370,000
(14) Increase seedling quality and production, Forest Nursery.		
	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		110,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		310,000

## (15) Improve forest fire protection facilities.

	Reappropriation	Appropriation
General Fund—State		49,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
15,000	40,000	104,000

## (16) Provide access to potential commercial lease property, highway 18 interchange.

	Reappropriation	Appropriation
GF, For Dev Acct		250,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		250,000

## (17) Construct access to road to state land, Rock Creek Road rehabilitation.

	Reappropriation	Appropriation
GF, For Dev Acct		250,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs

## (18) Construct and improve campsites, roads, trails, and other recreation projects.

	Reappropriation	Appropriation
GF, ORV	507,000	429,000
GF, Snowmobile Acct		67,000
GF, ORA—State	99,000	310,000
GF, ORA—Federal	300,000	310,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
2,470,000	1,379,000	5,871,000

## (19) Construct bridge and access road to state lands, McDonald Mainline.

	Reappropriation	Appropriation
GF, For Dev Acct		69,700
GF, Res Mgmt Cost Acct		135,300

Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		205,000

(20) Remodel five field buildings.

	Reappropriation	Appropriation
General Fund—State		27,000
GF, For Dev Acct		23,000
GF, Res Mgmt Cost Acct		46,000

Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		96,000

(21) Acquire the Milwaukee Railroad right-of-way and existing bridges from Easton in Kittitas County to Tekoa in Whitman County: PROVIDED, That any funds not expended for this acquisition shall be retained by the department of natural resources for the purpose of acquiring dredge spoil sites on the Cowlitz, Coweman and Toutle rivers.

	Reappropriation	Appropriation
GF, ORA—State		3,500,000

  

Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		3,500,000

Sec. 111. Section 11, chapter 317, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION AND PLANNING—PROGRAM T**

(1) For public transportation and rail programs:

General Fund Appropriation—State	\$	((815,570))
		652,456
General Fund Appropriation—Federal	\$	9,839,000
General Fund Appropriation—Local	\$	185,000

(2) For planning and research:

Motor Vehicle Fund Appropriation—State	\$	5,192,909
Motor Vehicle Fund Appropriation—Federal	\$	6,320,000
Total Public Transportation and Planning		
Appropriation	\$	((22,352,479))
		<u>22,189,365</u>

The appropriations contained in this section are provided for the management and support of the public transportation and planning division, urban mass transportation administration programs, for rail programs, for state loans for formation of public transportation districts, for studies which support local public transportation programs, for maintenance of the state transportation plan, for highway planning and research by the department of transportation, and for research and studies approved by the department of transportation and the legislative transportation committee.

Sec. 112. Section 10, chapter 330, Laws of 1981 (uncodified) is amended to read as follows:

(1) There is hereby appropriated from the general fund for the biennium ending June 30, 1983, to the legislative budget committee the sum of (~~one hundred~~) ninety thousand dollars for the purpose of conducting a study of the judicial information system as provided in section 9 of this act.

(2) There is hereby appropriated from the general fund for the biennium ending June 30, 1983, to the office of the administrator for the courts the sum of (~~eight million six hundred~~) seven million nine hundred fifty-five thousand dollars for the judicial information system.

NEW SECTION. Sec. 113. 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. 114. 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 "reductions in appropriations;" strike the remainder of the title and insert "modifying appropriations and expenditures for the operations and capital projects of state agencies for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983; making appropriations; amending section 2, chapter 340, Laws of 1981 (uncodified); amending section 3, chapter 340, Laws of 1981 (uncodified); amending section 4, chapter 340, Laws of 1981 (uncodified); amending section 5, chapter 340, Laws of 1981 (uncodified); amending section 6, chapter 340, Laws of 1981 (uncodified); amending section 7, chapter 340, Laws of 1981 (uncodified); amending section 8, chapter 340, Laws of 1981 (uncodified); amending section 9, chapter 340, Laws of 1981 (uncodified); amending section 10, chapter 340, Laws of 1981 (uncodified); amending section 11, chapter 340, Laws of 1981 (uncodified); amending section 12, chapter 340, Laws of 1981 (uncodified); amending section 13, chapter 340, Laws of 1981 (uncodified); amending section 14, chapter 340, Laws of 1981 (uncodified); amending section 15, chapter 340, Laws of 1981 (uncodified); amending section 16, chapter 340, Laws of 1981 (uncodified); amending section 17, chapter 340, Laws of 1981 (uncodified); amending section 18, chapter 340, Laws of 1981 (uncodified); amending section 19, chapter 340, Laws of 1981 (uncodified); amending section 20, chapter 340, Laws of 1981 (uncodified); amending section 21, chapter 340, Laws of 1981 (uncodified); amending section 23, chapter 340, Laws of 1981 (uncodified); amending section 24, chapter 340, Laws of 1981 (uncodified); amending section 25, chapter 340, Laws of 1981 (uncodified); amending section 26, chapter 340, Laws of 1981 (uncodified); amending section 27, chapter 340, Laws of 1981 (uncodified); amending section 28, chapter 340, Laws of 1981 (uncodified); amending section 29, chapter 340, Laws of 1981 (uncodified); amending section 32, chapter 340, Laws of 1981 (uncodified); amending section 33, chapter 340, Laws of 1981 (uncodified); amending section 35, chapter 340, Laws of 1981 (uncodified); amending section 36, chapter 340, Laws of 1981 (uncodified); amending section 37, chapter 340, Laws of 1981 (uncodified); amending section 41, chapter 340, Laws of 1981 (uncodified); amending section 44, chapter 340, Laws of 1981 (uncodified); amending section 45, chapter 340, Laws of 1981 (uncodified); amending section 46, chapter 340, Laws of 1981 (uncodified); amending section 47, chapter 340, Laws of 1981 (uncodified); amending section 48, chapter 340, Laws of 1981 (uncodified); amending section 49, chapter 340, Laws of 1981 (uncodified); amending section 50, chapter 340, Laws of 1981 (uncodified); amending section 51, chapter 340, Laws of 1981 (uncodified); amending section 52, chapter 340, Laws of 1981 (uncodified); amending section 53, chapter 340, Laws of 1981 (uncodified); amending section 54, chapter 340, Laws of 1981 (uncodified); amending section 55, chapter 340, Laws of 1981 (uncodified); amending section 56, chapter 340, Laws of

1981 (uncodified); amending section 57, chapter 340, Laws of 1981 (uncodified); amending section 58, chapter 340, Laws of 1981 (uncodified); amending section 59, chapter 340, Laws of 1981 (uncodified); amending section 61, chapter 340, Laws of 1981 (uncodified); amending section 62, chapter 340, Laws of 1981 (uncodified); amending section 63, chapter 340, Laws of 1981 (uncodified); amending section 66, chapter 340, Laws of 1981 (uncodified); amending section 67, chapter 340, Laws of 1981 (uncodified); amending section 68, chapter 340, Laws of 1981 (uncodified); amending section 69, chapter 340, Laws of 1981 (uncodified); amending section 70, chapter 340, Laws of 1981 (uncodified); amending section 71, chapter 340, Laws of 1981 (uncodified); amending section 72, chapter 340, Laws of 1981 (uncodified); amending section 73, chapter 340, Laws of 1981 (uncodified); amending section 74, chapter 340, Laws of 1981 (uncodified); amending section 75, chapter 340, Laws of 1981 (uncodified); amending section 76, chapter 340, Laws of 1981 (uncodified); amending section 78, chapter 340, Laws of 1981 (uncodified); amending section 80, chapter 340, Laws of 1981 (uncodified); amending section 81, chapter 340, Laws of 1981 (uncodified); amending section 83, chapter 340, Laws of 1981 (uncodified); amending section 84, chapter 340, Laws of 1981 (uncodified); amending section 85, chapter 340, Laws of 1981 (uncodified); amending section 86, chapter 340, Laws of 1981 (uncodified); amending section 87, chapter 340, Laws of 1981 (uncodified); amending section 92, chapter 340, Laws of 1981 (uncodified); amending section 94, chapter 340, Laws of 1981 (uncodified); amending section 95, chapter 340, Laws of 1981 (uncodified); amending section 96, chapter 340, Laws of 1981 (uncodified); amending section 97, chapter 340, Laws of 1981 (uncodified); amending section 99, chapter 340, Laws of 1981 (uncodified); amending section 100, chapter 340, Laws of 1981 (uncodified); amending section 107, chapter 340, Laws of 1981 (uncodified); amending section 108, chapter 340, Laws of 1981 (uncodified); amending section 109, chapter 340, Laws of 1981 (uncodified); amending section 110, chapter 340, Laws of 1981 (uncodified); amending section 111, chapter 340, Laws of 1981 (uncodified); amending section 112, chapter 340, Laws of 1981 (uncodified); amending section 113, chapter 340, Laws of 1981 (uncodified); amending section 115, chapter 340, Laws of 1981 (uncodified); amending section 116, chapter 340, Laws of 1981 (uncodified); amending section 118, chapter 340, Laws of 1981 (uncodified); amending section 119, chapter 340, Laws of 1981 (uncodified); amending section 120, chapter 340, Laws of 1981 (uncodified); amending section 121, chapter 340, Laws of 1981 (uncodified); amending section 122, chapter 340, Laws of 1981 (uncodified); amending section 123, chapter 340, Laws of 1981 (uncodified); amending section 124, chapter 340, Laws of 1981 (uncodified); amending section 125, chapter 340, Laws of 1981 (uncodified); amending section 127, chapter 340, Laws of 1981 (uncodified); amending section 37, chapter 67, Laws of 1981 (uncodified); amending section 2, chapter 69, Laws of 1981 (uncodified); amending section 123, chapter 136, Laws of 1981 (uncodified); amending section 42, chapter 137, Laws of 1981 (uncodified); amending section 1, chapter 159, Laws of 1981 (uncodified); amending section 16, chapter 268, Laws of 1981 (uncodified); amending section 6, chapter 317, Laws of 1981 (uncodified); amending section 7, chapter 317, Laws of 1981 (uncodified); amending section 8, chapter 317, Laws of 1981 (uncodified); amending section 17, chapter 143, Laws of 1981 (uncodified); amending section 11, chapter 317, Laws of 1981 (uncodified); amending section 10, chapter 330, Laws of 1981 (uncodified); adding new sections to chapter 340, Laws of 1981; and declaring an emergency."

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Pullen, Zimmerman.

The bill was read the second time by sections.

## COMMITTEE OF THE WHOLE

Senator Newhouse assumed the Chair.

Senator Scott moved adoption of the committee amendment to Engrossed Substitute House Bill No. 811.

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

On page 6, beginning on line 12, strike all of section 15 and insert the following:

"Sec. 15. Section 14, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

## FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State .....	\$	<del>((166,929,000))</del>
		121,539,000
General Fund Appropriation—Federal .....	\$	<del>((27,117,000))</del>
		21,490,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation .....	\$	<del>((54,499,000))</del>
		46,444,000
Total Appropriation .....	\$	<del>((248,545,000))</del>
		189,473,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$~~((2,500,000))~~ 2,248,000 is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

(2) (a) A maximum of \$~~((159,621,000))~~ 118,443,000 of general fund moneys (including \$~~((21,955,000))~~ 17,543,000 in federal funds) may be expended to implement salary increases, effective October 1, 1981, averaging 7.5% for higher education classified employees and 7.2% for commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board); and effective ~~((October))~~ April 1, ~~((1982))~~ 1983, a salary increase averaging 7.0% for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board): PROVIDED, That the October 1, 1981, salary increase for higher education classified employees and state personnel board classified and exempt employees shall implement the salary ranges adopted by the higher education and state personnel boards resulting from the 1980 salary survey (catch-up results): PROVIDED, That increases granted in this subsection for higher education faculty and administrative exempt employees are inclusive of increments: PROVIDED FURTHER, That exclusive of merit pool and Washington state university (143) increase funds no higher education institution or community college district may grant from any fund source whatsoever any salary increases greater than that provided in this subsection.

(b) ~~((A maximum of \$31,925,000 of general fund moneys (including \$5,162,000 in federal funds) may be expended to effect increases in the state's maximum contribution for employee insurance benefits:))~~ A maximum of ~~\$(24,413,000)~~ 24,414,000 of ~~((this amount))~~ general fund moneys (including \$(3,947,000) 3,948,000 in federal funds) may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. ~~((A maximum of \$7,512,000 of this amount (including \$1,215,000 in federal funds) may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee:))~~

(c) A maximum of ~~\$(44,967,000)~~ 39,155,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect salary increases for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board) calculated in accordance with the procedures outlined in subsection (2)(a) of this section.

(d) ~~((A maximum of \$9,532,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect increases in the state's maximum contribution for employee insurance benefits:))~~ A maximum of ~~\$(7,289,000 of this amount)~~ \$7,290,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. ~~((A maximum of \$2,243,000 of this amount may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee:))~~

(e) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

(f) Notwithstanding any other provision of this subsection (2), Walla Walla community college may fund additional actual increments or their equivalents in salaries for each year of the biennium to equalize salaries to the state-wide average salaries as reflected by the average base salary of the annually contracted professional personnel of the Washington community colleges."

On page 69, beginning on line 6, strike all of section 76 and insert the following:

"Sec. 76. Section 92, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**SALARY AND COMPENSATION INCREASES**

General Fund Appropriation ..... \$ ~~((182,988,000))~~  
131,412,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds shall be allocated by the superintendent of public instruction as specified in this section and may be expended by school districts for any state funded activity.

(3) ~~((A maximum of \$24,936,000 for the 1981-82 school year and a maximum of \$80,977,000 for the 1982-83 school year may be expended for provision of basic education state-supported certificated staff salary increases and concomitant incremental fringe benefits.))~~ The 1982-83 salary and incremental fringe benefit increase allocation provided by this section shall be implemented on March 1, 1983, to each local school district on the basis of the RCW 28A.48.010 monthly schedule for the applicable months during the 1982-83 state fiscal year.

(4) Percentage salary increases for basic education state-supported certificated and classified staff under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7) (b) and (c) of this section, shall not exceed the percentages specified in LEAP Document 2.

~~((A maximum of \$5,457,000 for the 1981-82 school year and a maximum of \$18,136,000 for the 1982-83 school year may be expended for provision of basic education state-supported classified staff salary increases and concomitant incremental fringe benefits. Percentage increases provided under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7)(b) of this section, shall not exceed the percentages specified in LEAP Document 2.))~~

(5) ~~((A maximum of \$34,837,000 may be expended for))~~ Insurance benefit increases for state-supported basic education certificated and classified staff shall be allocated at a maximum rate of \$26 per month per full time equivalent staff unit in 1981-82 ((and an additional \$16 per month)) in 1982-83.

(6) ~~((A maximum of \$4,930,000 may be expended in fiscal year 1982 and \$13,715,000 for fiscal year 1983 for state-supported staff))~~ Salary((;)) and insurance benefit increases((, and concomitant incremental fringe benefits)) for state-supported staff of educational service districts ((staff)), institutional education ((staff)) (program 46), vocational-technical institutes/adult basic education (programs 47 and 48), handicapped ((program staff)) (program 21) and transportation ((staff)) (program 99), ((to)) shall be distributed at rates and/or percentages not exceeding those ((specified)) provided for the basic education certificated or classified staff, as the case may be, of a district using the pertinent program derived base salary and staff mix factor for certificated staff and average salary for classified staff. Educational service district staff shall receive salary increases funded from this appropriation at the support level provided in section 99 of this act at a rate of 6.87% in 1981-82 and 7.35% in 1982-83, effective March 1, 1983, and insurance benefit increases at the same rate as provided in subsection (5) of this section. Educational service districts, institutional education (program 46) and vocational-technical institutes/adult basic education (programs 47 and 48) shall receive first draw from this appropriation.

(7) For purposes of chapter 16, Laws of 1981, the following conditions and limitations shall apply:

(a) Districts may provide salary and insurance benefit increases for nonstate-supported activities at rates not exceeding those specified by LEAP Document 2 for state-supported basic education certificated staff in each school year of the biennium for each district.

(b) ~~((Insurance benefit increases granted employees shall constitute a portion of the salary increase specified in LEAP Document 2 whenever a district's contribution to employee insurance benefits will exceed, by virtue of increases provided in 1981-82 or 1982-83, \$121 per full time equivalent staff unit in 1981-82 and \$137 per full~~

time equivalent staff unit in 1982-83)) That part of insurance benefits granted employees that are in excess of:

(i) \$121 per full time equivalent staff unit in 1981-82 shall constitute a portion of the salary increase specified in LEAP Document 2: PROVIDED, That if insurance benefits granted employees in 1980-81 were in excess of \$121 per full time equivalent staff unit then only that part granted to employees for 1981-82 in excess of the 1980-81 level shall constitute a portion of the salary increase specified in LEAP Document 2.

(ii) \$121 per full time equivalent staff unit in 1982-83 shall constitute a portion of the salary increase specified in LEAP Document 2: PROVIDED, That if insurance benefits granted employees in 1981-82 were in excess of \$121 per full time equivalent staff unit then only that part granted to employees for 1982-83 in excess of the 1981-82 level shall constitute a portion of the salary increase specified in LEAP Document 2.

(c) Increments granted by school districts to certificated staff shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments which are provided pursuant to LEAP Document 1.

(8) A district shall not be in violation of this section or chapter 16, Laws of 1981, as a result of corrections to the reported staff mix data in the 1980-81 or 1981-82 school year as long as the average salary for the 1981-82 school year does not exceed the average salary that would have been generated through consistent application of the incorrect base salary and staff mix in the 1981-82 school year.

(9) The salary increase for the 1982-83 fiscal year shall take effect March 1, 1983."

Senator Hayner moved the amendments be divided and considered separately. Debate ensued.

On motion of Senator Clarke, the Committee of the Whole did arise and reported back to the Senate that there would be a Call of the Senate and it was necessary to dissolve the Committee of the Whole to do so.

President Cherberg assumed the Chair.

Senators Clarke, Lee and Hayner demanded a Call of the Senate.

#### POINT OF ORDER

Senator Rasmussen: "Senator Clarke, and I tried to raise it at the time the Chairman of the Committee of the Whole had it, made a very improper motion. Senator Clarke moved that we dissolve the Committee of the Whole for the purpose of calling a Call of the Senate. The only reason for dissolving the Committee of the Whole is to report back. They can either agree or disagree on the matter before them, and the matter before them was not the Call of the Senate. The matter before them was budget bill 811 and the amendments, and the amendments were in disorder, so I really think the motion was improper, Senator Clarke."

#### RULING BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, with all due respect, the President believes that if he were to follow your line of thinking that the members and the President might be here forever."

#### POINT OF ORDER

Senator Goltz: "Is it possible for the Committee of the Whole to organize itself under a call of the Committee of the Whole, or is the rule only applicable to a Call of the Senate?"

## RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke's remarks are well taken. The President will research your point of order and report back to you at a later time."

Senator Bottiger demanded a roll call on the demand for the Call of the Senate and the demand for the roll call was sustained.

The President declared the question before the Senate to be the roll call on the demand for the Call of the Senate.

## ROLL CALL

The Secretary called the roll and the demand for the Call of the Senate was sustained by the following vote: Yeas, 24; nays, 23; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—24.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McCaslin, McDermott, Moore, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Absent or not voting: Senator Peterson—1.

Excused: Senator Fleming—1.

## PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, I was wondering if it is possible to go into the Committee of the Whole while we are under a Call of the Senate? According to Rule 48, no committee shall sit during the daily session of the Senate. We are under a call of the Senate. That implies that we are undergoing a daily session of the Senate, and I was wondering if we could then go under a Committee of the Whole because then we would be sitting as a committee."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, I believe that is covered in Reed's that the Committee of the Whole is regarded in substance as the entire Senate, and for that reason that particular rule does not apply as to the Committee of the Whole. I also think there is precedent for the Committee of the Whole to sit during a Call of the Senate."

The Secretary called the roll on the Call of the Senate. All members were present except Senator Fleming who had previously been excused.

## MOTION

On motion of Senator Clarke, the Senate proceeded under the Call of the Senate.

## REPLY BY THE PRESIDENT

President Cherberg: "Senator Pullen and other members of the Senate, in the interest of time the President believes that under Rule 48 that if the Senate votes by special leave to organize itself into the Committee of the Whole, that it has the authority to do so."

## MOTION

Senator Clarke moved the Senate do resolve itself into the Committee of the Whole pursuant to Rule 58.

Senator Bottiger 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 Clarke that the Senate do resolve itself into the Committee of the Whole pursuant to Rule 58.

## ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Excused: Senator Fleming—1.

## COMMITTEE OF THE WHOLE

Senator Newhouse assumed the Chair.

The Senate resumed consideration of Substitute House Bill No. 811 from earlier today.

## PARLIAMENTARY INQUIRY

Senator Talmadge: "In light of the President's ruling that the Committee of the Whole is virtually synonymous with the Senate as a body, would it then be the ruling of the Chair that Rule 40 requiring the yeas and nays be taken on the request of one-sixth of the members of the Senate, would that be applicable in the Committee of the Whole?"

## REPLY BY SENATOR NEWHOUSE

Senator Newhouse: "Senator Talmadge, I think it becomes obvious that in the Committee of the Whole Rule 55 would apply. That is as far as the yeas and nays."

The bill was read the second time by sections.

Senator Scott moved adoption of the committee amendment to Engrossed Substitute House Bill No. 811.

Senator Hayner moved adoption of the following amendment to the committee amendment:

On page 6, after line 11, strike all material down to the period on line 35 on page 7 and insert the following:

"Sec. 15. Section 14, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

## FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State .....	\$ ((166,929,000))
	121,539,000
General Fund Appropriation—Federal .....	\$ ((27,117,000))
	21,490,000
Special Fund Salary and Insurance Contribution	
Increase Revolving Fund Appropriation .....	\$ ((54,499,000))

	<u>46,444,000</u>
Total Appropriation .....	\$ <del>((248,545,000))</del>
	<u>189,473,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$~~((2,500,000))~~ 2,248,000 is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

(2) (a) A maximum of \$~~((159,621,000))~~ 118,443,000 of general fund moneys (including \$~~((21,955,000))~~ 17,543,000 in federal funds) may be expended to implement salary increases, effective October 1, 1981, averaging 7.5% for higher education classified employees and 7.2% for commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board); and effective ~~((October))~~ April 1, ((1982)) 1983, a salary increase averaging 7.0% for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board): PROVIDED, That the October 1, 1981, salary increase for higher education classified employees and state personnel board classified and exempt employees shall implement the salary ranges adopted by the higher education and state personnel boards resulting from the 1980 salary survey (catch-up results): PROVIDED, That increases granted in this subsection for higher education faculty and administrative exempt employees are inclusive of increments: PROVIDED FURTHER, That exclusive of merit pool and Washington state university (143) increase funds no higher education institution or community college district may grant from any fund source whatsoever any salary increases greater than that provided in this subsection."

Debate ensued.

The motion by Senator Hayner failed and the amendment to the committee amendment was not adopted on a rising vote.

On motion of Senator Hayner, there being no objection, the amendments to the committee amendment, on the desk of the Secretary of the Senate, were withdrawn.

The motion by Senator Scott carried and the committee amendment was adopted.

On motion of Senator Scott, the committee amendment to the title was adopted.

Engrossed Substitute House Bill No. 811 was considered in the Committee of the Whole and reported back to the Senate with the recommendation that it do pass as amended.

President Cherberg assumed the Chair.

## MOTIONS

On motion of Senator Newhouse, the report of the committee was adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Substitute House Bill No. 811, 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 Hayner, Fuller and Haley demanded the previous question.

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

The President declared the question before the Senate to be the roll call on the demand for the previous question.

#### ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Excused: Senator Fleming—1.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 811, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 811, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 12; nays, 36; excused, 1.

Voting yea: Senators Benitz, Deccio, Fuller, Gould, Haley, Hemstad, Jones, Kiskaddon, Lee, Patterson, Scott, Zimmerman—12.

Voting nay: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Hughes, Hurley, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—36.

Excused: Senator Fleming—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 811, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

#### MOTION FOR RECONSIDERATION

Having voted on prevailing side, on motion of Senator Hayner, the Senate moved to immediately reconsider the vote by which Engrossed Substitute House Bill No. 811 failed to pass the Senate.

#### MOTION

At 12:39 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 1:05 p.m.

The Senate resumed consideration of Engrossed Substitute House Bill No. 811, as amended by the Senate, on reconsideration.

Senators Clarke, Hayner and Haley demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on Engrossed Substitute House Bill No. 811, as amended by the Senate, on reconsideration.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 811, as amended by the Senate, and the bill failed to pass the Senate, on reconsideration, by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Deccio, Fuller, Gallagher, Gould, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Newhouse, Patterson, Quigg, Scott, Woody, Zimmerman—21.

Voting nay: Senators Bauer, Clarke, Conner, Craswell, Gaspard, Goltz, Guess, Hughes, Hurley, Lysen, McCaslin, McDermott, Metcalf, Moore, Peterson, Pullen, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—27.

Excused: Senator Fleming—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 811, as amended by the Senate, having failed to receive the constitutional majority, on reconsideration, was declared lost.

### MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, on motion of Senator Zimmerman, the Senate moved to reconsider the vote by which Second Substitute House Bill No. 788 failed to pass the Senate on November 24, 1981.

Senators Clarke, Newhouse and Guess demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 788 on reconsideration.

### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 788 and the bill failed to pass the Senate, on reconsideration, by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—22.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Craswell, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McCaslin, McDermott, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—26.

Excused: Senator Fleming—1.

SECOND SUBSTITUTE HOUSE BILL NO. 788, having failed to receive the constitutional majority, on reconsideration, was declared lost.

### PERSONAL PRIVILEGE

Senator Vognild: "Agonizing over this budget . . ."

## MOTION

At 1:18 p.m., on motion of Senator Clarke, the Senate adjourned until 12:00 noon, Saturday, November 28, 1981.

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

**TWENTIETH DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Saturday, November 28, 1891.

The Senate was called to order at 12:00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fuller and Gallaghan.

The Color Guard, consisting of Pages Andy Fujimori and Jeff Bodin, presented the Colors. Father T. I. Marmo, pastor of St. Michael's Church of Olympia offered the prayer.

**MOTION**

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

**MOTION**

At 12:02 p.m., on motion of Senator Clarke, the Senate recessed until 2:30 p.m.

**AFTERNOON SESSION**

The President called the Senate to order at 2:30 p.m.

**MESSAGE FROM THE HOUSE**

November 28, 1891.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 774, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

**SIGNED BY THE PRESIDENT**

The President signed: SUBSTITUTE HOUSE BILL NO. 774.

**MOTION**

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

**MOTION FOR RECONSIDERATION**

On motion of Senator Clarke, the rules were suspended and the Senate moved to reconsider the vote by which Engrossed Substitute House Bill No. 811 failed to pass the Senate on November 25, 1891.

**MOTION**

On motion of Senator Clarke, Engrossed Substitute House Bill No. 811 was referred to the Committee on Ways and Means.

## MOTION FOR RECONSIDERATION

On motion of Senator Clarke, the rules were suspended and the Senate moved to reconsider the vote by which Second Substitute House Bill No. 788 failed to pass the Senate on November 24, 1981 and November 25, 1981.

## MOTION

On motion of Senator Clarke, Second Substitute House Bill No. 788 was ordered held for third reading.

## MOTION

On motion of Senator Clarke, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

November 24, 1981.

Mr. President: The House refused to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 760, and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION FOR RECONSIDERATION

On motion of Senator Deccio, the Senate moved to reconsider the vote by which the committee amendment to the title was adopted on November 23, 1981 to Substitute House Bill No. 760.

## REMARKS BY THE PRESIDENT

President Cherberg: "I was only trying to help, Senator Hayner."

## MOTION

On motion of Senator Deccio, the following amendment to the committee amendment to the title was adopted:

On page 19, line 23 of the title amendment, after "18.51.050;" strike the remainder of the title amendment and insert "amending section 63, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.091; amending section 10, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.230; amending section 1, chapter 244, Laws of 1977 ex. sess. as last amended by section 12, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.310; amending section 1, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.09.610; amending section 74.09.120, chapter 26, Laws of 1959 as last amended by section 11, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.09.120; amending section 4, chapter 260, Laws of 1977 ex. sess. as amended by section 2, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.09.580; adding a new section to chapter 18.51 RCW; repealing section 7, chapter 114, Laws of 1979 and RCW 18.52A.070; and declaring an emergency."

The motion by Senator Deccio carried and the committee amendment to the title as amended, was adopted.

On motion of Senator Bottiger, the rules were suspended Substitute House Bill No. 760, 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. 760, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Shinpoch—1.

Absent or not voting: Senators Gallagher, Peterson—2.

SUBSTITUTE HOUSE BILL NO. 760, 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 2:50 p.m., on motion of Senator Clarke, the Senate adjourned until 5:00 p.m., Sunday, November 29, 1891.

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

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**TWENTY-FIRST DAY**


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**EVENING SESSION**


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Senate Chamber, Olympia, Sunday, November 29, 1981.

The Senate was called to order at 5:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Rasmussen and Williams. There being no objection, Senator Rasmussen was excused.

The Color Guard, consisting of Pages Teresa Feist and Barb Meyer, presented the Colors. Father T. I. Marmo, pastor of St. Michael's Church of Olympia, offered the prayer.

**MOTION**

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

**MOTION**

At 5:05 p.m. on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 7:38 p.m.

**REPORT OF STANDING COMMITTEE**

November 29, 1981.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 811**, reducing appropriations to state agencies (reported by Committee on Ways and Means):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Pullen, Zimmerman.

**MOTION**

On motion of Senator Clarke, the rules were suspended and Engrossed Substitute House Bill No. 811 was placed at the beginning of the second reading calendar for tonight.

**SECOND READING**

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 811**, by Committee on Ways and Means (originally sponsored by Committee on Ways and Means and Representative Chandler):

Reducing appropriations to state agencies.

**REPORT OF STANDING COMMITTEE**

November 29, 1981.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 811**, reducing appropriations to state agencies (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. Unless specifically approved by two-thirds of the membership of the Legislative Budget Committee, no funds appropriated herein shall be expended for any remodeling, refurbishing, air conditioning, expansion, or relocation of any office facility, office building, office space, department or division or department director's headquarters unless the obligation for the expenditure was fully and legally incurred before the effective date of this act.

**NEW SECTION.** Sec. 2. Notwithstanding any other provision of law, except for the Department of Corrections and the Department of Social and Health Services, no funds appropriated herein shall be expended for compensation or employee benefits for the position of deputy director unless such position existed in law prior to January 1, 1981.

Sec. 3. Section 2, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund Appropriation .....	\$ ((17,742,000))
	<u>15,944,000</u>
((FTE Staff Years — Fiscal Year 1982.....	319.0
FTE Staff Years — Fiscal Year 1983.....	<u>319.0))</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$8,000 is for the house ethics committee.
- (2) \$9,000 is for the western forest practices task force.
- (3) \$49,000 is for dues of the national conference of state legislatures.
- (4) \$49,000 is for dues of the council of state governments.

Sec. 4. Section 3, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund Appropriation .....	\$ ((15,407,000))
	<u>13,846,000</u>
((FTE Staff Years — Fiscal Year 1982.....	280.0
FTE Staff Years — Fiscal Year 1983.....	<u>280.0))</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$8,000 is for the senate ethics committee.
- (2) \$9,000 is for the western forest practices task force.
- (3) \$49,000 is for dues of the national conference of state legislatures.
- (4) \$49,000 is for dues of the council of state governments.

Sec. 5. Section 4, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE BUDGET COMMITTEE**

General Fund Appropriation .....	\$ ((1,294,000))
	<u>1,163,000</u>
((FTE Staff Years — Fiscal Year 1982.....	16.0
FTE Staff Years — Fiscal Year 1983.....	<u>16.0))</u>

Sec. 6. Section 5, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund Appropriation .....	\$ ((1,313,000))
	<u>1,180,000</u>
((FTE Staff Years — Fiscal Year 1982.....	8.0
FTE Staff Years — Fiscal Year 1983.....	<u>8.0))</u>

Sec. 7. Section 6, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund Appropriation .....	\$	<del>((330,000))</del>
		<u>296,000</u>
<del>((FTE Staff Years — Fiscal Year 1982.....</del>		<del>4.0</del>
<del>FTE Staff Years — Fiscal Year 1983.....</del>		<del>4.0))</del>

Sec. 8. Section 7, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation .....	\$	<del>((4,512,000))</del>
		<u>4,275,000</u>
<del>((FTE Staff Years — Fiscal Year 1982.....</del>		<del>58.8</del>
<del>FTE Staff Years — Fiscal Year 1983.....</del>		<del>67.2))</del>

Sec. 9. Section 8, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation .....	\$	<del>((5,949,000))</del>
		<u>5,710,000</u>
<del>((FTE Staff Years — Fiscal Year 1982.....</del>		<del>60.0</del>
<del>FTE Staff Years — Fiscal Year 1983.....</del>		<del>60.0))</del>

The appropriation in this section is subject to the following condition or limitation: ~~\$((1,456,000))~~ 1,325,000 is provided solely for indigent appeal cases.

Sec. 10. Section 9, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund Appropriation .....	\$	<del>((1,727,000))</del>
		<u>1,658,000</u>
<del>((FTE Staff Years — Fiscal Year 1982.....</del>		<del>14.4</del>
<del>FTE Staff Years — Fiscal Year 1983.....</del>		<del>14.4))</del>

The appropriation in this section is subject to the following condition or limitation: All nonstate agency users of the Westlaw system shall be charged a service fee sufficient to cover the costs of their usage.

Sec. 11. Section 10, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation .....	\$	<del>((8,460,000))</del>
		<u>7,820,000</u>
<del>((FTE Staff Years — Fiscal Year 1982.....</del>		<del>97.0</del>
<del>FTE Staff Years — Fiscal Year 1983.....</del>		<del>97.0))</del>

The appropriation in this section is subject to the following condition((s)) or limitation((s)): ~~((+))~~ \$1,273,000 is provided solely for lease and associated costs for Division I relocation, and no other moneys may be expended for these purposes.

~~((2) If Senate Bill No. 3843 is enacted during the 1981 regular session of the legislature and if it contains an appropriation for the purchase of Division III Court of Appeals facilities, the general fund appropriation shall be reduced to \$8,270,000.))~~

Sec. 12. Section 11, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation .....	\$	<del>((10,780,000))</del>
		<u>10,485,000</u>

General Fund—Judiciary Education Account Appropiation .....	\$	359,000
Total Appropriation .....	\$	<del>((11,139,000))</del>
		<u>10,844,000</u>
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>155.0</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>155.0))</del>

The appropriations in this section are subject to the following condition or limitation: A maximum of \$8,185,000 of the general fund appropriation may be spent for the superior court judges, including prior claims. Of this amount, \$~~((360,000))~~ 310,000 is provided solely for criminal cost bills, including prior claims; \$~~((350,000))~~ 300,000 is provided solely for mandatory arbitration costs, including prior claims; and \$114,000 is provided solely for judges pro tempore for the superior courts. The administrator for the courts shall authorize and approve all such expenditures.

Sec. 13. Section 12, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE JUDICIAL COUNCIL

General Fund Appropriation .....	\$	<del>((294,000))</del>
		<u>264,000</u>
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>4.7</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>4.7))</del>

Sec. 14. Section 13, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation .....	\$	<del>((3,555,000))</del>
		<u>3,195,000</u>
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>38.0</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>38.0))</del>

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$~~((3,163,000))~~ 2,851,000 may be spent for executive operations.

(2) ~~((A maximum of \$48,000 may be spent for investigations and emergency purposes:~~

~~((3))~~) A maximum of \$193,000 may be spent for extradition expenses to carry out the provisions of RCW 10.34.030 providing for the return of fugitives by the governor, including prior claims and for extradition-related legal services as determined by the attorney general.

~~((4))~~) (3) A maximum of \$151,000 is provided solely for mansion maintenance, and no other moneys may be expended for this purpose.

~~((5))~~) (4) A maximum of \$1,000 may be spent for implementation of the corporate responsibilities award program under which appropriate recognition shall be awarded by the governor to those private businesses or corporations which contribute at least two percent of their before-tax profit to programs which result in a reduction in state government costs, especially those programs which aid the poor and infirm.

Sec. 15. Section 14, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State.....	\$	<del>((166,929,000))</del>
		<u>137,236,000</u>
General Fund Appropriation—Federal .....	\$	<del>((27,117,000))</del>
		<u>24,211,000</u>

## Special Fund Salary and Insurance Contribution

Increase Revolving Fund Appropriation .....	\$ ((54,499,000))
	48,687,000
Total Appropriation .....	\$ ((248,545,000))
	210,134,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$((2,500,000)) 2,247,000 is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

(2) (a) A maximum of \$((+59,621,000)) 129,349,000 of general fund moneys (including \$((21,955,000)) 19,049,000 in federal funds) may be expended to implement salary increases, effective October 1, 1981, averaging 7.5% for higher education classified employees and 7.2% for commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board); and effective ((October)) February 1, ((+1982)) 1983, a salary increase averaging 7.0% for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board): PROVIDED, That no raise effective February 1, 1983, shall increase any annual salary above \$35,000 in which case the recipient shall receive only that portion of the raise which would increase the salary to no more than \$35,000; PROVIDED FURTHER, That no employee making \$35,000 or more per year on February 1, 1983, shall be eligible for the raise effective on that date; PROVIDED, That the October 1, 1981, salary increase for higher education classified employees and state personnel board classified and exempt employees shall implement the salary ranges adopted by the higher education and state personnel boards resulting from the 1980 salary survey (catch-up results); PROVIDED, That increases granted in this subsection for higher education faculty and administrative exempt employees are inclusive of increments; PROVIDED FURTHER, That exclusive of merit pool and Washington state university (143) increase funds no higher education institution or community college district may grant from any fund source whatsoever any salary increases greater than that provided in this subsection.

(b) A maximum of \$((31,925,000)) 29,851,000 of general fund moneys (including \$5,162,000 in federal funds) may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$((24,413,000)) 22,339,000 of this amount (including \$3,947,000 in federal funds) may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of \$7,512,000 of this amount (including \$1,215,000 in federal funds) may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee.

(c) A maximum of \$((44,967,000)) 39,155,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect salary increases for higher education classified employees, commissioned officers of

the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board) calculated in accordance with the procedures outlined in subsection (2)(a) of this section.

(d) A maximum of \$9,532,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$7,289,000 of this amount may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of \$2,243,000 of this amount may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee.

(e) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

(f) Notwithstanding any other provision of this subsection (2), Walla Walla community college may fund additional actual increments or their equivalents in salaries for each year of the biennium to equalize salaries to the state-wide average salaries as reflected by the average base salary of the annually contracted professional personnel of the Washington community colleges.

Sec. 16. Section 15, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation .....	\$	<del>((226,000))</del>
		<u>203,000</u>
<del>((FTE Staff Years — Fiscal Year 1982 .....</del>		<del>3.0</del>
<del>FTE Staff Years — Fiscal Year 1983 .....</del>		<del>3.0))</del>

Sec. 17. Section 16, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation .....	\$	<del>((4,044,000))</del>
		<u>3,800,000</u>
<u>Archives and Records Management Account Appropria-</u>		
<u>tion .....</u>	\$	<u>1,135,000</u>
<u>Total Appropriation .....</u>	\$	<u>4,935,000</u>
<del>((FTE Staff Years — Fiscal Year 1982 .....</del>		<del>50.4</del>
<del>FTE Staff Years — Fiscal Year 1983 .....</del>		<del>50.4))</del>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$~~((972,000))~~ 923,000 is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(2) \$~~((610,000))~~ 559,000 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$~~((50,000))~~ 25,000 is provided solely for costs associated with redistricting.

Sec. 18. Section 17, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS, THE COMMISSION ON ASIAN-AMERICAN AFFAIRS, AND THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

Commission on Mexican-American Affairs	
General Fund Appropriation .....	\$ ((+16,667)) <u>105,000</u>
Commission on Asian-American Affairs	
General Fund Appropriation .....	\$ ((+16,667)) <u>105,000</u>
Governor's Office of Indian Affairs	
General Fund Appropriation .....	\$ ((+16,667)) <u>105,000</u>
Total Appropriation .....	\$ ((350,001)) <u>315,000</u>
<del>((FTE Staff Years — Fiscal Year 1982 .....</del> <u>4.0</u>	
<del>FTE Staff Years — Fiscal Year 1983 .....</del> <u>4.0))</u>	

The appropriations in this section are subject to the following condition(s) and limitation(s): ((+)) The position of executive director for each commission or office shall be retained. The agencies for which appropriations are provided by this section shall jointly fund a common secretarial/clerical pool and consolidate their respective office spaces upon expiration of current lease agreements.

~~((2) The appropriation for the commission on Asian-American affairs shall fund a commission membership not to exceed twelve members and the commission shall amend its bylaws to provide for a quorum of seven members, provided conforming changes to chapter 43.117 RCW are enacted during the 1981 regular session of the legislature.))~~

Sec. 19. Section 18, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER**

Motor Vehicle Fund Appropriation—State .....	\$ 37,000
State Treasurer's Service Fund Appropriation .....	\$ ((5,205,000)) <u>4,930,000</u>
Total Appropriation .....	\$ ((5,242,000)) <u>4,967,000</u>
<del>((FTE Staff Years — Fiscal Year 1982 .....</del> <u>71.4</u>	
<del>FTE Staff Years — Fiscal Year 1983 .....</del> <u>71.5))</u>	

Sec. 20. Section 19, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund Appropriation—State .....	\$ ((2,120,000)) <u>1,906,000</u>
General Fund Appropriation—Federal .....	\$ 352,000
General Fund Appropriation—Private/Local .....	\$ 48,000
Motor Vehicle Fund Appropriation .....	\$ 267,000
Auditing Services Revolving Fund Appropriation .....	\$ ((5,480,000)) <u>5,265,000</u>
Total Appropriation .....	\$ ((8,267,000)) <u>7,838,000</u>
<del>((FTE Staff Years — Fiscal Year 1982 .....</del> <u>117.5</u>	
<del>FTE Staff Years — Fiscal Year 1983 .....</del> <u>117.3))</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of municipal corporations shall give high priority to examining the accuracy of local school district reporting of staff mix and enrollment data for state reimbursement purposes. Beginning with the 1981-82 school year, any significant inaccuracies shall be reported to the attorney general and the superintendent of public instruction. The superintendent shall take action to recover any overpayment which results from the reporting of inaccurate data.

(2) No general fund moneys may be expended for the training of municipal auditors or other local personnel.

(3) Legal costs incurred by the attorney general to insure compliance with the findings of the state auditor in state agency audits shall be charged to the agency that received the audit. Costs to audited agencies shall not exceed the budget preparation estimates provided by the state auditor to the committees on ways and means of the senate and house of representatives which were based on the governor's requested staff level plus seven positions.

(4) The total of all billings submitted to state agencies shall reflect a 10.1% reduction from the original budget preparation estimates submitted to the ways and means committee of the senate and house of representatives in the 1981 regular session of the legislature. Such reduction shall be offset by an amount not to exceed \$338,000 which reflects the impact of salary and insurance costs not provided to the Auditing Services Revolving Fund in the original budget.

NEW SECTION. Sec. 21. There is added to chapter 340, Laws of 1981 a new section to read as follows:

State agencies shall pay into the auditing services revolving fund such moneys and at such times as are provided by chapter 336, Laws of 1981 and the rules of the office of financial management: PROVIDED, That if a state agency does not pay into the auditing services revolving fund its required amount within twenty days of the beginning of the quarter, the director of financial management shall make such transfer within thirty days of the beginning of the quarter.

NEW SECTION. Sec. 22. There is added to chapter 340, Laws of 1981 a new section to read as follows:

Net savings of general fund—state moneys realized by agencies as a result of 10.1% reductions in billings to agencies from the following funds shall be placed in reserve status by the director of financial management and shall not be expended until appropriated by law:

- (1) Auditing services revolving fund;
- (2) Legal services revolving fund;
- (3) General administration facilities and services revolving fund (excluding the portion reflecting utilities);
- (4) Department of personnel service fund; and
- (5) Higher education personnel board service fund.

Sec. 23. Section 20, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund Appropriation .....	\$	<del>((4,300,000))</del>
		3,866,000
Legal Services Revolving Fund Appropriation .....	\$	<del>((19,513,000))</del>
		17,542,000
Total Appropriation .....	\$	<del>((23,813,000))</del>
		21,408,000
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>317.1</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>320.1))</del>

The appropriations in this section are subject to the following condition or limitation: \$150,000 of the general fund appropriation is provided solely for the continuation of the crime watch program.

Sec. 24. Section 21, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation—State .....	\$	<del>((14,009,000))</del>
		12,752,000
General Fund Appropriation—Federal .....	\$	6,300,000
Total Appropriation .....	\$	<del>((20,309,000))</del>
		19,052,000
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>128.6</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>127.1))</del>

The appropriations in this section are subject to the following conditions and limitations:

- (1) ~~\$((750,000))~~ 675,000 of the general fund—state appropriation is provided solely for the completion of the higher education personnel/payroll system.
- (2) \$70,000 of the general fund—state appropriation is provided solely for the payment of assessments against state-owned land.
- (3) \$1,568,000 of the general fund—state appropriation is provided solely for the completion of the state budget and accounting systems development.
- (4) ~~\$((1,725,000))~~ 1,553,000 of the general fund—state appropriation is provided solely for payment of supplies and services furnished in previous biennia.
- (5) \$5,000 of the general fund—state appropriation is provided solely for payment of claims against the state.

Sec. 25. Section 23, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation .....	\$	<del>((8,830,000))</del>
		7,938,000
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>132.7</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>132.7))</del>
State Employees' Insurance Fund Appropriation .....	\$	1,443,000
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>15.0</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>15.0))</del>
Total Appropriation .....	\$	<del>((10,273,000))</del>
		9,381,000

The appropriations in this section ~~((is))~~ are subject to the following condition or limitation: ~~\$((319,000))~~ 287,000 of the department of personnel service fund appropriation ~~((and 6.0 FTE staff years))~~ shall be transferred to the personnel appeals board ~~((upon enactment, during the 1981 regular session, of Substitute House Bill No. 302)).~~

Sec. 26. Section 24, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DATA PROCESSING AUTHORITY

General Fund Appropriation .....	\$	<del>((443,000))</del>
		398,000
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>10.0</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>0.0))</del>

The appropriation in this section is subject to the following condition or limitation: ~~\$((443,000 and 10.0 FTE staff years are))~~ 398,000 is provided solely for one year. Funding for the second fiscal year of the biennium shall be considered in the 1982 regular session of the legislature based upon interim recommendations.

Sec. 27. Section 25, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation ..... \$ ~~((35,000))~~  
31,000

Sec. 28. Section 26, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation ..... \$ ~~((35,336,000))~~  
36,493,000

General Fund—State Timber Tax Reserve Account  
 Appropriation ..... \$ 2,794,000  
 Motor Vehicle Fund Appropriation ..... \$ 110,000  
 Total Appropriation ..... \$ ~~((38,240,000))~~  
39,397,000

~~((FTE Staff Years—Fiscal Year 1982..... 636.7~~  
 FTE Staff Years—Fiscal Year 1983..... 635.7))

The appropriations in this section are subject to the following conditions and limitations:

(1) \$393,000 of the state timber tax reserve account appropriation is provided solely for reimbursement to counties with timberland for the costs of establishing forest land grades for each parcel of classified or designated forest land.

(2) The department of revenue shall maintain ~~((current services including))~~ advisory appraisals as required by RCW 84.41.060.

(3) The department of revenue shall add one full time equivalent staff year for the 1982 fiscal year only to help conduct a new study of the financial impact of tax exemptions and a review of the effectiveness and problems of the current use law.

(4) That portion of the general fund—state appropriation which is allotted to the inheritance tax division for fiscal year 1983 is reduced by \$125,000 in this 1981 amendatory act in recognition of the passage of Initiative No. 402 and the resultant workload decrease in the inheritance tax division.

(5) \$2,444,000 of the general fund—state appropriation is provided solely for costs incurred by the excise tax division and the interpretation and appeals division as a result of the expanded effort at revenue recovery and appeals resolution. No more than 50.0 FTE staff years may be utilized for these purposes, 17.25 FTE staff years in fiscal year 1982 and the additional 32.75 FTE staff years in fiscal year 1983.

Sec. 29. Section 27, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund Appropriation ..... \$ ~~((985,000))~~  
885,000

~~((FTE Staff Years—Fiscal Year 1982..... 14.0~~  
 FTE Staff Years—Fiscal Year 1983..... 14.1

~~The appropriation in this section is subject to the following condition or limitation: \$104,000 is provided solely to employ one hearing examiner and one clerk typist. The positions shall terminate at the end of the biennium.))~~

Sec. 30. Section 28, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State ..... \$ ~~((11,182,000))~~  
6,505,000

General Fund Appropriation—Private/Local ..... \$ 89,000

General Fund—Motor Transport Account Appropria-  
 tion ..... \$ 8,688,000

General Administration Facilities and Services Revolv-  
 ing Fund Appropriation ..... \$ ~~((15,361,000))~~

	13,378,000
Total Appropriation .....	\$ ((35,320,000))
	28,660,000
((FTE Staff Years—Fiscal Year 1982.....	433.0
FTE Staff Years—Fiscal Year 1983.....	435.1))

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of general administration shall not expend any of the general fund appropriation for the replacement of motor transport division vehicles.

(2) ((~~\$2,697,000 of the general fund appropriation is provided solely for the banking program. Revenues generated from fees and charges in this program shall equal or exceed expenditures.~~

(3) ~~\$1,127,000 of the general fund appropriation is provided solely for the savings and loan program. Revenues generated from fees and charges shall equal or exceed expenditures.~~

(4)) The department of general administration shall provide insurance coverage for all state-owned, state-chartered, state-rented, or state employee-owned aircraft being used on authorized state business, including passengers. This coverage shall be in force for all such aircraft whether piloted by a state employee or employees of a charter or rental firm. The department may require reimbursement for premium costs from user agencies on a pro rata basis.

((5)) (3) The department of agriculture shall transfer \$21,000 from its local fund accounts to the motor transport account. The state treasurer shall transfer to the motor transport account \$29,000 from the grain and hay inspection fund, \$8,000 from the community college capital projects account, and \$24,000 from the highway safety fund. These transfers shall be in accordance with schedules provided by the office of financial management.

Sec. 31. Section 29, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE INSURANCE COMMISSIONER

General Fund Appropriation .....	\$ ((7,997,000))
	7,189,000
((FTE Staff Years—Fiscal Year 1982.....	123.2
FTE Staff Years—Fiscal Year 1983.....	123.2))

Sec. 32. Section 32, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST

Fisheries Bond Redemption Fund 1977 Appropriation .....	\$ 1,399,006
Salmon Enhancement Bond Redemption Fund 1977 Appropriation .....	\$ 4,674,396
Higher Education Refunding Bond Redemption Fund 1977 Appropriation .....	\$ 8,759,499
Fire Service Training Center Bond Retirement Fund 1977 Appropriation .....	\$ 95,500
Highway Bond Retirement Fund Appropriation .....	\$ 76,269,110
State Building Construction Bond Redemption Fund Appropriation .....	\$ 2,129,015
Higher Education Bond Redemption Fund 1977 Appo- riation .....	\$ 3,536,312
Ferry Bond Retirement Fund 1977 Appropriation.....	\$ 13,995,976
Emergency Water Projects Bond Retirement Fund 1977 Appropriation .....	\$ 2,574,560

Public School Building Bond Redemption Fund 1961	
Appropriation .....	\$ 3,749,388
General Administration Building Bond Redemption	
Fund Appropriation .....	\$ 606,238
Juvenile Correctional Institutional Building Bond	
Redemption Fund 1963 Appropriation .....	\$ 632,700
Outdoor Recreation Bond Redemption Fund Appropria-	
tion .....	\$ 2,341,138
Public School Building Bond Redemption Fund 1965	
Appropriation .....	\$ 2,456,825
State Building and Higher Education Construction Bond	
Redemption Fund 1965 Appropriation .....	\$ 3,171,525
Spokane River Toll Bridge Account Appropriation .....	\$ 876,963
Public School Building Bond Redemption Fund 1963	
Appropriation .....	\$ 8,763,316
Higher Education Bond Retirement Fund 1979 Approp-	
riation .....	\$ 5,301,459
State General Obligation Bond Retirement Fund 1979	
Appropriation .....	\$ ((35,888,357))
	<u>44,288,357</u>
Fisheries Bond Redemption Fund 1976 Appropriation .....	\$ 769,416
State Building Bond Redemption Fund 1967 Appropria-	
tion .....	\$ 652,110
Community College Capital Construction Bond	
Redemption Fund 1975, 1976, 1977 Appropriation .....	\$ 13,371,499
Common School Building Bond Redemption Fund 1967	
Appropriation .....	\$ 6,852,460
Outdoor Recreation Bond Redemption Fund 1967	
Appropriation .....	\$ 6,231,258
Water Pollution Control Facilities Bond Redemption	
Fund 1967 Appropriation .....	\$ 3,902,420
State Building and Higher Education Construction Bond	
Redemption Fund 1967 Appropriation .....	\$ 9,968,433
State Building and Parking Bond Redemption Fund	
1969 Appropriation .....	\$ 2,451,780
Waste Disposal Facilities Bond Redemption Fund	
Appropriation .....	\$ ((23,366,544))
	<u>27,566,544</u>
Water Supply Facilities Bond Redemption Fund Approp-	
riation .....	\$ 11,670,220
Social and Health Services Facilities 1972 Bond	
Redemption Fund Appropriation .....	\$ 3,718,307
Recreation Improvements Bond Redemption Fund	
Appropriation .....	\$ 6,017,375
Community College Capital Improvement Bond	
Redemption Fund 1972 Appropriation .....	\$ 7,502,480
State Building Authority Bond Redemption Fund	
Appropriation .....	\$ 9,754,055
Office-Laboratory Facilities Bond Redemption Fund	
Appropriation .....	\$ 273,505
University of Washington Hospital Bond Retirement	
Fund 1975 Appropriation .....	\$ 1,158,211
Washington State University Bond Redemption Fund	
1977 Appropriation .....	\$ 553,065

Higher Education Bond Redemption Fund 1975 Appropriation .....	\$	2,172,740
State Building Bond Redemption Fund 1973 Appropriation .....	\$	3,886,348
State Building Bond Retirement Fund 1975 Appropriation .....	\$	759,572
State Higher Education Bond Redemption Fund 1973 Appropriation .....	\$	4,392,557
Social and Health Services Bond Redemption Fund 1976 Appropriation .....	\$	9,971,978
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation .....	\$	385,958
Community College Refunding Bond Retirement Fund 1974 Appropriation .....	\$	9,553,126
State Higher Education Bond Redemption Fund 1974 Appropriation .....	\$	1,218,350
Total Appropriation .....	\$	((317,775,050))
		330,375,050

Sec. 33. Section 33, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation .....	\$	((998,000))
		897,000

((FTE Staff Years — Fiscal Year 1982 .....	12.6
FTE Staff Years — Fiscal Year 1983 .....	12.6))

Sec. 34. Section 35, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE MUNICIPAL RESEARCH COUNCIL**

General Fund Appropriation .....	\$	1,197,000
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Sec. 35. Section 36, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE BOARD OF ACCOUNTANCY**

General Fund Appropriation .....	\$	((596,000))
		556,000

((FTE Staff Years — Fiscal Year 1982 .....	5.3
FTE Staff Years — Fiscal Year 1983 .....	5.3))

The appropriation in this section is subject to the following conditions and limitations:

(1) The board of accountancy shall not restrict entrance to CPA examinations as a result of reductions in state funding.

(2) \$20,000 of this appropriation shall not be expended unless, by February 1, 1982, the board of accountancy has increased its CPA examination fees to the maximum level authorized under RCW 18.04.160.

Sec. 36. Section 37, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE ((ATHLETIC)) BOXING COMMISSION**

General Fund Appropriation .....	\$	((71,000))
		64,000

((FTE Staff Years — Fiscal Year 1982 .....	1.9
FTE Staff Years — Fiscal Year 1983 .....	1.9))

Sec. 37. Section 41, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE PHARMACY BOARD**

General Fund Appropriation .....	\$	((1,075,000))
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	<u>966,000</u>
((FTE Staff Years — Fiscal Year 1982.....	18.5
FTE Staff Years — Fiscal Year 1983.....	18.5))

The appropriation in this section is subject to the following condition or limitation: No moneys appropriated in this section may be expended for continuation of the diversion investigation unit.

Sec. 38. Section 44, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF EMERGENCY SERVICES**

General Fund Appropriation—State.....	\$ ((1,118,000))
	<u>1,005,000</u>
General Fund Appropriation—Federal.....	\$ ((2,241,000))
	<u>2,227,000</u>
Total Appropriation.....	\$ ((3,359,000))
	<u>3,232,000</u>
((FTE Staff Years — Fiscal Year 1982.....	22.0
FTE Staff Years — Fiscal Year 1983.....	22.0))

The appropriations in this section are subject to the following condition or limitation: \$242,000 of the general fund—state appropriation is provided solely to reimburse the federal emergency management agency for the state's share of costs of individual and family grants provided for disaster relief: PROVIDED, That the department of emergency services, in conjunction with the department of social and health services, will reinstate an appeal process to the federal emergency management agency with respect to the \$87,102 in audit exceptions relative to the 1977 floods.

Sec. 39. Section 45, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund Appropriation—State.....	\$ ((7,044,000))
	<u>6,330,000</u>
General Fund Appropriation—Federal.....	\$ ((1,838,000))
	<u>1,764,000</u>
Total Appropriation.....	\$ ((8,882,000))
	<u>8,094,000</u>
((FTE Staff Years — Fiscal Year 1982.....	129.7
FTE Staff Years — Fiscal Year 1983.....	129.7))

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((310,000)) 279,000 of the general fund—state appropriation is provided solely for the continuation of the educational assistance grant program, of which a maximum of \$10,000 may be expended for administrative costs.

(2) \$32,000 of the general fund—state appropriation is provided solely for the Washington state guard.

Sec. 40. Section 46, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund Appropriation.....	\$ ((1,305,000))
	<u>1,173,000</u>
((FTE Staff Years — Fiscal Year 1982.....	16.4
FTE Staff Years — Fiscal Year 1983.....	16.4

The appropriation in this section is subject to the following condition or limitation: If Senate Bill Nos. 3405 and 3406, or House Bill Nos. 479 and 480, are

enacted during the 1981 regular session of the legislature, the appropriation shall be reduced by \$10,000.)

Sec. 41. Section 47, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

The appropriations made by this act to the department of social and health services are subject to the following conditions and limitations:

(1) The department of social and health services shall not initiate any new services which will incur general fund state expenditures beyond those authorized by appropriation.

(2) Funds appropriated by this act to the department of social and health services shall be allotted and expended reflecting the legislative intent of this act. Within the specific limitations in this act, the department of social and health services may modify allotments after the initial three months of the biennium with the approval of the office of financial management in consultation with the committees on ways and means of the senate and house of representatives: PROVIDED, That ((such allotment modifications may include transfers within programs only in sections 48, 49, 50, and 51 of this act to the extent that the director of financial management, after a ten-day prior notification to the committees on ways and means of the senate and house of representatives, shall attest to the critical nature of the modification)) because substantial uncertainty continues to exist as to actual federal revenues available to the department of social and health services and because major changes in federal entitlement programs affecting income maintenance, community social services, and medical assistance programs may have significant effects on caseloads and expenditures in those programs, allotment modifications may include transfers between programs in sections 49, 50, 51, 53, 54, and 55 of chapter 340, Laws of 1981. Allotment modifications shall be submitted to the legislative budget committee for approval prior to implementation.

(3) The department of social and health services may seek and receive additional federal funds not included in this act, subject to approval of the office of financial management, provided that such funding does not require additional expenditure of state funds.

(4) In anticipation of significant reductions in federal support for social service, public health, and Title XIX programs, the legislature has reduced the state's dependency on federal entitlement programs within the income maintenance, medical assistance, and social service programs. However, additional federal reductions may require further reductions to all human service programs. To ensure that the loss of federal funds does not result in an accelerated expenditure of state funds, the following requirements are placed on the department of social and health services:

(a) The department shall prepare a contingency expenditure plan to reflect anticipated loss of federal funds. This contingency plan shall include necessary program changes and a redefinition of services or eligibility criteria which will not require expenditures in excess of any appropriation provided in this act. The contingency plan shall be transmitted to the legislature upon completion and at least ten days before implementation.

Sec. 42. Section 48, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

<del>FOR THE DEPARTMENT OF ((SOCIAL AND HEALTH SERVICES—ADULT)) CORRECTIONS ((PROGRAM))</del>	
<del>((FTE Staff Years—Fiscal Year 1982</del>	<del>..... 3,165.5</del>
<del>FTE Staff Years—Fiscal Year 1983</del>	<del>..... 3,096.5))</del>

**(1) COMMUNITY SERVICES**

General Fund Appropriation .....	\$ (( <del>48,264,000</del> ))
	<u>43,419,000</u>

The appropriation in this subsection is subject to the following conditions and limitations:

(a) ~~\$(18,321,000)~~ 15,038,000 is provided solely to contract with nonprofit corporations to provide diversionary programs and operate and/or contract for work/training release for convicted felons: PROVIDED, That ~~\$(1,000,000)~~ 999,000 of this appropriation is provided solely for (~~Snohomish county~~) pre-trial diversion and the continuation of the alternatives to street crime programs in Snohomish, Pierce and Clarke counties. Such funds shall be distributed to the counties in a timely manner: PROVIDED FURTHER, That \$375,000 of this appropriation is provided solely for the continuation of 50 work/training release beds at the Progress House Association of Tacoma.

(b) \$2,479,000 is provided solely for intensive parole.

(c) ~~\$(23,290,000)~~ 21,777,000 is provided solely for probation and parole.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation .....	\$ <del>((141,532,000))</del>
	<u>149,390,000</u>

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The (~~division (or)~~) department(~~(?)~~) of corrections shall present to the legislature by October 12, 1981, a comprehensive institutional educational policy. This report shall explain the basis for selection of educational programs and participation and shall outline program and payment policies for contracting for educational services. The report shall include, but is not limited to, a detailing by month for each institution of the programs, program goals, staffing, costs per offering, and actual and estimated inmate participation.

(b) It is the assumption of the legislature that the appropriation in this subsection initially provides:

(i) \$24,731,000 (~~and 735.7 FTE staff years~~) for the Washington Corrections Center, excluding funds related to court orders under Hoptowit v. Ray, No. 79-359 (E. D. Wash.);

(ii) \$38,312,000 (~~and 1,375.5 FTE staff years~~) for the Washington State Penitentiary, excluding funds relating to court orders under Hoptowit v. Ray, No. 79-359 (E. D. Wash.);

(iii) \$1,010,000 (~~and 44.0 FTE staff years~~) for the Monroe mental health unit;

(iv) \$24,990,000 (~~and 762.0 FTE staff years~~) for the Washington State Reformatory;

(v) \$8,269,000 (~~and 271.0 FTE staff years~~) for the Purdy Treatment Center for Women;

(vi) ~~\$(16,000,000 and 570.0 FTE staff years)~~ 20,816,000 for the McNeil Island Penitentiary;

(vii) \$9,090,000 (~~and 322.0 FTE staff years~~) for the Special Offenders Center; (~~and~~)

(viii) Funds for other costs associated with honor camps and the Pine Lodge Corrections Center; and

(ix) Tobacco products shall not be provided to inmates who have not earned such products.

(3) PROGRAM SUPPORT

General Fund Appropriation .....	\$ <del>((16,989,000))</del>
	<u>18,044,000</u>

General Fund—Institutional Impact Account Appropria-	
tion .....	\$ 525,000

Total Appropriation .....	\$ 18,569,000
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The appropriations in this subsection ((~~is~~)) are subject to the following conditions and limitations:

(a) \$500,000 is provided solely for individual legal services. There shall be no solicitation of legal action and all informal means of resolving disputes shall be utilized. These funds shall not be used to support class action litigation.

(b) \$4,102,000 (~~((and 122.0 FTE staff years are))~~) is provided solely for costs directly resulting from the decision in Hoptowit v. Ray, No. 79-359 (E. D. Wash.): PROVIDED, That no expenditure of funds may be made without the signature of the agency's assistant attorney general on the authorizing document.

(c) \$4,057,000 (~~((and 89.0 FTE staff years))~~) for fiscal year 1982 and \$4,902,000 for fiscal year 1983 are provided solely to address population overrun in excess of current bed capacity. Such funds shall be released only with the approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

(d) \$~~((1,200,000))~~ 1,079,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(4) (~~((If a department of corrections is established by an act of the 1981 regular session of the legislature, the appropriations in this section shall be transferred to the department of corrections. All conditions and limitations as expressed in sections 47 and 48 of this act shall apply to the department of corrections.~~

(~~5~~)) Funds may be transferred from program support to institutional services for costs associated with Hoptowit v. Ray, No. 79-359 (E. D. Wash.), and population overruns to the extent provided for in this section.

(~~((6))~~) (5) The (~~((department of social and health services, or the))~~) department of corrections (~~((if it is created during the 1981 regular session of the legislature,))~~) shall in conjunction with the office of financial management and the committees on ways and means of the senate and house of representatives develop staff-to-inmate ratios or a system of post assignment for each correctional unit by August 1, 1981. By September 1, 1981, a written report on proposed staffing levels shall be presented to the legislature comparing this staffing to prior biennial levels and discussing its programmatic and fiscal implications.

Sec. 43. Section 49, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
JUVENILE REHABILITATION PROGRAM**

~~((FTE Staff Years—Fiscal Year 1982..... 810.5  
FTE Staff Years—Fiscal Year 1983..... 811.5))~~

**(1) COMMUNITY SERVICES**

General Fund Appropriation—State .....	\$	<del>((20,562,000))</del>
		<u>19,010,000</u>
General Fund Appropriation—Federal .....	\$	57,000
Total Appropriation .....	\$	<del>((20,619,000))</del>
		<u>19,067,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$~~((1,480,000))~~ 1,228,000 of the general fund—state appropriation is provided solely for community diagnostic services. (~~((A maximum of \$857 per youth may be expended for community diagnostic services.))~~)

(b) \$700,000 from the general fund—state appropriation (~~((and 20.0 FTE staff years are))~~) is provided solely for additional group home beds.

(c) \$224,000 (~~((and 3.8 FTE staff years are))~~) is provided solely to establish a special treatment program for violent assault offenders in community programs.

(d) \$175,000 from the general fund—state appropriation (~~(and 10.0 FTE staff years are)~~) is provided solely to increase the bed capacity of state-operated group homes.

(e) ~~\$(7,047,000)~~ 8,104,000 is provided solely for consolidated local programs. It is the intent of this funding to reduce existing program categorical barriers for funding and services and to support coordinated community-based treatment programs designed to more effectively and efficiently rehabilitate youthful offenders while protecting society. The department of social and health services shall report to the legislature by January 15, 1982, on the services funded under this program and the success of the programs in preventing institutionalization and reducing recidivism.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State .....	\$	35,443,000
General Fund Appropriation—Federal .....	\$	682,000
Total Appropriation .....	\$	36,125,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$428,000 (~~(and 12.0 FTE staff years are)~~) is provided solely for a violent assault offender unit at the Green Hill School.

(b) It is the assumption of the legislature that the appropriations in this subsection initially provide:

(i) \$10,046,000 (including \$9,834,000 from the state general fund) (~~(and 379.8 FTE staff years)~~) for the Echo Glen Children's Center to operate at least twelve cottages;

(ii) \$8,646,000 (including \$8,456,000 from the state general fund) (~~(and 326.0 FTE staff years)~~) for the Maple Lane School to operate at full bed capacity;

(iii) \$10,095,000 (including \$9,965,000 from the state general fund) (~~(and 327.4 FTE staff years)~~) for the Green Hill School to operate at full bed capacity;

(iv) \$4,483,000 (including \$4,393,000 from the state general fund) (~~(and 152.0 FTE staff years)~~) for the Naselle Youth Camp to operate at full bed capacity; and

(v) \$2,855,000 (including \$2,795,000 from the state general fund) (~~(and 82.0 FTE staff years)~~) for the Mission Creek Youth Camp to operate at full bed capacity.

(3) PROGRAM SUPPORT

General Fund Appropriation .....	\$	<del>(2,439,000)</del>
		<u>1,889,000</u>

Sec. 44. Section 50, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MENTAL HEALTH PROGRAM

(FTE Staff Years—Fiscal Year 1982 .....	1,808.5
<del>FTE Staff Years—Fiscal Year 1983 .....</del>	<del>1,834.5)</del>

(1) COMMUNITY SERVICES

General Fund Appropriation—State .....	\$	<del>(55,684,000)</del>
		<u>53,186,000</u>
General Fund Appropriation—Federal .....	\$	<del>(14,996,000)</del>
		<u>14,821,000</u>
General Fund Appropriation—Local .....	\$	922,000
Total Appropriation .....	\$	<del>(71,602,000)</del>
		<u>68,929,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~\$(51,010,000)~~ 49,212,000 of which ~~\$(36,570,000)~~ 34,815,000 is from the general fund—state appropriation is provided solely for community mental health services. Of this amount, \$1,150,000 of the general fund—state appropriation is provided solely for 90 new residential treatment facility beds: PROVIDED, That Substitute House Bill No. 353 is passed during the 1981 legislative session: PROVIDED FURTHER, That if Substitute House Bill No. 353 should not pass, the funds provided for these beds shall be transferred to the institutional category of the mental health divisions appropriation. These beds are to be phased in according to the following schedule: 30 beds available January 1, 1982; an additional 30 beds available July 1, 1982; and an additional 30 beds available January 1, 1983. The department of social and health services shall contract for these beds at a rate not exceeding \$35.00 per day. These beds shall serve the chronically mentally ill.

(b) ~~\$(20,592,000)~~ 19,717,000 of which ~~\$(19,114,000)~~ 18,371,000 is from the general fund—state appropriation is provided solely for Involuntary Treatment Act costs. Up to \$2,200,000 of the general fund—state appropriation is provided for 60 new evaluation and treatment beds. These beds are for 72-hour and 14-day commitments. All 60 beds shall be available no later than January 1, 1983. The department of social and health services shall contract for these beds at a rate not to exceed \$50.00 per day.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State .....	\$	<del>((73,910,000))</del>
		<u>77,511,000</u>
General Fund Appropriation—Federal .....	\$	<del>((4,978,000))</del>
		<u>5,085,000</u>
Total Appropriation .....	\$	<del>((78,888,000))</del>
		<u>82,596,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~\$(48,259,000)~~ 49,931,000, of which ~~\$(45,862,000)~~ 47,464,000 is from state funds, is provided solely for Western State Hospital. ~~((Funds are provided for the operation of up to 95% of the rated bed capacity of this institution. 548.0 FTE staff years are provided for maintenance and support staff.))~~

(b) ~~\$(22,375,000)~~ 24,410,000, of which ~~\$(20,718,000)~~ 22,717,000 is from state funds, is provided for Eastern State Hospital. ~~((Funds are provided for the operation of up to 95% of the rated bed capacity of this institution. 342.0 FTE staff years are provided for maintenance and support staff.))~~

(c) \$4,856,000, of which \$4,105,000 is from state funds, is provided solely for the PORTAL program at the Northern State facility. The secretary of social and health services shall prepare a report for submittal to the legislature by October 1, 1982, on the feasibility and method for implementing the residential treatment program utilized by PORTAL, in communities around the state.

(d) \$3,399,000, of which \$3,225,000 is from state funds, is provided solely for the child study and treatment center.

(e) Upon completion of the new hospital beds at the state hospitals, the department may, by contract, allow other public agencies to utilize the beds made surplus by the opening of the new facility if those agencies provide the funds to cover the full cost of such operation. The hospital shall account for these patients separately from state-supported patients. The care of these patients shall not be subject to the staff-to-patient ratio required in this act.

(3) SPECIAL PROJECTS

General Fund Appropriation—State .....	\$	<del>((1,514,000))</del>
		<u>1,410,000</u>
General Fund Appropriation—Federal .....	\$	320,000
Total Appropriation .....	\$	<del>((1,834,000))</del>

1,730,000

The appropriations in this subsection are subject to the following condition or limitation: ~~\$(683,000)~~ 579,000 from the general fund—state appropriation is provided solely for the continuation of the case management projects in Snohomish, King, Pierce, and Clark counties, and such other counties as funds allow: PROVIDED, That each county receiving these funds shall develop a method of funding case management within its 1983-85 grant-in-aid awards.

(4) PROGRAM SUPPORT

General Fund Appropriation—State	\$	1,851,000
General Fund Appropriation—Federal	\$	549,000
Total Appropriation	\$	2,400,000

Sec. 45. Section 51, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
DEVELOPMENTAL DISABILITIES PROGRAM

<del>((FTE Staff Years—Fiscal Year 1982</del>	<del>.....</del>	<del>3,387.5</del>
FTE Staff Years—Fiscal Year 1983	.....	3,339.5)

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	<del>((47,569,000))</del>
		<u>47,179,000</u>
General Fund Appropriation—Federal	\$	<del>((11,645,000))</del>
		<u>9,434,000</u>
Total Appropriation	\$	<del>((59,214,000))</del>
		<u>56,613,000</u>

The appropriations in this subsection are subject to the following condition((s)) and limitation((s)): ~~((~~(a)~~ \$2,000,000))~~ \$1,000,000 of which ~~\$(1,000,000)~~ 500,000 is from federal funds is provided solely for the fragile children's program to be implemented during fiscal year 1982. If the fragile children's program is not developed by January 1, 1983, then these funds shall revert to the general fund.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	<del>((84,178,000))</del>
		<u>84,028,000</u>
General Fund Appropriation—Federal	\$	49,036,000
Total Appropriation	\$	<del>((133,214,000))</del>
		<u>133,064,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of social and health services in conjunction with the superintendent of public instruction and a legislative study committee shall study the services provided by the School for the Deaf and the School for the Blind. The study shall be prepared in consultation with the parents of students enrolled in these schools as well as members of the deaf and blind community. The study shall include the role these schools play in the provision of education to sensory handicapped pupils in the state. The study shall further include an assessment of the advantages and disadvantages of (i) continuing the operation of the schools; (ii) changing the operation of the schools; and (iii) closing the schools and serving the students through public schools' special programs. The report shall be completed and submitted to the legislature for review by December 30, 1981.

(b) \$6,781,000 is provided solely for the School for the Deaf, of which \$3,356,000 is for fiscal year 1982 and \$3,424,000 is for fiscal year 1983. ~~\$(4,679,000)~~ 4,529,000 is provided solely for the School for the Blind, of which

\$~~((2,316,000))~~ 2,256,000 is for fiscal year 1982 and \$~~((2,363,000))~~ 2,273,000 is for fiscal year 1983.

(c) It is the assumption of the legislature that the appropriations in this subsection initially provide:

(i) \$32,544,000 (~~((and 775.0 FTE staff years))~~) for the Fircrest School to operate at a biennial average daily population of 491;

(ii) \$15,264,000 (~~((and 386.0 FTE staff years))~~) for the Interlake School to operate at a biennial average daily population of 248;

(iii) \$34,237,000 (~~((and 801.0 FTE staff years))~~) for the Rainier School to operate at a biennial average daily population of 531;

(iv) \$24,651,000 (~~((and 574.0 FTE staff years))~~) for Lakeland Village to operate at a biennial average daily population of 359;

(v) \$10,020,000 (~~((and 243.0 FTE staff years))~~) for the Yakima Valley School to operate at a biennial average daily population of 148;

(vi) \$3,921,000 (~~((and 94.0 FTE staff years))~~) for the Francis Haddon Morgan Children's Center to operate at a biennial average daily population of 55; and

(vii) \$1,117,000 (~~((and 23.0 FTE staff years))~~) for the Cerebral Palsy Center to operate at a biennial average daily population of 16.

### (3) SPECIAL PROJECTS

General Fund Appropriation—State .....	\$	984,000
General Fund Appropriation—Federal .....	\$	2,397,000
Total Appropriation .....	\$	3,381,000

### (4) PROGRAM SUPPORT

General Fund Appropriation—State .....	\$	3,056,000
General Fund Appropriation—Federal .....	\$	227,000
Total Appropriation .....	\$	3,283,000

Sec. 46. Section 52, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— NURSING HOMES PROGRAM

General Fund Appropriation—State .....	\$	<del>((175,951,000))</del>
		169,475,000
General Fund Appropriation—Federal .....	\$	<del>((175,951,000))</del>
		169,527,000
Total Appropriation .....	\$	<del>((351,902,000))</del>
		339,002,000

The appropriations in this section are subject to the following condition or limitation: This appropriation assumes passage of Senate Bill No. 3765 and a two-year delay of implementation of chapter 74.46 RCW.

Sec. 47. Section 53, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— INCOME MAINTENANCE GRANTS PROGRAM

General Fund Appropriation—State .....	\$	<del>((329,489,000))</del>
		308,220,000
General Fund Appropriation—Federal .....	\$	<del>((342,795,000))</del>
		319,215,000
Total Appropriation .....	\$	<del>((672,284,000))</del>
		627,435,000

The appropriations in this section are subject to the following conditions and limitations:

~~((2))~~ (1) \$20,000,000 is provided solely for implementation of the consolidated emergency assistance program to provide specifically directed cash or in-kind

benefits to meet the specific emergent need(s) of the applicant. Aid may be provided for up to two months in any consecutive twelve-month period to low-income families with children who are ineligible for other state or federal assistance. It is the intent of the legislature that eligibility requirements shall be stricter than AFDC requirements. The department of social and health services shall immediately apply for waivers under Title XI, section 1115 of the federal social security act to allow federal matching funds to be used for the consolidated emergency assistance program as provided for in this section and in chapter 74.04 RCW (Senate Bill No. 4299).

~~((3))~~ (2) ~~\$(53,428,000)~~ 45,282,000 of the general fund—state appropriation is provided solely for income maintenance grants for the general assistance—unemployable program.

~~((4))~~ (3) The department of social and health services shall immediately evaluate federal proposals which are presently legal options to the states and implement those which are found to be cost-effective. In addition, the department shall seek waivers for any specific federal proposals which are cost-effective and are not now authorized. When waivers are obtained, changes shall be implemented. The department of social and health services shall provide proper notification, in accordance with state and federal laws and regulations, of any changes that are implemented. Furthermore, the department of social and health services shall draft rules to implement enacted changes to Title IV-A of the federal social security act prior to the issuance of federal regulations in order to avoid overexpenditure of state funds.

~~((5))~~ (4) The department of social and health services shall submit a report no later than November 2, 1981, to the committees on ways and means, social and health services, and human services of the senate and house of representatives detailing the implementation schedule and fiscal and program impact of these changes.

~~((6))~~ (5) It is the assumption of the legislature that the appropriations in this section initially provide:

- (a) \$44,220,000 from federal funds for energy assistance;
- (b) \$61,220,000 from federal funds for Indochinese refugees;
- (c) \$20,000,000 from the state general fund for the consolidated emergency assistance program;
- (d) \$453,334,000 (including \$219,086,000 from the state general fund) for aid to families with dependent children, with a caseload assumption for fiscal year 1982 of 59,890 cases and a caseload assumption for fiscal year 1983 of 61,797 cases;
- (e) \$31,103,000 from the state general fund for the supplemental security income state supplement;
- (f) \$53,428,000 from the state general fund for general assistance, with a caseload assumption for fiscal year 1982 of 9,075 cases and a caseload assumption for fiscal year 1983 of 9,692 cases;
- (g) \$2,034,000 from the state general fund for supplemental security income—additional requirements;
- (h) \$2,116,000 from the state general fund for burial assistance;
- (i) \$2,361,000 (including \$1,475,000 from the state general fund) for employment and training day-care; and
- (j) \$2,468,000 (including \$247,000 from the state general fund) for work incentive payments.

Sec. 48. Section 54, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
COMMUNITY SOCIAL SERVICES GRANTS PROGRAM**

General Fund Appropriation—State . . . . . \$ ~~((137,474,000))~~  
135,235,000

General Fund Appropriation—Federal .....	\$	<del>((69,318,000))</del>
		<u>61,010,000</u>
General Fund Appropriation—Local .....	\$	105,000
Total Appropriation .....	\$	<del>((206,897,000))</del>
		<u>196,350,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((42,000,000))~~ 45,868,000 of which ~~\$((19,566,000))~~ 16,044,000 is from federal funds is provided solely for the provision of chore services to persons at risk of institutionalization who meet the eligibility criteria in RCW 74.08.540, and for the support of programs utilizing volunteers to provide chore services. Of that amount, ~~\$((29,200,000))~~ 28,568,000 is provided for a limited chore service program in which services are provided solely on an hourly basis, with a monthly lid on chore service hours which may be authorized. \$12,800,000 is provided for chore services to clients in need of attendant care whose services are authorized on a monthly rate basis. The department of social and health services shall immediately seek waivers which allow the use of Title XX funds in a lidded program.

(2) \$1,698,000 is provided solely for the provision of chore services on a case-by-case exception-to-policy basis to severely handicapped persons in need of attendant care whose income exceeds 30% of the state median income but does not exceed 57% of the state median income. Services may be provided under this subsection only to the extent necessary to allow the individual to remain in his or her own home, and no services may be authorized for more than ninety days at any one time.

(3) \$1,226,000 of the general fund—state appropriation is provided solely for long-term alcoholism beds.

(4) ~~\$((14,960,000))~~ 14,330,000 of the general fund—state appropriation is provided solely for implementation of the senior citizens services act. At least 7.0% of these funds shall be used to develop and implement programs which utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the state chore service program.

(5) \$1,148,000 of the general fund—state appropriation is provided solely for the victims of domestic violence program.

(6) \$1,335,000 of the general fund—state appropriation, or so much thereof as may be necessary, is provided solely for the migrant day-care program.

(7) \$40,000 of the general fund—state appropriation in this subsection is provided solely to complete the child abuse demonstration project directed by RCW 74.13.200.

(8) It is the assumption of the legislature that the appropriations in this section initially provide:

(a) \$15,851,000 (including \$11,559,000 from the state general fund) for alcoholism grants;

(b) \$5,475,000 (including \$4,590,000 from the state general fund) for detoxification;

(c) \$9,558,000 (including \$3,545,000 from the state general fund) for substance abuse grants;

(d) \$2,500,000 from federal funds for Indochinese refugees;

(e) \$17,642,000 from federal funds for aging services under Title III of the federal older Americans act;

(f) \$14,960,000 from the state general fund for the senior citizens services act;

(g) \$4,482,000 (including \$2,275,000 from the state general fund) for crisis residential centers;

(h) \$28,887,000 from the state general fund for congregate care facilities;

- (i) \$45,072,000 (including \$38,120,000 from the state general fund) for foster care payments, with a caseload assumption of 5,433 for fiscal year 1982 and a caseload assumption of 5,327 for fiscal year 1983;
- (j) \$8,931,000 (including \$1,758,000 from the state general fund) for child care payments;
- (k) \$4,816,000 (including \$4,372,000 from the state general fund) for adoption support;
- (l) \$43,698,000 (including \$24,132,000 from the state general fund) for chore services;
- (m) \$1,148,000 from the state general fund for victims of domestic violence;
- (n) \$831,000 (including \$150,000 from the state general fund) for adult day care;
- (o) \$2,537,000 (including \$634,000 from the state general fund) for crisis intervention services;
- (p) \$1,200,000 from the state general fund for adult family homes; and
- (q) \$144,000 from the state general fund for nursing home discharge allowances.

Sec. 49. Section 55, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MEDICAL ASSISTANCE GRANTS PROGRAM**

General Fund Appropriation—State .....	\$	<del>((274,462,000))</del> 246,389,000
General Fund Appropriation—Federal .....	\$	<del>((206,907,000))</del> 212,923,000
Total Appropriation .....	\$	<del>((481,369,000))</del> <u>459,312,000</u>

The appropriations in this section are subject to the following conditions or limitations:

(1) ~~\$(50,000,000))~~ 43,999,000 of the general fund—state appropriation is provided solely for the medical care of individuals not eligible for categorical assistance. Eligibility standards and scope of service shall be determined by the department of social and health services.

(2) ~~\$(39,144,000))~~ 34,146,000 of the general fund—state appropriation is provided solely for the medical component of the general assistance—unemployable program.

(3) The legislature supports efforts to maximize the cost benefits of pre-paid risk-sharing contracts in the provision of medical services through health maintenance organizations (HMOs) and individual practice associations (IPAs). The department is directed to seek increased participation of recipients enrolled in these programs. The legislature further supports the use of a hospital reimbursement system based on prospectively established rates. The department shall cooperate with the hospital commission in determining the possible savings to the state of using such a system.

~~((5))~~ (4) The department of social and health services shall establish by rule a system to insure that these funds are not expended to cover persons who are already covered by private or public programs.

Sec. 50. Section 56, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
PUBLIC HEALTH PROGRAM**

General Fund Appropriation—State .....	\$	<del>((30,434,000))</del> 32,938,000
General Fund Appropriation—Federal .....	\$	<del>((56,635,000))</del>

	<u>50,028,000</u>
General Fund Appropriation—Local .....	\$ ((1,473,000))
	<u>2,842,000</u>
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)— Appropriation .....	\$ 10,000,000
General Fund' Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27); chapter 258, Laws of 1979 ex. sess. (chapter 43.99D RCW); and chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Reappropriation .....	\$ 19,900,000
	\$ 19,900,000
	\$ ((98,542,000))
	<u>85,323,000</u>
Total Appropriation .....	\$ ((118,442,000))
	<u>115,708,000</u>

((FTE Staff Years—Fiscal Year 1982..... 427.0  
FTE Staff Years—Fiscal Year 1983..... 427.0

The appropriations in this section are subject to the following condition or limitation: \$40,000 of the general fund—state appropriation is provided solely for an epidemiological study on the incident of multiple sclerosis in Lincoln and Spokane counties:))

Sec. 51. Section 57, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State .....	\$ ((9,648,000))
	<u>16,154,000</u>
General Fund Appropriation—Federal .....	\$ ((45,351,000))
	<u>27,468,000</u>
Total Appropriation .....	\$ ((54,999,000))
	<u>43,622,000</u>

((FTE Staff Years—Fiscal Year 1982..... 335.5  
FTE Staff Years—Fiscal Year 1983..... 335.5))

Sec. 52. Section 58, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State .....	\$ ((68,798,000))
	<u>63,017,000</u>
General Fund Appropriation—Federal .....	\$ ((44,200,000))
	<u>44,191,000</u>
General Fund—Institutional Impact Account Approp- riation .....	\$ ((600,000))
	<u>75,000</u>
Total Appropriation .....	\$ ((113,598,000))
	<u>107,283,000</u>

((FTE Staff Years—Fiscal Year 1982..... 1,417.0  
FTE Staff Years—Fiscal Year 1983..... 1,417.5))

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\\$525,000 of the general fund—~~institutional impact account appropriation shall be transferred to the department of corrections if a department of corrections is created during the 1981 regular session of the legislature.

(2) ~~If Second Substitute House Bill No. 235 is enacted during the 1981 regular session of the legislature, there shall be transferred to the department of corrections an amount of the general fund—state appropriation and FTE staff years provided in this section, the exact amount to be negotiated by the secretary of social and health services and the secretary of corrections, with the approval of the director of financial management. The transferred appropriation shall not exceed \$4,252,000.~~

(3)) ~~\$(4,186,000)~~ 3,187,000 of the general fund—state appropriation ~~((and 50.0 FTE staff years are))~~ is provided solely for the integrated systems development project. This project shall include among its top priorities the development of a method for the identification of common client information and the tracking of clients through all human service programs provided by the department of social and health services. This project is subject to the following conditions:

(a) By ~~((January 15))~~ October 1, 1982, the department of social and health services shall make reports available to the legislature that analyze client, service delivery, and service cost data across systems containing common client identifier information, including but not limited to Social Service Payment Systems, Medicaid Management Information Systems, and the Interactive Terminal Input Systems/Client Financial Systems.

(b) \$686,000 of this sum shall be used to: (i) Establish a centralized data administration function; (ii) enhance and establish centralized data security and privacy controls; and (iii) implement a comprehensive data system methodology. By ~~((January 15))~~ October 1, 1982, the department shall submit a report to the legislature that includes: (i) Plans for including each client, service cost, and service delivery information system in the department's data dictionary; (ii) an approach for unique identifications of individual service recipients, service recipient households, and service recipient families, and for the incorporation of such in each client, service cost, and service delivery information system; and (iii) plans for extracting data from those systems which include unduplicated recipient counts and service histories.

(c) These systems shall meet the following criteria: (i) Contain client, service cost, service delivery, or financial data; and (ii) lend themselves to rapid, flexible, and efficient data extraction and report generation. Those systems containing client information should include unique identifiers of individual recipients, recipient families, and recipient households with confidentiality of patient information and records as provided by state and federal law.

(d) A high priority of projects funded with this appropriation is the mental health information system for institutions and community mental health. This project shall be developed and completed during the 1981-83 biennium.

~~((4) 19.0 FTE staff years shall be added to fiscal year 1983 for nursing home audits if Substitute Senate Bill No. 3765 is enacted during the 1981 regular session of the legislature.~~

(5)) (2) In addition to any other reporting requirements, the department of social and health services shall report in writing to the committees on ways and means of the senate and house of representatives not later than January 15, 1982, and January 14, 1983, on actions taken to implement the conditions and limitations provided in sections 47 through 60 of this act and on the funds expended in support of each condition or limitation. If a department of corrections is created, it shall provide any reports required under this subsection for the conditions and limitations established in sections 47 and 48 of this act.

~~((6))~~ (3) The department of social and health services shall perform ongoing random samplings of those individuals affected by the elimination and/or reduction of public assistance programs and chore services as required by this budget. This study shall include the detailing of the following impacts: (a) The extent to which individuals are institutionalized as the result of loss of assistance or service; (b) the number of individuals who were able to find assistance from private sources to meet basic needs; (c) the number of individuals who became enrolled in another state or locally funded program: PROVIDED, That the department shall make regular reports to the legislature detailing the progress of the projects done under the authority of this section.

Sec. 53. Section 59, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation—State .....	\$	<del>((102,812,000))</del>
		<u>102,651,000</u>
General Fund Appropriation—Federal .....	\$	<del>((139,494,000))</del>
		<u>127,224,000</u>
General Fund Appropriation—Local .....	\$	48,000
Total Appropriation .....	\$	<del>((242,354,000))</del>
		<u>229,923,000</u>
<del>((FTE Staff Years—Fiscal Year 1982 .....</del>		<del>4,274.9</del>
FTE Staff Years—Fiscal Year 1983 .....		4,361.3))

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((255.0 FTE staff years are provided solely to increase the diversion capabilities of the employment and training program.))~~ The department of social and health services shall monitor and determine the net reduction in income maintenance and medical costs as a result of the employment and training program.

(2) The department of social and health services in conjunction with the employment security department shall seek federal funding to support the placement incentive demonstration project.

(3) The department of social and health service in conjunction with the employment security department shall monitor and determine the net reduction in income maintenance and medical costs as a result of the placement incentive demonstration project.

(4) \$350,000 is provided solely for the sexual assault victims program.

(5) The department shall provide necessary assistance in each community service office to ensure that applicants or recipients of general assistance who may qualify for supplemental security income make prompt application for and actively pursue qualification for the supplemental security income program.

~~((6) \$5,481,000 (of which \$2,741,000 is from federal funds) shall revert to the general fund if Substitute Senate Bill No. 3765 is enacted during the 1981 regular session of the legislature:~~

~~(7) \$565,000 (of which \$282,000 is from federal funds) shall be transferred to the department of social and health services—administration and supporting services program if Substitute Senate Bill No. 3765 is enacted during the 1981 regular session of the legislature.))~~

Sec. 54. Section 61, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State .....	\$	<del>((15,263,000))</del>
		<u>14,727,000</u>
General Fund Appropriation—Local .....	\$	2,496,000

Total Appropriation .....	\$	<del>((17,759,000))</del>
		<u>17,223,000</u>
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>371.1</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>371.1))</del>

Sec. 55. Section 62, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY**

General Fund Appropriation—State .....	\$	<del>((5,270,000))</del>
		<u>4,226,000</u>
General Fund Appropriation—Federal .....	\$	28,152,000
Total Appropriation .....	\$	<del>((33,422,000))</del>
		<u>32,378,000</u>

<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>85.0</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>85.0))</del>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation is provided solely for City Fair—Seattle.

(2) In anticipation of significant reductions in federal support, the agency shall prepare a contingency expenditure plan which adjusts the allotments to reflect the anticipated loss of federal funds and required state matching funds. This contingency plan shall include necessary program changes and a redefinition of services. As a result of any loss of federal funds, subsequent state matching funds shall be placed in reserve. The contingency plan shall be transmitted to the legislature upon completion.

~~((4))~~ (3) ~~\$((1,891,000))~~ 1,132,000 of the general fund—state appropriation is provided solely for the Mt. St. Helens Zone Enforcement/Assistance Project to expedite a coordinated three-county response to an emergency generated by tourist and public response to Mt. St. Helens volcano activity and/or disaster. ~~((If necessary, a portion of the funds provided in this subsection may be spent prior to July 1, 1981.))~~

Sec. 56. Section 63, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund Appropriation—State .....	\$	<del>((2,769,000))</del>
		<u>2,488,000</u>
General Fund Appropriation—Federal .....	\$	517,000
Total Appropriation .....	\$	<del>((3,286,000))</del>
		<u>3,005,000</u>

<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>47.2</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>44.5))</del>

Sec. 57. Section 66, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation—State .....	\$	<del>((6,523,000))</del>
		<u>5,862,000</u>

General Fund—Crime Victims' Compensation		
Account Appropriation.....	\$	160,000
Accident Fund Appropriation—State .....	\$	39,401,000
Accident Fund Appropriation—Federal .....	\$	366,000
Electrical License Fund .....	\$	7,381,000
Medical Aid Fund Appropriation .....	\$	33,619,000
Plumbing Certificate Fund .....	\$	283,000
Pressure Systems Safety Fund .....	\$	827,000

Total Appropriation .....	\$	<del>((88,560,000))</del>
		<u>87,899,000</u>
<del>((FTE Staff Years—Fiscal Year 1982 .....</del>		<del>1,400.9</del>
<del>FTE Staff Years—Fiscal Year 1983 .....</del>		<del>1,417.0))</del>

The appropriations in this section are subject to the following conditions and limitations:

(1) General fund expenditures for the building and construction program together with associated indirect cost and salary increase costs shall not exceed general fund revenue from the building and construction program.

(2) ~~\$(1,100,000)~~ 1,094,000 of the general fund—state appropriation (~~(and 37.2 FTE staff years are))~~ is provided solely for the fiscal year 1982 employment standards and apprenticeship programs. Fiscal year 1983 funding shall be determined on the basis of a legislative budget committee review of the employment standards program within the criteria established in chapter 43.131 RCW and complete a report prior to December 15, 1981. Fiscal year 1983 funding of the apprenticeship program shall be determined on the basis of a legislative study to be completed by January 15, 1982.

(3) \$632,000 of the general fund—state appropriation (~~(and 2.0 FTE staff years are))~~ is provided solely for victims of crime pension benefit payments.

Sec. 58. Section 67, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE BOARD OF PRISON TERMS AND PAROLES**

General Fund Appropriation .....	\$	<del>((2,446,000))</del>
		<u>2,198,000</u>
<del>((FTE Staff Years—Fiscal Year 1982 .....</del>		<del>29.0</del>
<del>FTE Staff Years—Fiscal Year 1983 .....</del>		<del>29.0))</del>

Sec. 59. Section 68, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE HOSPITAL COMMISSION**

General Fund Appropriation—State .....	\$	<del>((549,000))</del>
		<u>489,000</u>
General Fund Appropriation—Federal .....	\$	<del>((132,000))</del>
		<u>128,000</u>
General Fund—Hospital Commission Account		
Appropriation .....	\$	915,000
Total Appropriation .....	\$	<del>((1,596,000))</del>
		<u>1,532,000</u>
<del>((FTE Staff Years—Fiscal Year 1982 .....</del>		<del>20.3</del>
<del>FTE Staff Years—Fiscal Year 1983 .....</del>		<del>19.8))</del>

The appropriations in this section are subject to the following condition or limitation: The hospital commission shall further review the benefits and possible savings to the state of utilizing a reimbursement system based on prospectively established hospital rates.

Sec. 60. Section 69, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund Appropriation—State .....	\$	<del>((2,270,000))</del>
		<u>2,050,000</u>
General Fund Appropriation—Federal .....	\$	158,908,000
General Fund Appropriation—Local .....	\$	23,571,000
Administrative Contingency Fund Appropriation—		
Federal .....	\$	2,231,000
Unemployment Compensation Administration Fund		
Appropriation .....	\$	93,132,000

Total Appropriation .....	\$	((280,112,000))
		<u>279,892,000</u>
((FTE Staff Years—Fiscal Year 1982 .....		2,813.1
FTE Staff Years—Fiscal Year 1983 .....		2,759.9))

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((900,000)) 729,000 of the general fund—state appropriation is provided solely for work orientation of ex-offenders.

(2) \$300,000 of the general fund—state appropriation is provided solely for a placement incentive demonstration project to serve AFDC-R recipients who have been on assistance for three consecutive years or more and have been determined to have the most severe barriers to employment.

The goal of this program is to establish a demonstration program that will use performance-based contracts to achieve full-time job placement and ensure long-term job retention. Not more than \$1,000 may be spent per participant and the payment schedule shall be structured to ensure incentive is built-in with twelve-month job retention for a minimum of 50% of the participants. The results of this program will be analyzed and evaluated and a written report will be submitted to the legislature by January, 1983. The report shall also contain comparative analysis of other similar employment and training programs including the employment and training program of the department of social and health services. The employment security department shall cooperate with the department of social and health services in seeking federal funds for this program and in monitoring savings in income maintenance and medical assistance as a result.

Sec. 61. Section 70, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE COMMISSION FOR THE BLIND**

General Fund Appropriation—State .....	\$	((2,746,000))
		<u>2,468,000</u>
General Fund Appropriation—Federal .....	\$	5,254,000
Total Appropriation .....	\$	((8,000,000))
		<u>7,722,000</u>
((FTE Staff Years—Fiscal Year 1982 .....		71.0
FTE Staff Years—Fiscal Year 1983 .....		70.5))

Sec. 62. Section 71, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE JAIL COMMISSION**

General Fund Appropriation .....	\$	((390,000))
		<u>350,000</u>
General Fund—Local Jail Improvement and Construction Account Appropriation .....	\$	511,000
Total Appropriation .....	\$	((901,000))
		<u>861,000</u>
((FTE Staff Years—Fiscal Year 1982 .....		9.0
FTE Staff Years—Fiscal Year 1983 .....		9.0))

Sec. 63. Section 72, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE STATE ENERGY OFFICE**

General Fund Appropriation—State .....	\$	((1,300,000))
		<u>1,105,000</u>
General Fund Appropriation—Federal .....	\$	((4,720,000))
		<u>4,641,000</u>
Total Appropriation .....	\$	((6,020,000))
		<u>5,746,000</u>

((FTE Staff Years—Fiscal Year 1982..... 49.9  
 FTE Staff Years—Fiscal Year 1983..... 28.8))

Sec. 64. Section 73, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund Appropriation ..... \$ ~~((76,000))~~  
 68,000

Sec. 65. Section 74, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund Appropriation—State ..... \$ ~~((20,093,000))~~  
 18,057,000

General Fund Appropriation—Federal ..... \$ 14,380,000

General Fund—Special Grass Seed Burning Research  
 Account Appropriation ..... \$ 35,000

General Fund—Reclamation Revolving Account  
 Appropriation ..... \$ 580,000

General Fund—Litter Control Account Appropria-  
 tion ..... \$ 4,110,000

Stream Gaging Basic Data Fund Appropriation ..... \$ 200,000

General Fund—State and Local Improvements  
 Revolving Account—Waste Disposal Facilities:  
 Appropriated pursuant to chapter 127, Laws of  
 1972 ex. sess. (Referendum 26) ..... \$ 54,315,000

General Fund—State and Local Improvements  
 Revolving Account—Waste Disposal Facilities:  
 Reappropriation (Referendum 26) ..... \$ 61,797,000

General Fund—Water Pollution Control Facilities  
 Account Appropriation ..... \$ 50,000

General Fund—State and Local Improvements  
 Revolving Account—Water Supply Facilities:  
 Appropriated pursuant to chapter 128, Laws of  
 1972 ex. sess. (Referendum 27) ..... \$ 7,284,000

General Fund—State and Local Improvements  
 Revolving Account—Water Supply Facilities:  
 Reappropriation (Referendum 27) ..... \$ 4,700,000

General Fund—Emergency Water Project Revolving  
 Account Appropriation: Appropriated pursuant to  
 chapter 1, Laws of 1977 ex. sess. .... \$ 7,358,000

General Fund—Emergency Water Project Revolving  
 Account: Reappropriation ..... \$ 6,500,000

General Fund—State and Local Improvements  
 Revolving Account—Water Supply Facilities:  
 Appropriated pursuant to chapter 234, Laws of  
 1979 ex. sess. (Referendum 38) ..... \$ 18,095,000

General Fund—State and Local Improvements  
 Revolving Account—Waste Disposal Facilities  
 1980: Appropriated pursuant to chapter 159, Laws  
 of 1980 (Referendum 39) ..... \$ 84,780,000

Total Reappropriation ..... \$ 72,997,000

Total New Appropriation ..... \$ ~~((211,280,000))~~  
 209,244,000

Total Appropriation ..... \$ ~~((284,277,000))~~  
 282,241,000

<del>((FTE Staff Years</del> Fiscal Year 1982 .....	509.5
FTE Staff Years Fiscal Year 1983 .....	512.1))

The appropriations in this section are subject to the following conditions and limitations:

(1) On or before October 1, 1981, the department of ecology shall file with the committees on ways and means of the senate and house of representatives a master compilation by project type of those projects proposed for funding during the 1981-83 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each referendum bond issue. The department shall submit updates for the master compilation to the committees on ways and means at six-month intervals during the 1981-83 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering the projects. If the department proposes to change or modify any project list on the master compilation, it shall give the committees on ways and means thirty days' written notice of the change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall immediately inform the committees of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities.

(2) The appropriation from the state and local improvements revolving account—water supply facilities (Referendum 27) may be expended to pay up to 50% of the eligible cost of any project, as a grant or loan or combination thereof. Also, the department may lend up to 100% of the eligible costs of preconstruction activities and the department may provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(3) The appropriation from the state and local improvements revolving account—waste disposal facilities (Referendum 26) may be expended by the department to pay for up to 50% of the eligible cost of any project, as a grant or up to 100% as a loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(4) The appropriation from the state and local improvements revolving account—waste disposal facilities 1980 (Referendum 39) may be expended by the department to pay up to 75% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(5) \$130,000 of the general fund—state appropriation is provided solely to augment current department planned expenditures for the assessment of sources of, and abatement programs for, toxic substances in Commencement Bay and its waterways. Of that amount:

(a) \$90,000 is for field and laboratory studies and activities needed for determining the source or sources of toxic substances in Commencement Bay and its waterways; and

(b) \$40,000 is for collecting and analyzing samples of sediments from any deep water portions of Commencement Bay that have been utilized for waste disposal sites, for the purpose of identifying the nature and extent of the wastes deposited.

(6) ~~\$(1,306,000)~~ 1,106,000 of the general fund—state appropriation is provided solely for the vehicle emission inspection program.

(7) The department shall expend no funds for a wastewater outfall that would discharge into the waters of Puget Sound at any point south of the location commonly known as Duwamish Head.

Sec. 66. Section 75, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation .....	\$	<del>((658,000))</del>
		<u>591,000</u>
<del>((FTE Staff Years — Fiscal Year 1982 .....</del>		<del>7.0</del>
<del>FTE Staff Years — Fiscal Year 1983 .....</del>		<del>7.0))</del>

Sec. 67. Section 76, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State .....	\$	<del>((27,511,000))</del>
		<u>25,019,000</u>
General Fund Appropriation—Federal .....	\$	185,000
General Fund Appropriation—Private/Local .....	\$	467,000
General Fund—Trust Land Purchase Account Appropriation .....	\$	<del>((5,854,000))</del>
		<u>5,498,000</u>
General Fund—Winter Recreation Parking Account Appropriation .....	\$	<del>((139,000))</del>
		<u>64,000</u>
General Fund—Outdoor Recreation Account Approp- riation .....	\$	81,000
General Fund—Snowmobile Account Appropriation .....	\$	555,000
Motor Vehicle Fund Appropriation .....	\$	600,000
Total Appropriation .....	\$	<del>((35,392,000))</del>
		<u>32,469,000</u>
<del>((FTE Staff Years — Fiscal Year 1982 .....</del>		<del>553.3</del>
<del>FTE Staff Years — Fiscal Year 1983 .....</del>		<del>553.4))</del>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$~~((155,000 is provided solely))~~ 140,000 may be expended 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.

(2) \$~~((178,000))~~ 104,000 is provided solely for a manual campsite reservation system.

(3) A maximum of \$~~((239,000))~~ 193,000 may be expended for a lifeguard program.

(4) A maximum of \$~~((90,000))~~ 80,000 may be expended for the operation of the Goldendale Observatory.

(5) No moneys appropriated in this section may be expended for an agreement with the department of transportation for maintenance of the restroom at Snoqualmie Pass.

(6) \$~~((870,000 is provided solely))~~ 700,000 may be expended for facility maintenance.

(7) \$~~((221,000 is provided solely))~~ 162,000 may be expended for law enforcement, including an agreement with the Washington state patrol.

(8) ~~((If House Bill No. 386 is not enacted during the 1981 regular session of the legislature, the winter recreation parking account appropriation shall be reduced to \$64,000.~~

~~(9))~~ \$~~((100,000))~~ 75,000 is provided solely to determine the potential long-range alternative uses of the St. Edwards facility. The study shall include all potential uses, including but not limited to recreation. The results of the study shall be reported to the legislature not later than December 1, 1981.

~~((+10)) (9) (\$196,000 is provided solely for the St. Edwards facility. These moneys shall be expended to put the facility in an operable condition.)~~ \$36,000 of this general fund — state appropriation is provided solely to provide minimal heat, air circulation, water and maintenance necessary to prevent the deterioration of the St. Edwards facility.

~~((+H)) (10) \$(55,000 is provided solely)~~ 15,000 may be expended to implement the recommendations of the Mt. St. Helens recreation and tourism task group for the operation of Seaquest state park tourist information center and various viewpoints and sanitary facilities.

Sec. 68. Section 78, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund Appropriation—State .....	\$	<del>((344,000))</del>
		<u>309,000</u>
General Fund Appropriation—Federal .....	\$	<del>((5,136,000))</del>
		<u>205,000</u>
Total Appropriation .....	\$	<del>((5,480,000))</del>
		<u>514,000</u>

~~((FTE Staff Years — Fiscal Year 1982..... 8.0~~  
~~FTE Staff Years — Fiscal Year 1983..... 8.0))~~

Sec. 69. Section 80, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT**

General Fund Appropriation—State .....	\$	<del>((3,550,000))</del>
		<u>8,190,000</u>
General Fund Appropriation—Federal .....	\$	<u>391,000</u>
Motor Vehicle Fund Appropriation.....	\$	<u>395,000</u>
Total Appropriation .....	\$	<del>((4,336,000))</del>
		<u>8,976,000</u>

~~((FTE Staff Years — Fiscal Year 1982..... 44.0~~  
~~FTE Staff Years — Fiscal Year 1983..... 44.0))~~

Sec. 70. Section 81, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISHERIES**

General Fund Appropriation—State .....	\$	<del>((38,582,000))</del>
		<u>34,672,000</u>
General Fund Appropriation—Federal .....	\$	<u>5,777,000</u>
General Fund Appropriation—Private/Local.....	\$	<u>1,873,000</u>
General Fund—Lewis River Hatchery Account		
Appropriation .....	\$	<u>27,000</u>
Total Appropriation .....	\$	<del>((46,259,000))</del>
		<u>42,349,000</u>

~~((FTE Staff Years — Fiscal Year 1982..... 600.8~~  
~~FTE Staff Years — Fiscal Year 1983..... 607.0))~~

The appropriations in this section are subject to the following condition or limitation: ~~\$((234,000))~~ 211,000 of the general fund—state appropriation is provided solely for bait fish and ling cod enhancement efforts.

Sec. 71. Section 83, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund Appropriation—State .....	\$	<del>((23,616,000))</del>
		<u>21,418,000</u>

General Fund Appropriation—Federal .....	\$	1,354,000
General Fund—ORV (Off-Road Vehicle) Account Appropriation .....	\$	1,711,000
General Fund—Forest Development Account Approp- riation .....	\$	16,669,000
General Fund—State Timber Tax Reserve Account Appropriation .....	\$	414,000
General Fund—Landowner Contingency Forest Fire Suppression Account Appropriation .....	\$	1,878,000
General Fund—Resource Management Cost Account Appropriation .....	\$	49,977,000
Total Appropriation .....	\$	<del>(95,619,000)</del>
		<u>93,421,000</u>
((FTE Staff Years—Fiscal Year 1982 .....		1,512.4
FTE Staff Years—Fiscal Year 1983 .....		1,533.5))

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,782,000 of the general fund—state appropriation is provided solely for emergency fire suppression. The funds shall also be available for interfund loans with the landowner contingency forest fire suppression account.

(2) (~~(\$2,221,000 of the general fund—state appropriation is provided solely)~~) A maximum of \$1,997,000 shall be expended for the operation of the Clearwater, Olympic, Larch Mountain, Indian Ridge, Cedar Creek, Maple Lane, Naselle, and Mission Creek Honor Camps.

(3) Up to \$13,000,000 of the resource management cost account appropriation may be substituted by additional forest development account funds in excess of the appropriation. Any funds so replaced shall not be expended for any purpose.

(4) A maximum of ~~\$(2,038,000)~~ 1,832,000 of the general fund—state appropriation may be expended for the geology and earth resources program.

(5) \$40,000 of the resource management cost account appropriation is provided solely for lake management.

(6) The department of natural resources shall provide a report on the urban lands program to the committees on ways and means of the house of representatives and the senate by December 1, 1981. The report shall include an inventory of urban lands, a management plan for each urban parcel, involvement in land use planning, and any other information necessary for policy determination.

Sec. 72. Section 84, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund Appropriation—State .....	\$	<del>(9,401,000)</del>
		<u>8,475,000</u>
General Fund Appropriation—Federal .....	\$	777,000
General Fund—Feed and Fertilizer Account Approp- riation .....	\$	29,000
Fertilizer, Agricultural, Mineral and Lime Fund Approp- riation .....	\$	358,000
Commercial Feed Fund Appropriation—State .....	\$	311,000
Commercial Feed Fund Appropriation—Federal .....	\$	22,000
Seed Fund Appropriation .....	\$	913,000
Nursery Inspection Fund Appropriation .....	\$	270,000
Grain and Hay Inspection Fund Appropriation .....	\$	17,278,000
Total Appropriation .....	\$	<del>(29,359,000)</del>
		<u>28,433,000</u>
((FTE Staff Years—Fiscal Year 1982 .....		807.4

~~FTE Staff Years—Fiscal Year 1983..... 814.7)~~

The appropriations in this section are subject to the following condition(s) and limitation(s): ~~((1) If House Bill No. 252 is enacted during the 1981 regular session of the legislature, there shall be no hay and grain inspection fund appropriation:~~

~~(2)) A maximum of \$((15,000)) 13,000 of the general fund—state appropriation shall be expended for starling control.~~

Sec. 73. Section 85, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation .....	\$	<del>((10,492,000))</del>
		<u>9,412,000</u>
General Fund—Architects' License Account Approp- riation .....	\$	173,000
General Fund—Opticians' Account Appropriation .....	\$	33,000
General Fund—Optometry Account Appropriation .....	\$	81,000
General Fund—Professional Engineers' Account Appropriation .....	\$	478,000
General Fund—Real Estate Commission Account Appropriation .....	\$	3,444,000
<del>((General Fund—Sanitarians' Licensing Account Appropriation .....</del>	<del>\$</del>	<del>20,000))</del>
General Fund—Board of Psychological Examiners Account Appropriation .....	\$	42,000
Game Fund Appropriation .....	\$	148,000
Highway Safety Fund Appropriation .....	\$	33,286,000
Motor Vehicle Fund Appropriation .....	\$	27,399,000
Total Appropriation .....	\$	<del>((75,596,000))</del>
		<u>74,496,000</u>

~~((FTE Staff Years—Fiscal Year 1982..... 1,209.0~~

~~FTE Staff Years—Fiscal Year 1983..... 1,205.7~~

The appropriations in this section are subject to the following condition or limitation: ~~The sanitarians' licensing account appropriation is contingent on the enactment of House Bill No. 311 or Senate Bill No. 3314 during the 1981 regular session of the legislature:))~~

Sec. 74. Section 86, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)

General Fund Appropriation—State .....	\$	<del>((13,697,000))</del>
		<u>12,314,000</u>
General Fund Appropriation—Federal .....	\$	5,981,000
General Fund—Traffic Safety Education Account Appropriation .....	\$	460,000
Total Appropriation .....	\$	<del>((20,138,000))</del>
		<u>18,755,000</u>

~~((FTE Staff Years—Fiscal Year 1982..... 266.5~~

~~FTE Staff Years—Fiscal Year 1983..... 266.5))~~

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$460,000 may be expended for the state office administration of the traffic safety education program.

(2) The superintendent shall ensure that data reported by school districts for reimbursement and state budget planning purposes is accurate and timely.

Sec. 75. Section 87, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION FORMULA FOR FISCAL YEARS 1982 AND 1983**

General Fund Appropriation .....	\$	<del>((2,567,881,000))</del>
		<u>2,611,812,000</u>
General Fund—State Timber Tax Reserve Account .....	\$	4,000,000
<del>((Common School Construction Fund Appropriation .....</del>	<del>\$</del>	<del>52,379,000))</del>
Total Appropriation .....	\$	<del>((2,624,260,000))</del>
		<u>2,615,812,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of this act and compliance with chapter 16, Laws of 1981, the superintendent of public instruction shall ensure that no district provides salary and compensation increases from any fund source whatsoever in excess of those amounts for insurance benefit increases and/or ((percentages)) for those percentages for salary increases specified in this act: **PROVIDED**, That the superintendent shall withhold five percent of a district's respective basic education allocation if the school district violates any provision of this act or chapter 16, Laws of 1981 until such time as a school district comes into compliance: **PROVIDED FURTHER**, That provisions of any contract in force as of the effective date of chapter 16, Laws of 1981, for school years 1981-82 and 1982-83 that conflict with the provisions of this act may continue in effect: **PROVIDED FURTHER**, That provisions of a contract in compliance with chapter 16, Laws of 1981, entered into prior to November —, 1981, for the 1982-83 school year that conflicts with provisions of this 1981 amendatory act may continue in effect.

(2) A maximum of ~~\$((1,308,315,000))~~ 1,297,817,000 of this appropriation may be expended in fiscal year 1982.

(3)(a) The appropriations in this section and allocation authorized by sections 87 through 91 of this act per annual average full time equivalent student shall constitute 100% of formula as provided in RCW 28A.41.130 as now or hereafter amended.

(b) If the system-wide staff mix factor exceeds 1.6182, the superintendent of public instruction shall make such adjustments as are required to remain within the amounts generated by the staff mix assumption for the total appropriation.

(4) Formula allocation of certificated staff units shall be determined as follows:

(a) One certificated staff unit for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) One certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction.

(c) For districts enrolling not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollment above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a K-8 program or 1-8 program, an additional one-half of a certificated staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a K-6 or 1-6 program, an additional one-half of a certificated staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(d) For districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students, certificated staff units shall be determined as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(5)(a) For nonemployee related costs with each certificated staff unit determined under subsection (4) (a), (c), and (d) of this section, there shall be provided a maximum of ~~\$(4,684)~~ 4,572 per staff unit in the 1981-82 school year and a maximum of ~~\$(5,166)~~ 4,966 per staff unit in the 1982-83 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (4)(b) of this section, there shall be provided a maximum of ~~\$(8,182)~~ 8,000 per staff unit in the 1981-82 school year and a maximum of ~~\$(8,964)~~ 8,641 per staff unit in the 1982-83 school year.

(6) Formula allocation of classified staff units shall be determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (4) (a), (c), and (d) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(7) The superintendent of public instruction shall distribute a maximum of \$565,000 outside of the basic education allocation to school districts for fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by RCW 52.36.020; a maximum of \$280,000 for the 1981-82 school year, and a maximum of \$285,000 for the 1982-83 school year.

(8) The general fund—state appropriation contained in this section includes all funds received by the state pursuant to Title 16, section 500, United States Code (federal forest funds) which are distributed to the general fund for the benefit of public schools in accordance with RCW 36.33.110. Within thirty days of receipt

within the state treasury, the superintendent of public instruction shall distribute such federal forest funds to each eligible school district in an amount not to exceed that which the district would have received in accordance with the basic education apportionment for the previous year. Funds determined to be in excess of that amount shall be distributed to the county for distribution to the school districts within the county in accordance with RCW 36.33.110: PROVIDED, That if the amount received by any district pursuant to this appropriation is less than the basic education allocation which the district would otherwise receive, the superintendent of public instruction shall allocate from basic education funds to the district an amount equal to the difference between the amount received under this appropriation and the amount the district would otherwise receive under the basic education act.

(9) The superintendent of public instruction may distribute a maximum of \$250,000 for school district emergencies outside of the basic education allocation.

(10) Not more than \$((6,375,000)) 4,518,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1981-82 school year from the 1980-81 base enrollment level and in the 1982-83 school year from the 1981-82 base enrollment level. The superintendent of public instruction shall distribute funds based on certificated staff units in the 1981-82 and 1982-83 school years to such districts on the basis of current school year enrollment plus one quarter of the amount of the enrollment decline from the prior school year level. The superintendent of public instruction, in ascertaining the full time equivalent enrollment under this section for any school district declining in enrollment at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, shall increase the enrollment as otherwise herein computed by twenty-five percent of the full time equivalent pupil enrollment loss from the previous school year.

(11) No cash balances or cash reserves of any school district may be confiscated by the state nor used as a local revenue deduction when apportionment funds from this section are distributed to school districts.

Sec. 76. Section 92, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**SALARY AND COMPENSATION INCREASES**

General Fund Appropriation ..... \$ ((+82,988,000))  
153,989,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds shall be allocated by the superintendent of public instruction as specified in this section and may be expended by school districts for any state funded activity.

(3) The 1982-83 salary and incremental fringe benefit increase allocation provided by this section shall be implemented on January 1, 1983, to each local school district on the basis of the RCW 28A.48.010 monthly schedule for the applicable months during the 1982-83 state fiscal year.

(4) A maximum of \$((24,936,000)) 24,746,000 for the 1981-82 ((school)) fiscal year and a maximum of \$((80,977,000)) 60,031,000 for the 1982-83 ((school)) fiscal year may be expended for provision of basic education state-supported certificated staff salary increases and concomitant incremental fringe benefits. Percentage salary increases under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection ((+7)) (8) (b) and (c) of this section, shall not exceed the percentages specified in LEAP Document 2.

~~((4))~~ (5) A maximum of ~~\$(5,457,000)~~ 5,497,000 for the 1981-82 ~~((school))~~ fiscal year and a maximum of ~~\$(18,136,000)~~ 13,625,000 for the 1982-83 ~~((school))~~ fiscal year may be expended for provision of basic education state-supported classified staff salary increases and concomitant incremental fringe benefits. Percentage increases provided under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection ~~((7)(b))~~ (8)(b) of this section, shall not exceed the percentages specified in LEAP Document 2.

~~((5))~~ (6) A maximum of ~~\$(34,837,000)~~ 12,214,000 for the 1982 fiscal year and a maximum of \$22,458,000 for the 1983 fiscal year may be expended for insurance benefit increases for state-supported basic education certificated and classified staff at a rate of \$26 per month per full time equivalent staff unit in 1981-82 and an additional \$16 per month in 1982-83.

~~((6))~~ (7) A maximum of ~~\$(4,930,000)~~ 5,078,000 may be expended in fiscal year 1982 and ~~\$(13,715,000)~~ 10,340,000 for fiscal year 1983 for state-supported staff salary, insurance benefit increases, and concomitant incremental fringe benefits for educational service district staff, institutional education staff (program 46), vocational-technical institutes/adult basic education (programs 47 and 48), handicapped program staff (program 21) and transportation staff (program 99), to be distributed at rates and/or percentages not exceeding those specified for the basic education certificated or classified staff, as the case may be, of a district using the pertinent program derived base salary and staff mix factor for certificated staff and average salary for classified staff. Educational service district staff shall receive salary increases funded from this appropriation at the support level provided in section 99 of this act at a rate of 6.87% in 1981-82 and 7.35% in 1982-83, effective January 1, 1983, and insurance benefit increases at the same rate as provided in subsection ~~((5))~~ (6) of this section. Educational service districts, institutional education (program 46) and vocational-technical institutes/adult basic education (programs 47 and 48) shall receive first draw from this appropriation.

~~((7))~~ (8) For purposes of chapter 16, Laws of 1981, the following conditions and limitations shall apply:

(a) Districts may provide salary and insurance benefit increases for nonstate-supported activities at rates not exceeding those specified by LEAP Document 2 for state-supported basic education certificated staff in each school year of the biennium for each district.

(b) ~~((Insurance benefit increases granted employees shall constitute a portion of the salary increase specified in LEAP Document 2 whenever a district's contribution to employee insurance benefits will exceed, by virtue of increases provided in 1981-82 or 1982-83, \$121 per full time equivalent staff unit in 1981-82 and \$137 per full time equivalent staff unit in 1982-83))~~ That part of insurance benefits granted employees that are in excess of:

(i) \$121 per full time equivalent staff unit in 1981-82 shall constitute a portion of the salary increase specified in LEAP Document 2: PROVIDED, That if insurance benefits granted employees in 1980-81 were in excess of \$121 per full time equivalent staff unit then only that part granted to employees for 1981-82 in excess of the 1980-81 level shall constitute a portion of the salary increase specified in LEAP Document 2.

(ii) \$137 per full time equivalent staff unit in 1982-83 shall constitute a portion of the salary increase specified in LEAP Document 2: PROVIDED, That if insurance benefits granted employees in 1981-82 were in excess of \$137 per full time equivalent staff unit then only that part granted to employees for 1982-83 in excess of the 81-82 level shall constitute a portion of the salary increase specified in LEAP Document 2.

(c) Increments granted by school districts to certificated staff shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments which are provided pursuant to LEAP Document 1.

(9) A district shall not be in violation of this section or chapter 16, Laws of 1981, as a result of corrections to the reported staff mix data in the 1980-81 or 1981-82 school year as long as the average salary for the 1981-82 school year does not exceed the average salary that would have been generated through consistent application of the incorrect base salary and staff mix in the 1981-82 school year.

(10) The salary increase for the 1982-83 fiscal year shall take effect January 1, 1983.

(11) Notwithstanding any other provisions of law, no employee whose salary exceeds thirty-five thousand dollars per year may receive further increase from these funds, nor shall any employee whose salary is less than thirty-five thousand dollars exceed that figure as a result of further increases from these funds. Any savings created by such action shall be expended only for nonemployee related items.

Sec. 77. Section 94, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund Appropriation .....	\$ <del>((185,828,000))</del> 148,057,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent of public instruction shall not distribute more than \$~~((89,978,000))~~ 79,319,000 to local school districts for pupil transportation during the 1981-82 state fiscal year.

(2) A maximum of \$842,000 may be expended for regional transportation coordinators.

(3) A maximum of \$74,000 may be expended for driver training.

(4) (a) If House Bill No. 711 is enacted during the 1981 regular session of the legislature, activities eligible for state reimbursement in the 1982-83 school year are as follows:

(i) Handicapped student transportation;

(ii) Transportation of students to and from the nearest or next-nearest school in accordance with RCW 28A.41.160(1) as amended by Engrossed Substitute House Bill No. 711;

(iii) Costs of acquisition of approved transportation equipment in accordance with RCW 28A.41.160(2);

(iv) Transportation of students to and from two or more locations during the school day when necessary for the student to pursue his or her course of study; PROVIDED, That field trips and extracurricular transportation shall not be funded under this section.

(b) The superintendent of public instruction shall transfer \$6,000,000 from this appropriation to the appropriation provided for block grants in section 100 of this act if Engrossed Substitute House Bill No. 711 is enacted during the 1981 regular session of the legislature and if, on or after October 1, 1982, the superintendent certifies to the governor that its enforcement was not subject to a permanent or preliminary injunction at any time during the previous thirty days.

Sec. 78. Section 95, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES**

General Fund Appropriation . . . . . \$ ((43,134,000))  
41,434,000

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) The 1981-82 school year appropriation is based on an enrollment of ((9,960)) 9,561 full time equivalent students at a state support level per student of \$2,063, not including salary and insurance benefit increases.

(b) The 1982-83 school year appropriation is based on an enrollment of ((10,318)) 9,905 full time equivalent students at a state support level per student of \$2,136, not including salary and insurance benefit increases.

(2) A maximum of \$533,000 of this appropriation may be expended for adult education.

Sec. 79. Section 96, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund Appropriation—State . . . . . \$ ((7,157,000))  
6,432,000  
 General Fund Appropriation—Federal . . . . . \$ 69,744,000  
 Total Appropriation . . . . . \$ ((76,901,000))  
76,176,000

Sec. 80. Section 97, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED COSTS**

General Fund Appropriation—State . . . . . \$ ((121,294,000))  
120,446,000  
 General Fund Appropriation—Federal . . . . . \$ 27,200,000  
 Total Appropriation . . . . . \$ ((148,494,000))  
147,646,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$68,026,000 of the general fund—state appropriation may be expended in fiscal year 1981-82.

(2) For the 1981-82 school year, the superintendent of public instruction shall allocate funds in accordance with LEAP Document 3.

(3) For the 1982-83 school year, the superintendent of public instruction shall allocate funds in accordance with LEAP Document 3 (Revised).

(4) Communication disordered, specific learning disabled, and behaviorally disabled students may be served from funds appropriated for the block grant program under section 100 of this act.

Sec. 81. Section 99, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund Appropriation—State . . . . . \$ ((4,435,000))  
3,986,000  
 State Funding Sources . . . . . \$ 3,373,000  
 Total Appropriation . . . . . \$ ((7,808,000))  
7,359,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Educational service districts shall be apportioned funds based upon the following schedule:

	General Fund—State	State Funding Sources
E.S.D. No. 101 .....	\$(( <del>562,000</del> ))	\$562,000
	<u>505,000</u>	
E.S.D. No. 105 .....	\$(( <del>539,000</del> ))	\$269,000
	<u>484,000</u>	
E.S.D. No. 112 .....	\$(( <del>453,000</del> ))	\$453,000
	<u>407,000</u>	
E.S.D. No. 113 .....	\$(( <del>483,000</del> ))	\$483,000
	<u>434,000</u>	
E.S.D. No. 114 .....	\$(( <del>416,000</del> ))	\$208,000
	<u>374,000</u>	
E.S.D. No. 121 .....	\$(( <del>396,000</del> ))	\$396,000
	<u>356,000</u>	
E.S.D. No. 123 .....	\$(( <del>525,000</del> ))	\$262,000
	<u>472,000</u>	
E.S.D. No. 171 .....	\$(( <del>642,000</del> ))	\$321,000
	<u>577,000</u>	
E.S.D. No. 189 .....	\$(( <del>419,000</del> ))	\$419,000
	<u>377,000</u>	
Total .....	\$(( <del>4,435,000</del> ))	\$3,373,000
	<u>3,986,000</u>	

(2) School districts in the respective educational service districts shall provide the amounts specified from state funding sources accruing under section 87 of this act on a per capita enrollment basis prior to June 30th of each school year.

(3) Educational service districts may provide additional services, not funded under this section but desired by school districts, by billing the school districts desiring the services for the cost of the services.

(4) Educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

Sec. 82. Section 100, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR BLOCK GRANTS**

General Fund Appropriation—State ..... \$ 109,770,000

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$46,285,000 may be expended in the 1981–82 ((~~school~~)) fiscal year for provision of programs as delineated in subsection (3) of this section to be distributed on a pro rata basis by the superintendent of public instruction to school districts on the basis of the amount of state funds received by each school district on an annual average full time equivalent enrollment for the 1980–81 school year using the following: Bilingual program; gifted program; urban and rural racially disadvantaged program; remediation program; and state funds received for specific learning disabled students, behaviorally disabled students, and communication disordered students.

(2) A maximum of \$60,289,000 may be expended for the 1982–83 ((~~school~~)) fiscal year to be distributed by the superintendent of public instruction as follows:

(a) One-third of the funds shall be distributed on the basis of each district's annual average full time equivalent enrollment adjusted by the ratio of a district's ((~~derived base~~)) recognized basic education average certificated salary to the state-wide average ((~~derived base~~)) recognized basic education average certificated salary.

(b) The remaining funds shall be distributed on the same basis as funds were distributed in the 1981-82 school year pursuant to subsection (1) of this section.

(3) The funds allocated by this section may be expended by school districts for provision of special instructional programs, including but not limited to: Remediation assistance programs; cultural enrichment programs; transitional bilingual programs; preschool education programs; alternative education programs; community involvement programs (including PUSH-EXCEL); environmental education programs; education for superior students programs; Indian education programs; Pacific Science Center programs; and programs for the specific learning disabled, communication disordered, and behaviorally disordered.

(4) From the dollars allocated per student, the superintendent may charge a state-wide or regional fee to maintain programs of state-wide or regional benefit, provided school boards representing a majority of the population agree to the fee.

(5) \$2,966,000 is provided solely for support of Indochinese refugee educational programs.

(6) The superintendent of public instruction shall contract \$230,000 for services to support an approved gifted program to be conducted at Fort Worden state park.

(7) Salary and benefits increases are included in the funds allocated by this section.

Sec. 83. Section 107, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

General Fund Appropriation—State .....	\$	<del>((398,428,000))</del>
		378,408,000
General Fund Appropriation—Federal .....	\$	271,000
Total Appropriation .....	\$	<del>((398,699,000))</del>
		378,679,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(((\$8,380,007 is provided solely for the replacement and repair of instructional equipment:~~

(2)) A maximum of \$2,608,000 may be spent for the small school adjustment to Whatcom, Olympia Technical, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, Lower Columbia, and Walla Walla Community Colleges. The distribution of such funds shall be based on a percent of formula entitlement for faculty staffing which shall be increased at the rate of one percentage point above the 71.0% base level for each 100 full time equivalent students below the 2,500 full time equivalent student enrollment level, except that no community college shall be funded in excess of 86.0% of formula.

~~(((\$3)))~~ (2) At least \$227,291 shall be expended for the purchase and maintenance of equipment to access the higher education personnel payroll system.

(3) In making reductions in funds, no reductions shall be made affecting tuition waivers for the parenting education program.

(4) In making reductions, the Board shall reduce by thirty percent the amount of state general fund moneys allocated to travel.

Sec. 84. Section 108, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation .....	\$	<del>((295,111,000))</del>
		280,102,000
Accident Fund Appropriation .....	\$	1,027,000
Medical Aid Fund Appropriation .....	\$	1,027,000

University of Washington Building Account Appropria- tion .....	\$	55,355,000
Total Appropriation .....	\$	<del>((352,520,000))</del> <u>337,511,000</u>

The appropriations in this section are subject to the following conditions or limitations: \$1,600,000 is provided solely for family medicine education. In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel.

Sec. 85. Section 109, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation .....	\$	<del>((186,400,000))</del> <u>172,832,000</u>
Washington State University Building Account Appropria- tion .....	\$	<del>((14,000,000))</del> <u>18,200,000</u>
Total Appropriation .....	\$	<del>((200,400,000))</del> <u>191,032,000</u>

The appropriations in this section are subject to the following conditions or limitations: A maximum of \$380,000 may be expended for federal matching purposes for the small business development center. In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel: PROVIDED, That no reduction in the state general fund moneys allocated to the cooperative extension service program or the Agriculture Research Stations for travel shall be made.

Sec. 86. Section 110, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation .....	\$	<del>((58,956,000))</del> <u>54,417,000</u>
Eastern Washington University Capital Projects Account Appropriation .....	\$	<del>((1,666,000))</del> <u>2,066,000</u>
Total Appropriation .....	\$	<del>((60,622,000))</del> <u>56,483,000</u>

The appropriations in this section are subject to the following condition or limitation: In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel.

Sec. 87. Section 111, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation .....	\$	<del>((52,154,000))</del> <u>48,852,000</u>
Central Washington University Capital Projects Account Appropriation .....	\$	1,666,000
Total Appropriation .....	\$	<del>((53,820,000))</del> <u>50,518,000</u>

The appropriations in this section are subject to the following condition or limitation: In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel.

Sec. 88. Section 112, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation .....	\$	<del>((26,575,000))</del>
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25,247,000

The appropriations in this section are subject to the following condition or limitation: In making reductions, the college shall reduce by thirty percent the amount of state general fund moneys allocated to travel.

Sec. 89. Section 113, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation .....	\$	<del>((63,130,000))</del>
		58,362,000
Western Washington University Capital Projects		
Account Appropriation .....	\$	<del>((1,666,000))</del>
		3,102,000
Total Appropriation .....	\$	<del>((64,796,000))</del>
		61,464,000

The appropriations in this section are subject to the following condition or limitation: In making reductions, the university shall reduce by thirty percent the amount of state general fund moneys allocated to travel.

Sec. 90. Section 115, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE COUNCIL FOR POSTSECONDARY EDUCATION**

General Fund Appropriation—State .....	\$	<del>((22,788,000))</del>
		20,478,000
General Fund Appropriation—Federal .....	\$	3,684,000
Total Appropriation .....	\$	<del>((26,472,000))</del>
		24,162,000

The appropriations in this section are subject to the following condition(s) and limitation(s):

~~((1)) The displaced homemakers program will be continued contingent on passage of House Bill No. 286.~~

((2)) \$106,000 shall be expended to honor higher education reciprocity agreements with the state of Oregon.

In making reductions the council shall reduce by thirty percent the amount of state general fund moneys allocated to travel.

Sec. 91. Section 116, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE PUBLIC BROADCASTING COMMISSION**

General Fund Appropriation—State .....	\$	<del>((142,000))</del>
		128,000
General Fund Appropriation—Federal .....	\$	8,000
Total Appropriation .....	\$	<del>((150,000))</del>
		136,000

Sec. 92. Section 118, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE COMMISSION FOR VOCATIONAL EDUCATION**

General Fund Appropriation—State .....	\$	<del>((1,930,000))</del>
		1,734,000
General Fund Appropriation—Federal .....	\$	27,157,000
Total Appropriation .....	\$	<del>((29,087,000))</del>
		28,891,000

~~((FTE Staff Years—Fiscal Year 1982..... 53.0~~  
~~FTE Staff Years—Fiscal Year 1983..... 53.0))~~

The appropriations in this section are subject to the following condition(s) and limitation(s): ((1)) No state funds may be used by the advisory council for vocational education.

Sec. 93. Section 119, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION PERSONNEL BOARD**

General Fund Appropriation .....	\$	<del>((150,000))</del>	<u>135,000</u>
Higher Education Personnel Board Service Fund			
Appropriation .....	\$	<del>((1,350,000))</del>	<u>1,214,000</u>
Total Appropriation .....	\$	<del>((1,500,000))</del>	<u>1,349,000</u>
<del>((FTE Staff Years — Fiscal Year 1982 .....</del>			<u>26.2</u>
<del>FTE Staff Years — Fiscal Year 1983 .....</del>			<u>16.2))</u>

The appropriations in this section are subject to the following condition or limitation: \$~~((150,000))~~ 135,000 and 10.0 FTE staff years are provided for developing a classification plan for the common school classified employees. The plan shall be completed no later than June 30, 1982, for use in the 1982-83 school year.

Sec. 94. Section 120, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE STATE LIBRARY**

General Fund Appropriation—State .....	\$	<del>((7,195,000))</del>	<u>6,466,000</u>
General Fund Appropriation—Federal .....	\$		<u>2,147,000</u>
General Fund Appropriation—Private/Local .....	\$		<u>168,000</u>
Washington Library Network Computer System			
Revolving Fund Appropriation—Private/Local .....	\$		<u>5,417,000</u>
Total Appropriation .....	\$	<del>((14,927,000))</del>	<u>14,198,000</u>
<del>((FTE Staff Years — Fiscal Year 1982 .....</del>			<u>169.4</u>
<del>FTE Staff Years — Fiscal Year 1983 .....</del>			<u>169.4))</u>

The appropriations in this section are subject to the following condition or limitation: \$1,155,000 (of which \$98,000 is from federal funds) of the general fund appropriation, or as much additional funding as is necessary to maintain current service levels and expand the radio reading service to Spokane, shall be expended for the library for the blind and physically handicapped.

Sec. 95. Section 121, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund Appropriation—State .....	\$	<del>((1,367,000))</del>	<u>1,228,286</u>
General Fund Appropriation—Federal .....	\$		<u>893,000</u>
Total Appropriation .....	\$	<del>((2,260,000))</del>	<u>2,121,286</u>
<del>((FTE Staff Years — Fiscal Year 1982 .....</del>			<u>9.0</u>
<del>FTE Staff Years — Fiscal Year 1983 .....</del>			<u>9.0))</u>

The appropriations in this section are subject to the following condition or limitation: \$~~((750,000))~~ 679,000 is provided solely for the cultural enrichment program in the common schools.

Sec. 96. Section 122, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation .....	\$	<del>((602,000))</del>	<u>541,000</u>
<del>((FTE Staff Years — Fiscal Year 1982 .....</del>			<u>12.0</u>
<del>FTE Staff Years — Fiscal Year 1983 .....</del>			<u>12.0))</u>

The appropriation in this section is subject to the following condition or limitation: ~~\$(30,000)~~ 27,000 is provided solely for a state historical monument to recognize the World War II internment of Japanese-Americans at the Western Washington fairgrounds in Puyallup. Funds appropriated for this memorial may be expended to the extent that at least twenty-five percent of the total cost of the project authorized is obtained from federal, local, or private sources.

Sec. 97. Section 123, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation .....	\$	((505,000))
		<u>454,000</u>
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>11.6</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>11.6))</del>

Sec. 98. Section 124, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation .....	\$	((444,000))
		<u>399,000</u>
General Fund—State Capitol Historical Association		
Museum Account Appropriation.....	\$	53,000
Total Appropriation .....	\$	((497,000))
		<u>452,000</u>
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>8.1</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>8.1))</del>

Sec. 99. Section 125, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund .....	\$	8,000
General Fund—Criminal Justice Training Account Appropriation: For transfer to the general fund on or before June 30, 1983, an amount up to \$1,100,000.....	\$	1,100,000
General Fund—Investment Reserve Account Appropriation: For transfer to the general fund on or before June 29, 1983, pursuant to chapter 50, Laws of 1969 .....	\$	40,000,000
Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the Washington state patrol during the period July 1, 1981, through June 30, 1983 .....	\$	3,000,000
Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protective Fund for appropriation to the utilities and transportation commission for the 1981-1983 biennium to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, and 81.53.291 .....	\$	697,000
Motor Vehicle Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund .....	\$	40,000
State Treasurer's Service Fund Appropriation: For transfer to the general fund on or before July 20, 1983, an amount up to \$17,794,000 in excess of the cash requirements in the State Treasurer's Service		

Fund for fiscal year 1984, for credit to the fiscal year in which earned .....	\$	17,794,000
Teachers' Retirement Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund .....	\$	2,572,000
General Fund—Trust Land Purchase Account Appropriation: For transfer to the general fund on or before June 30, 1983, an amount up to \$((500,000)) <u>856,000</u> in excess of the cash requirements in the Trust Land Purchase Account, as determined by the office of financial management .....	\$	((500,000)) <u>856,000</u>

Sec. 100. Section 127, chapter 340, Laws of 1981 (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, 1981, to June 30, 1983.

#### SUNDRY CLAIMS

General Fund Appropriations, except as otherwise provided, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

(1) Architectural Woods, Inc., Payment of interest on judgment .....	\$	10,338.89
(2) The Gerald B. Coburn estate, Payment for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund .....	\$	1,000.00
(3) Phil Louis Deiro, Payment for personal injuries resulting while confined at Northern State Hospital .....	\$	28,000.00
(4) Rudolfo Gutierrez, Payment of expenses in State v. Gutierrez, pursuant to RCW 9.01.200 .....	\$	1,230.00
(5) Don G. Hendrickson, Payment for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund .....	\$	1,736.00
(6) David Hug, Payment of expenses in State v. Hug, pursuant to RCW 9.01.200 .....	\$	4,053.00
(7) Martin Buchanan .....	\$	782.64
Richard Czyhold .....	\$	669.31
James F. Farrel .....	\$	178.80
Dean Farrrens .....	\$	3,085.29
Arne Filan .....	\$	6,786.75
Leon Filan .....	\$	473.58
Elie Ganguet .....	\$	251.71
Morris Ganguet Farms, Inc. ....	\$	809.43
Earnest Katsel .....	\$	423.00
Andrew Lyons .....	\$	132.76
Donald D. Meiners .....	\$	2,967.58
Schwerin Farms, Inc. ....	\$	464.40
Howard Smith .....	\$	567.45

Payment for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund.

(8) Foster, Pepper and Riviera Trust Account, Payment of costs in Seattle School District v. State .....	\$	5,346.71
(9) Melvina A. Shafer, Payment for personal property stolen during liquor store robbery: PROVIDED, That payment shall be made from the Liquor Revolving Fund.....	\$	1,129.13
(10) Jeremiah B. Sexton, Payment for personal property stolen during liquor store robbery: PROVIDED, That payment shall be made from the Liquor Revolving Fund .....	\$	1,100.00
(11) J. C. Dellinger, Payment for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund .....	\$	3,564.00
(12) Better Building Supply Corp., Payment of Stipulation # 78-2-00277-1 .....	\$	16,463.00
(13) Garland Sponburgh .....	\$	10,303.82
Jack C. Hood .....	\$	14,491.98
Leroy M. Hittle .....	\$	14,491.98
Don Eldridge .....	\$	14,491.98
Payment of legal fees incurred in the defense of court actions brought against them while performing their duties as members of the state liquor control board: PROVIDED, That payment shall be made from the Liquor Revolving Fund.		
(14) Penelope A. Morgan, Payment for compensation as a victim of crime, notwithstanding late filing of claim .....	\$	20,160.00
(15) Ruth Hammond, Payment of vehicle license refund for destroyed vehicle .....	\$	39.58
(16) Malcolm Seater O'Brien, Payment of a judgment in State v. O'Brien, pursuant to RCW 9.01.200 .....	\$	3,416.00
(17) Eugene Victor Fischer, In settlement of all claims for expenses in State v. Fischer, pursuant to RCW 9.01.200 .....	\$	10,000.00
(18) Donald W. Rustvold, Payment of expenses in City of Bellevue v. Donald W. Rustvold, pursuant to RCW 9.01.200 .....	\$	1,400.00
(19) The Evergreen State College, Reimbursement of interest and court costs paid in Architectural Woods, Inc. v. State of Washington .....	\$	12,097.00
(20) 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 50.0% of their approved value: PROVIDED FURTHER, That \$60,957 shall be from federal sources .....	\$	((1,171,124.00))
		<u>1,047,000.00</u>
(21) <u>United Nursing Homes and Arlington Convalescent Center, payment of a judgment in Thurston County Superior Court causes nos. 55007 and 55613.....</u>	\$	346,813.00

Sec. 101. Section 37, chapter 67, Laws of 1981 (uncodified) is amended to read as follows:

To carry out this act, there is appropriated to the office of the chief administrative law judge from the general fund for the fiscal year from July 1, 1981, through June 30, 1982, the sum of one hundred (~~(twenty)~~) eight thousand dollars, or so much thereof as may be necessary.

Sec. 102. Section 2, chapter 69, Laws of 1981 (uncodified) is amended to read as follows:

There is appropriated to the office of financial management from the general fund for the biennium ending June 30, 1983, the sum of one million (~~(five hundred)~~) three hundred fifty thousand dollars, or so much thereof as may be necessary, to be disbursed to the department of commerce and economic development, the state energy office, and the department of natural resources, or their successor agencies, for the development, installation, and presentation of an exhibition at Energy Fair '83 during the period of the exposition: PROVIDED, That these funds shall revert to the general fund on April 1, 1982, unless the citizens of Benton and/or Franklin counties and/or the municipalities therein have favorably passed a bond issue which would fund that portion of Energy Fair '83 costs which are a local responsibility.

Sec. 103. Section 123, chapter 136, Laws of 1981 (uncodified) is amended to read as follows:

There is hereby appropriated from the general fund \$(~~(5,090,000)~~) 372,565 to the corrections standards board and \$4,630,000 to the department of corrections as established in this 1981 act. This appropriation shall be subject to the following conditions and limitations:

(1) For the 1981-83 biennium the department of corrections shall be authorized an additional 93 FTE staff years.

(2) These additional FTE staff years shall be in addition to the staffing level authorized in ESSB 3636. There shall be transferred to the department of corrections an amount of general fund appropriation, state and FTE staff years, the exact amount to be determined by the secretary of social and health services and the secretary of corrections subject to the approval of the director of the office of financial management.

Sec. 104. Section 42, chapter 137, Laws of 1981 (uncodified) is amended to read as follows:

There is appropriated from the state general fund to the sentencing guidelines commission for the biennium ending June 30, 1983, the sum of six hundred (~~(eighty-five)~~) sixteen thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

Sec. 105. Section 1, chapter 159, Laws of 1981 (uncodified) is amended to read as follows:

There is appropriated from the general fund for the biennium ending June 30, 1983, to the employment security department, the sum of (~~(ten)~~) nine thousand dollars, or so much thereof as may be necessary, for the veterans service section of the employment security department to conduct employer awareness seminars to insure private employer knowledge and support for veterans' employment programs. These seminars shall be coordinated with the department of veterans affairs. At least one seminar shall have direct impact upon incarcerated veterans.

Sec. 106. Section 16, chapter 268, Laws of 1981 (uncodified) is amended to read as follows:

There is hereby appropriated from the general fund to the judicial qualifications commission for the biennium ending June 30, 1983 a sum of \$(~~(287,000)~~) 258,000.

Sec. 107. Section 6, chapter 317, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund Appropriation—State . . . . . \$ (~~(13,433,985)~~)

	<u>12,062,761</u>
Motor Vehicle Fund—State Patrol Highway Account	
Appropriation—State .....	\$ 90,391,815
Highway Safety Fund Appropriation—State .....	\$ 9,000
Total Appropriation .....	\$ <del>((103,834,800))</del> <u>102,463,576</u>

The appropriations contained in this section are subject to the following condition((s)) and limitation((s)): ((+)) The highway safety fund appropriation in this section is provided for the vehicle equipment safety commission.

~~((2) If either Substitute Senate Bill No. 3357 or Substitute Senate Bill No. 4283 is enacted during the 1981 regular session of the legislature, the motor vehicle fund appropriation shall be made from the state patrol highway account in the motor vehicle fund:~~

~~((3) If House Bill No. 603 is enacted during the 1981 session of the legislature, the general fund...state appropriation contained in this section shall be reduced by \$1,064,000:))~~

Sec. 108. Section 7, chapter 317, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

General Fund—Aeronautics Account Appropria-	
tion—State .....	\$ 390
General Fund Appropriation—State .....	\$ <del>((3,150))</del> <u>2,520</u>
Motor Vehicle Fund—Puget Sound Capital Con-	
struction Account Appropriation—State .....	\$ 22,380
Motor Vehicle Fund—Puget Sound Ferry Operations	
Account Appropriation—State .....	\$ 49,710
Motor Vehicle Fund Appropriation—State .....	\$ 324,370
Total Appropriation .....	\$ <del>((400,000))</del> <u>399,370</u>

The appropriations contained in this section are contingent on the enactment of House Bill No. 75 during the 1981 regular session of the legislature. If House Bill No. 75 is enacted, the transportation commission shall submit to the legislative transportation committee prior to December 15, 1981, a detailed six-year plan for implementing House Bill No. 75. Upon legislative transportation committee approval of the plan, the department of transportation may transfer from any motor vehicle fund appropriation contained in sections 9 through 19 of this act sufficient amounts to implement the plan. ~~((If House Bill No. 75 is not enacted during the 1981 regular session of the legislature, \$300,000 of this appropriation may be expended for executive management under Programs S and Z, and \$100,000 of this appropriation may be expended for highway construction under Program B:))~~

Sec. 109. Section 8, chapter 317, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—EXECUTIVE MANAGEMENT—PROGRAM Z—MANAGEMENT SERVICES—PROGRAM S**

General Fund—Aeronautics Account Appropria-	
tion—State .....	\$ 8,722
General Fund Appropriation—State .....	\$ <del>((74,000))</del> <u>59,200</u>
Motor Vehicle Fund—Puget Sound Capital Con-	
struction Account Appropriation—State .....	\$ 525,462
Motor Vehicle Fund—Puget Sound Ferry Operations	
Account Appropriation—State .....	\$ 441,773

Motor Vehicle Fund Appropriation—State .....	\$	15,417,283
Total Appropriation .....	\$	((16,467,240))
		<u>16,452,440</u>

The appropriations contained in this section are provided for executive management, management services, and support costs of the department of transportation. The department of transportation may transfer any portion of the motor vehicle fund appropriations in this section between Programs S and Z.

Sec. 110. Section 17, chapter 143, Laws of 1981 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF NATURAL RESOURCES

(1) Prepare sites for commercial leases and land development projects.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	2,541,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
965,000	1,578,000	5,084,000

(2) Provide equipment repair and vehicle storage facility, Clearwater Correction Center Annex.

	Reappropriation	Appropriation
GF, CEP & RI Acct	268,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
268,300		536,300

(3) Construct roads and bridges to state land, Cavanaugh Block Access.

	Reappropriation	Appropriation
GF, For Dev Acct	450,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
25,000		475,000

(4) Develop irrigation for state land, Black Rock Project.

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	206,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
84,000		290,000

(5) Improve road for timber sales activities, Elbe Hills Betterment.

Reappropriation	Appropriation
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GF, For Dev Acct	300,000	
GF, Res Mgmt Cost Acct	135,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
105,000		540,000

(6) Acquire recreational property on Mt. Si.

	Reappropriation	Appropriation
GF, ORA—State	200,000	
GF, ORA—Federal	200,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
1,400,000		1,800,000

(7) Replace existing water system at department of natural resources Lacey compound.

	Reappropriation	Appropriation
General Fund—State		16,000
GF, Res Mgmt Cost Acct		34,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		50,000

(8) Purchase land for resource management, Natural Resources Land Bank.

	Reappropriation	Appropriation
GF, For Dev Acct		2,000,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
1,000,000	4,000,000	7,000,000

(9) Construct and improve roads and bridges, management ponds.

	Reappropriation	Appropriation
GF, For Dev Acct		240,000
GF, Res Mgmt Cost Acct	1,273,000	929,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
193,000	4,000,000	6,958,000

(10) Develop irrigation projects on state-owned land.

	Reappropriation	Appropriation
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GF, Res Mgmt Cost Acct	2,742,000	4,899,400
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
2,968,000	12,000,000	22,609,400
(11) Acquire rights-of-way access for land management.		
	Reappropriation	Appropriation
GF, For Dev Acct		* 169,000
GF, Res Mgmt Cost Acct		676,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
	1,600,000	3,311,000
(12) Construct boat launch ramp and breakwater, Marine Research Center.		
	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		19,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		19,000
(13) Purchase culverts and other materials for honor camp road maintenance.		
	Reappropriation	Appropriation
GF, CEP & RI Acct		150,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
20,000	200,000	370,000
(14) Increase seedling quality and production, Forest Nursery.		
	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		110,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		310,000
(15) Improve forest fire protection facilities.		
	Reappropriation	Appropriation
General Fund—State		49,000
Project Costs	Estimated Costs	Estimated Total

Through 6/30/81	7/1/83 and Thereafter	Costs
15,000	40,000	104,000

(16) Provide access to potential commercial lease property, highway 18 interchange.

	Reappropriation	Appropriation
GF, For Dev Acct		250,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		250,000

(17) Construct access to road to state land, Rock Creek Road rehabilitation.

	Reappropriation	Appropriation
GF, For Dev Acct		250,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs

(18) Construct and improve campsites, roads, trails, and other recreation projects.

	Reappropriation	Appropriation
GF, ORV	507,000	429,000
GF, Snowmobile Acct		67,000
GF, ORA—State	99,000	310,000
GF, ORA—Federal	300,000	310,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
2,470,000	1,379,000	5,871,000

(19) Construct bridge and access road to state lands, McDonald Mainline.

	Reappropriation	Appropriation
GF, For Dev Acct		69,700
GF, Res Mgmt Cost Acct		135,300
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		205,000

(20) Remodel five field buildings.

	Reappropriation	Appropriation
General Fund—State		27,000
GF, For Dev Acct		23,000

GF, Res Mgmt Cost Acct		46,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		96,000

(21) Acquire the Milwaukee Railroad right-of-way and existing bridges from Easton in Kittitas County to Tekoa in Whitman County: PROVIDED, That any funds not expended for this acquisition shall be retained by the department of natural resources for the purpose of acquiring dredge spoil sites on the Cowlitz, Coweman and Toutle rivers.

	Reappropriation	Appropriation
GF, ORA—State		3,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		3,500,000

Sec. 111. Section 11, chapter 317, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION AND PLANNING—PROGRAM T**

(1) For public transportation and rail programs:

General Fund Appropriation—State	\$	((815,570))
		652,456
General Fund Appropriation—Federal	\$	9,839,000
General Fund Appropriation—Local	\$	185,000

(2) For planning and research:

Motor Vehicle Fund Appropriation—State	\$	5,192,909
Motor Vehicle Fund Appropriation—Federal	\$	6,320,000
Total Public Transportation and Planning		
Appropriation	\$	((22,352,479))
		22,189,365

The appropriations contained in this section are provided for the management and support of the public transportation and planning division, urban mass transportation administration programs, for rail programs, for state loans for formation of public transportation districts, for studies which support local public transportation programs, for maintenance of the state transportation plan, for highway planning and research by the department of transportation, and for research and studies approved by the department of transportation and the legislative transportation committee.

Sec. 112. Section 10, chapter 330, Laws of 1981 (uncodified) is amended to read as follows:

(1) There is hereby appropriated from the general fund for the biennium ending June 30, 1983, to the legislative budget committee the sum of ~~((one hundred))~~ ninety thousand dollars for the purpose of conducting a study of the judicial information system as provided in section 9 of this act.

(2) There is hereby appropriated from the general fund for the biennium ending June 30, 1983, to the office of the administrator for the courts the sum of ~~((eight million six hundred))~~ seven million nine hundred fifty-five thousand dollars for the judicial information system.

NEW SECTION. Sec. 113. 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. 114. 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 "reductions in appropriations;" strike the remainder of the title and insert "modifying appropriations and expenditures for the operations and capital projects of state agencies for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983; making appropriations; amending section 2, chapter 340, Laws of 1981 (uncodified); amending section 3, chapter 340, Laws of 1981 (uncodified); amending section 4, chapter 340, Laws of 1981 (uncodified); amending section 5, chapter 340, Laws of 1981 (uncodified); amending section 6, chapter 340, Laws of 1981 (uncodified); amending section 7, chapter 340, Laws of 1981 (uncodified); amending section 8, chapter 340, Laws of 1981 (uncodified); amending section 9, chapter 340, Laws of 1981 (uncodified); amending section 10, chapter 340, Laws of 1981 (uncodified); amending section 11, chapter 340, Laws of 1981 (uncodified); amending section 12, chapter 340, Laws of 1981 (uncodified); amending section 13, chapter 340, Laws of 1981 (uncodified); amending section 14, chapter 340, Laws of 1981 (uncodified); amending section 15, chapter 340, Laws of 1981 (uncodified); amending section 16, chapter 340, Laws of 1981 (uncodified); amending section 17, chapter 340, Laws of 1981 (uncodified); amending section 18, chapter 340, Laws of 1981 (uncodified); amending section 19, chapter 340, Laws of 1981 (uncodified); amending section 20, chapter 340, Laws of 1981 (uncodified); amending section 21, chapter 340, Laws of 1981 (uncodified); amending section 23, chapter 340, Laws of 1981 (uncodified); amending section 24, chapter 340, Laws of 1981 (uncodified); amending section 25, chapter 340, Laws of 1981 (uncodified); amending section 26, chapter 340, Laws of 1981 (uncodified); amending section 27, chapter 340, Laws of 1981 (uncodified); amending section 28, chapter 340, Laws of 1981 (uncodified); amending section 29, chapter 340, Laws of 1981 (uncodified); amending section 32, chapter 340, Laws of 1981 (uncodified); amending section 33, chapter 340, Laws of 1981 (uncodified); amending section 35, chapter 340, Laws of 1981 (uncodified); amending section 36, chapter 340, Laws of 1981 (uncodified); amending section 37, chapter 340, Laws of 1981 (uncodified); amending section 41, chapter 340, Laws of 1981 (uncodified); amending section 44, chapter 340, Laws of 1981 (uncodified); amending section 45, chapter 340, Laws of 1981 (uncodified); amending section 46, chapter 340, Laws of 1981 (uncodified); amending section 47, chapter 340, Laws of 1981 (uncodified); amending section 48, chapter 340, Laws of 1981 (uncodified); amending section 49, chapter 340, Laws of 1981 (uncodified); amending section 50, chapter 340, Laws of 1981 (uncodified); amending section 51, chapter 340, Laws of 1981 (uncodified); amending section 52, chapter 340, Laws of 1981 (uncodified); amending section 53, chapter 340, Laws of 1981 (uncodified); amending section 54, chapter 340, Laws of 1981 (uncodified); amending section 55, chapter 340, Laws of 1981 (uncodified); amending section 56, chapter 340, Laws of 1981 (uncodified); amending section 57, chapter 340, Laws of 1981 (uncodified); amending section 58, chapter 340, Laws of 1981 (uncodified); amending section 59, chapter 340, Laws of 1981 (uncodified); amending section 61, chapter 340, Laws of 1981 (uncodified); amending section 62, chapter 340, Laws of 1981 (uncodified); amending section 63, chapter 340, Laws of 1981 (uncodified); amending section 66, chapter 340, Laws of 1981 (uncodified); amending section 67, chapter 340, Laws of 1981 (uncodified); amending section 68, chapter 340, Laws of 1981 (uncodified); amending section 69, chapter 340, Laws of 1981 (uncodified); amending section 70, chapter 340, Laws of 1981 (uncodified); amending section 71, chapter 340, Laws of 1981 (uncodified); amending section 72, chapter 340, Laws of 1981 (uncodified);

amending section 73, chapter 340, Laws of 1981 (uncodified); amending section 74, chapter 340, Laws of 1981 (uncodified); amending section 75, chapter 340, Laws of 1981 (uncodified); amending section 76, chapter 340, Laws of 1981 (uncodified); amending section 78, chapter 340, Laws of 1981 (uncodified); amending section 80, chapter 340, Laws of 1981 (uncodified); amending section 81, chapter 340, Laws of 1981 (uncodified); amending section 83, chapter 340, Laws of 1981 (uncodified); amending section 84, chapter 340, Laws of 1981 (uncodified); amending section 85, chapter 340, Laws of 1981 (uncodified); amending section 86, chapter 340, Laws of 1981 (uncodified); amending section 87, chapter 340, Laws of 1981 (uncodified); amending section 92, chapter 340, Laws of 1981 (uncodified); amending section 94, chapter 340, Laws of 1981 (uncodified); amending section 95, chapter 340, Laws of 1981 (uncodified); amending section 96, chapter 340, Laws of 1981 (uncodified); amending section 97, chapter 340, Laws of 1981 (uncodified); amending section 99, chapter 340, Laws of 1981 (uncodified); amending section 100, chapter 340, Laws of 1981 (uncodified); amending section 107, chapter 340, Laws of 1981 (uncodified); amending section 108, chapter 340, Laws of 1981 (uncodified); amending section 109, chapter 340, Laws of 1981 (uncodified); amending section 110, chapter 340, Laws of 1981 (uncodified); amending section 111, chapter 340, Laws of 1981 (uncodified); amending section 112, chapter 340, Laws of 1981 (uncodified); amending section 113, chapter 340, Laws of 1981 (uncodified); amending section 115, chapter 340, Laws of 1981 (uncodified); amending section 116, chapter 340, Laws of 1981 (uncodified); amending section 118, chapter 340, Laws of 1981 (uncodified); amending section 119, chapter 340, Laws of 1981 (uncodified); amending section 120, chapter 340, Laws of 1981 (uncodified); amending section 121, chapter 340, Laws of 1981 (uncodified); amending section 122, chapter 340, Laws of 1981 (uncodified); amending section 123, chapter 340, Laws of 1981 (uncodified); amending section 124, chapter 340, Laws of 1981 (uncodified); amending section 125, chapter 340, Laws of 1981 (uncodified); amending section 127, chapter 340, Laws of 1981 (uncodified); amending section 37, chapter 67, Laws of 1981 (uncodified); amending section 2, chapter 69, Laws of 1981 (uncodified); amending section 123, chapter 136, Laws of 1981 (uncodified); amending section 42, chapter 137, Laws of 1981 (uncodified); amending section 1, chapter 159, Laws of 1981 (uncodified); amending section 16, chapter 268, Laws of 1981 (uncodified); amending section 6, chapter 317, Laws of 1981 (uncodified); amending section 7, chapter 317, Laws of 1981 (uncodified); amending section 8, chapter 317, Laws of 1981 (uncodified); amending section 17, chapter 143, Laws of 1981 (uncodified); amending section 11, chapter 317, Laws of 1981 (uncodified); amending section 10, chapter 330, Laws of 1981 (uncodified); adding new sections to chapter 340, Laws of 1981; and declaring an emergency."

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Pullen, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Clarke, the Senate resolved itself into a Committee of the Whole.

### COMMITTEE OF THE WHOLE

President Pro Tempore Guess assumed the Chair.

Senator Scott moved adoption of the committee amendment to Engrossed Substitute House Bill No. 811.

The following amendments to the committee amendment were adopted:

On page 14, after line 25, insert a new subsection to read as follows:

"(6) As a portion of the expenditure reductions contained in this 1981 amendatory act, the office of financial management shall direct all agencies, departments, boards and commissions of the executive branch of state government to reduce by

thirty percent their state general fund expenditures for travel and lodging. These reductions shall be ordered only with respect to moneys unexpended on the effective date of this amendatory act. These reductions shall not apply to any institution in which travel or lodging expenditures are otherwise reduced according to the provisions of this amendatory act. Any savings which result from these reductions shall be credited to the state general fund."

On page 39, line 7, strike "135,235,000" and insert "135,974,000"

On page 39, line 9, strike "61,010,000" and insert "61,049,000"

On page 39, line 12, strike "196,350,000" and insert "197,128,000"

On page 64, line 13 strike "2,611,812,000" and insert "2,598,762,000"

On page 64, line 19 strike "2,615,812,000" and insert "2,602,762,000"

On page 65, after line 4 strike all material down to and including "." on line 6 and renumber the sections accordingly.

On page 69, line 10 strike "153,989,000" and insert "152,352,000"

On page 69, line 25 after "of" strike all material down to and including "year" on line 27 and insert the following "\$83,742,000 for the 1981-83 biennium"

On page 69, line 35 after "of" strike all material down to and including "year" on page 70, line 3 and insert the following: "\$18,910,000 for the 1981-83 biennium"

On page 70, line 10 after "of" strike all material down to and including "year" on line 12 and insert the following "\$34,430,000 for the 1981-83 biennium"

On page 70, line 16 after "of" strike all material down to and including "year" on line 18 and insert the following "\$15,270,000 for the 1981-83 biennium"

On page 70, line 18 strike "1983" and insert "((+1983))"

On page 72, line 21 strike "148,057,000" and insert "147,300,000"

On page 72, after line 23 strike all material down to and including "." on line 27 and renumber accordingly

On page 73, line 26 strike "41,434,000" and insert "41,168,000"

On page 74, line 18 strike "120,446,000" and insert "119,921,000"

On page 74, line 21 strike "147,646,000" and insert "147,121,000"

On page 74, after line 23 strike all material down to and including "." on line 25 and renumber accordingly.

On page 76, line 17 strike "109,770,000" and insert "((+109,770,000)) 109,160,000"

On page 78, line 25, strike "thirty" and insert "eight"

On page 64, line 13 strike "2,611,812,000" and insert "2,597,016,000"

On page 64, line 19 strike "2,615,812,000" and insert "2,601,016,000"

At page 57, line 9 after "outfall" insert "operated by a metropolitan municipal corporation".

On page 64, after line 7 insert the following "(3) The Superintendent of Public Instruction shall not reduce the scoliosis screening program established under RCW 28A.31.132 through 28A.31.142 below the level established under Chapter 340, Laws of 1981 as enacted during the 1981 regular session of the Legislature."

The motion by Senator Scott carried and the committee amendment, as amended, was adopted.

On motion of Senator Scott, the committee amendment to the title was adopted.

Engrossed Substitute House Bill No. 811 was considered in the Committee of the Whole and reported back to the Senate with the recommendation that it do pass as amended.

President Cherberg assumed the Chair.

## MOTIONS

On motion of Senator Guess, the report of the committee was adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Substitute House Bill No. 811, 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 Bottiger: "Senator Talmadge, during the action of the Committee of the Whole, there was inserted an amendment sponsored by you on page 57, line 9, inserting the words 'operated by a metropolitan municipal corporation.' During that debate I asked you whether it was your intent to include municipal corporation sewer treatment plants operated by cities such as Tacoma, Olympia, Shelton and others that are already in existence. Could you advise me as to the intent of that amendment?"

Senator Talmadge: "Senator, it was intended that those entities not be included and by the adoption of the Talmadge-Lee amendment the operation of that section of the bill be confined only to those wastewater treatment facilities operated by a metropolitan municipal corporation. In other words, METRO in the Seattle area."

#### MOTION

On motion of Senator Bottiger, Engrossed Substitute House Bill No. 811, as amended by the Senate, was made a special order of business for 11:00 a.m., Monday, November 30, 1981.

#### MOTION

At 8:15 p.m., on motion of Senator Clarke, the Senate adjourned until 11:00 a.m., Monday, November 30, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**TWENTY-SECOND DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, November 30, 1981.

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 Senator Charnley. On motion of Senator Ridder, Senator Charnley was excused.

The Color Guard, consisting of Pages Chris Vaughan and Jeff Wilson, presented the Colors. Father T. I. Marmo, pastor of St. Michael's Church of Olympia offered the prayer.

**MOTION**

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

**MOTION**

At 11:06 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 12:06 p.m.

**MOTION**

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

**SPECIAL ORDER OF BUSINESS  
THIRD READING**

ENGROSSED SUBSTITUTE HOUSE BILL NO. 811 by House Committee on Ways and Means (originally sponsored by House Committee on Ways and Means and Representative Chandler):

Reducing appropriations to state agencies.

The time having arrived, the Senate commenced consideration of Engrossed Substitute House Bill No. 811.

The bill was read the third time by sections.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 811, as amended by the Senate on November 29, 1981.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 811, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Metcalf,

Newhouse, Patterson, Quigg, Scott, Sellar, Vognild, von Reichbauer, Woody, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Conner, Craswell, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McCaslin, McDermott, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn—23.

Excused: Senator Charnley—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 811, 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 Clarke, Engrossed Substitute House Bill No. 811, as amended by the Senate, was ordered immediately transmitted to the House.

#### INTRODUCTION OF GUESTS

The President announced the guests on the rostrum were members of the VFW and guests of Senator Conner.

#### MOTION

At 1:17 p.m., on motion of Senator Clarke, the Senate recessed until 5:00 p.m. today.

#### AFTERNOON SESSION

The President called the Senate to order at 5:00 p.m.

#### MOTION

At 5:02 p.m., on motion of Senator Clarke, the Senate recessed until 8:00 p.m.

#### EVENING SESSION

The President called the Senate to order at 8:00 p.m.

#### MOTION

At 8:02 p.m., on motion of Senator Clarke, the Senate was declared to be at ease until 9:30 p.m.

The President called the Senate to order at 9:30 p.m.

At 9:33 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 11:20 p.m.

#### MOTION

At 11:21 p.m., on motion of Senator Clarke, the Senate adjourned until 11:00 a.m., Tuesday, December 1, 1981.

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

**TWENTY-THIRD DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Tuesday, December 1, 1981.

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 Senator Rasmussen.

The Color Guard, consisting of Pages Patty Krause and Chris Mattos, presented the Colors. Father T. I. Marmo, pastor of St. Michael's Church of Olympia offered the prayer.

**MOTION**

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

**INTRODUCTION OF GUEST**

The President announced the presence on the Senate rostrum of Ben Evans, former Superintendent of the Seattle Parks Department. Mr. Evans was presented Distinguished Citizen Certificate, Washington General, and Ambassador of Good Will Certificates by President John A. Cherberg.

(Applause)

**MOTION**

At 11:11 a.m., on motion of Senator Clarke, the Senate was declared to be at case.

President Pro Tempore Guess called the Senate to order at 12:15 p.m.

**MESSAGE FROM THE HOUSE**

December 1, 1981.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTION HOUSE BILL NO. 760, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

**FIRST READING OF RESOLUTION**

SENATE CONCURRENT RESOLUTION NO. 127, by Senators Metcalf, Vognild, Rasmussen, Moore, McCaslin, Pullen, Guess, Hansen, Bauer, Lysen, Craswell and Fuller:

Requesting actions be filed in the Supreme Court against unsound monetary policies.

**MOTIONS**

On motion of Senator Metcalf, the rules were suspended and Senate Concurrent Resolution No. 127 was advanced to second reading and read the second time in full.

On motion of Senator Metcalf, the following amendment to the resolution was adopted:

On page 1, lines 3, 7 and 12, strike "usurious" and insert "exorbitant".

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Concurrent Resolution No. 127 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 Goltz: "I have two questions. First of all, I wonder why this is not addressed to the Congress of the United States rather than to our Attorney General to bring an action in the Supreme Court. If the federal—has any action been attempted to change the law rather than to challenge it as a constitutional issue?"

Senator Metcalf: "They have considered this in Congress, but we are talking about an unconstitutional delegation of power and the Congress could raise it if they chose. They have chosen not to. You know what they say about memorials that we send to Congress. They ignore them, and frankly this is a way that a state—the state is the one that is damaged. The people and the state are the ones damaged, and it is the state then that has the responsibility to bring this action."

Senator Goltz: "The second question is, has anyone made an estimate as to what the cost of bringing an action in the Supreme Court by our Attorney General would be?"

Senator Metcalf: "The costs are minimal except for the actual—there will be the filing fees and the cost of the attorney going there, and very frankly, as I say, this does not carry any appropriation at all. If there is any cost beyond what is normally contained in the budget for the Attorney General's office or whatever, frankly there is no possibility, no problem at all. I will personally pledge to raise the money necessary to have them go there. In other words, this does not carry an appropriation and we are not talking about a lot of money, but if money is needed, there is no problem about raising the money."

Senator Goltz: "I guess I would like at least some estimate as to what we are asking the Attorney General's office to assume out of their budget. I don't know whether we cut the Attorney General's office travel thirty percent or not. They might only get as far as Columbus, Ohio, on their way to Washington, D.C., but there must be some estimate as to whether this is a ten thousand, a twenty thousand, a thirty thousand dollar expenditure or not."

Senator Metcalf: "This says 'to file the action' and we are not talking—again, I cannot give you an estimate, Senator Goltz. I think we could provide you with that."  
Further debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator, to follow up on Senator Goltz's question, I guess, the question I had was, how many FTEs in the Attorney General's office would you anticipate would be devoted to the handling this lawsuit?"

Senator Metcalf: "I would doubt that it would be more than one or two. I wouldn't ask the Attorney General to authorize a very large—this has enormous implications, but very frankly, this is a very simple issue. It is an unconstitutional delegation of power and, Senator Talmadge, you yourself on the floor have made several references to the fact, last session and once this session, that what you are authorized to do, you are not necessarily authorized to delegate someone else to do. This is a clear point. It is not a complicated case."

Further debate ensued.

The motion by Senator Metcalf carried.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 127, having received the constitutional majority, was adopted.

MOTION

On motion of Senator Metcalf, Engrossed Senate Concurrent Resolution No. 127 was immediately transmitted to the House.

MOTION

At 12:34 p.m., on motion of Senator Clarke, the Senate recessed until 1:45 p.m.

AFTERNOON SESSION

President Cherberg called the Senate to order at 1:45 p.m.

MOTION

At 1:54 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 3:50 p.m.

MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 782, by House Committee on Higher Education and Representative McDonald (originally sponsored by House Committee on Higher Education and Representative McDonald):

Implementing laws relating to discharge of community college personnel.

REPORT OF STANDING COMMITTEE

November 23, 1981.

SUBSTITUTE HOUSE BILL NO. 782, implementing laws relating to discharge of community college personnel (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9, after "The" strike "board of trustees" and insert "state board for community college education"

On page 1, line 14, after "When" strike "the" and insert "a district"

On page 1, line 17, after "by the" insert "state"

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

The bill was read the second time by sections.

On motion of Senator Benitz, the committee amendments were considered and adopted simultaneously.

On motion of Senator Benitz, the rules were suspended, Substitute House Bill No. 782, 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 McDermott: "Senator Talmadge, in reading this bill, it has a great deal to do with contracts and I wonder if you could tell me what legal or constitutional problems you see in this bill?"

Senator Talmadge: "Senator, I think I see at least three particular constitutional or legal problems, and I would certainly ask the other attorneys on the floor of the Senate, including Senator Hemstad who has extraordinary knowledge of constitutional law, to take a look at some of these things, but it seems to me that the bill has the three problems that I was talking about. One is amending without reference. We are asking for another WEA type lawsuit where we amend sections of the existing RCW by implication without taking those up specifically. The second one is the contractual obligation impairment. I think this particular bill intends to impair existing collective bargaining agreements, and that is an impairment of the obligation of contract that is barred by the State Constitution and the Federal Constitution. The last thing is probably the question of due process. Our whole constitutional and legal system is based on the theory the individuals stand up for individual rights and that individuals are responsible individually.

"So where you have a system that requires that people act in a group and if the group does not act, the individual then forfeits his or here individual rights, I think that is wrong. In particular, the bill amends Chapter 28B.52, the community college collective bargaining law, without indicating that it is doing so. All you have to do is look at page 3, line 16, to see that where it specifically indicates that collective bargaining agreements in effect are hereby modified, and that gets into the whole collective bargaining process without saying so. The second thing is that it is intending to impair and deal with existing collective bargaining agreements, and that raises the contractual impairment issue, and the last thing is that in order for an employee to request a hearing and go through the process of vindicating his or her individual rights, if the employee is not able to get all of the employees RIFFED at any time to participate, that employee forfeits his or her individual right to bring a request for a hearing. And I think that has serious due process questions attached to it."

Further debate ensued.

## POINT OF INQUIRY

Senator Clarke: "Senator, the question and answer procedure has been used to get into the record what amounts to a legal opinion by a member Senator. Do you have an opinion on the point requested and could you respond as to what you have done with respect to the question raised as to possible constitutionality?"

Senator Benitz: "Yes, Senator. Thank you. I have an opinion from Richard Montecucco, who is highly respected on both sides, and while it is not an Attorney General's Opinion and he has written a letter—impairment of obligation of contracts, and he says in the letter the answer is no for the following reasons: The Legislature has the authority to grant or deny state agencies the ability to enter into contracts. In the Professional Negotiation Act authorizing community colleges to enter into contracts, the Legislature limited the duration of such contracts to three fiscal years. Then the Legislature went on to state as follows: 'These agreements will not be binding upon future actions of the Legislature,' and he concludes that it does not violate that."

Further debate ensued.

## POINT OF INQUIRY

Senator Gould: "Senator, one of the arguments, or the strongest argument that was presented to me in opposition to this bill was that a lot of boards neither needed it nor wanted it, that the boards of trustees of several community colleges. But when

I asked them if they would like to have it optional so they could use it if they had to use it, why the answer was affirmative. Is this mandatory that they use this process or is it optional at the local district level?"

Senator Benitz: "In answer to your question, it is up to the local districts. First, with your changes here on the floor we have put the responsibility first at the State Board level and then on line 14 it now reads, 'When a district board of trustees determines that a reduction in force of tenured or probationary faculty members may,' 'may be necessary due to financial emergency' and continues, and I am sure that is plain."

Further debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 782, 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 Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Absent or not voting: Senator Rasmussen—1.

SUBSTITUTE HOUSE BILL NO. 782, 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 Clarke, the Senate returned to the fourth order of business.

### MESSAGE FROM THE HOUSE

November 23, 1981.

Mr. President: The House refused to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 485, and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

Senator Guess moved the Senate recede from its amendments to Substitute House Bill No. 485.

Debate ensued.

Senator Talmadge 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 Guess that the Senate recede from its amendments to Substitute House Bill No. 485.

### ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 33; nays, 15; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Ridder, Sellar, Talley, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—33.

Voting nay: Senators Bottiger, Charnley, Fleming, Gaspard, Hughes, Hurley, Jones, Lysen, McDermott, Peterson, Scott, Shipoch, Talmadge, Williams, Wojahn—15.

Absent or not voting: Senator Rasmussen—1.

The President declared the question before the Senate to be the roll call on Substitute House Bill No. 485 without the Senate amendments.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 485, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Rasmussen—1.

SUBSTITUTE HOUSE BILL NO. 485, having received the 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

November 25, 1981.

Mr. President: The House refused to concur in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 756, and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

Senator Deccio moved the Senate recede from its amendments to Engrossed Second Substitute House Bill No. 756.

Senator Scott moved the Senate insist on its position on Engrossed Second Substitute House Bill No. 756.

### PARLIAMENTARY INQUIRY

Senator Charnley: "I wanted to ask the President if the positive motion in a case of this sort would be to insist upon our position as is opposed to receding? In other words, is the motion to recede considered to be a negative motion compared to, say, a motion to insist? Which takes precedence?"

### REPLY BY THE PRESIDENT

President Cherberg: "Senator Charnley, in reply to your point, the motion that will bring the two houses together is the positive motion. In other words, the motion to recede is the positive motion."

Senator Charnley: "Mr. President, could I move that the Senate insist upon its position at this point?"

President Cherberg: "The President would have to place Senator Deccio's motion first."

Senator Charnley: "I see. Thank you very much."

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 positive motion by Senator Deccio that the Senate recede from its amendments to Engrossed Second Substitute House Bill No. 756.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 21; nays, 26; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Gallagher, Guess, Hayner, Hughes, Hurley, Lysen, McCaslin, Metcalf, Newhouse, Peterson, Pullen, Quigg, von Reichbauer, Zimmerman—21.

Voting nay: Senators Bluechel, Charnley, Fleming, Fuller, Gaspard, Goltz, Gould, Hansen, Hemstad, Jones, Kiskaddon, Lee, McDermott, Moore, Patterson, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—26.

Absent or not voting: Senators Haley, Rasmussen—2.

#### MOTION

On motion of Senator Scott, the Senate insists on its position on Engrossed Second Substitute House Bill No. 756 and once again asks the House to concur therein.

#### MESSAGES FROM THE HOUSE

December 1, 1981.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 811, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

December 1, 1981.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 760, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 760.

#### MOTION

At 4:55 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 5:00 p.m.

At 5:00 p.m., there being no objection, the Senate was declared to be at ease.

The President called the Senate to order at 11:09 p.m.

At 11:10 p.m., on motion of Senator Clarke, the Senate adjourned until 11:30 a.m., Wednesday, December 2, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## TWENTY-FOURTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wednesday, December 2, 1981.

The Senate was called to order at 11:30 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 Jeff Bodin and Chris Vaughan, presented the Colors. Father T. I. Marmo, pastor of St. Michael's Church of Olympia, offered the prayer.

## MOTION

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

## MESSAGE FROM THE HOUSE

December 1, 1981.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 485, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE HOUSE BILL NO. 485.

## MOTION

At 11:39 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 12:20 p.m.

## MOTION

At 12:22 p.m., on motion of Senator Clarke, the Senate recessed until 1:15 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

At 1:16 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 1:30 p.m.

## MOTION

On motion of Senator Clarke, the rules were suspended and the Committee on Rules was relieved from further consideration of Senate Bill No. 4421.

## MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

## SECOND READING

SENATE BILL NO. 4421, by Senators Gould, Bottiger and Zimmerman (by Governor Spellman request):

Authorizing an increase in the local option sales and use tax.

## REPORT OF STANDING COMMITTEE

November 23, 1981.

SENATE BILL NO. 4421, authorizing an increase in the local option sales and use tax (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 26, after "trade" insert ", except as provided in RCW 82.14A-.010 and 82.14A.020."

On page 5, after line 24, insert the following:

"Sec. 4. Section 2, chapter 134, Laws of 1972 ex. sess. and RCW 82.14A.010 are each amended to read as follows:

The governing body of any city or town or the legislative authority of any county which imposes a license fee or tax, by ordinance or resolution, may pursuant to RCW 82.14A.010 through 82.14A.030 only, fix and impose a license fee or tax on national banks, state banks, trust companies, mutual savings banks, building and loan associations, savings and loan associations, and other financial institutions for the act or privilege of engaging in business: PROVIDED, That the definitions, deductions and exemptions set forth in chapter 82.04 RCW, insofar as they shall be applicable shall be applied to a license fee or tax imposed by any city ((or)), town, or county, if such fee or tax is measured by the gross income of the business: PROVIDED, FURTHER, That the rate of such license fee or tax shall not exceed the rate imposed upon other service type business activity: AND PROVIDED FURTHER, That nothing in RCW 82.14A.010 through 82.14A.030 shall extend the regulatory power of any city ((or)), town, or county.

Sec. 5. Section 3, chapter 134, Laws of 1972 ex. sess. and RCW 82.14A.020 are each amended to read as follows:

For purposes of RCW 82.14A.010, the state department of revenue is hereby authorized and directed to promulgate, pursuant to the provisions of chapter 34.04 RCW, rules establishing uniform methods of division of gross income of the business of a single taxpayer ((between)) among those cities, towns, and counties including unincorporated areas, in which such taxpayer has a place of business."

Renumber the sections consecutively and correct any internal references.

On page 1, on line 6 of the title, after "36.32.120;" insert "amending section 2, chapter 134, Laws of 1972 ex. sess. and RCW 82.14A.010; amending section 3, chapter 134, Laws of 1972 ex. sess. and RCW 82.14A.020;"

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the committee amendments were not adopted.

Senator Hurley moved adoption of the following amendment by Senators Hurley, Hughes, Moore, Pullen and Metcalf:

On page 1, after line 11 insert:

"NEW SECTION. Section 1. The legislature hereby recognizes the plight of local governmental entities regarding the financing of vital services to residents of this state. The legislature finds that local governments are a very efficient means of providing these vital services to the citizens of this state. It is the intent of the legislature that vital services such as public safety, public health and fire protection be recognized by all local governmental entities in this state as the top priorities of the citizens of Washington."

Renumber the remaining sections consecutively.  
Debate ensued.

#### POINT OF INQUIRY

Senator Hemstad: "Senator Zimmerman, I have some concern about how this language would be interpreted. While this is focusing on concern about priorities, the last sentence says, 'This act is intended to finance these vital services.' That is public safety, public health and fire protection. Is it your understanding, however, that by this language that would not limit the use of these funds to only those services?"

Senator Zimmerman: "Senator Hemstad, it is my understanding that this would not be limiting in terms of the funding, that it would certainly, with the rest of the bill that is along with it, that it would be emphasizing these services but not limiting it to these services. I certainly would not except that that was the intent of the sponsors and I would certainly hope that they would realize that we do intend to provide other services that the rest of the bill would provide."

#### POINT OF INQUIRY

Senator Wilson: "Senator Zimmerman, in pursuing Senator Hemstad's question, would you not be compelled to agree that a sentence which says, 'This act is intended to finance these vital services' at least creates the possibility of citizens in various communities at various times bringing a legal or or other action against public officials who have implemented this tax and then used a portion of it, for example, for library services or for swimming pools or for parks or for any other number of municipal purposes which are not clearly included in the preceding language in Section 1?"

Senator Zimmerman: "I would assume that this particular amendment is attempting to stress the need for those three vital services outlined. I do not see that it would limit them to that and I think that once the funding is placed in the general fund, that it becomes part of a major pot used for all of city government and county government would not necessarily be restrictive. I certainly was—I am not a sponsor of that side of it. Maybe we need a word from (inaudible)"

Senator Wilson: "Mr. President, simply to conclude my remarks, I really couldn't see anything wrong with a general statement as to some of the more important functions of government but it seems to me that a sentence which says, 'This act is intended to finance these vital services' is simply a wide open invitation for people to bring their local officials into court or get out restraining orders or injunctions or whatever when any part of the money raised by this tax is going to be applied for some purpose other than that pretty clearly delineated in the language in Section 1, and for this reason I feel compelled to oppose the amendment."

#### POINT OF INQUIRY

Senator Talley: "Senator, we are talking about fire. Do you think the fire districts should come in, as they are short of money, under this amendment could come in and claim some of the funds?"

Senator Zimmerman: "Senator Talley, I am not sure I understood that question exactly, but you say that under that, do I understand, that the fire districts or fire departments would what?"

Senator Talley: "Could our rural fire districts come in and ask for funds under this amendment?"

Senator Zimmerman: "I think that we probably could well either strike the bottom line, 'This act is intended to finance these vital services,' or say that this act is not intended to solely finance these particular services, and therefore clarify it. I

think we are really perhaps belaboring more than we need to on this. I do not see it as one opening a door, as you have indicated, Senator Talley."

### POINT OF INQUIRY

Senator Hurley: "Mr. President, I think to clarify this point, a question and answer might suffice, and if Senator Zimmerman would ask me what my intent is, then I would tell him that it was not to be used solely. Now would you like to do that?"

Senator Zimmerman: "Senator Hurley, in terms of this particular amendment, (inaudible)."

Senator Hurley: "Thank you. My intent was to provide guidelines in the way of priorities and I did not intend that the money be spent solely for the purpose of these three basic services."

Senator Zimmerman: "Thank you very much."

On motion of Senator Gaspard, the following amendment to the amendment by Senator Hurley and others was adopted:

Strike the last sentence of the amendment.

The President declared the question before the Senate to be the amendment by Senators Hurley, Hughes, Moore, Pullen and Metcalf as amended by Senator Gaspard.

The motion by Senator Hurley carried and the amendment, as amended, was adopted.

Senator Pullen moved adoption of the following amendment:

On page 2, line 4, subsection (2), after "section," insert "from the effective date of this act until July 1, 1983,"

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

Senator Gould moved adoption of the following amendment by Senators Gould, Zimmerman, Hurley, Talley and Conner:

On page 3, beginning with line 9, strike all material through "ordinance." on page 5, line 24

Renumber the sections consecutively and correct internal references accordingly.

Debate ensued.

Senator Gaspard 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 Senators Gould, Zimmerman, Hurley, Talley and Conner.

### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 34; nays, 15.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lysen, McCaslin, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Woody, Zimmerman—34.

Voting nay: Senators Bottiger, Charnley, Fleming, Gaspard, Goltz, Haley, Lee, McDermott, Patterson, Rasmussen, Ridder, Talmadge, Williams, Wilson, Wojahn—15.

Senator Zimmerman moved adoption of the following amendment by Senators Zimmerman, Gould and Bottiger:

On page 3, add a new section as follows:

**"NEW SECTION.** Sec. 3. There is added to chapter 82.14 RCW a new section to read as follows:

Every county and city imposing the tax under RCW 82.14.030(2) shall provide a citizen initiative and referendum process which may be used by the citizens of the county or city, as the case may be, to repeal the tax imposed under RCW 81.14.030(2). The initiative process shall not contain requirements which are more stringent than the requirements for initiatives and referendums under chapter 35A-11 RCW."

Senator Pullen moved adoption of the following amendment to the amendment by Senators Zimmerman, Gould and Bottiger:

On line 13 of the amendment, strike "initiative and"

#### POINT OF INQUIRY

Senator McCaslin: "Senator Pullen, if your oral amendment is adopted, would that in essence or in effect be akin or identical to what Senators Hurley and Talmadge have proposed on page 11 after line 7?"

Senator Pullen: "I don't know what was proposed on those."

Senator McCaslin: "Don't you have the amendment in front of you?"

Senator Pullen: "I have the Zimmerman amendment in front of me."

Senator McCaslin: "Okay, I do too, but on line 11 it says Section blank, 'This tax shall be submitted to the voters of the jurisdiction for their adoption and ratification or rejection at the next general election.' Other than at the next general election, are we in essence saying the same thing here?"

Senator Pullen: "No, this is a completely different amendment that has completely different implications to it."

Senator McCaslin: "Okay, but what you are seeking is a referendum?"

Senator Pullen: "No, what this would allow is a referendum process, a petition referendum process which would allow the citizens of a local jurisdiction to challenge the enactment of this act by collecting a certain number of signatures which is not defined in this particular amendment, by the way, which is another deficiency of the amendment, and they could then somehow get it on the ballot, again by a route that is not defined in the amendment, and if the people in that local jurisdiction, after undergoing the petition referendum, vote no, then the tax would be repealed."

Senator McCaslin: "After the tax has been imposed?"

Senator Pullen: "That is correct."

#### POINT OF INQUIRY

Senator Wilson: "A couple of questions, Senator. The first is, does the final sentence of this new section three mean that the ratio of people in a local jurisdiction who had to sign a petition to get this measure on the ballot could never exceed the ratio that exists for the state with respect to statewide initiative proceedings?"

Senator Gould: "In response to that, it cannot exceed those which exceed current charter cities, which is fifteen percent of the registered voters."

Senator Wilson: "Then, Senator, how does that percentage compare with the percentage needed to put either an initiative or a referendum on the ballot?"

Senator Gould: "My understanding of the way the initiative is drafted is that it provides that cities and counties for this purpose will have exactly the same restrictions or requirements for an initiative referendum process that are now in chartered cities, and that is fifteen percent of the registered voters. The wording is taken directly from the current charter city code."

Senator Wilson: "Okay, thank you."

The motion by Senator Pullen failed and the amendment to the amendment by Senators Zimmerman, Bottiger and Gould was not adopted.

The President declared the question before the Senate to be the amendment by Senators Zimmerman, Bottiger and Gould.

Senator Hurley 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 Senators Zimmerman, Bottiger and Gould.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 38; nays, 11.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—38.

Voting nay: Senators Bauer, Charnley, Conner, Craswell, Hayner, Hughes, Hurley, Jones, Newhouse, Patterson, Pullen—11.

#### MOTION

Senator Pullen moved that Senate Bill No. 4421, as amended, be referred to the Committee on Constitutions and Elections.

Debate ensued.

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

Senators Scott, Jones and Gould 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 Pullen that Senate Bill No. 4421, as amended, be referred to the Committee on Constitutions and Elections.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 6; nays, 43.

Voting yea: Senators Conner, Hughes, Hurley, McCaslin, Moore, Pullen—6.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Senator Quigg moved adoption of the following amendment:

On page 5, after line 24, insert the following:

"Sec. 4. Section 82.02.020, chapter 15, Laws of 1961 as last amended by section 3, chapter 196, Laws of 1979 ex. sess. and RCW 82.02.020 are each amended to read as follows:

Except only as expressly provided in RCW 67.28.180 and 67.28.190 and the provisions of chapter 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Without explicit authorization from the legislature, a county, city, or town shall not impose taxes, either direct or indirect, whether under the name of a tax, excise, fee, or other description, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or any other building or building space or appurtenances thereto, or the development or

subdivision of land. The legislature finds that dedication of land constitutes a tax for purposes of this section. However, this section does not preclude dedications of land or easements for roads, streets, sidewalks, rights of way, and utilities, including surface water drainage facilities, which are reasonably necessary as a direct result of the proposed development to which the dedication requirement is to apply.

Nothing in this section precludes the imposition of business and occupation taxes measured by gross income or of sales and use taxes under chapter 82.14 RCW.

Nothing in this section prohibits cities, towns, or counties from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, or county of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any city, town, or county to impose special assessments on property specially benefited thereby in the manner prescribed by law.

Nothing in this section prohibits cities, towns, or counties from imposing utility system connection charges, except that no such charge shall exceed the proportionate share of utility system costs attributable to the property being charged."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The motion by Senator Quigg failed and the amendment was not adopted on a rising vote.

Senator Gould moved adoption of the following amendment by Senators Zimmerman, Bottiger and Gould:

On page 10, line 17, after "82.14.030(2)" and before "and" insert "at the maximum rate"

### POINT OF INQUIRY

Senator Wilson: "The sales tax distribution will be equalized among cities with respect to the half cent sales tax they are now authorized to adopt. Is that not correct? Regardless of whether they implement the second half cent sales tax?"

Senator Gould: "Yes."

Senator Wilson: "Thank you."

The motion by Senator Gould carried and the amendment by Senators Zimmerman, Bottiger and Gould was adopted.

Senator Hurley moved adoption of the following amendment by Senators Hurley and Talmadge: .

On page 11, after line 7, insert:

**"NEW SECTION.** Sec. . This tax shall be submitted to the voters of the jurisdiction for their adoption and ratification, or rejection at the next general election, or a special election ordered by the legislative authority of the jurisdiction under the general election laws of this state. This tax shall be approved by a majority of the voters of the jurisdiction voting on the measure. The legislative authority of the jurisdiction may levy the tax up to the maximum amount approved by the voters. At the discretion of the legislative authority of the jurisdiction, the approved tax may be imposed at a rate lower than the amount authorized."

Debate ensued.

Senator Hurley 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 Senators Hurley and Talmadge.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays, 29; absent or not voting, 1.

Voting yea: Senators Craswell, Deccio, Hughes, Hurley, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Scott, Sellar, Talmadge, von Reichbauer, Wojahn, Woody—19.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Jones, Kiskaddon, McDermott, Peterson, Quigg, Ridder, Shinpoch, Talley, Vognild, Williams, Wilson, Zimmerman—29.

Absent or not voting: Senator Hayner—1.

Senator Hurley moved adoption of the following amendment:

On page 11, after line 7, insert:

"NEW SECTION. Sec. . This act shall cease to exist on June 30, 1983, unless extended by law for an additional fixed period of time."

## POINT OF INQUIRY

Senator Goltz: "Senator Hurley, the language of your proposed amendment indicates that the act will cease to exist. I assume that this amendment does not by that wording cause any of the taxes which have been raised prior to June 30, 1983 to cease to exist as well."

Senator Hurley: "I intended by the words 'the act' the permission that this Legislature grants to local jurisdictions to impose this half cent."

Senator Goltz: "So if taxes are increased prior to that time, those tax increases would stay in effect even though the authority for other jurisdictions to add taxes would not be available. Is that correct?"

Senator Hurley: "It relates only to this act."

Debate ensued.

## POINT OF ORDER

Senator Shinpoch: "Mr. President, I wonder if you would be so kind as to rule on the point of order of Senator Pullen's amendment which we voted down gave the effective date of this act 'until July 1, 1983.' Senator Hurley's is 'cease to exist on June 30' and I would ask you to rule whether there is any difference in those two, even though it is stated differently. It seems to me like both of them end on midnight, June 30, and if so, we have already acted on this amendment."

## REMARKS BY SENATOR PULLEN

Senator Pullen: "Clearly this amendment is in order. My amendment only applied to one section of the bill. Senator Hurley's amendment applies to the entire bill."

## RULING BY THE PRESIDENT

President Cherberg: "Senator Shinpoch, the President believes that Senator Pullen's remarks are correct. Therefore, the amendment is in order."

Further debate ensued.

The motion by Senator Hurley failed and the amendment was not adopted.

Senator Quigg moved adoption of the following amendment by Senators Quigg and Talley:

On page 11, after line 7, insert the following:

"NEW SECTION. Sec. 6. There is added to chapter 35.21 RCW a new section to read as follows:

The following principles shall allocate gross receipts of a transporter of persons or freight for hire (called the "transporter" in this section) to prevent multiple taxation by two or more municipalities. They shall apply when two or more municipalities in this state impose a license fee or tax for the act or privilege of engaging in business activities; each municipality has a basis in local activity for imposing its tax; and the gross receipts measured by all taxing municipalities, added together, exceed the transporter's gross receipts.

(1) No municipality shall be entitled to an allocation of the gross receipts of a transporter on account of the use of its streets or highways when no pick-up or delivery occurs therein.

(2) Gross receipts of a transporter derived within a municipality, where it solicits orders and engages in business activities that are a significant factor in holding the market but where it maintains no office or terminal, shall be allocated equally between the municipality providing the local market and the municipality where the transporter's office or terminal is located. Where no such local solicitation and business activity occurs, all the gross receipts shall be allocated to the municipality where the office or terminal is located irrespective of the place of pick-up or delivery. The word "terminal" means a location at which any three of the following four occur: Dispatching takes place, from which transportation vehicles operate or are serviced, personnel report and receive assignments, and orders are regularly received from the public.

(3) Gross receipts of a transporter that are not attributable to transportation services, such as investment income, vehicle repair, and rental of equipment, shall be allocated to the office or terminal conducting such activities.

(4) Gross receipts of a transporter with an office or terminal in two or more municipalities in this state shall be allocated to the office or terminal at which the transportation services commenced.

NEW SECTION. Sec. 7. There is added to chapter 35.21 RCW a new section to read as follows:

A transporter of persons or freight for hire whose gross receipts are subject to multiple taxation by two or more municipalities in this state may request and thereupon shall be given a joint audit of the taxpayer's books and records by all of the taxing authorities seeking to tax all or part of such gross receipts. Such taxing authorities shall agree upon and establish a tax allocation formula which shall be binding upon the taxpayer and the taxing authorities participating in the audit or receiving a copy of such request from the taxpayer. Payment by the taxpayer of the taxes to each taxing authority in accordance with such tax allocation formula shall be a complete defense in any action by any taxing authority to recover additional taxes, interest, and/or penalties. A taxing municipality, whether or not a party to such joint audit, may seek a revision of the formula by giving written notice to each other taxing municipality concerned and the taxpayer. Any such revision as may be agreed upon by the taxing municipalities, or as may be decreed by a court of competent jurisdiction in an action initiated by one or more taxing authorities, shall apply only to gross receipts of the taxpayer received after the date of any such agreed revision or effective date of the judgment or order of any such court.

NEW SECTION. Sec. 8. There is added to chapter 35.21 RCW a new section to read as follows:

No demand for a fee or tax or penalty shall be made by a city or town against a transporter of persons or freight for hire on gross income derived from providing transportation services more than four years after the close of the year in which the same accrued except (1) against a taxpayer who has been guilty of fraud or misrepresentation of a material fact; or (2) where a taxpayer has executed a written waiver

of such limitations; or (3) against a taxpayer who has not registered as required by the ordinance of the city or town imposing such tax or fee, provided this subsection shall not apply to a taxpayer who has registered in any city or town where the taxpayer maintains an office or terminal, or in the case of a taxpayer who has paid a license fee or tax based on such gross receipts to any city or town levying same which may reasonably be construed to be the principal market of the taxpayer but in which he maintains no office or terminal.

**NEW SECTION.** Sec. 9. This act applies to transporters of persons or freight for hire only. Nothing in this act applies to a person engaged in the business of making sales at retail or wholesale or of providing storage services for tangible personal property."

Re-number the sections consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator Pullen: "The Quigg amendment is clearly out of scope and object."

#### MOTION

On motion of Senator Clarke, Senate Bill No. 4421, as amended, was ordered held pending a Ruling by the President on the amendment by Senators Quigg and Talley and the Point of Order raised by Senator Pullen.

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

December 2, 1981.

**SENATE BILL NO. 3398**, relating to revenue and taxation (reported by Committee on Ways and Means):

**MAJORITY recommendation:** That Substitute Senate Bill No. 3398 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Fleming, Gaspard, Haley, Jones, McDermott, Ridder, Wojahn, Zimmerman.

#### MOTION

On motion of Senator Clarke, the rules were suspended and Senate Bill No. 3398 was ordered placed on the second reading calendar for today.

#### REPORT OF STANDING COMMITTEE

December 2, 1981.

**SENATE BILL NO. 4370**, relating to revenue and tax (reported by Committee on Ways and Means):

**MAJORITY recommendation:** That Substitute Senate Bill No. 4370 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Fleming, Gaspard, Haley, Jones, Ridder, Zimmerman.

## MOTION

On motion of Senator Clarke, the rules were suspended and Senate Bill No. 4370 was ordered placed on the second reading calendar for today.

## MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

## SECOND READING

SENATE BILL NO. 3398, by Senator McDermott:  
Relating to revenue and taxation.

## MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 3398 was substituted for Senate Bill No. 3398 and the substitute bill was placed on second reading and read the second time in full.

Senator Talley moved adoption of the following amendment:

On page 1, line 28, strike "three" and insert "ten"

Debate ensued.

The motion by Senator Talley failed and the amendment was not adopted on a rising vote.

On motion of Senator Scott, the rules were suspended, Substitute Senate Bill No. 3398 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Wilson: "Two questions. The first is, sometimes we unknowingly dump additional burdens on local government. Would the implementation of this bill complicate life at all for county treasurers in any respect?"

Senator Scott: "There was no testimony to that effect. What would happen is the check coming in would be ninety-seven percent greater and constitute one transaction instead of two."

Senator Wilson: "Okay. Second question then. I am sure I am wrong on this but the wording of the underline language, as I scan it, it says that if the total tax is paid by April, then any amount which would have been due in October shall be reduced by three percent. Now if the total amount is paid in April, then nothing is due in October so there is nothing to reduce by three percent. Or you could read this to say that if the total amount is paid by April, then the three percent might apply only to the part that was due in October. I see at least three different ways of reading this language, and I guess if your experts don't share my confusion, there is probably no problem, but do you see how this language can be interpreted?"

Senator Scott: "With a good deal of thinking I can, Senator Wilson, but suffice to say that lawyers as well as Mr. Van Gorkom on our side and the House people on both sides of the aisle have been looking at this for at least six days now and they don't believe that that is the interpretation to be placed upon it. First half taxes would be due fifty percent, the second half come in in effect at forty-seven percent if they come in early."

## POINT OF INQUIRY

Senator Bottiger: "Senator Quigg, in sympathy for Senator Scott's voice I am asking you this question. Would it be your intent that the discount be restricted

solely to the actual taxpayer as opposed to any bank or escrow company or anyone else holding a reserve account for the payment of that amount?"

Senator Quigg: "The intent would be that this discount would go to the taxpayer, Senator Bottiger. And one further note for the benefit of the question that Senator Fleming raised, that the figures that I presented here earlier about the Oregon experience were from their Department of Revenue and the tax office in Multnomah County, so that is their experience. How it is going to come out here we really don't know yet, but I agree with you. I think we have got to do what we can to encourage early collection."

Further debate ensued.

#### POINT OF INQUIRY

Senator Fleming: "Senator McDermott, are you supporting this bill because it is a good measure, or you just don't like to vote against bills with your name on them?"

Senator McDermott: "This is a good little bill. Just vote for it."

#### MOTIONS

On motion of Senator Peterson, the rules were suspended and Substitute Senate Bill No. 3398 was returned to second reading.

Senator Peterson moved adoption of the following amendment:

On line 28 before the period and after "percent" insert "for that taxable year"

#### POINT OF INQUIRY

Senator Peterson: "Senator, there seems to be considerable amount of confusion on the floor, both on your side of the aisle and on mine, as to your previous statement that the three percent discount would only be applied for the second half taxes if paid in April which would have no effect at all on the first half taxes. Is that correct?"

Senator Scott: "That is correct."

Further debate ensued.

#### POINT OF INQUIRY

Senator Wilson: "Senator Scott, if Senator Peterson's amendment is adopted, that is a six percent discount on the second half, what would be the estimated revenue loss to local government over a year's period?"

Senator Scott: "Double the seven million."

Senator Wilson: "Did you say double seven million?"

Senator Scott: "Double the seven million is what the price of the discount. I don't know what the breakout would be for local government. It was one and one-half before. I presume it would be three."

Senator Wilson: "By the fourteen million, is that the total decline in property tax collections or is it that part that goes to local government?"

Senator Scott: "No, that is the price of the discount. That is three percent of the total that is being collected. One and one-half percent would be lost by local government at the three percent level, double that for six."

Senator Wilson: "How much would local government lose then?"

Senator Scott: "Three percent of the amount of dollars owed the second half."

Senator Wilson: "What would that be apt to come to in a year's period?"

On motion of Senator Peterson, there being no objection, the amendment was withdrawn.

Debate ensued.

## MOTIONS

On motion of Senator Clarke, further consideration of Substitute Senate Bill No. 3398 was deferred until a later time.

## SECOND READING

SENATE BILL NO. 4370, by Senator Scott:  
Relating to revenue and taxation.

## MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 4370 was substituted for Senate Bill No. 4370 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Clarke, Substitute Senate Bill No. 4370 will be considered later today.

On motion of Senator Clarke, the Senate resumed consideration of Senate Bill No. 4421.

## SECOND READING

SENATE BILL NO. 4421, by Senators Gould, Bottiger and Zimmerman: (by Governor Spellman request):

Authorizing an increase in the local option sales and use tax.

The Senate resumed consideration of Senate Bill No. 4421, as amended earlier today. A point of order had been raised by Senator Pullen on an amendment by Senators Quigg and Talley.

On motion of Senator Quigg, there being no objection, the amendment by Senators Quigg and Talley was withdrawn.

On motion of Senator McDermott, an amendment striking everything after the enacting clause, by Senators McDermott and Charnley, on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Bottiger, the following amendment was adopted:

On page 3, following section 2, line 8, insert the following to read as follows:

"Sec. 3. Section 1, chapter 47, Laws of 1975 and RCW 28A.58.430 are each amended to read as follows:

Any common school district board of directors is empowered to direct and authorize, and to delegate authority to an employee or agent of the common school district or the educational service district to direct and authorize, the county treasurer to invest funds described in RCW 28A.58.435 and 28A.58.440 and funds from state and federal sources as are then or thereafter received by the educational service district, and such funds from county sources as are then or thereafter received by the county treasurer, for distribution to the common school districts. Funds from state, county and federal sources which are so invested may be invested only for the period the funds are not required for the immediate necessities of the common school district as determined by the school district board of directors or its delegate, and shall be invested in behalf of the common school district pursuant to the terms of RCW 28A.58.435 or 28A.58.440, as now or hereafter amended, as the nature of the funds shall dictate. A grant of authority by a common school district pursuant to this section shall be by resolution of the board of directors and shall specify the duration and extent of the authority so granted. Any authority delegated to an educational service district pursuant to this section may be redelegated pursuant to RCW 28A.21.095, as now or hereafter amended."

Renumber the remaining sections accordingly.

On motion of Senator Gould, the following amendments to the title were adopted:

On page 1, line 4 of the title, after "82.14.040;" strike all material down to and including "36.32.120;" on line 6

On page 1, line 9 of the title, after "adding" strike "a new section" and insert "new sections"

On page 1, line 3 of the title, strike "amending" through "36.32.120;" on line 6  
In line 4 of the title, after "040;" insert "amending section 1, chapter 47, Laws of 1975 and RCW 28A.58.430;"

On motion of Senator Gould, the rules were suspended, Engrossed Senate Bill No. 4421 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. 4421, and the bill passed the Senate by the following vote: Yeas, 34; nays, 15.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Kiskaddon, Lee, McDermott, Metcalf, Moore, Newhouse, Peterson, Quigg, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—34.

Voting nay: Senators Clarke, Craswell, Deccio, Hayner, Hughes, Hurley, Jones, Lysen, McCaslin, Patterson, Pullen, Rasmussen, Scott, Sellar, von Reichbauer—15.

ENGROSSED SENATE BILL NO. 4421, having received the 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 Gould, Engrossed Senate Bill No. 4421 was ordered immediately transmitted to the House.

### MOTION

On motion of Senator Clarke, the Senate resumed consideration of Substitute Senate Bill No. 3398.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 3398, by Committee on Ways and Means (originally sponsored by Senator McDermott):

Providing a discount on property taxes for prompt payment.

The Senate resumed consideration of Substitute Senate Bill No. 3398 from earlier today.

Senator Peterson moved adoption of the following amendment:

On page 1, line 28, strike "three" and insert "six"

Debate ensued.

The motion by Senator Peterson failed and the amendment was not adopted on a rising vote.

On motion of Senator Gould, the rules were suspended, Substitute Senate Bill No. 3398 was advanced to third reading, the second 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. 3398, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Lysen, McCaslin, Moore, Peterson, von Reichbauer—5.

Absent or not voting: Senator Fleming—1.

SUBSTITUTE SENATE BILL NO. 3398, having received the 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 Clarke, the Senate advanced to the seventh order of business.

## THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 788, by House Committee on Ways and Means (originally sponsored by House Committee on Revenue):

Providing a temporary modification in the state retail sales and use tax rates.

The bill was read the third time by sections.

## POINT OF INQUIRY

Senator Moore: "Now I want to raise the same question I raised yesterday. If we are going to collect some five hundred and thirty million in sales tax, as close as we can guess what the economy will bring, and we are going to have cuts of three hundred million, is that about right? That is eight hundred and thirty million. Now as I get the figures from OFM, we are talking about probably a billion dollar shortfall, so what about the hundred and seventy million difference? I do not want to leave here without settling this. I don't want half measures. We were called to do this job. I just want to know, what is the program for the hundred and seventy million?"

Senator Scott: "You will remember that we have already passed through here a transfer of eighty million dollars in DNR money, fifty-three million of which goes into the common school construction fund to cover our earlier borrowing and therefore it becomes an add back to the reapportionment formula, so you should add the fifty-three there and the remaining thirty million that we transferred in DNR money. The Unclaimed Property Act, you remember we passed through here, constituted an additional seven million and the other items that we have passed to date leave us about one hundred and fifty million dollars short of closing the one point one billion dollar debt. There are, of course, Senator Moore, two halves of the equation. One is the deficit side of the problem which is now at some seven hundred and thirty million dollars. We will have covered that within thirty million dollars as of today if the sales tax bill passes.

"In terms of cash flow, we are about one hundred and fifty million dollars short today of covering a two hundred and fifty-eight million dollar problem. As far as the final solution, I too would want one. There has been no agreement to date on this floor about tax measures which would raise the remaining money. The situation is

not critical in terms of cash flow between now and January in that our worst month in cash flow is next October, October of '82 when we are projected to be some two hundred million dollars below the line. The passage of this bill, however, will go far, together with the budget reduction, will go far to ensure that our credit rating is stabilized. I would assume that this body would come back in January, pass items such as the higher education bill, 774 which came out of committee yesterday, which was deferred from today's calendar by way of insistence of the minority and generally a lack of twenty-five votes. There are twenty-seven million dollars in that bill. There are some more bills here that could raise money but they are not on our agreed-upon agenda between now and five o'clock."

Senator Moore. "Thank you. This is a very good explanation by Senator Scott, but if my arithmetic is right, we are still short and we have accomplished even this close to being in balance by borrowing from funds which will eventually have to be repaid, and I think we are digging ourselves in deeper all the time by this kind of action, and with that I have to say that I am opposing this bill."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "My question would be, Senator Clarke, and this is purely for clarification, the bill provides that the tax shall become effective December 1, 1981. It is my understanding that the intent is that the tax does not become due and payable until the Governor signs the bill and from there on. Now if you would say yes . . ."

Senator Hayner: "That is correct. I had a conversation with Marilyn Showalter, who is the attorney for the Governor, and she indicated that there would be no problem with that, that it would be forward from there, and that they would not go back and collect it from the December 1 date."

Senator Rasmussen: "The reason that I asked that question, Senator Hayner, is that some eager tax collectors might want to go back to the first and the retailer has not collected that tax from the first. He has only collected it starting maybe tomorrow. Thank you, Senator Hayner."

Further debate ensued.

#### REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President and ladies and gentlemen of the Senate, Senator McDermott, it is very easy to criticize but I have heard very few positive suggestions. Oh yes, you talk about some of the loopholes that we have had, loopholes which were put into the law by the then Democratic majority, and it is very easy to criticize, but when it comes to changing things, you don't want to help very much. Let me say that—you say that we should have had this tax in the last session? Yes, you wanted to spend a great deal more money. You didn't want to cut down government during the last session. You wanted to have more taxes. But just think how deep the hole would be now if we had really responded to that and we had left all of those services, some of which we know are unnecessary and are abused, in place. Let me tell you that I just received, just a few minutes ago on the telephone, a LEAP run on the figures, including the sales tax. That is our Legislative Evaluation and Assessment Program which gives us a run on what we are doing here. It shows that we will be in balance at fourteen million dollars with this five hundred and thirty million dollar tax package, that the cash flow with the bills that we have passed and are presently considering will be two hundred and sixty million dollars, and that October, a one-time dip when we have a cash flow problem, we will have a sixty-eight million dollar deficit only and we have over ninety million dollars in transfer

funds. So I suggest to you that we have done a very good job considering the problems with which we have worked this time. And I urge you to vote for this."

#### POINT OF INQUIRY

Senator Goltz: "If I understood you correctly, this is the best news that I have heard since we have come down here this session. Did you say that with the sales tax increase which is now before us and the cuts which we have passed over to the House and the other things that we have done, that the budget for this biennium is in balance?"

Senator Hayner: "What I said was that it is in balance as far as the shortfall, the revenue that was not coming in, the eight hundred and thirty million shortfall. We have taken care of that with three hundred million of cuts and five hundred and thirty million of this tax. In addition to that, what we have done with the other things has brought in a cash flow of two hundred and sixty. That means that on October 1 we have a sixty-eight million dollar deficit but we also have ninety million dollars in transfer funds within state government that can be used for that purpose. That is the very latest LEAP run."

Senator Goltz: "I am not quite sure that I got a direct answer as to whether we are in balance for the biennium, but I was hoping that is true, because then that would mean that we would not need to consider in this next session of the Legislature those tuition increases where we have already made great increases, and the parental responsibility for developmental disability persons and so on, so I hope your optimism is present in January."

Further debate ensued.

Senators Scott, Jones and Hayner demanded the previous question.

Senator Talmadge demanded a roll call on the demand for the previous question.

On motion of Senator Scott, there being no objection, the demand for the previous question was withdrawn.

#### POINT OF INQUIRY

Senator Ridder: "I have a question for Senator Hayner regarding the LEAP run. You mentioned October 1. Was that before or after the four hundred million which I understand is due on that date?"

Senator Hayner: "Taking into consideration that we must pay that back, as you probably know we have to put aside one hundred and twenty-five million of that on August 1. We have to put aside another two hundred and fifty million on September 1 so that the money will be there. That is assuming that we pay back the four hundred million and that we do not borrow any, we don't turn it over and borrow any more."

Senator Ridder: "All right. Thank you very much."

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 788, and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fuller, Gallaghan, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Quigg, Scott, Sellar, Vognilid, von Reichbauer, Woody, Zimmerman—25.

Voting nay: Senators Bauer, Charnley, Craswell, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McCaslin, McDermott, Moore, Patterson,

Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn—24.

SECOND SUBSTITUTE HOUSE BILL NO. 788, having received the 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 Clarke, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

December 1, 1981.

Mr. President: The House has passed: HOUSE BILL NO. 775, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### FIRST READING OF HOUSE BILL

HOUSE BILL NO. 775, by Representative Eberle:

Clarifying the legislative district boundaries between the twenty-fourth and thirty-fifth legislative districts and legislative district 19-B.

#### PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, is a two-third majority required in order to suspend the rules that the bill be read on three separate occasions or is a simple majority necessary to suspend the rules?"

#### REPLY BY THE PRESIDENT

President Cherberg: "Not at this time, Senator. A simple majority will advance the bill."

#### MOTION

Senator Clarke moved the rules be suspended and House Bill No. 775 be advanced to second reading.

Senator Talmadge 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 Clarke that the rules be suspended and House Bill No. 775 be advanced to second reading.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

House Bill No. 775 was placed on second reading.

MOTION

On motion of Senator Clarke, the Senate resumed consideration of Substitute Senate Bill No. 4370.

SECOND READING

SUBSTITUTE SENATE BILL NO. 4370, by Committee on Ways and Means (originally sponsored by Senator Scott):

Freezing inventory phase-out at current levels.

The Senate resumed consideration of Substitute Senate Bill No. 4370 from earlier today.

Senator Pullen moved the following amendments by Senators Pullen, Craswell, McCaslin, Moore, Bauer, Metcalf, Guess and Rasmussen be considered and adopted simultaneously:

On page 2, beginning on line 9, strike all material down to and including "percent)" on line 15 and insert:

"Inventory taxes paid in 1981, 1982, and 1983 ..... eighty percent  
 Inventory taxes paid in ~~((1982))~~ 1984 ..... ninety percent  
 Inventory taxes paid in ~~((1983))~~ 1985 ..... one hundred percent"

On page 3, beginning on line 11, strike all material down to and including "exemption))" on line 23 and insert:

"Commencing with assessment as of January 1, 1981, and thereafter, for taxes due in 1982, 1983, and 1984 the assessment level shall be twenty percent of true and fair value.

Commencing with assessment as of January 1, ~~((1982))~~ 1984, for taxes due in ~~((1983))~~ 1985 the assessment level shall be ten percent of true and fair value.

Commencing with assessment as of January 1, ~~((1983))~~ 1985, for taxes due in ~~((1984))~~ 1986 such inventories shall be fully exempt under chapter 84.36 RCW.

Commencing with January 1, ~~((1983))~~ 1985, assessments for taxes due in ~~((1984))~~ 1986, taxpayers shall not be required to report, or assessors to list, the inventories covered by this phase out exemption."

On page 3, after line 26, insert the following:

"**NEW SECTION.** Sec. 3. There is hereby established a joint select committee to study the state's inventory tax structure. The joint select committee shall consist of three members of the ways and means committee of the senate and three members of the ways and means committee of the house, who shall be appointed by the respective chairperson of each of the ways and means committees. The committee shall report to the 1983 legislature concerning its findings and recommendations which shall include proposals to mitigate the consequences of the inventory tax phase-out on local governments."

Re-number the sections consecutively and correct any internal references.

On motion of Senator Scott, the question was divided to consider separately the amendment to page 3, following line 26 inserting a new section 3.

The President declared the question before the Senate to be the amendments to page 2, beginning on line 9 and to page 3, beginning on line 11 by Senator Pullen and others.

The motion by Senator Pullen carried and the amendments were adopted.

On motion of Senator Pullen, there being no objection, the amendment by Senator Pullen and others to page 3, after line 26 inserting a new section 3 was withdrawn.

On motion of Senator Scott, the rules were suspended, Engrossed Substitute Senate Bill No. 4370 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Ridder, Senator Rasmussen was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4370 and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, von Reichbauer, Williams, Wilson, Woody, Zimmerman—41.

Voting nay: Senators Conner, Moore, Peterson, Pullen, Talley, Vognild, Wojahn—7.

Absent or not voting: Senator Bottiger—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4370, having received the 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. 775, by Representative Eberle:

Clarifying the legislative district boundaries between the twenty-fourth and thirty-fifth legislative districts and legislative district 19-B.

The Senate resumed consideration of House Bill No. 775. Earlier today, on motion of Senator Clarke, the rules were suspended and the bill was advanced to second reading. A roll call to advance the bill had carried.

The bill was read the second time by sections.

Senator Talmadge moved adoption of the following amendment:

Strike everything after the enacting clause, and insert the following:

"NEW SECTION. Section 1. This act may be cited as the 1981 Reapportionment and Redistricting Act.

NEW SECTION. Sec. 2. The definitions set forth in this section apply throughout this chapter, unless the context requires otherwise.

(1) "Chief election officer" means the secretary of state.

(2) "Federal census" means the decennial census required by federal law to be prepared by the United States bureau of the census in each year ending in zero.

(3) "Lobbyist" means an individual required to register with the Washington public disclosure commission pursuant to RCW 42.17.150.

(4) "Plan" means a plan for legislative and congressional redistricting.

NEW SECTION. Sec. 3. A legislative and congressional redistricting commission shall be established in July of each year ending in one to assist the legislature in accomplishing state legislative redistricting. The five-member commission shall be appointed as follows:

(1) Each leader of the two largest political parties in each house of the legislature shall appoint one member to the commission by July 1st of each year ending in one. If there are more than two political parties in a house, then the leader of the second largest party has no power of appointment, and the members of the political parties, excluding the party with the largest share of legislators, shall elect a legislator who shall appoint a member of the commission.

(2) The four legislators appointing commission members pursuant to this section shall certify their appointments to the chief election officer. If an appointing legislator does not certify an appointment by July 1st of each year ending in one, the

appointing legislator of the same party in the other house shall certify a second appointment to the chief election officer within ten days.

(3) Within thirty days of their appointment and no later than July 31st of the year of their selection, the four appointed members, by an affirmative vote of at least three, shall appoint and certify to the chief election officer the fifth member who shall be a nonvoting member of the commission and act as its chairman. A vacancy on the commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the vacancy occurs.

NEW SECTION. Sec. 4. No person may be appointed to the commission who:

- (1) Is not a registered voter of the state at the time of selection; or
- (2) Is or has within one year prior to selection been a registered lobbyist.

NEW SECTION. Sec. 5. No member of the commission may:

(1) Hold or campaign for public or political party office while a member of the commission;

(2) Actively participate in or contribute to any political campaign of any candidate for state or federal elective office while a member of the commission; or

(3) Hold or campaign for a seat in the state house of representatives or the state senate, for four years after the effective date of the plan.

NEW SECTION. Sec. 6. (1) The commission shall prepare a plan dividing the state into legislative and congressional districts.

(2) The commission may employ the services of experts, consultants, and support staff, including attorneys not employed by the attorney general, as necessary to carry out its duties pursuant to this chapter. The chief election officer, the treasurer, and the attorney general shall make available to the commission such personnel, facilities, and other assistance as the commission may reasonably request.

(3) The commission, upon written request by a witness and subject to rules promulgated by the commission, may reimburse witnesses for their necessary expenses incurred in appearing before the commission.

(4) The legislature shall appropriate funds to enable the commission to carry out its duties. Members shall receive one hundred dollars of compensation for each day spent in the performance of their duties and reimbursement for actual and necessary expenses. Employee's compensation and reimbursement for actual and necessary expenses shall be determined by the commission.

NEW SECTION. Sec. 7. In addition to other duties prescribed by law, the commission shall:

(1) Adopt rules pursuant to the Administrative Procedure Act, chapter 34.04 RCW, to carry out the provisions of Article II, section 3 of the state Constitution and of this chapter, which rules shall provide that three voting members of the commission constitute a quorum to do business, and that the votes of three of the four voting members are required for any official action of the commission;

(2) The commission shall act as the legislature's recipient of redistricting data and maps from the United States Bureau of the Census. Upon receipt of the data and maps, the commission shall promptly provide copies to the secretary of the senate and chief clerk of the house of representatives.

(3) Preserve all information filed with and developed by the commission pursuant to public records statutes, chapter 42.17 RCW;

(4) Hold open meetings pursuant to the Open Public Meetings Act, chapter 42.30 RCW;

(5) Prepare and maintain minutes pursuant to RCW 42.32.030;

(6) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average

district population; (c) a map of all the districts; and (d) the cost incurred by the counties for adjusting precinct boundaries.

**NEW SECTION, Sec. 8.** In the plan:

(1) Districts shall have a population as nearly equal as is practicable, excluding nonresident military personnel, based on the population reported in the federal decennial census.

(2) To the extent consistent with other criteria of this section, district lines shall be drawn so as to coincide with the boundaries of local political subdivisions. The number of counties and municipalities divided among more than one district shall be as small as possible.

(3) Districts shall be composed of convenient, contiguous, and compact territory. Land areas are deemed contiguous if they share a common land border or are connected by a highway, bridge, or tunnel. Areas separated by unbridged water are deemed contiguous to the nearest land area only where necessary to comply with the other criteria enumerated in the Constitution and this section. Areas which only share common borders at the points of adjoining corners may not be deemed contiguous. Areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be deemed contiguous.

(4) No district may be drawn for the purpose of diluting the voting strength of any language or racial minority group.

(5) The commission shall provide, whenever practicable, that a precinct shall be wholly within a single legislative district.

The commission shall exercise its powers to provide fair and effective representation and to encourage electoral competition. The commission's plan shall not be drawn for the purpose of favoring any political party, incumbent legislator, or other person or group.

**NEW SECTION, Sec. 9.** (1) Upon approval of a redistricting plan by three of the four voting members of the commission, and not later than December 1st of the year ending in one, the commission shall submit the plan to the legislature.

(2) After submission of the plan by the commission, the legislature shall have the next thirty days during any regular or special session to amend the commission's plan. If the legislature amends the commission's plan the legislature's amendment must be approved by an affirmative vote in each house of two-thirds of the members elected or appointed thereto, and may not affect more than five percent of the population of any legislative district contained in the commission's plan.

(3) The plan approved by the commission, with any amendment approved by the legislature, shall be final upon approval of such amendment or after expiration of the time provided for legislative amendment by subsection (2) of this section which ever occurs first, and shall constitute the districting and apportionment law applicable to this state for legislative elections, beginning with the next elections held in an even-numbered year. This plan shall be in force until the effective date of the plan based upon the next succeeding federal decennial census.

(4) If three of the four voting members of the commission fail to approve and submit a plan within the time limitations provided in subsection (2) of this section, the supreme court shall adopt a plan by January 1st of the year ending in two. The supreme court shall direct the commission to immediately approve and submit this plan to the legislature for amendment in accordance with subsections (2) and (3) of this section.

**NEW SECTION, Sec. 10.** (1) Following the period provided by section 9(1) of this act for the commission's adoption of a plan, the commission shall take all necessary steps to conclude its business and cease operations. The commission shall prepare a financial statement disclosing all expenditures made by the commission. The official record shall contain all relevant information developed by the commission pursuant to carrying out its duties under this chapter, data collected, minutes of

meetings, written communications, and other information of a similar nature. The commission shall provide for the permanent preservation of this official record. Once the commission ceases to exist any budget surplus shall revert to the state general fund.

(2) The commission shall cease to exist ninety days after the date established by section 9 of this act for submission of a plan unless the legislature extends the commission's term by law.

NEW SECTION. Sec. 11. After the plan takes effect as provided in section 9 of this act, any registered voter may file a petition with the supreme court challenging the plan. The court may consolidate any or all petitions and shall give all such petitions precedence over all other matters.

NEW SECTION. Sec. 12. (1) Notwithstanding any provision of this chapter to the contrary, a congressional redistricting plan shall be prepared, approved, and implemented for 1982 under the provisions of this section.

(2) By January 1, 1982, the members of a commission shall be appointed in accordance with sections 3 through 5 of this act.

(3) By January 31, 1982, the commission shall submit to the legislature a congressional redistricting plan meeting the criteria of section 8 of this act. The legislature shall have until February 15, 1982, to amend the commission's plan in accordance with section 9(2) of this act.

(4) If the commission fails to approve and submit a plan to the legislature by January 31, 1982, the state supreme court shall adopt a plan by February 15, 1982, and this plan shall be submitted to the legislature in accordance with section 9(4) of this act. In this case, the legislature shall have until March 1, 1982, to amend the plan.

(5) Following submission of the plan to the legislature, the commission shall conclude its business in accordance with section 10 of this act, and shall cease to exist thirty days after submission of the plan.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 44 RCW.

NEW SECTION. Sec. 15. 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. 16. The following act is hereby repealed:

(1) Chapter 288, Laws of 1981 and Engrossed Substitute Senate Bill No. 3655 as enacted by the 1981 regular legislative session."

### POINT OF ORDER

Senator Metcalf: "I raise the point of scope and object. This is the tightest title I have ever seen on any legislation in my time here, and this is obviously far, far beyond the scope and object of the bill."

### MOTION

At 5:25 p.m., on motion of Senator Clarke, the Senate was declared to be at ease pending a Ruling by the President on the Point of Order by Senator Metcalf on the amendment by Senator Talmadge to House Bill No. 775.

The President called the Senate to order at 5:33 p.m.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Metcalf, the President finds that House Bill No. 775 is a measure clarifying the legislative district boundaries between the twenty-fourth and thirty-fifth legislative districts and legislative district 19-B.

"The amendment proposed by Senator Talmadge completely repeals the redistricting bill passed in the Regular Session and establishes a legislative/congressional redistricting commission.

"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 Talmadge was ruled out of order.

## MOTION

Senator Metcalf moved the rules be suspended and House Bill No. 775 be advanced to third reading.

Senator Talmadge 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 Metcalf that the rules be suspended and House Bill No. 775 be advanced to third reading.

## ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 25; nays, 22; absent or not voting, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

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

House Bill No. 775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## POINT OF ORDER

Senator Goltz: "I would like to raise the point of order with respect to amendment number sixty-eight which amended Article Two, Section Twelve of the Constitution. The point of order is that the Governor's proclamation calling this session into being does not include redistricting as one of the subjects to be covered. There is a provision in the amendment that says that the specification of purpose by the Governor pursuant to Article Three, Section Seven of this Constitution shall be considered by the Legislature but shall not be mandatory. It would be my point of order that the Legislature has not considered adding to the agenda of the Governor. There is no resolution on our desks which sets a different agenda from that of the Governor, and therefore I think further consideration of House Bill 775 is out of order."

## RULING BY THE PRESIDENT

President Cherberg: "Senator Goltz, with all due respect to your constitutional acumen, the President has followed a long-time policy of not giving advisory opinions on constitutional questions."

Further debate ensued.

### POINT OF INQUIRY

Senator Wojahn: "I am sorry I have to ask this question of you, Senator Metcalf, but I don't have Representative Eberle here to ask the question of and since you have been handling this area, I would like to know why we have to have a Section 2 in this bill declaring this act necessary for the immediate preservation of the public health and safety, the support of state government, its existing public institutions, and shall take effect immediately. Why?"

Senator Metcalf: "As you know, Senator, this is a normal addition to make a bill go into effect immediately, and it was the opinion of the drafters that it should go into effect immediately. That is the only answer I can give you. I think it is necessary to tune up the only glitch that there was in that bill. That is pretty creditable that there was only one glitch after all the slander I endured on this floor, but in any event it is necessary. It does go into effect immediately and I think it is a good idea, but I can't answer the technical question."

Further debate ensued.

### MOTION

Senator Fleming moved that further consideration of House Bill No. 775 be indefinitely postponed.

### POINT OF ORDER

Senator Clarke: "Senator Fleming made a motion, he spoke first and then made a motion so his motion is out of order."

### RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke's remarks are well taken."

### MOTION

Senator McDermott moved that further consideration of House Bill No. 775 be indefinitely postponed.

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

The President declared the question before the Senate to be the motion by Senator McDermott that further consideration of House Bill No. 775 be indefinitely postponed.

### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Bottiger—1.

Senators Hayner, Clarke and Jones 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 House Bill No. 775.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 775, and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; absent or not voting, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn—22.

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

HOUSE BILL NO. 775, having received the 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 Moore moved that the Committee on Ways and Means be relieved from further consideration of Senate Joint Memorial No. 113, and that the memorial be placed on second reading.

Debate ensued.

Senator Moore 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 Moore that the Committee on Ways and Means be relieved from further consideration of Senate Joint Memorial No. 113 and that the memorial be placed on second reading.

### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Bottiger—1.

### MOTION

On motion of Senator Clarke, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

December 2, 1981.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTION HOUSE BILL NO. 782, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

December 2, 1981.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SECOND SUBSTITUTION HOUSE BILL NO. 756, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

December 2, 1981.

Mr. President: The Speaker has signed: SUBSTITUTION HOUSE BILL NO. 811, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTION HOUSE BILL NO. 811.

MOTION

Senator Conner moved adoption of the following resolution by Senators Conner and Quigg:

SENATE RESOLUTION

1981-160

By Senators Conner and Quigg:

WHEREAS, Unemployment in Washington State for September, 1981, was eight point eight percent (8.8%) with twenty-seven (27) of Washington's thirty-nine (39) counties having unemployment rates above this state-wide average; and

WHEREAS, Pend Oreille, Skamania, Okanogan, Clallam, Ferry, Stevens, Cowlitz, Lewis, Wahkiakum, Grays Harbor, Klickitat, Pacific, Skagit, Grant and Whatcom Counties all have unemployment rates above ten percent; and

WHEREAS, High interest rates have affected Washington as they have the nation, especially the industries of home construction, lumber and milling as well as other areas of our economy; and

WHEREAS, The Honorable Victor Atiyeh, Governor of Oregon, a state whose economy parallels Washington's to a great degree, has indicated his concern over the "disaster in Oregon's timber industry" as caused by high interest rates and Canadian lumber imports into the United States; and

WHEREAS, The Congress and Administration have indicated their disposition is to "look into" Canadian lumber imports for a determination of whether American jobs are lost because of such importation;

NOW, THEREFORE, BE IT RESOLVED, By the Senate assembled in session, That a hearing be conducted no later than January 8, 1982, by the Senate Committee on Natural Resources, in concert with other committees and agencies of state government as necessary, to solicit testimony from persons, organizations, businesses and others interested in and concerned with the effects of Canadian lumber imports on jobs and the economy of Washington State and the Pacific Northwest; and

BE IT FURTHER RESOLVED, That the Committee shall forward to the full Senate, no later than January 15, 1982, a report indicating the testimony, discussion and conclusions from such hearing(s) which shall, upon approval by the Senate by

Resolution, be forwarded to members of Washington's Congressional delegation, U.S. Trade Representative David McDonald, the State-Federal Assembly of the National Conference of State Legislatures, The Honorable Victor Atiyeh and Legislative Leadership of the Oregon State Legislature; and

BE IT FURTHER RESOLVED, That nothing in this resolution shall prevent such hearing(s) from being conducted jointly with a similar committee of the Washington House of Representatives and Oregon State Legislature at a location acceptable to committee members, in such case the committee shall request appropriate authority from the Facilities and Operations Committee.

#### POINT OF INQUIRY

Senator Lysen: "You are involved in a foreign trade bill that went through here last year, as I recall, and I stood up and I think I spoke against it and voted against it, and I thought foreign trade really contributed to the economy quite a bit. Now here this resolution is against foreign trade with the Canadians, our neighbor to the north. Now is this going to hurt us by hurting our trade when trade contributes so much to the economy according to some people? They really feel that trade is what saved us through the last decline so I am concerned about our trade situation. Is this going to affect that?"

Senator Quigg: "Senator Lysen, the resolution down there about four 'Whereases' states that Congress and the administration have indicated their disposition is to look into Canadian lumber imports for determination of whether American jobs are lost because of such importation. And I think the question of the Canadian imports and the American housing and construction industry and related forest products industry is one that is of vital concern to this state and the role that the Canadian imports play in it is something that this state and our Legislature should be aware of as we look at our severely depressed economy. I don't think that the resolution as it is drafted is anti-trade. What it is doing is it is pro-trade knowledge. Let's find out just really what we have here. I imagine you would find there are probably some builders, the few that are left, who would feel that low cost lumber is desirable regardless of where it comes from, so I think this is an open, honest look at the question that severely bothers a lot of people in the forest products communities that are out of work. So I think that it is not a slanted look at all. I think it is straightforward and for that reason I support it."

Senator Lysen: "I want to thank you for your reassurance on that. I do have concern. I guess I would say that we should have reciprocity in the trade situation. The Canadians, as you know, have a statute where they do not export logs, raw logs. They only export lumber, and possibly we should consider some type of reciprocity and I would hope that that would be a part of the look that is taken here on this resolution."

The motion by Senator Conner carried and the resolution was adopted.

#### MOTION

Senator Wilson moved adoption of the following resolution:

#### SENATE RESOLUTION 1981-153

By Senators Wilson, Hughes, Woody, Rasmussen and McCaslin:

BE IT RESOLVED, That the murals presently displayed on the east and west walls of the Senate Chamber be removed as soon as possible after the conclusion of the 2nd Extraordinary Session of the 47th Legislature, and that the Department of General Administration be directed to find a different location for the display of these murals or otherwise arrange for their disposition.

Debate ensued.

Senator McDermott moved adoption of the following amendment:

Following the period of the last sentence of the resolution, insert the following: "The murals should not be taken down until it can be decided what should be put in their place."

Debate ensued.

The motion by Senator McDermott failed and the amendment to the resolution was not adopted.

The President declared the question before the Senate to be Senate Resolution 1981-153.

Senator Wilson 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 1981-153.

### ROLL CALL

The Secretary called the roll and the resolution was not adopted by the following vote: Yeas, 22; nays, 24; absent or not voting, 3.

Voting yea: Senators Bauer, Benitz, Craswell, Deccio, Gallagher, Goltz, Guess, Hansen, Hughes, Lysen, McCaslin, Metcalf, Moore, Pullen, Quigg, Rasmussen, Scott, Vognild, von Reichbauer, Wilson, Wojahn, Woody—22.

Voting nay: Senators Bluechel, Charnley, Clarke, Fleming, Fuller, Gaspard, Gould, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McDermott, Newhouse, Patterson, Peterson, Ridder, Sellar, Shinpoch, Talley, Talmadge, Zimmerman—24.

Absent or not voting: Senators Bottiger, Conner, Williams—3.

### MOTION

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

#### SENATE RESOLUTION

1981-162

By Senators Quigg, Zimmerman, Patterson, McCaslin, Goltz, Talley, Wilson, Benitz, Guess, Hayner and Bauer:

WHEREAS, State and local taxes represent a significant aspect in the state's economy; and

WHEREAS, That increased tax rates in a period of economic downturn and recession may further impact consumer spending and business activity;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the department of revenue be directed to undertake a study of the impact of state and local taxes on the economy of the state and that particular reference be given to the impact of such tax rates in communities which border neighboring states with which Washington businesses must compete; and

BE IT FURTHER RESOLVED, That such study be completed by February 15, 1982, and transmitted to the Senate Committee on Ways and Means and the Senate Committee on Commerce and Labor.

### MOTION

At 6:45 p.m., on motion of Senator Clarke, the Senate recessed until 8:00 p.m.

### EVENING SESSION

The President called the Senate to order at 8:00 p.m.

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

## MESSAGE FROM THE GOVERNOR

December 2, 1981.

The Honorable John A. Cherberg  
 Washington State Senate  
 Legislative Building  
 Olympia, WA 98504

Dear Governor Cherberg:

You and the members of the Senate are cordially invited to my office for light refreshments after adjournment sine die of this special session.

Sincerely,  
 JOHN SPELLMAN  
 Governor.

## MESSAGES FROM THE HOUSE

December 2, 1981.

Mr. President: The Speaker has signed: HOUSE BILL NO. 775, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

December 2, 1981.

Mr. President: The Speaker has signed: SECOND SUBSTITUTE HOUSE BILL NO. 756, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

December 2, 1981.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 782, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

December 2, 1981.

Mr. President: The Speaker has signed: SECOND SUBSTITUTE HOUSE BILL NO. 788, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 756,  
 HOUSE BILL NO. 775,  
 SUBSTITUTE HOUSE BILL NO. 782,  
 SECOND SUBSTITUTE HOUSE BILL NO. 788.

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 128, by Senators Hayner, Jones, Bottiger and Fleming.

Transmittal of bills between houses.

On motion of Senator Clarke, the rules were suspended and Senate Concurrent Resolution No. 128 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, the rules were suspended, Senate Concurrent Resolution No. 128 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

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

## MESSAGE FROM THE HOUSE

December 2, 1981.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 3398, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 129, by Senators Hayner, Jones, Fleming and Bottiger:

Notifying the governor that the legislature is about to adjourn SINE DIE.

On motion of Senator Clarke, the rules were suspended and Senate Concurrent Resolution No. 129 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, the rules were suspended, Senate Concurrent Resolution No. 129 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Concurrent Resolution No. 129, President Cherberg appointed Senators Clarke, Rasmussen and Gould as a committee of three to join a like committee from the House to notify the Governor that the Legislature is about to adjourn SINE DIE.

## MOTIONS

On motion of Senator Clarke, the committee appointments were confirmed.

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

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

## SENATE RESOLUTION

1981—161

By Senators Hayner, Jones, Bottiger and Fleming:

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.

## MESSAGES FROM THE HOUSE

December 2, 1981.

Mr. President: The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 128,

SENATE CONCURRENT RESOLUTION NO. 129, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

December 2, 1981.

Mr. President: Under the provisions of SENATE CONCURRENT RESOLUTION NO. 128, the House herewith returns the following Senate Bills:

ENGROSSED SUBSTITUTE SENATE BILL NO. 4370,

ENGROSSED SENATE BILL NO. 4421,

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 127, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
 SENATE CONCURRENT RESOLUTION NO. 128,  
 SENATE CONCURRENT RESOLUTION NO. 129, and the same are here-  
 with transmitted.

VITO T. CHIECHI, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE SENATE BILL NO. 3398.

## MESSAGES FROM THE HOUSE

December 2, 1981.

Mr. President: The Speaker has signed: SUBSTITUTE SENATE BILL NO. 3398, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

December 2, 1981.

Mr. President: The House has passed: SUBSTITUTE HOUSE BILL NO. 804, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

Mr. President: The Speaker has signed:  
 SENATE CONCURRENT RESOLUTION NO. 128,  
 SENATE CONCURRENT RESOLUTION NO. 129, and the same are here-  
 with transmitted.

VITO T. CHIECHI, Chief Clerk.

## APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1981-161, President Cherberg appointed Senators Bluechel, Deccio and Ridder to notify the House that the Senate is ready to adjourn SINE DIE.

## MOTION

On motion of Senator Newhouse, the appointments were confirmed.

COMMITTEE FROM THE HOUSE NOTIFYING  
THE SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival in the Senate of a committee from the House consisting of Representatives Clayton, Rust and Smith. The committee appeared before the bar of the Senate and notified the Senate that the House was about to adjourn SINE DIE.

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

REPORT OF SPECIAL COMMITTEE APPOINTED  
TO NOTIFY THE HOUSE OF THE SENATE  
ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee comprised of Senators Bluechel, Deccio and Ridder who were appointed under the provisions of Senate Resolution 1981-161. The committee reported they had notified the House that the Senate was about to adjourn SINE DIE.

The report was received and the committee was discharged.

REPORT OF SPECIAL COMMITTEE APPOINTED  
TO NOTIFY THE GOVERNOR OF ADJOURNMENT  
SINE DIE

The Sergeant at Arms announced the return of the special committee comprised of Senators Clarke, Rasmussen and Gould who were appointed under the provisions of Senate Concurrent Resolution No. 129. The committee reported they had joined with a like committee from the House and notified the Governor that the Legislature was about to adjourn SINE DIE.

The report was received and the committee was discharged.

MOTION

On motion of Senator Jones, the Senate Journal of the Twenty-fourth Day of the Second Extraordinary Session of the Forty-seventh Legislature was approved.

MOTION

At 8:39 p.m., on motion of Senator Clarke, the Senate of the Second Extraordinary Session of the Forty-seventh Legislature adjourned SINE DIE.

President Cherberg asked President Pro Tempore Guess to the rostrum. The President gave the gavel to President Pro Tempore Guess to rap the session to conclusion in concert with House Speaker Polk.

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



# SENATE JOURNAL

— 1982 —

REGULAR SESSION

FORTY-SEVENTH LEGISLATURE

# STATE OF WASHINGTON

AT

# OLYMPIA, the State Capitol

Convened: January 11, 1982

Adjourned: *SINE DIE* March 11, 1982

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



DOROTHY GREELEY  
*Minute and Journal Clerk*

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JOHN A. CHERBERG, *President of the Senate*  
SAM C. GUESS, *President Pro Tempore*  
GEORGE W. CLARKE, *Vice President Pro Tempore*

## SENATE CAUCUS OFFICERS

### REPUBLICAN CAUCUS

*Majority Leader* .....JEANNETTE HAYNER  
*Chairman* .....JOHN D. JONES  
*Floor Leader/Vice President*  
*Pro Tempore* .....GEORGE CLARKE  
*Majority Whip* .....ALAN BLUECHEL  
*Vice Chairman* .....ELEANOR LEE

### DEMOCRATIC CAUCUS

*Minority Leader* .....R. TED BOTTIGER  
*Chairman* .....GEORGE FLEMING  
*Assistant Minority Leader* .....A. N. "BUD" SHINPOCH  
*Minority Whip* .....RUTHE RIDDER  
*Vice Chairman* .....BRUCE A. WILSON  
*Secretary* .....R. LORRAINE WOJAHN



*Secretary of the Senate* .....SIDNEY R. SNYDER  
*Deputy Secretary of*  
*the Senate* .....MARILYN BRACHTENBACH  
*Secretary to the Secretary* .....DEE RENDERER  
*Sergeant at Arms* .....FRED HILDEBRAND  
*Reader* .....VERNE SAWYER  
*Minute and Journal Clerk* .....DOROTHY GREELEY

**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
1982 REGULAR SESSION  
FORTY-SEVENTH LEGISLATURE**

**FIRST DAY**

**NOON SESSION**

Senate Chamber, Olympia, Monday, January 11, 1982.

The 1982 Regular Session of the Forty-seventh 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.

The Color Guard, consisting of Pages Cameron Lapp and Lara Rupley, presented the Colors. Reverend Paul McCann, pastor of the United Churches of Olympia offered the prayer.

**REMARKS BY THE PRESIDENT**

President Cherberg: "It is indeed a pleasure, honored members of the Senate, to greet you once again and to wish each and every one of you a very successful 1982 session."

**MESSAGE FROM THE SECRETARY OF STATE**

January 11, 1982.

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

DEAR SIR:

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that, according to the provisions of RCW 29.62.130, I have canvassed the returns of the votes cast on state measures and offices which appeared on the ballot at the state general election held on the 3rd day of November, 1981, that the total number of ballots cast at this state general election was 948,359 and that the total number of votes cast for each candidate and for and against each of these state measures was as follows:

**Initiative Measure 394**

Shall public agencies obtain voter approval prior to issuing bonds for the construction or acquisition of major public energy projects?

Yes .....	532,178
No .....	384,419

Initiative Measure 402

Shall inheritance and gift taxes be abolished, and state death taxes be restricted to the federal estate tax credit allows?

Yes .....	610,507
No .....	297,445

Senate Joint Resolution 107

Shall constitutional limitations on powers and numbers of superior court commissioners be removed, and limitations be established by legislation?

Yes .....	385,796
No .....	439,542

Senate Joint Resolution 133

Shall certification of initiatives to the legislature be required within forty days of filing and legislatively ordered referenda thereon prohibited?

Yes .....	581,724
No .....	199,516

House Joint Resolution 7

Shall industrial development bonds, repaid by such developments, not by public funds, be authorized for issuance by public governmental entities?

Yes .....	450,580
No .....	357,944

Justice of the State Supreme Court

Carolyn R. Dimmick (Nonpartisan) .....	590,164
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Superior Court — Benton and Franklin Counties

Duane E. Tabor (Nonpartisan) .....	26,800
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State Representative — 2nd District

Jean Miller (Republican) .....	3,696
Duane Kaiser (Democrat) .....	5,361

State Representative — 12th District

C. R. "Dick" Nickell (Republican) .....	10,708
Betty G. Shreve (Democrat) .....	10,664

State Senate — 15th District

Irv Newhouse (Republican) .....	8,716
Mike Everett (Democrat) .....	8,570

State Representative — 15th District

Lyle J. Dickie (Republican) .....	7,316
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IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington this eleventh day of January, 1982.

RALPH MUNRO  
Secretary of State

(Seal of the State of Washington)

## REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, ladies and gentlemen, it is with great pleasure and a privilege on the part of the President to announce that the Honorable Irving Newhouse will be sworn in this morning."

## APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Clarke and Talmadge to escort the Honorable James Dolliver, Justice of the

Supreme Court of the State of Washington, to the Senate Chamber and a seat upon the rostrum.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed Senators Deccio and Conner to escort the Honorable Irving Newhouse to the Senate rostrum.

Justice Dolliver administered the oath of office to Senator Irving Newhouse.

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

Senators Clarke and Talmadge escorted the Honorable James Dolliver from the Senate Chamber and the committee was discharged.

#### REMARKS BY THE PRESIDENT

President Cherberg: "Senator Newhouse, the President is sure that everyone present this morning joins in offering you heartiest congratulations and best wishes."

#### MOTION

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

#### SENATE RESOLUTION 1981—163

By Senators Hayner, Jones, Bottiger and Fleming:

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 Craswell, Bauer and Gallagher as a committee of three under the provisions of Senate Resolution 1982—163 to notify the House the Senate is organized and ready to transact business.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 130, by Senators Hayner, Jones, Bottiger and Fleming:

Notifying Governor that legislature is organized.

#### MOTIONS

On motion of Senator Clarke, the rules were suspended and Senate Concurrent Resolution No. 130 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, the rules were suspended and Senate Concurrent Resolution No. 130 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Newhouse, Goltz and Hemstad to serve as a committee of three from the Senate to join a like committee from the House under

the provisions of Senate Concurrent Resolution No. 130 to notify the Governor that the legislature is organized and ready to transact business.

### MOTION

On motion of Senator Clarke, the appointees were confirmed.

### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 131, by Senators Hayner, Jones, Bottiger and Fleming:

Reintroduction of bills introduced in prior session of the 47th legislature.

### MOTIONS

On motion of Senator Clarke, the rules were suspended, Senate Concurrent Resolution No. 131 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, the rules were suspended and Senate Concurrent Resolution No. 131 was advanced to third reading, the second reading considered the third and the resolution was adopted.

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

### MOTION

Senator Clarke moved that the following messages from the Governor concerning gubernatorial appointments be referred as indicated on the list provided each member.

### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, November 16, 1981.

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:

Daryl Brennick appointed October 26, 1981, for a term ending October 7, 1984, succeeding Stanley P. Kersey as a member of the State Jail Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Judiciary Committee.

Office of the Governor, November 16, 1981.

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. Dixon appointed November 3, 1981, as a member of the Juvenile Disposition Standards Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 16, 1982.

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:

L. Eugene Hanson appointed November 3, 1981, as a member of the Juvenile Disposition Standards Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 16, 1981.

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:

Hunter E. John appointed November 3, 1981, as a member of the Juvenile Disposition Standards Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 16, 1981.

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:

Jill M. Kinney appointed November 3, 1981, as a member of the Juvenile Disposition Standards Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 16, 1981.

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:

Jay A. Reich appointed November 3, 1981, as a member of the Juvenile Disposition Standards Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, November 16, 1981.

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:

Bert Shaber appointed October 23, 1981, for a term ending September 30, 1987, succeeding Mary Wilson as a member of the Board of Trustees for Eastern Washington University.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 16, 1981.

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:

Elna I. deVries appointed October 28, 1981, for a term ending September 30, 1986, succeeding Shirley D. B. Cobb as a member of the Board of Trustees for Community College District No. 4.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 16, 1981.

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:

Mr. Harold A. Lamon, Jr., reappointed October 21, 1981, for a term ending September 30, 1986, as a member of the Board of Trustees for Community College District No. 9.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 16, 1981.

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:

Ms. Dianne E. Frichtl appointed October 19, 1981, for a term ending September 30, 1986, succeeding James Caley as a member of the Board of Trustees for Community College District No. 14.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 8, 1982.

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 Henry Beauchamp appointed September 25, 1981, for a term ending September 24, 1983, as a member of the Corrections Standards Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, January 8, 1982.

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. John C. McCarthy appointed July 17, 1981, for a term ending July 16, 1985 succeeding Ludwig Lobe as Chairman of the Hospital Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, January 8, 1982.

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:

Paul W. Peterson appointed November 3, 1981, as a member of the Juvenile Disposition Standards Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, January 8, 1982.

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:

H. M. Vandiver appointed November 3, 1981, as a member of the Juvenile Disposition Standards Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, January 8, 1982.

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:

Betty Beckett appointed November 12, 1981, for a term ending September 30, 1986, succeeding Lawrence Weinstein as a member of the Board of Trustees for Community College District No. 2.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 8, 1982.

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 T. Plaisance appointed October 15, 1981, for a term ending September 30, 1986, succeeding A. L. McFall as a member of the Board of Trustees for Community College District No. 3.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 8, 1982.

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:

Tracy Owen appointed January 1, 1982, for a term ending September 30, 1986, succeeding Myron Stevens as a member of the Board of Trustees for Community College District No. 7.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 8, 1982.

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:

Cindy Kay Hough appointed November 25, 1981, for a term ending September 30, 1986, succeeding George Warren as a member of the Board of Trustees for Community College District No. 12.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 8, 1982.

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:

Kenneth A. Farland reappointed October 21, 1981, for a term ending September 30, 1986, as a member of the Board of Trustees for Community College District No. 13.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 8, 1982.

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:

Anthony Washines reappointed October 26, 1981, for a term ending September 30, 1986, as a member of the Board of Trustees for Community College District No. 16.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 8, 1982.

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:

Girard Clark appointed November 20, 1981, for a term ending September 30, 1986, succeeding Elain Y. Zakarison as a member of the Board of Trustees for Community College District No. 17.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 8, 1982.

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:

H. Dean Laxton appointed November 12, 1981, for a term ending September 30, 1982, succeeding David T. Moody as a member of the Board of Trustees for Community College District No. 18.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 8, 1982.

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:

Paul D. Kenner appointed November 12, 1981, for a term ending September 30, 1986, succeeding M. G. Hollander as a member of the Board of Trustees for Community College District No. 21.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 8, 1982.

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 E. Hunt, Jr., reappointed October 15, 1981, for a term ending September 30, 1986, as a member of the Board of Trustees for Community College District No. 22.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 8, 1982.

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. Rudy Jones, appointed July 1, 1981, for a term ending September 30, 1986, as a member of the Board of Trustees for Community College District No. 23.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

#### POINT OF INQUIRY

Senator Fleming: "Senator Clarke, and it is just an inquiry. The jail commission, has that normally gone to judiciary committee or has it normally gone to the committee on social and health services? And if so, is there any particular reason for the turnaround?"

Senator Clarke: "Frankly, Senator, I do not recall how it has been handled in the past; but as chairman of the judiciary committee, I am quite willing that those go to social and health services."

Senator Fleming: "I have no preference. I was just wondering if there was some reason. I am not sure whether they had been or not but I know much of the jail commission material was handled by social and health services. That is the only reason I asked."

Senator Clarke: "Well, that I think, is the rationale for the reference in this instance."

#### REMARKS BY SENATOR WILSON

Senator Wilson: "Thank you, Mr. President. Just to join in this, Senator Clarke, I suspect Senator Zimmerman and I and others would appreciate consideration of at least inviting members of the local government committee in to this hearing pertaining to appointments to the state jail commission because it is, among other things, of very much concern to local governments."

Senator Fleming: "I think it comes back to my memory now. I was in error. I think it was local government committee that those jail commission appointments had gone to in the past, I think."

#### REMARKS BY THE PRESIDENT

President Cherberg: "The Secretary advises that there are several jail commission appointees already in the judiciary committee.

"If there is no objection, the gubernatorial appointments will be referred to the designated committees that appear on the message from the Governor."

The motion by Senator Clarke carried and the messages from the Governor concerning gubernatorial appointments were referred as indicated on the list provided each member.

## REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Goltz, Hemstad and Newhouse appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 130 that the legislature is organized and ready to transact business.

The report was received and the committee was discharged.

## COMMITTEE FROM THE HOUSE

A committee from the House consisting of Representatives Garrett, Warnke, Chandler and Williams appeared before the bar of the Senate to notify the Senate the House was organized and ready to transact business.

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

## REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Craswell, Bauer and Gallagher appeared before the bar of the Senate to report that the House had been notified, under the provisions of Senate Resolution 1982—163 that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 4459, by Senator Guess:

AN ACT Relating to wildlife checking stations; adding a new section to chapter 77.12 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4460, by Senators Guess and Charnley:

AN ACT Relating to bicycles; amending and reenacting section 1, chapter 234, Laws of 1959 as last amended by section 1, chapter 183, Laws of 1981 and by section 2, chapter 324, Laws of 1981 and RCW 34.04.010; amending section 35.75.010, chapter 7, Laws of 1965 and RCW 35.75.010; amending section 10, chapter 141, Laws of 1974 ex. sess. and RCW 35.75.060; amending section 36.75.240, chapter 4, Laws of 1963 as amended by section 7, chapter 141, Laws of 1974 ex. sess. and RCW 36.75.240; amending section 8, chapter 141, Laws of 1974 ex. sess. and RCW 36.82.145; amending section 86, chapter 155, Laws of 1965 ex. sess. and RCW 46.04.071; 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; amending section 79, chapter 155, Laws of 1965 ex. sess. as amended by section 92, chapter 136, Laws of 1979 ex. sess. and RCW 46.61.750; 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. 4461, by Senators Bluechel, Deccio, Charnley, Benitz, Fuller, Gallagher, Gould, Guess, Haley, Jones, Lee, Patterson, Quigg, Sellar, von Reichbauer and Hemstad:

AN ACT Relating to sexual abuse of children; amending section 9A.04.080, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 203, Laws of 1981 and RCW 9A.04.080; and adding a new section to chapter 9A.44 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 4462, by Senator Guesz:

AN ACT Relating to special benefit assessments; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4463, by Senators Gould and Moore:

AN ACT Relating to payment by a joint operating agency to its members of interest at market rates; amending section 43.52.391, chapter 8, Laws of 1965 as amended by section 8, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.391; creating a new section; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4464, by Senators Gallagher, Peterson, Sellar and Conner (by Department of Fisheries request):

AN ACT Relating to food fish and shellfish; amending section 4, chapter 133, Laws of 1980 and RCW 75.28.275; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4465, by Senators Gallagher, Peterson, Sellar and Conner (by Department of Fisheries request):

AN ACT Relating to commercial fishing; amending section 4, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.510; amending section 10, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 3, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.540; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4466, by Senator Gallagher (by Department of Game request):

AN ACT Relating to wildlife agents; and amending section 22, chapter 78, Laws of 1980 and RCW 77.12.095.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4467, by Senators Sellar and Talley:

AN ACT Relating to leasehold excise taxation; and amending section 2, chapter 61, Laws of 1975-'76 2nd ex. sess. as amended by section 11, chapter 196, Laws of 1979 ex. sess. and RCW 82.29A.020.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4468, by Senator Scott:

AN ACT Relating to retirement from public service; amending section 139, chapter 80, Laws of 1947 as last amended by section 13, chapter 294, Laws of 1981 and RCW 41.32.590; and repealing section 4, chapter 147, Laws of 1972 ex. sess., section 1, chapter 17, Laws of 1975 and RCW 41.32.680.

Referred to Committee on Ways and Means.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

#### MOTION

On motion of Senator Clarke, there being no objection, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

January 11, 1982.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 32, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## FIRST READING OF HOUSE RESOLUTION

HOUSE CONCURRENT RESOLUTION NO. 32, by Representative Nelson  
(G.):

Calling joint session of legislature to hear governor's address.

## MOTIONS

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

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

## MOTION

At 12:28 p.m., on motion of Senator Clarke, the Senate was declared to be at ease until conclusion of the Joint Session.

At 12:30 p.m., the Senate retired to the House Chamber for the purpose of hearing the State of the State message by Governor Spellman.

## JOINT SESSION

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

The Speaker instructed the Sergeants at Arms of the House and the Senate to escort the President of the Senate, Lieutenant Governor John Cherberg, President Pro Tem Sam Guess and Vice President Pro Tem George Clarke to seats on the rostrum.

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

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

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

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

The President of the Senate appointed Senators Bottiger, Hayner, Lee and Benitz and Representatives McGinnis, Salatino, Houchen and Becker to escort the State Elected Officials to seats within the House Chamber.

The President appointed Senators Bluechel and Charnley and Representatives Eberle and Grimm to escort Governor Spellman to the rostrum.

The President introduced Governor John Spellman.

## STATE OF THE STATE ADDRESS

Governor Spellman: "Mr. President, Mr. Speaker, distinguished elected officials, members of the House and Senate, ladies and gentlemen: As required by the State Constitution, let me report to you the condition of the affairs of the state.

"Unemployment will soon be running at eleven or twelve percent. The construction and timber industries are in a depression. \$1.5 billion has been cut from previous program levels. The prisons are bursting at the seams, after a one-year population increase of one thousand prisoners. In 1982, the population will increase by another one thousand. We have no cash reserves. We have nine months in which

to pay off a \$400 million loan. We are \$925 million below the strict tax lid imposed by the people. The state's bond rating has been down-graded, costing the taxpayers \$100 million in interest payments over the next twenty years. Soon the bond rating will be reviewed and scrutinized again. High credit costs have depressed the retail sales upon which state revenues depend. The most recent economic forecast—confirmed by the best economic thinkers in the state—showed a projected \$144 million revenue shortfall over the next seventeen months. There is mounting evidence of further revenue declines before the biennium is over.

"Let's assume for the moment that we take care of the immediate problems we face today. A year from today, we are likely to face another \$1 billion in fiscal problems. Increased enrollments in kindergarten through high school will require an increase in school spending for the 1983-85 biennium. Higher education enrollment is projected to increase in the next biennium. And we will have to replace \$70 million in capital construction money used to pay for higher education operating costs in this biennium. State pension funding requirements will leap by at least \$250 million. Adult corrections will require additional millions, as the prison population continues to increase through the 1983-85 biennium. And we must assume that federal reductions in appropriations to the states will continue. The \$1 billion 1983-85 biennium problem we will face next year does not include inflation.

"Let us assume that inflation runs at seven percent. Counting inflation alone, maintaining only the radically reduced state spending of the past year, we would be required to come up with about another \$1 billion in revenue.

"That's a great start for a speech!

"While the ravages of inflation—though already somewhat curbed—continue to mount, the property tax collection rate will continue to fall. The people's repeal of the inheritance tax last November will add a further revenue erosion of \$114 million in the 1983-85 biennium. We will be about \$1 billion below Initiative 62's strict tax limit a year from today, when the next Legislature must write the next biennial budget.

"What must we do now? We must meet our \$144 million and \$15 million revenue shortfalls, which currently exist. We must also restore adequate levels of reserves, by \$150 million, in anticipation of further economic and revenue deterioration. In short, we must provide \$309 million in additional revenues. This is what we must do as prudent stewards of the public trust. And we must do it without concern for the elections this fall.

"The people of the state of Washington did not elect us to get reelected. They elected us to deal forthrightly with the problems of our state. They did not elect us to give us a job. They elected us to do a job. I call upon all of us today to put aside electioneering until after our crucial work is completed. For the good of the people we must resist the strong temptation to characterize as scapegoats those who take the difficult course of responsible action. Let us all delay the start of this fall's campaign until we get the job done!

"At the end of your 1981 session, I told you and I told the people that you were to be congratulated on what you accomplished; that you deserved praise for your unprecedented hard work; that you had responsibly taken the politically difficult course. And I want more than anything to be able to repeat that praise following this session, because if the crucial work is not done in this session, and if the economy continues to deteriorate, there is not question you will be back in special session before the fall. I suggest to you that the electorate of this state would prefer a good-faith approach to solving our problems to the supposedly 'safe' political course of trying to avoid those problems. To try to avoid those problems is to grossly underestimate the wisdom and intelligence of the electorate. As long as I am Governor I will continue to urge you to cooperate with each other and to work together with mutual respect to get the job done.

"I have just submitted to you my assessment of the top priorities for this meeting of the Legislature. We have, minimally, a \$309 million problem. That's the bare bones. My \$309 million revenue proposal is based on my assessment of what can win your acceptance, even though I know that neither you nor I like taxes as a solution, and that taxes are almost always among the last agenda items that any session deals with, I ask for a tax increase of \$180 million—\$176 million from imposing the sales tax on gasoline and \$4 million from closing a loophole by taxing aircraft. I ask for \$129 million in nontax revenues. I ask that you require the top 2.6 percent of the state's retail stores to pay their collections of state sales tax in a more timely way so that the taxpayers can reap the benefits of their money without delay. I ask you to pass a higher education fee bill which would establish a more equitable tuition and fee system for the state's colleges and universities. And I ask you to pass a DSHS fiscal responsibility bill which would require families with good incomes to pay for a portion of the care and services that they receive from the state.

"I have kept my package simple and minimal. It will meet the state's needs for the biennium. It is not the only possible tax package, but it is the one I think has the best chance for passage. Washington State has one of the narrowest tax bases in the country. We are one of only six states that have no income tax. More than two-thirds of the states have a higher property tax burden than we do. Half the states still impose a sales tax on food. Our ranking in the state and local tax burden has been dropping steadily for years. This is good news for the taxpayer, but we can go only so far before creating a chronic crisis in financing basic state services. That crisis was the reality which dominated state government in 1981; and, until we act conclusively, it will remain the priority of our agenda for the 1980's.

"Beyond that, we need to make a beginning toward establishing a firmer footing for future budgets. I am proposing that the Legislature create a dual purpose fund to serve as a cushion against any further revenue declines that may occur. This fund will also provide a down payment on putting the state's finances back in order. We do this, not to keep budget officers happy, but to meet the needs that people cannot meet on their own. We cannot be satisfied with the current availability of care for the mentally ill. The demand for state and local mental health care is placing a great strain on barely adequate resources. The need for better care is undeniable. Additional funds will be necessary before the end of this biennium in order to care for an increasing number of mentally ill persons requiring involuntary treatment. Because additional appropriations are unlikely, money to meet mental health needs will have to come from existing and already strained DSHS appropriations. As a minimum action, we must take up the question of how to restructure the state's mental health system—to integrate hospital care, outpatient care, emergency services, and follow-up care in community services. The explosion of the state's prison population requires legislative action to begin building a new 500-bed prison in addition to the one under construction at Monroe. The social price that would have to be paid for not taking such action is better left undiscussed.

"While I have spoken against unacceptable spending cuts in the delivery of services, that does not mean that the efficiency and productivity of the government cannot be improved. I, therefore, have proposed, as you have requested, a reorganization of the state's data processing authority to maximize efficiency and productivity and to avoid needless waste. I have also proposed a first-step program in government reorganization to eliminate needless agencies, boards and commissions, and to provide for a more economical approach to the delivery of government services. And I have asked for the power to develop and implement further organizational reforms and efficiencies. Efficiency is not enough. More than anything else, we need jobs, and we need them now.

"I propose creating a Community Economic Revitalization Board, to increase public project construction and economic development tailored to the needs of individual communities. I propose accelerating bond programs, already authorized and approved by the people, to create jobs now. I propose that, as the federal government removes itself from funding jobs-finding services, the state come up with the money to help relieve the most serious human problem facing us—unemployment. Ultimately, the only real solution to our fiscal woes is the rehabilitation of our economy and the creation of hundreds of thousands of jobs. On this point we are of one mind. We must do everything we can to create jobs and to stimulate economic activity. The crisis condition of the Washington Public Power Supply System makes this task doubly urgent. WPPSS has created a vast dark cloud of awesome debt that has for so many months loomed as a fiscal and economic danger so great as to make a \$309 million revenue problem pale indeed. Were WPPSS to collapse—to go into uncontrolled termination—the impacts on the public and private sectors of our economy and on the economic health of our entire region, would be profoundly adverse.

"The problems we face are real. They will not go away. If we fail to deal with them now, the Budget and Accounting Act would require an across-the-board cut in state services, including K-12 education, of almost five percent for the second year of this biennium. Potentially, that could mean a ten percent across-the-board cut, were common schools to be exempted by the courts. If the economy deteriorates further, and if we fail to act now, those cuts could be even deeper. It is these times and these problems, and not political expediency, that dictate the actions we must take.

"In my first year as Governor, the Legislature responded to the challenge and met the demands of responsibility and conscience. I pray with all my heart that our record of success will continue in 1982. Our success has come from working closely together, step by step, through extremely difficult times. As I hope you discovered in 1981, my door is always open and will remain open. I will continue to work closely with you so that together we do the job the people have chosen us to do.

"Thank you."

The President instructed the committee to escort Governor Spellman to his office.

The President instructed the committee to escort the State Elected Officials from the House Chamber.

The President called the Senate to order at 1:10 p.m.

#### MOTION

On motion of Mr. Nelson (G), the Joint Session was dissolved.

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

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort President Cherberg, President Pro Tem Guess, Vice President Pro Tem Clarke and the Senators from the House Chamber.

The President called the Senate to order at 1:10 p.m.

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

#### MESSAGE FROM THE HOUSE

January 11, 1982.

Mr. President: The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 130,

SENATE CONCURRENT RESOLUTION NO. 131, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 130,  
SENATE CONCURRENT RESOLUTION NO. 131.

MOTION

At 1:12 p.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Tuesday, January 12, 1982.

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

## SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, January 12, 1982.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Sellar.

The Color Guard, consisting of Pages Jean Walton and Steven Gerdes, presented the Colors. Reverend Paul McCann, pastor of United Churches of Olympia, offered the prayer.

### MOTION

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

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 4469, by Senators von Reichbauer, Patterson, Hansen and Vognild:

AN ACT Relating to highway construction; amending section 1, chapter 316, Laws of 1981 and RCW 47.10.801; amending section 2, chapter 316, Laws of 1981 and RCW 47.10.802; amending section 1, chapter 180, Laws of 1979 ex. sess. as amended by section 10, chapter 316, Laws of 1981 and RCW 47.10.790; amending section 18, chapter 317, Laws of 1981 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 4470, by Senators Clarke, Vognild, Benitz, Rasmussen, Hurley and Zimmerman (by Governor Spellman request):

AN ACT Relating to firearms; amending section 5, chapter 172, Laws of 1935 as amended by section 4, chapter 124, Laws of 1961 and RCW 9.41.050; and defining crimes.

Referred to Judiciary Committee.

SENATE BILL NO. 4471, by Senators Pullen and Woody:

AN ACT Relating to ballot format; amending section 60, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.081; amending section 61, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.091; amending section 48, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.470; amending section 49, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.480; repealing section 29.30.080, chapter 9, Laws of 1965, section 2, chapter 52, Laws of 1965, section 1, chapter 18, Laws of 1971, section 14, chapter 329, Laws of 1977 ex. sess. and RCW 29.30.080; and repealing section 29.30.100, chapter 9, Laws of 1965, section 15, chapter 329, Laws of 1977 ex. sess. and RCW 29.30.100.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4472, by Senators Pullen and Woody:

AN ACT Relating to declarations of candidacy; 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; amending section 29.18.040, chapter 9, Laws of 1965 as

last amended by section 30, chapter 361, Laws of 1977 ex. sess. and RCW 29.18-.040; amending section 29.18.050, chapter 9, Laws of 1965 and RCW 29.18.050; and adding a new section to chapter 29.18 RCW.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4473, by Senators Pullen and Rasmussen:

AN ACT Relating to violations of the public disclosure law; and amending section 39, chapter 1, Laws of 1973 and RCW 42.17.390.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4474, by Senators Vognild, Gould, Talmadge, Woody and Metcalf:

AN ACT Relating to witnesses in criminal proceedings; 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 Judiciary Committee.

SENATE BILL NO. 4475, by Senator Haley:

AN ACT Relating to the establishment and operation of a state lottery; creating new sections; creating a new chapter in Title 67 RCW; adding a new section to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; providing penalties; and making an appropriation.

Referred to Committee on Ways and Means.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

#### MOTION

At 10:41 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

Senator Bottiger called the Senate to order at 12:10 p.m.

#### MOTION

At 12:11 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Wednesday, January 13, 1982.

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

### THIRD DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 13, 1982.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Hughes and Hurley.

The Color Guard, consisting of Pages Holly Hudson and Jeff Hamel, presented the Colors. Reverend Paul McCann, pastor of United Churches of Olympia, offered the prayer.

#### MOTION

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

#### REMARKS BY THE PRESIDENT

President Cherberg: "Honored and respected members of the Senate, ladies and gentlemen.

"Thanks to the Honorable Susan E. Gould and at Senator Gould's request, the President is highly privileged and pleased to have the opportunity to present to you a very welcome guest from our friendly neighbors in the Far East, Australia. This very fine young gentleman is the Honorable Ivar Schmidt, a member of Parliament, and represents the District of Mawson.

"It is with great pride that we request of you, Mr. Schmidt, that you make a few remarks to the members and to the ladies and gentlemen present in the galleries.

"The Honorable Mr. Schmidt."

#### REMARKS BY MR. SCHMIDT

Mr. Schmidt: "Thank you very much Governor Cherberg.

"Senators and ladies and gentlemen. It is indeed an honor that I should be here today to meet with you and speak with the Governor himself and with Senator Gould.

"Might I start off by saying that since I have been in America the last three weeks, I have been more than impressed with the hospitality which has been afforded to me by the people of America. And I would only sincerely hope that at any time anybody from here were to do an exchange to Australia, we could also afford you that very same custom and the hand of friendship that you have shown to me here.

"It is interesting to note that whilst we have different systems the problems that confront us are nonetheless very identical. Namely, we have a younger generation who, in some areas, are not quite sure what the future will bring; and yet we are burdened with such tasks and we were told in the prayer that if we had the wisdom of say, somebody like Solomon, that we could look ahead and know just what solution would be most suited to the forthcoming generation that we could pity knowing that our past would be somewhat easier. But unfortunately very few of us throughout history have the wisdom of Solomon and we can only rely upon our own better judgment and upon the wisdom of other persons with more experience to give us

some sort of guidance. And it is in that sense that I have come to America to talk to various representatives in the hope that I might cull from your souls, some wisdom from errors that you have already dealt with and hope to take that information back with me to Australia and use that in my own district.

"But in the main, I wish to extend to you, greetings from the Premier of our own state, South Australia, and from our own legislature and I wish you all the very best in your own forthcoming session, and my regardance that we all require for our own future and in particular, for the future of your younger peoples whom I see sitting here in your house, and I must say I am very impressed with that system you have, which we do not afford that custom to our young people, and so maybe this is a good example for me to take back to our own legislature and say, 'Well, we should involve our young people more so in our legislative program.'"

"I wish you all the best for your sessions and I sincerely trust that your deliberations may be for the better of all. Thank you very much."

#### REMARKS BY THE PRESIDENT

President Cherberg: "Thank you very much, Mr. Schmidt. We certainly appreciated your friendly remarks."

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 12, 1982.

SYMONE B. SCALES, to the position of Chairman of the Human Rights Commission, appointed by the Governor on August 26, 1981 for the term ending June 17, 1986, succeeding Winifred Duncan (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

January 12, 1982.

R. E. "TED" HORNIBROOK, to the position of Member of the State Jail Commission, appointed by the Governor on October 26, 1981 for the term ending October 7, 1984, succeeding Franklin F. Cline (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

January 12, 1982.

MARGARET S. WILLIAMS, to the position of Member of the State Parks and Recreation Commission, appointed by the Governor on May 6, 1981 for the term ending December 31, 1986, succeeding Jeff Domaskin (reported by Committee on Parks and Ecology):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Haley, Hansen, Hurley, Quigg, Zimmerman.

Passed to Committee on Rules.

January 12, 1982.

DONALD C. BROCKETT, to the position of Member of the Sentencing Guidelines Commission, appointed by the Governor on August 3, 1981 for the term ending August 2, 1983 (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

January 12, 1982.

**HAROLD D. CLARKE**, to the position of Member of the Sentencing Guidelines Commission, appointed by the Governor on August 3, 1981 for the term ending August 2, 1983 (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

January 12, 1982.

**ARTHUR F. CLIFFORD, JR.**, to the position of Member of the Sentencing Guidelines Commission, appointed by the Governor on August 3, 1981 for the term ending August 2, 1982 (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

January 12, 1982.

**H. JOSEPH COLEMAN**, to the position of Member of the Sentencing Guidelines Commission, appointed by the Governor on August 3, 1981 for the term ending August 2, 1984 (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

January 12, 1982.

**PAUL D. HANSEN**, to the position of Member of the Sentencing Guidelines Commission, appointed by the Governor on August 3, 1981 for the term ending August 2, 1982 (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

January 12, 1982.

**CHARLES V. JOHNSON**, to the position of Member of the Sentencing Guidelines Commission, appointed by the Governor on August 3, 1981 for the term ending August 2, 1983 (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

January 12, 1982.

**NORM MALENG**, to the position of Member of the Sentencing Guidelines Commission, appointed by the Governor on August 3, 1981 for the term ending August 2, 1984 (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

January 12, 1982.

WARREN NETHERLAND, to the position of Member of the Sentencing Guidelines Commission, appointed by the Governor on October 1, 1981 for the term ending August 2, 1982 (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Pullen, Shipnuch, Talmadge, Woody.

Passed to Committee on Rules.

### MESSAGES FROM THE HOUSE

January 13, 1982.

Mr. President: The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 130,

SENATE CONCURRENT RESOLUTION NO. 131, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

January 13, 1982.

Mr. President: The Speaker has signed: HOUSE CONCURRENT RESOLUTION NO. 32, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### SIGNED BY THE PRESIDENT

The President signed: HOUSE CONCURRENT RESOLUTION NO. 32.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 4476, by Senators Jones and Moore:

AN ACT Relating to the collection of public debts by collection agencies; and adding a new section to chapter 19.16 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4477, by Senators Fuller and Zimmerman:

AN ACT Relating to volunteer work on state park lands; amending section 43.51.130, chapter 8, Laws of 1965 and RCW 43.51.130; amending section 43.51.140, chapter 8, Laws of 1965 and RCW 43.51.140; amending section 43.51.150, chapter 8, Laws of 1965 and RCW 43.51.150; and amending section 43.51.160, chapter 8, Laws of 1965 and RCW 43.51.160.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4478, by Senator Shipnuch:

AN ACT Relating to motor vehicle excise tax; and amending section 82.44.060, chapter 15, Laws of 1961 as last amended by section 12, chapter 222, Laws of 1981 and RCW 82.44.060.

Referred to Committee on Transportation.

SENATE BILL NO. 4479, by Senators Talley and Peterson:

AN ACT Relating to salmon; adding a new section to chapter 75.18 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4480, by Senators Zimmerman, Bauer and Moore:

AN ACT Relating to funds received by the state in accordance with Title 16, section 500, United States Code; adding a new section to chapter 28A.02 RCW; and repealing section 36.33.110, chapter 4, Laws of 1963, section 1, chapter 140, Laws

of 1965 ex. sess., section 1, chapter 230, Laws of 1967, section 15, chapter 359, Laws of 1977 ex. sess., section 10, chapter 154, Laws of 1980 and RCW 36.33.110.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 4481**, by Senators Sellar and Talley:

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. 4482**, by Senators Lee, Talmadge, Haley, Gallagher, Lysen, Wojahn and Rasmussen:

AN ACT Relating to metropolitan municipal corporations; amending section 35.58.200, chapter 7, Laws of 1965 as last amended by section 1, chapter 36, Laws of 1975 and RCW 35.58.200; amending section 1, chapter 140, Laws of 1972 ex. sess. and RCW 90.48.162; and amending section 3, chapter 71, Laws of 1955 as amended by section 16, chapter 13, Laws of 1967 and RCW 90.48.180.

Referred to Committee on Local Government.

**SENATE BILL NO. 4483**, by Senators Hemstad, Talmadge and Wojahn:

AN ACT Relating to assault; amending section 9A.36.030, chapter 260, Laws of 1975 1st ex. sess. as amended by section 10, chapter 244, Laws of 1979 ex. sess. and RCW 9A.36.030; and prescribing penalties.

Referred to Judiciary Committee.

**SENATE BILL NO. 4484**, by Senators Haley, Charnley, Jones and Craswell:

AN ACT Relating to motor freight carriers; amending section 81.80.010, chapter 14, Laws of 1961 as amended by section 1, chapter 69, Laws of 1967 and RCW 81.80.010; amending section 1, chapter 22, Laws of 1972 ex. sess. and RCW 81.80.400; amending section 2, chapter 22, Laws of 1972 ex. sess. and RCW 81.80.410; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

**SENATE BILL NO. 4485**, by Senators Hurley and Fuller:

AN ACT Relating to the state parks and recreation commission; amending section 125, chapter 340, Laws of 1981 as amended by section 99, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); and making appropriations.

Referred to Committee on Parks and Ecology.

**SENATE BILL NO. 4486**, by Senator Clarke (by Code Reviser request):

AN ACT Relating to the correction of various state statutes necessitated by the amendment and/or repeal thereof in two or more laws which were enacted without reference to the other; correcting certain internal references, punctuation and nomenclature therein; amending and reenacting section 5, chapter 64, Laws of 1895 as last amended by section 1, chapter 149, Laws of 1981 and by section 17, chapter 304, Laws of 1981 and RCW 6.12.100; reenacting section 9A.32.040, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 21, chapter 138, Laws of 1981 and RCW 9A.32.040; reenacting section 4, chapter 14, Laws of 1975 1st ex. sess. as last amended by section 36, chapter 137, Laws of 1981 and RCW 9A.44.040; reenacting section 3, chapter 172, Laws of 1923 as last amended by section 20, chapter 302, Laws of 1981 and by section 1, chapter 312, Laws of 1981 and RCW 31.04.040; reenacting section 1, chapter 234, Laws of 1959 as last amended by section 1, chapter 183, Laws of 1981 and by section 2, chapter 324, Laws of 1981 and RCW 34.04.010; reenacting section 4, chapter 167, Laws of 1974 ex. sess. as amended by section 3, chapter 25, Laws of 1981 and by section 2, chapter 319, Laws of 1981 and RCW 36.57.040; reenacting section 9, chapter 189, Laws of 1967 as last amended by section 2, chapter 45, Laws of 1981 and by section 9, chapter 332, Laws of 1981

and RCW 36.93.090; reenacting section 2, chapter 6, Laws of 1977 as amended by section 16, chapter 311, Laws of 1981 and by section 20, chapter 338, Laws of 1981 and RCW 41.06.110; reenacting section 73, chapter 151, Laws of 1979 as last amended by section 15, chapter 67, Laws of 1981 and by section 20, chapter 311, Laws of 1981 and RCW 42.17.240; reenacting section 16, chapter 3, Laws of 1981 as amended by section 5, chapter 219, Laws of 1981 and by section 1, chapter 242, Laws of 1981 and RCW 43.33A.160; amending and reenacting section 43.88.160, chapter 8, Laws of 1965 as last amended by section 11, chapter 270, Laws of 1981 and by section 7, chapter 280, Laws of 1981 and RCW 43.88.160; amending and reenacting section 2, chapter 136, Laws of 1979 ex. sess. as last amended by section 1, chapter 19, Laws of 1981 and by section 2, chapter 318, Laws of 1981 and RCW 46.63.020; reenacting section 13, chapter 136, Laws of 1979 ex. sess. as last amended by section 6, chapter 19, Laws of 1981 and by section 7, chapter 330, Laws of 1981 and RCW 46.63.110; reenacting section 10, chapter 147, Laws of 1974 ex. sess. as amended by section 1, chapter 31, Laws of 1981 and by section 2, chapter 121, Laws of 1981 and RCW 70.37.100; reenacting section 2, chapter 207, Laws of 1975 1st ex. sess. as amended by section 51, chapter 78, Laws of 1980 and by section 43, chapter 3, Laws of 1981 and RCW 77.12.323; reenacting section 82.04.260, chapter 15, Laws of 1961 as last amended by section 3, chapter 172, Laws of 1981 and by section 1, chapter 178, Laws of 1981 and RCW 82.04.260; repealing section 1, chapter 175, laws of 1969 ex. sess., section 1, chapter 258, Laws of 1981 and RCW 9.41.025; repealing section 55, chapter 136, Laws of 1981; repealing section 57, chapter 136, Laws of 1981; repealing section 3, chapter 9, Laws of 1975-'76 2nd ex. sess., section 6, chapter 206, Laws of 1977 ex. sess., section 56, chapter 136, Laws of 1981 and RCW 9A.32.047; repealing section 10, chapter 177, Laws of 1963, section 1, chapter 15, Laws of 1975 1st ex. sess., section 1, chapter 24, Laws of 1980 and RCW 77.20.015; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 4487, by Senators Benitz, Talley and Quigg:

AN ACT Relating to revenue and taxation; adding new sections to chapter 84.28 RCW; adding a new section to chapter 84.33 RCW; creating a new section; and providing an effective date.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4488, by Senators Zimmerman and Charnley:

AN ACT Relating to local improvement districts; and amending section 35.49-.020, chapter 7, Laws of 1965 as last amended by section 5, chapter 323, Laws of 1981 and RCW 35.49.020.

Referred to Committee on Local Government.

SENATE BILL NO. 4489, by Senators Clarke, Newhouse and Wojahn (by Judicial Council request):

AN ACT Relating to appeals from city police courts; 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. 4490, by Senator Talmadge:

AN ACT Relating to motor vehicle offenses; amending and reenacting section 2, chapter 136, Laws of 1979 ex. sess. as last amended by section 1, chapter 19, Laws of 1981 and by section 2, chapter 318, Laws of 1981 and RCW 46.63.020; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 4491, by Senators Clarke, Talmadge, Newhouse and Wojahn (by Judicial Council request):

AN ACT Relating to judges pro tempore of the supreme court; amending section 1, chapter 40, Laws of 1963 and RCW 2.04.240; and amending section 2, chapter 40, Laws of 1963 as amended by section 1, chapter 186, Laws of 1981 and RCW 2.04.250.

Referred to Judiciary Committee.

SENATE BILL NO. 4492, by Senators Clarke, Newhouse, Wojahn and Zimmerman (by Judicial Council request):

AN ACT Relating to traffic infraction penalties; reenacting and amending section 13, chapter 136, Laws of 1979 ex. sess. as last amended by section 6, chapter 19, Laws of 1981 and by section 7, chapter 330, Laws of 1981 and RCW 46.63.110; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 4493, by Senators Clarke, Talmadge, Newhouse and Wojahn (by Judicial Council request):

AN ACT Relating to justice court jurisdiction; and amending section 117, chapter 299, Laws of 1961 and RCW 3.66.060.

Referred to Judiciary Committee.

SENATE BILL NO. 4494, by Senators Clarke, Wojahn and Newhouse (by Judicial Council request):

AN ACT Relating to administrative inspections; creating a new chapter in Title 7 RCW; defining crimes; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 4495, by Senators Hemstad, Fuller, McCaslin, Zimmerman and Lee (by Governor Spellman request):

AN ACT Relating to early retirement; adding new sections to chapter 41.32 RCW; adding a new section to chapter 43.43 RCW; adding new sections to chapter 41.40 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4496, by Senator Scott (by Governor Spellman request):

AN ACT Relating to excise tax payments; amending section 1, chapter 7, Laws of 1981 as amended by section 7, chapter 172, Laws of 1981 and RCW 82.32.045; adding a new section to chapter 82.32 RCW; providing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4497, by Senator Scott (by Governor Spellman request):

AN ACT Relating to aircraft excise taxation; amending section 82.48.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.030; amending section 82.48.100, chapter 15, Laws of 1961 as amended by section 28, chapter 173, Laws of 1965 ex. sess. and RCW 82.48.100; amending section 82.48.110, chapter 15, Laws of 1961 as amended by section 6, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.110; amending section 4, chapter 150, Laws of 1955 and RCW 14.20.040; adding a new section to chapter 82.48 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4498, by Senator Scott (by Governor Spellman request):

AN ACT Relating to revenue and taxation; amending section 82.08.010, chapter 15, Laws of 1961 as last amended by section 18, chapter 149, Laws of 1967 ex. sess. and RCW 82.08.010; amending section 23, chapter 37, Laws of 1980 as amended by section 1, chapter 147, Laws of 1980 and RCW 82.08.0255; amending

section 82.08.080, chapter 15, Laws of 1961 as last amended by section 48, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.08.080; amending section 56, chapter 37, Laws of 1980 as amended by section 2, chapter 147, Laws of 1980 and RCW 82.12.0256; amending section 1, chapter 87, Laws of 1972 ex. sess. as last amended by section 4, chapter 175, Laws of 1979 ex. sess. and RCW 82.44.150; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4499, by Senators von Reichbauer, Bottiger, Quigg and Bauer:

AN ACT Relating to health care services; amending section 1, chapter 268, Laws of 1947 as last amended by section 10, chapter 102, Laws of 1980 and RCW 48.44.010; and adding a new section to chapter 48.44 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4500, by Senators Hemstad, Sellar and Wojahn:

AN ACT Relating to health; and adding a new section to chapter 18.53 RCW.

Referred to Committee on Social and Health Services.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

### THIRD READING

SENATE BILL NO. 3017, by Senators Rasmussen and Deccio (by Legislative Budget Committee request):

Deleting references to veterans' loan insurance.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3017.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3017 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Hughes, Hurley, Sellar—3.

SENATE BILL NO. 3017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Clarke, Engrossed Senate Bill No. 3115 was referred to the Judiciary Committee.

### MOTIONS

On motion of Senator Bluechel, Senator Sellar was excused.

On motion of Senator Ridder, Senator Hurley was excused.

## REMARKS BY SENATOR CLARKE

Senator Clarke: "By way of explanation to those in the gallery, these bills that are on the third reading calendar are bills which had previously passed the Senate and with very substantial approval vote. And that is the reason there is being no explanation given because those that have been already passed are simply being re-passed as a matter of course."

## THIRD READING

SENATE BILL NO. 3121, by Senators Haley and Moore:

Deregulating the sale of prophylactics.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3121.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3121 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Hurley, Sellar—2.

SENATE BILL NO. 3121, having received the 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

ENGROSSED SENATE BILL NO. 3145, by Senators Hayner and Talmadge: Clarifying the authority of professional service corporations and their members.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3145.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3145 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Guess—1.

Excused: Senators Hurley, Sellar—2.

ENGROSSED SENATE BILL NO. 3145, having received the 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

ENGROSSED SENATE BILL NO. 3233, by Senators von Reichbauer and Guess (by State Patrol request):

Revising vehicle accident reporting procedure.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3233.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3233 and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Woody, Zimmerman—41.

Voting nay: Senators Bluechel, Conner, Scott, Wojahn—4.

Absent or not voting: Senators Guess, Hughes—2.

Excused: Senators Hurley, Sellar—2.

ENGROSSED SENATE BILL NO. 3233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bluechel, Senator Guess was excused.

## THIRD READING

ENGROSSED SENATE BILL NO. 3242, by Senators Craswell and Gaspard: Making miscellaneous changes in law relating to education.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3242.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3242 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Guess, Hurley, Sellar—3.

ENGROSSED SENATE BILL NO. 3242, having received the 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

ENGROSSED SENATE BILL NO. 3297, by Senators Vognild, Gaspard, Hansen, Quigg and Gallagher (by Senate Oversight Committee on Arson request):

Permitting anti-arson requirements to be met for issuing or continuing fire insurance policies.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3297.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3297 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Rasmussen, Williams, Wilson—3.

Excused: Senators Guess, Hurley, Sellar—3.

ENGROSSED SENATE BILL NO. 3297 having received the constitutional majority, as declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 3301, by Senators Wilson and Deccio:

Permitting counties to set the rates at which fines of county prisoners are reduced.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3301.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3301 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senator Craswell—1.

Excused: Senators Guess, Hurley, Sellar—3.

ENGROSSED SENATE BILL NO. 3301, having received the 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 Clarke, Engrossed Senate Bill No. 3310 was ordered held on the calendar for January 14, 1982.

## MOTION

On motion of Senator Bluechel, Senator Zimmerman was excused.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 3363, by Committee on Agriculture (originally sponsored by Senators Wilson, Jones, Hansen and Gaspard):

Providing for payment by irrigation districts of defense and judgments of employees acting in official capacity.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3363.

## 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, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Gould—1.

Excused: Senators Sellar, Zimmerman—2.

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.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 3582, by Committee on Social and Health Services (originally sponsored by Senators Lee, Moore, Kiskaddon and Ridder):

Providing for reports of abuse of dependent elderly persons.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3582.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3582, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Sellar, Zimmerman—2.

SUBSTITUTE SENATE BILL NO. 3582, having received the 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 Bluechel, Senator Fuller was excused.

#### MOTION

On motion of Senator Clarke, Engrossed Senate Bill No. 3737 was ordered held on the calendar for January 14, 1982.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 3743, by Committee on Ways and Means (originally sponsored by Senators Gallagher, Rasmussen and Scott) (by Department of Retirement Systems request):

Modifying the judicial retirement for disability statutes.

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

#### POINT OF INQUIRY

Senator Newhouse: "Senator Talmadge, on this bill having to do with the Supreme Court having the authority to create a situation of disability for a judge who is retired because of inability or because the performance of his duties might be seriously interfered with, would it be, in your opinion, the legislative intent that any misconduct might be involved or perhaps in a situation of alcoholism or something of that nature, would it be your intent that disability pension should be allowed?"

Senator Talmadge: "Senator, my understanding of this is, that it relates solely to retirement for disability; and by 'disability' I would understand that to mean something of a physical nature. If there was misconduct or misbehavior in office by that judicial officer, my understanding of it would be that that does not constitute 'retirement for disability.'"

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3743.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3743 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Fuller, Sellar, Zimmerman—3.

SUBSTITUTE SENATE BILL NO. 3743, having received the 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 Clarke, Engrossed Senate Bill No. 3898 was ordered held on the calendar for January 14, 1982.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 3927, by Committee on Transportation (originally sponsored by Senators Charnley, Guess and Patterson) (by Utilities and Transportation Commission request):

Funding installation of railroad crossing protective devices.

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

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 3927.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3927 and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—44.

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

Excused: Senators Fuller, Sellar, Zimmerman—3.

SUBSTITUTE SENATE BILL NO. 3927, having received the 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 Clarke, Substitute Senate Bill No. 3993 was ordered held on the calendar for January 14, 1982.

On motion of Senator Clarke, Senate Bill No. 4083 was rereferred to the Judiciary Committee.

## THIRD READING

SENATE BILL NO. 4199, by Senators Craswell, Gallagher, Gould and Moore:

Establishing the Frances Haddon Morgan Children's Center as a state residential school.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4199.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4199 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Guess—1.

Excused: Senators Fuller, Sellar, Zimmerman—3.

SENATE BILL NO. 4199, having received the 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 11:35 a.m., on motion of Senator Clarke, the Senate adjourned until 10:00 a.m., Thursday, January 14, 1982.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FOURTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Thursday, January 14, 1982.

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 Craswell, Deccio, McDermott and Moore.

The Color Guard, consisting of Pages Karen Forner and Chris Mahre, presented the Colors. Reverend Charles McCann, pastor of United Churches of Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS**

January 13, 1982.

**ANN HOBI SCROGGS**, to the position of Member of the Board of Trustees for Grays Harbor Community College District 2, appointed by the Governor on March 17, 1981 for the term ending September 30, 1985, succeeding Dorothy L. Murphy (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson.

Passed to Committee on Rules.

January 13, 1982.

**NEIL S. POTTHOFF**, to the position of Member of the Board of Trustees for Peninsula Community College District 1, appointed by the Governor on April 8, 1981 for the term ending September 30, 1985, succeeding Gael R. Stuart (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson.

Passed to Committee on Rules.

January 13, 1982.

**HELEN RADKE**, to the position of Member of the State Board for Community College Education, appointed by the Governor on April 9, 1981 for the term ending April 3, 1985 (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson.

Passed to Committee on Rules.

January 13, 1982.

**CATHERINE C. STIMPSON**, to the position of Member of the Board of Trustees for Whatcom Community College District 21, appointed by the Governor on April 10, 1981 for the term ending September 30, 1985 (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson.

Passed to Committee on Rules.

January 13, 1982.

JON G. THORPE, to the position of Member of the Commission for Vocational Education, appointed by the Governor on April 8, 1981 for the term ending July 1, 1985, succeeding John Larsen (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson.

Passed to Committee on Rules.

January 13, 1982.

LAWRENCE J. FAULK, to the position of Member of the Board of Trustees for Tacoma Community College District 22, appointed by the Governor on April 14, 1981 for the term ending September 30, 1985, succeeding Sally Starke (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson.

Passed to Committee on Rules.

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 13, 1982.

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:

N. Clifford Petersen appointed November 3, 1981, as a member of the Juvenile Disposition Standards Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Social and Health Services.

January 13, 1982.

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:

Frederick B. Rosmond reappointed November 20, 1981, for a term ending September 30, 1986, as a member of the Board of Trustees for Community College District No. 1.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

#### MESSAGE FROM THE HOUSE

January 13, 1982.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 15,  
SUBSTITUTE HOUSE BILL NO. 43,  
ENGROSSED HOUSE BILL NO. 46,  
SUBSTITUTE HOUSE BILL NO. 70,

HOUSE BILL NO. 131,  
SUBSTITUTE HOUSE BILL NO. 135,  
SUBSTITUTE HOUSE BILL NO. 174,  
ENGROSSED HOUSE BILL NO. 183, and the same are herewith  
transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Clarke, there being no objection, the following measures on the Introduction and First Reading Calendar were ordered referred as indicated on the list on the desk of each member.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 4501, by Senators Guess, Hansen and Quigg:

AN ACT Relating to public works; and amending section 1, chapter 63, Laws of 1945 as last amended by section 1, chapter 46, Laws of 1981 and RCW 39.12-.020.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4502, by Senator Lee:

AN ACT Relating to the modification of the percentages in the local school district apportionment schedule; amending section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 1, chapter 282, Laws of 1981 and RCW 28A.48-.010; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4503, by Senators Hemstad and Zimmerman:

AN ACT Relating to retirement from public employment; amending section 10, chapter 205, Laws of 1979 ex. sess. and RCW 41.04.310; amending section 1, chapter 33, Laws of 1965 as amended by section 2, chapter 205, Laws of 1979 ex. sess. and RCW 41.20.180; amending section 24, chapter 261, Laws of 1945 as last amended by section 3, chapter 205, Laws of 1979 ex. sess. and RCW 41.24.240; amending section 23, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 205, Laws of 1979 ex. sess. and RCW 41.26.180; amending section 9, chapter 205, Laws of 1979 ex. sess. and RCW 41.28.205; amending section 59, chapter 80, Laws of 1947 as last amended by section 13, chapter 294, Laws of 1981 and RCW 41.32.590; amending section 39, chapter 274, Laws of 1947 as last amended by section 14, chapter 294, Laws of 1981 and RCW 41.40.380; amending section 24, chapter 71, Laws of 1947 as amended by section 7, chapter 205, Laws of 1979 ex. sess. and RCW 41.44.240; adding a new section to chapter 41.04 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4504, by Senators Guess, Clarke, Jones and Bluechel:

AN ACT Relating to motor freight carriers; amending section 81.80.010, chapter 14, Laws of 1961 as amended by section 1, chapter 69, Laws of 1967 and RCW 81.80.010; amending section 81.80.040, chapter 14, Laws of 1961 as last amended by section 1, chapter 6, Laws of 1979 ex. sess. and RCW 81.80.040; and amending section 1, chapter 22, Laws of 1972 ex. sess. and RCW 81.80.400.

Referred to Committee on Transportation.

SENATE BILL NO. 4505, by Senators Sellar and Talley:

AN ACT Relating to investment service fees to the county treasurer; and amending section 36.29.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 56, Laws of 1980 and RCW 36.29.020.

Referred to Committee on Local Government.

SENATE BILL NO. 4506, by Senators Clarke and Rasmussen (by State Treasurer request):

AN ACT Relating to the state treasurer's time certificate of deposit program; and amending section 3, chapter 123, Laws of 1973 and RCW 43.86A.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4507, by Senators Clarke and Rasmussen (by State Treasurer request):

AN ACT Relating to investment of current state funds; and amending section 43.84.080, chapter 8, Laws of 1965 as last amended by section 18, chapter 3, Laws of 1981 and RCW 43.84.080.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4508, by Senators Gould, Guess and Newhouse (by Governor Spellman request):

AN ACT Relating to the energy facility site evaluation council; 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 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 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 16, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.071; amending section 17, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.075; amending section 9, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.090; reenacting and amending section 15, chapter 45, Laws of 1970 ex. sess. as last amended by section 1, chapter 41, Laws of 1979 and by section 2, chapter 254, Laws of 1979 ex. sess. and RCW 80.50.150; amending section 2, chapter 110, Laws of 1974 ex. sess. as last amended by section 13, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.175; amending section 14, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.180; and amending section 15, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.190.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4509, by Senators Haley, Talmadge, Shinpoch, Hemstad and Woody:

AN ACT Relating to child custody; amending section 9A.40.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.40.050; amending section 19, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.190; amending section 20, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.200; amending section 26, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.260; amending section 28, chapter 157, Laws of 1973 1st ex. sess. as amended by section 4, chapter 32, Laws of 1975 and RCW 26.09.280; amending section 9, chapter 50, Laws of 1949 and RCW 26.12-.090; amending section 10, chapter 50, Laws of 1949 and RCW 26.12.100; amending section 12, chapter 50, Laws of 1949 and RCW 26.12.120; amending section 18, chapter 50, Laws of 1949 and RCW 26.12.180; amending section 19, chapter 50, Laws of 1949 and RCW 26.12.190; amending section 20, chapter 50, Laws of 1949 and RCW 26.12.200; adding new sections to chapter 26.09 RCW; creating a new section; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 4510, by Senators Quigg, Talley, Guess, Zimmerman, Fuller and Sellar:

AN ACT Relating to Mt. St. Helens recovery operations; adding a new section to chapter 36.01 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 43.21 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 75.20 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 89.16 RCW; adding a new section to chapter

90.58 RCW; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4511, by Senators McDermott, Benitz, Charnley and Goltz:

AN ACT Relating to institutions of higher education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 4512, by Senators Clarke, Talmadge, Hemstad and Hughes:

AN ACT Relating to railroads; and amending section 81.44.020, chapter 14, Laws of 1961 as amended by section 1, chapter 46, Laws of 1977 ex. sess. and RCW 81.44.020.

Referred to Judiciary Committee.

SENATE BILL NO. 4513, by Senators Jones and Rasmussen:

AN ACT Relating to intoxicating liquors; amending section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.04.010; amending section 23-T added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 18, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.450; declaring an emergency; and providing an effective date.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4514, by Senators Talmadge, Lysen, Moore and Vognild:

AN ACT Relating to discrimination; and adding a new section to chapter 49.44 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 4515, by Senator Talmadge:

AN ACT Relating to the criminal justice system; and creating a new section.

Referred to Judiciary Committee.

SENATE BILL NO. 4516, by Senators Talmadge and Hemstad:

AN ACT Relating to garnishment; and amending section 13, chapter 264, Laws of 1969 ex. sess. as last amended by section 5, chapter 193, Laws of 1981 and RCW 7.33.130.

Referred to Judiciary Committee.

SENATE BILL NO. 4517, by Senators Talmadge and Hemstad:

AN ACT Relating to mortgages; and amending section 2, page 117, Laws of 1886 and RCW 61.16.030.

Referred to Judiciary Committee.

SENATE BILL NO. 4518, by Senators Hemstad and Talmadge:

AN ACT Relating to the state toxicological laboratory; and amending section 13, chapter 188, Laws of 1953 as last amended by section 1, chapter 84, Laws of 1975-'76 2nd ex. sess. and RCW 68.08.107.

Referred to Judiciary Committee.

SENATE BILL NO. 4519, by Senators Talmadge, Hughes, Moore, Woody, Talley, Gaspard, Vognild and Bauer:

AN ACT Relating to the establishment and operation of a state lottery; creating new sections; creating a new chapter in Title 67 RCW; adding a new section to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; providing penalties; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4520, by Senators Lee and Talmadge:

AN ACT Relating to fire protection districts; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4521, by Senator Talmadge:

AN ACT Relating to custodial interference; amending section 9A.40.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.40.050; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 4522, by Senators Gallagher, Conner and Fuller:

AN ACT Relating to food fish and shellfish; adding a new section to chapter 75.12 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4523, by Senators Lee and Talmadge:

AN ACT Relating to fire protection districts; and amending section 1, chapter 176, Laws of 1953 as amended by section 2, chapter 101, Laws of 1972 ex. sess. and RCW 52.12.110.

Referred to Committee on Local Government.

SENATE BILL NO. 4524, by Senators Gallagher, Conner and Craswell:

AN ACT Relating to food fish and shellfish; amending section 75.12.090, chapter 12, Laws of 1955 and RCW 75.12.090; adding a new section to chapter 75.12 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4525, by Senators Vognild, Metcalf, Talmadge, Woody, Ridder, Gould, Fleming and Bauer:

AN ACT Relating to hazardous materials; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 4526, by Senators Benitz, Charnley, Newhouse and Hansen:

AN ACT Relating to courses of instruction on beer and wine; amending section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 182, Laws of 1981 and RCW 66.28.040; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4527, by Senators Talmadge, Metcalf, Vognild and Moore:

AN ACT Relating to retirement from public service; and amending section 5, chapter 151, Laws of 1972 ex. sess. as amended by section 8, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.185.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4528, by Senators Clarke, Talmadge and Hemstad (by Department of Licensing request):

AN ACT Relating to trade names; amending section 1, chapter 145, Laws of 1907 as amended by section 1, chapter 22, Laws of 1979 ex. sess. and RCW 19.80.010; amending section 5, chapter 145, Laws of 1907 and RCW 19.80.040; adding new sections to chapter 19.80 RCW; creating a new section; repealing section 4, chapter 145, Laws of 1907 and RCW 19.80.020; repealing section 3, chapter 145, Laws of 1907 and RCW 19.80.030; making an appropriation; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 4529, by Senator Metcalf:

AN ACT Relating to public employment.

Referred to Committee on State Government.

SENATE BILL NO. 4530, by Senator Metcalf:  
AN ACT Relating to public employment.  
Referred to Committee on State Government.

SENATE BILL NO. 4531, by Senator Metcalf:  
AN ACT Relating to state personnel systems.  
Referred to Committee on State Government.

SENATE BILL NO. 4532, by Senator Metcalf:  
AN ACT Relating to fiscal administration.  
Referred to Committee on State Government.

SENATE BILL NO. 4533, by Senator Metcalf:  
AN ACT Relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 4534, by Senator Metcalf:  
AN ACT Relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 4535, by Senator Metcalf:  
AN ACT Relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 4536, by Senator Metcalf:  
AN ACT Relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 4537, by Senator Metcalf:  
AN ACT Relating to state personnel systems.  
Referred to Committee on State Government.

SENATE BILL NO. 4538, by Senator Metcalf:  
AN ACT Relating to state personnel systems.  
Referred to Committee on State Government.

SENATE BILL NO. 4539, by Senator Metcalf:  
AN ACT Relating to fiscal administration.  
Referred to Committee on State Government.

SENATE BILL NO. 4540, by Senator Metcalf:  
AN ACT Relating to fiscal administration.  
Referred to Committee on State Government.

SENATE BILL NO. 4541, by Senator Metcalf:  
AN ACT Relating to veterans affairs.  
Referred to Committee on State Government.

SENATE BILL NO. 4542, by Senator Metcalf:  
Referred to Committee on State Government.

SENATE JOINT RESOLUTION NO. 139, by Senators Bluechel, Metcalf and Quigg (by Governor Spellman request):  
Amending the Constitution to facilitate reorganization of the executive branch.  
Referred to Committee on Constitutions and Elections.

SENATE CONCURRENT RESOLUTION NO. 132, by Senators Guess, McCaslin and Benitz:

Creating a joint select committee to study coroner qualifications.  
Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 15, by Committee on Ethics, Law and Justice (originally sponsored by Representatives Tilly and Patrick):  
Regulating the forfeiture of property exchanged for controlled substances.  
Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 43**, by Committee on State Government (originally sponsored by Representatives Tilly, Patrick Teutsch, Dawson, Berleen, Fiske and Maxie):

Allowing voters confined to a hospital on election day to apply for and vote an absentee ballot.

Referred to Committee on Constitutions and Elections.

**ENGROSSED HOUSE BILL NO. 46**, by Representatives Owen, Nisbet, Brown and Rosbach:

Protecting shellfish pots.

Referred to Committee on Natural Resources.

**SUBSTITUTE HOUSE BILL NO. 70**, by Committee on Natural Resources & Environmental Affairs (originally sponsored by Representatives Martinis and Rosbach):

Providing for the distribution of federal funds for fish restoration and management projects.

Referred to Committee on Natural Resources.

**HOUSE BILL NO. 131**, by Committee on Natural Resources and Environmental Affairs and Representative Rosbach:

Changing minimum value requirement and method of payment for sales of public land and materials.

Referred to Committee on Natural Resources.

**SUBSTITUTE HOUSE BILL NO. 135**, by Committee on Natural Resources and Environmental Affairs (originally sponsored by Committee on Natural Resources and Environmental Affairs and Representatives Rosbach and Sanders):

Modifying provisions relating to forest protection.

Referred to Committee on Natural Resources.

**SUBSTITUTE HOUSE BILL NO. 174**, by Committee on Labor and Economic Development (originally sponsored by Committee on Labor and Economic Development and Representative Mitchell):

Modifying licensing requirements for podiatrists.

Referred to Committee on Social and Health Services.

**ENGROSSED HOUSE BILL NO. 183**, by Committee on State Government and Representatives Garson and Kreidler:

Establishing the 1989 Washington state centennial commission.

Referred to Committee on Parks and Ecology.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

### MOTION

On motion of Senator Clarke, there being no objection, the following measures were ordered returned to the committee indicated on the list on the desk of each member. These measures were in the Committee on Rules for second reading.

### SENATE BILLS TO BE REFERRED BACK TO COMMITTEE

(Currently in Rules 2)

SB 3040	Optometry Regulation	Social & Health Serv.
SB 3087	Council on Aging	State Government
SB 3151	Credit Unions	Financial Inst. & Ins.
SB 3185	DMSO Sales, Use Authorized	Social & Health Serv.
SB 3246	Joint Custody	Judiciary
SB 3257	Voter Registration Changes	Local Government
SB 3263	Redistricting Procedures	State Government
SB 3269	Legislative Rules Review	State Government
SB 3277	Energy Audit Schools	Energy & Utilities

SB 3287	Conservation/Energy Projects	Energy & Utilities
SB 3290	Teachers' Retirement System	Ways & Means
SB 3296	Fire Protection Board	Financial Inst. & Ins.
SB 3341	Fireworks Revisions	State Government
SB 3346	Health Care Contracts	Financial Inst. & Ins.
SB 3366	Fraud & Arson Bureau	Local Government
SB 3370	Rights of Infants	Social & Health Serv.
SB 3379	Social Card Games Tax	Local Government
SB 3459	Enforcement of Judgments	Judiciary
SB 3466	Resource Mgmt Cost Acct	Ways & Means
SB 3496	Denying Indust. Ins. Payments	Financial Inst. & Ins.
SB 3501	Oper Agency Thermal Plants	Energy & Utilities
SB 3502	Oper Agency Rate Impacts	Energy & Utilities
SB 3526	Political Activities Pub Emp	State Government
SB 3578	State Aquatic Lands	Natural Resources
SB 3587	Kindergartens	Education
SB 3588	Paperwork Reduction, Schools	Education
SB 3593	County Fac. Private Const.	Local Government
SB 3594	LID Assessments Collection	Local Government
SB 3603	Audiologists Regulated	State Government
SB 3635	Scholars Program	Higher Education
SB 3647	Planning Comm Affairs	Natural Resources
SB 3648	Geographic Names Board	State Government
SB 3739	County Sewer Water, Drainage	Local Government
SB 3753	School Surplus Property	Education
SB 3757	ESD's self-insurers	Education
SB 3775	Real Estate Time-Sharing Reg.	Judiciary
SB 3779	Geothermal Steam Funds Distr.	Ways & Means
SB 3821	Comm Coll Ed Board Treas.	Ways & Means
SB 3848	Schools, Excess Levies	Ways & Means
SB 3881	CPE Salary Recommendations	Ways & Means
SB 3912	Handicapped Students	Ways & Means
SB 3913	Unfair Bus Prac Deposition	Judiciary
SB 3921	Leg. Ethics Law, Limitations	State Government
SB 3932	Prorating Election Costs	Ways & Means
SB 3958	Sexual Assault Victims	Judiciary
SB 3959	Hazardous Material Liability	Judiciary
SB 4044	Agriculture t.o.	Agriculture
SB 4115	Int'l Banking Facilities	Financial Inst. & Ins.
SB 4270	Local Government t.o.	Local Government
SB 4271	Local Government t.o.	Local Government
SJR 111	Energy Loans	Energy & Utilities
SCR 110	Local Gov't audit require	Local Government

## MOTION

On motion of Senator Clarke, there being no objection, the following measures were ordered returned to the committee indicated on the list on the desk of each member. These measures were in the Committee on Rules for third reading.

SENATE BILLS TO BE REFERRED BACK TO COMMITTEE  
(Currently in Rules 3)

SB 3019	Probation Counselors	Judiciary
ESB 3020	Forms Management Procedures	State Government

SSB 3033	Heating Systems, Mun. Corps.	Energy & Utilities
ESSB 3035	Veteran Fees License Plates	Transportation
SB 3066	Interest Rates Certain Loans	State Government
ESB 3069	Sentences, Police Court	Judiciary
ESB 3073	Auditor OPM Act. Exemption	Constitutions & Elects.
SSB 3078	Prejudgment Interest	Judiciary
SSB 3110	Court Congestion Reduction	Judiciary
ESB 3112	Civil Actions Expenses	Judiciary
ESB 3114	Attorney's Fees	Judiciary
SB 3181	Insurance Examiners Comp.	Financial Inst. & Ins.
SB 3182	Insurance Fees Raised	Financial inst. & Ins.
SSB 3204	Fishing Associations	Natural Resources
SSB 3237	Athl. Scholarships, Exempt	Higher Education
ESB 3241	School Code Publication	Education
ESB 3244	Property Damage Coverage	Financial Inst. & Ins.
ESSB 3258	Fisheries Enforce Officers	Natural Resources
SSB 3308	Resid. Zones, Mobile Homes	Local Government
ESB 3336	School Personnel Certificate	Education
SSB 3347	Higher Ed Waivers	Higher Education
SB 3373	Veterinarians	State Government
SSB 3380	Cooperative Associations	Agriculture
SSB 3381	Motorcycle Safety Programs	Transportation
ESSB 3384	Post-Retirement Adjustments	Ways & Means
ESSB 3385	Salmon Release-Recapture	Natural Resources
SB 3389	Youth Service Corps	Parks & Ecology
ESSB 3408	Wine Research, Inst. Prog.	Agriculture
SB 3424	Prisoners, Personal Security	Social & Health Serv.
SSB 3442	Shellfish Enforce, Enhance	Natural Resources
SB 3449	Nonhigh Districts, Accounts	Education
ESSB 3522	Agricultural Land Preserv.	Agriculture
SB 3530	State Treasurer Disclosure	Constitutions & Elects.
SSB 3534	Sewer/Water Districts Revis.	Local Government
SSB 3538	Chore Services	Ways & Means
SSB 3539	Temp. Elim. Gen Assistance	Ways & Means
SSB 3541	Oral Medication, Schools	Social & Health Serv.
SSB 3545	Horses, Registration Symbols	Agriculture
SSB 3557	Salmon Management Plan	Natural Resources
SB 3562	Cemetery Dist. Commissioners	Constitutions & Elects.
SB 3592	Interest, Bonds, Counties	Local Government
SB 3612	Parks Res. & Info System	Ways & Means
SB 3617	ASB Funds Use	Education
SSB 3645	Init/Ref Petitions, Paper	Constitutions & Elects.
ESSB 3698	Transportation Budget	Transportation
SB 3715	Civil Procedure Modified	Judiciary
SB 3717	Crim. Justice Trng, Indians	Judiciary
SSB 3725	SEPA Modified	Natural Resources
SSB 3728	Forest Practices	Natural Resources
SB 3750	Schools, Public Transport	Education
SSB 3751	Fisheries, Game Lic Transfer	Natural Resources
SSB 3824	Accretion, Volcanic Eruption	Parks & Ecology
SSB 3844	Leg. Sess. Campaign Contrib	Constitutions & Elects.
SB 3925	Interest, Financial Inst.	Financial Inst. & Ins.
ESB 3926	Community Colleges	Higher Education
ESSB 3929	Voc-Tech Rules, Regulations	Higher Education

ESB 3946	Aircraft Fuel Excise Tax	Transportation
SB 4201	Ins. Val. & Nonforfeiture	Financial Inst. & Ins.
ESSB 4370	Inventory Phase-out Freeze	Ways & Means
ESB 4421	Local Option Sales/Use Tax	Local Government
ESJM 105	Balanced Federal Budget	Ways & Means
SSJR 108	Redistricting Commission	Constitutions & Elects.
ESSCR 107	Trucking Deregulation Study	Transportation
SCR 116	Convention Center	Local Government

## MOTION

At 10:20 a.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Friday, January 15, 1982.

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

## FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, January 15, 1982.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, Craswell, Gould, Hughes, Hurley, Lysen, Vognild and Wojahn. On motion of Senator Ridder, Senator Wojahn was excused. There being no objection, Senator Conner was excused.

The Color Guard, consisting of Pages Jill Allen and Chris Winkel, presented the Colors. Reverend Charles McCann, pastor of United Churches of Olympia, offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 14, 1982.

SENATE BILL NO. 4471, making general election ballot formats uniform (reported by Committee on Constitutions and Elections):

Recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Clarke, Conner, Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

January 14, 1982.

SENATE BILL NO. 4485, appropriating funds for the establishing of a boat moorage fee at selected state parks (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means.

Signed by: Senators Fuller, Chairman; Goltz, Haley, Hansen, Hughes, Hurley, Zimmerman.

Passed to Committee on Ways and Means.

January 14, 1982.

SENATE BILL NO. 4486, correcting double amendments to various statutes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

### GUBERNATORIAL APPOINTMENTS

January 14, 1982.

DAVID R. LaROSE, to the position of Chief Administrative Law Judge, appointed by the Governor on August 17, 1981 for the term ending June 30, 1986 (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

January 13, 1982.

AMOS E. REED, to the position of Secretary of the Department of Corrections, appointed by the Governor on July 1, 1981 for the term ending at the pleasure of the Governor (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Kiskaddon, Metcalf, Moore, Rasmussen, Ridder.

Passed to Committee on Rules.

January 14, 1982.

DONNA D. SCHRAM, to the position of Member of the Sentencing Guidelines Commission, appointed by the Governor on August 3, 1981 for the term ending August 2, 1984 (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

January 14, 1982.

STEVE SCOTT, to the position of Member of the Sentencing Guidelines Commission, appointed by the Governor on August 3, 1981 for the term ending August 2, 1984 (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

January 14, 1982.

DARYL BRENNICK, to the position of Member of the State Jail Commission, appointed by the Governor on October 26, 1981 for the term ending October 7, 1984, succeeding Stanley P. Kersey (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

## MOTION

On motion of Senator Clarke, there being no objection, the following measures on the Introduction and First Reading Calendar were ordered referred as indicated on the list on the desk of each member.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 4543, by Senators Hemstad and Talmadge:

AN ACT Relating to interest on judgments; and amending section 4, chapter 136, Laws of 1895 as last amended by section 5, chapter 94, Laws of 1980 and RCW 4.56.110.

Referred to Judiciary Committee.

SENATE BILL NO. 4544, by Senators von Reichbauer, Vognild and Benitz:

AN ACT Relating to motor vehicles; and adding a new section to chapter 46.12 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 4545, by Senators von Reichbauer, Gaspard, Benitz, Talley, Quigg and Gallaghan:

AN ACT Relating to motor vehicle excise tax exemptions; amending section 3, chapter 166, Laws of 1980 and RCW 82.44.015; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 4546, by Senators Newhouse, Charnley and Benitz:

AN ACT Relating to financial interests in alcoholic beverage businesses; amending section 90-A added to chapter 62, Laws of 1933 ex. sess. by section 2, chapter 48, Laws of 1945 as last amended by section 1, chapter 23, Laws of 1979 ex. sess. and RCW 66.28.020; and repealing section 14, chapter 21, Laws of 1969 ex. sess., section 3, chapter 275, Laws of 1969 ex. sess., section 7, chapter 173, Laws of 1975 1st ex. sess., section 1, chapter 62, Laws of 1975-'76 2nd ex. sess. and RCW 66.28.025.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4547, by Senators von Reichbauer, Vognild and Quigg:

AN ACT Relating to licenses for antique vehicles; and amending section 46.16.310, chapter 12, Laws of 1961 as amended by section 1, chapter 114, Laws of 1971 ex. sess. and RCW 46.16.310.

Referred to Committee on Transportation.

SENATE BILL NO. 4548, by Senators Haley, Charnley, Hemstad and Bluechel:

AN ACT Relating to motor vehicles; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 4549, by Senators von Reichbauer, Talley and Guess (by Department of Transportation request):

AN ACT Relating to transportation; amending section 8, chapter 317, Laws of 1981 as amended by section 109, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 9, chapter 317, Laws of 1981 (uncodified); amending section 27, chapter 317, Laws of 1981 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 4550, by Senator Guess (by Department of Game request):

AN ACT Relating to game; adding new sections to chapter 77.12 RCW; adding a new section to chapter 77.16 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4551, by Senators von Reichbauer, Hansen and Patterson:

AN ACT Relating to the state commission on equipment; and amending section 46.37.005, chapter 12, Laws of 1961 as last amended by section 56, chapter 145, Laws of 1967 ex. sess. and RCW 46.37.005.

Referred to Committee on Transportation.

SENATE BILL NO. 4552, by Senators Jones and Talmadge:

AN ACT Relating to fees of 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 Judiciary Committee.

SENATE BILL NO. 4553, by Senators Deccio and Rasmussen (by Governor Spellman request):

AN ACT Relating to the state commission for the blind; amending section 40, chapter 18, Laws of 1970 ex. sess. as amended by section 15, chapter 40, Laws of 1977 ex. sess. and RCW 43.20A.300; amending section 74.16.170, chapter 26, Laws of 1959 as amended by section 16, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.170; amending section 1, chapter 59, Laws of 1967 as amended by section 17, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.181; amending section 2, chapter 59, Laws of 1967 as amended by section 18, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.183; amending section 74.16.300, chapter 26, Laws of 1959 as amended by section 20, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.300; amending section 1, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.400; amending section 5, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.440; amending section 6, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.450; amending section 7, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.460; amending section 8, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.470; amending section 10, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.490; amending section 12, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.510; amending section 13, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.520; amending section 1, chapter 251, Laws of 1975 1st ex. sess. as amended by section 21, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.010; amending section 2, chapter 251, Laws of 1975 1st ex. sess. as amended by section 22, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.020; amending section 4, chapter 251, Laws of 1975 1st ex. sess. as amended by section 23, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.040; creating new sections; repealing section 2, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.410; repealing section 3, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.420; repealing section 4, chapter 40, Laws of 1977 ex. sess. (uncodified); repealing section 9, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.480; repealing section 11, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.500; repealing section 24, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.540; repealing section 39, chapter 99, Laws of 1979 and RCW 43.131.225; repealing section 81, chapter 99, Laws of 1979 and RCW 43.131.226; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4554, by Senator Pullen:

AN ACT Relating to public disclosure; amending section 37, chapter 1, Laws of 1973 as last amended by section 7, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.370; and declaring an emergency.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4555, by Senators Metcalf and Goltz (by Department of General Administration request):

AN ACT Relating to the department of general administration; amending section 1, chapter 183, Laws of 1923 as amended by section 1, chapter 177, Laws of 1977 ex. sess. and RCW 39.04.010; amending section 43.19.450, chapter 8, Laws of 1965 as amended by section 63, chapter 136, Laws of 1981 and RCW 43.19.450; amending section 2, chapter 183, Laws of 1923 as last amended by section 2, chapter 230, Laws of 1975 1st ex. sess. and RCW 39.04.020; and amending section 1, chapter 207, Laws of 1909 as last amended by section 23, chapter 278, Laws of 1975 1st ex. sess. and RCW 39.08.010.

Referred to Committee on State Government.

SENATE BILL NO. 4556, by Senators Newhouse and Bauer:

AN ACT Relating to forcible entry and forcible and unlawful detainer; amending section 9, chapter 96, Laws of 1891 as amended by section 2, chapter 123, Laws of 1927 and RCW 59.12.080; and amending section 10, chapter 96, Laws of 1891 as amended by section 3, chapter 123, Laws of 1927 and RCW 59.12.090.

Referred to Judiciary Committee.

SENATE BILL NO. 4557, by Senators Deccio and Hughes:

AN ACT Relating to landlords and tenants; and amending section 31, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.310.

Referred to Judiciary Committee.

SENATE BILL NO. 4558, by Senators Quigg, Vognild and Newhouse:

AN ACT Relating to industrial insurance coverage; amending section 51.08-.180, chapter 23, Laws of 1961 as last amended by section 2, chapter 128, Laws of 1981 and RCW 51.08.180; and amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 3, chapter 128, Laws of 1981 and RCW 51.12.020.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4559, by Senators Lee, Rasmussen and Metcalf (by Department of General Administration request):

AN ACT Relating to forms management; amending section 5, chapter 21, Laws of 1975-'76 2nd ex. sess. as amended by section 7, chapter 172, Laws of 1980 and RCW 43.19.1905; amending section 43.19.1906, chapter 8, Laws of 1965 as last amended by section 2, chapter 103, Laws of 1980 and RCW 43.19.1906; adding new sections to chapter 43.19 RCW; repealing section 1, chapter 13, Laws of 1973, section 3, chapter 32, Laws of 1981 and RCW 43.19.510; and declaring an emergency.

Referred to Committee on State Government.

SENATE JOINT RESOLUTION NO. 140, by Senators Sellar and Conner:

Providing for jurisdiction by justice courts in unlawful detainer actions.

Referred to Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

## MOTIONS

On motion of Senator Fleming, there being no objection, all members were permitted as additional sponsors on Senate Resolution 1982-164.

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

### SENATE RESOLUTION 1982-164

By Senators Fleming, Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Marilyn Brachtenbach, Deputy Secretary of the Senate; and Fred Hildebrand, Sergeant at Arms:

WHEREAS, We, the members of the Senate, as we gather here together on January 15, 1982, the fifth day of the legislative session, are honored to commemorate the birthday of Reverend Dr. Martin Luther King, Jr., who tirelessly preached the gospel of christianity not only in the four walls of the church but in the streets of this nation and the world; and

WHEREAS, This champion of the oppressed, armed with the creative weapon of love endured countless seasons of suffering in his battle to wear down injustices which blocked the capacity of so many lives and scarred so many souls; and

WHEREAS, This man, this landmark of liberation and symbol of hope, through his words and deeds, through his magnetism and sincerity, raised familiar platitudes from cliché to commandment; and

WHEREAS, This Nobel laureate, labored on the mountain tops and in the valleys of the world inciting social change that would give new hope to those beleaguered by poverty, hunger, unemployment, war and political disenfranchisement; and

WHEREAS, The Reverend Dr. King, unselfishly shared his life and his dream with all America in the hope that freedom would ring from and equality would prevail in every village and hamlet — every state house and city hall of this Nation; and

WHEREAS, All people regardless of race, creed, color, religion or national origin have benefited from the efforts of this great American;

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 tribute to one of America's most honored and honorable citizens, the Reverend Dr. Martin Luther King, Jr., in order to call to the attention of the residents of this state Dr. King's accomplishments and to recommit ourselves to the fulfillment of his dream and the pursuance of his principles of love, peace, freedom and equality for all men; 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.

#### REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, members of the Senate, ladies and gentlemen.

"If Dr. King had been an ordinary man, he would be celebrating his fifty-third birthday. He would probably be at home right now with his family and a few close friends. But he was no ordinary man. He refused to march sleepily in steps with his times; instead he marched against an established order of injustice, racism, and institutionalized hopelessness.

"And he did not march alone. Tens of thousands marched along with him. Millions more listened and learned and lifted their heads with new-found dignity. They called him, as you may remember, the 'drum major of love and justice.' And they followed him.

"He was no ordinary man. But because he was no ordinary man, he was dangerous, dangerous to those who despised and feared the prospect of true, true equal opportunity.

"So Dr. King was shot down, slain before his fortieth year. There is always some special sadness on January 15 for me, and for as many Januaries as I may live, there will be sadness. But this January 15 seems to be even sadder. But when I think of the dream that we shared with Dr. King, I also think of the stark reality brewing outside of these walls. The reality makes the dream all the more distant and the dream makes the reality all the more unbearable.

"This year the contrast is especially painful. We dreamed with him of justice for all. This year, legal help was snatched from the poor and the needy. We dreamed with him of a dignity for people to know the satisfaction and the dignity of a productive work. This year, millions of Americans have been told they are of no use right now. We dreamed with him of the day when justice would roll down like waters in righteousness like a mighty stream, a far cry from the trickle-down theory.

"The list of reasons why this January 15 is especially sad could go on and on and on. But I am sure Dr. King would rather have us remember him with something

other than sadness. Shortly before his tragically early death, he was before his congregation and he told his congregation exactly how he wished to be remembered. 'If you get someone to deliver a eulogy,' he said, 'tell them not to make it too long. I just want it to be said that Dr. Martin Luther King tried to love somebody; that I tried to love and serve humanity.'

"I will follow Dr. King's wishes. I won't talk about his milestone victory in Montgomery. I won't talk about the Nobel Peace Prize. I won't talk about the unending honors that were bestowed on him by this grateful world of ours. And I won't talk about the nation that wept when he died. I will just say that there was a man who knew how to love people.

"Speeches and resolutions are not the best ways to honor Dr. King. We can do him far more honor through our actions. We can do him more honor by remembering him through his actions, through the actions in which we take, by carrying on the march which he was not able to complete. I wish, I just wish some time, that I was blessed with the eloquence of Dr. King. His words had deep meaning for people, not because they were fancy words or of novel ideas; his words had deep meaning because they reminded us of the things that were deeply implanted inside of all of us; that in our hearts we are decent people, fair and honorable people; that we are deeply grateful for our freedom and the opportunities that have enriched our lives; that when we reach out to others it is to help them up, not to push them down.

"The message and example of Dr. King's life is courage — courage. Courage to be the kind of people we know ourselves to be; courage to make the choice; courage is the key. Do we have the courage — do we have the courage to choose the right direction in this year of fateful decisions? I urge you, my fellow colleagues, I urge you to make the resolution with me today to try; let us try to proceed with courage.

"Thank you, Mr. President. Could I ask the members to stand in a moment of silence, please?"

The members observed a moment of silence honoring Dr. Martin Luther King, Jr.

#### MOTION

At 10:58 a.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Monday, January 18, 1982.

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

## EIGHTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, January 18, 1982.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, McCaslin, Scott and Sellar. On motion of Senator Ridder, Senator Bottiger was excused. On motion of Senator Bluechel, Senators McCaslin, Scott and Sellar were excused.

The Color Guard, consisting of Pages Cecilia Rothholz and Stuart Karpenko, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the prayer.

### MOTION

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

### REPORT OF STANDING COMMITTEE

January 15, 1982.

SENATE BILL NO. 4115, revising laws relating to international banking facilities (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: That Substitute Senate Bill No. 4115 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley, Pullen.  
Passed to Committee on Rules for second reading.

### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 15, 1982

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:

Gloria M. Champeaux reappointed January 15, 1982, for a term ending December 31, 1984, as a member of the State Investment Board.

Sincerely,  
JOHN SPELLMAN  
Governor

Referred to Committee on Ways and Means.

January 18, 1982.

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:

Della M. Newman appointed January 9, 1982, for a term ending January 4, 1983, succeeding Fred Huleen as a member of the State Personnel Board.

Sincerely,  
 JOHN SPELLMAN,  
 Governor

Referred to Committee on State Government.

### MESSAGE FROM THE HOUSE

January 15, 1982.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 223,  
 HOUSE BILL NO. 361,  
 ENGROSSED HOUSE BILL NO. 381,  
 ENGROSSED HOUSE BILL NO. 386, and the same are herewith  
 transmitted.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 4560, by Senators Rasmussen and Talmadge (by Lt. Governor request):

AN ACT Relating to operating agencies; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4561, by Senators Deccio and Moore (by Department of Licensing request):

AN ACT Relating to license fees; and amending section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 16, chapter 53, Laws of 1981 and RCW 43.24.085.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4562, by Senators von Reichbauer, Talley, Guess and Charnley:

AN ACT Relating to transportation; adding a new section to chapter 82.37 RCW; adding a new section to chapter 82.38 RCW; and adding a new chapter to Title 82 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 4563, by Senator Metcalf (by Governor Spellman request):

AN ACT Relating to civil service exemptions; and amending section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 2, chapter 225, Laws of 1981 and RCW 41.06.070.

Referred to Committee on State Government.

SENATE BILL NO. 4564, by Senators Scott, Rasmussen and Zimmerman (by Legislative Budget Committee request):

AN ACT Relating to state government; amending section 43.19.1906, chapter 8, Laws of 1965 as last amended by section 2, chapter 103, Laws of 1980 and RCW 43.19.1906; and amending section 43.19.1935, chapter 8, Laws of 1965 as last amended by section 6, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.1935.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4565, by Senators Fuller, Hemstad and Williams (by Office of Archaeology and Historic Preservation request):

AN ACT Relating to archaeology and historic preservation; amending section 9, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.110; amending section 70,

chapter 99, Laws of 1979 and RCW 43.131.204; adding a new section to chapter 43.51A RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4566, by Senators Newhouse, Hansen, Benitz and Paterson (by State Auditor request):

AN ACT Relating to agriculture and marketing; and amending section 49, chapter 256, Laws of 1961 as last amended by section 5, chapter 154, Laws of 1979 and RCW 15.65.490.

Referred to Committee on Agriculture.

SENATE BILL NO. 4567, by Senators Haley and Wojahn:

AN ACT Relating to interstate mergers and conversions involving savings and loan associations and federal mutual savings banks; amending section 80, chapter 235, Laws of 1945 as amended by section 8, chapter 246, Laws of 1963 and RCW 33.32.010; adding a new section to chapter 33.43 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4568, by Senator Rasmussen (by Lt. Governor request):

AN ACT Relating to state highway property; and amending section 47.12.120, chapter 13, Laws of 1961 as last amended by section 50, chapter 151, Laws of 1977 ex. sess. and RCW 47.12.120.

Referred to Committee on Transportation.

SENATE BILL NO. 4569, by Senators Bluechel, Bauer, Bottiger and Newhouse:

AN ACT Relating to investments as assets of domestic insurers; amending section .12.02, chapter 79, Laws of 1947 as amended by section 12, chapter 195, Laws of 1963 and RCW 48.12.020; amending section .13.02, chapter 79, Laws of 1947 as amended by section 11, chapter 95, Laws of 1967 ex. sess. and RCW 48.13.020; amending section .13.22, chapter 79, Laws of 1947 as last amended by section 4, chapter 151, Laws of 1973 and RCW 48.13.220; amending section .13.24, chapter 79, Laws of 1947 and RCW 48.13.240; amending section .13.27, chapter 79, Laws of 1947 and RCW 48.13.270; amending section .13.29, chapter 79, Laws of 1947 as amended by section 5, chapter 151, Laws of 1973 and RCW 48.13.290; and creating a new section.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4570, by Senators Pullen and Ridder:

AN ACT Relating to municipal officers conflicts of interest; and reenacting and amending section 4, chapter 268, Laws of 1961 as last amended by section 1, chapter 4, Laws of 1979 ex. sess. and by section 1, chapter 39, Laws of 1980 and RCW 42.23.030.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4571, by Senators Bluechel, Moore and Talley:

AN ACT Relating to the sale of property by port districts; and amending section 2, chapter 23, Laws of 1965 as amended by section 1, chapter 11, Laws of 1969 ex. sess. and RCW 53.08.091.

Referred to Committee on Local Government.

SENATE BILL NO. 4572, by Senators Clarke, Hemstad, Talmadge, Fuller, Deccio, Scott and Bluechel (by Secretary of State request):

AN ACT Relating to state government; amending section 43.07.120, chapter 8, Laws of 1965 as amended by section 107, chapter 81, Laws of 1971 and RCW 43.07.120; amending section 1, chapter 122, Laws of 1971 ex. sess. as amended by section 1, chapter 85, Laws of 1973 1st ex. sess. and RCW 43.07.130; amending section 3, chapter 53, Laws of 1965 as amended by section 1, chapter 16, Laws of

1979 and RCW 23A.04.010; amending section 8, chapter 53, Laws of 1965 as amended by section 5, chapter 16, Laws of 1979 and RCW 23A.08.050; amending section 9, chapter 53, Laws of 1965 as last amended by section 6, chapter 16, Laws of 1979 and RCW 23A.08.060; amending section 12, chapter 53, Laws of 1965 and RCW 23A.08.090; amending section 13, chapter 53, Laws of 1965 as last amended by section 7, chapter 16, Laws of 1979 and RCW 23A.08.100; amending section 14, chapter 53, Laws of 1965 as amended by section 2, chapter 190, Laws of 1967 and RCW 23A.08.110; amending section 16, chapter 53, Laws of 1965 as last amended by section 2, chapter 193, Laws of 1977 ex. sess. and RCW 23A.08.130; amending section 37, chapter 53, Laws of 1965 as amended by section 4, chapter 99, Laws of 1980 and RCW 23A.08.340; amending section 51, chapter 53, Laws of 1965 as last amended by section 9, chapter 99, Laws of 1980 and RCW 23A.08.480; amending section 55, chapter 53, Laws of 1965 as amended by section 27, chapter 16, Laws of 1979 and RCW 23A.12.020; amending section 56, chapter 53, Laws of 1965 as amended by section 4, chapter 193, Laws of 1977 ex. sess. and RCW 23A.12.030; amending section 57, chapter 53, Laws of 1965 as amended by section 28, chapter 16, Laws of 1979 and RCW 23A.12.040; amending section 59, chapter 53, Laws of 1965 as last amended by section 29, chapter 16, Laws of 1979 and RCW 23A.12.060; amending section 61, chapter 53, Laws of 1965 as amended by section 30, chapter 16, Laws of 1979 and RCW 23A.16.020; amending section 63, chapter 53, Laws of 1965 as last amended by section 31, chapter 16, Laws of 1979 and RCW 23A.16.040; amending section 64, chapter 53, Laws of 1965 as last amended by section 6, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.050; amending section 33, chapter 16, Laws of 1979 and RCW 23A.16.075; amending section 67, chapter 53, Laws of 1965 as last amended by section 34, chapter 16, Laws of 1979 and RCW 23A.16.080; amending section 69, chapter 53, Laws of 1965 as amended by section 9, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.100; amending section 70, chapter 53, Laws of 1965 as amended by section 10, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.110; amending section 71, chapter 53, Laws of 1965 as amended by section 11, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.120; amending section 76, chapter 53, Laws of 1965 as last amended by section 37, chapter 16, Laws of 1979 and RCW 23A.20.040; amending section 77, chapter 53, Laws of 1965 as last amended by section 38, chapter 16, Laws of 1979 and RCW 23A.20.050; amending section 79, chapter 53, Laws of 1965 as amended by section 40, chapter 16, Laws of 1979 and RCW 23A.20.070; amending section 84, chapter 53, Laws of 1965 as last amended by section 45, chapter 16, Laws of 1979 and RCW 23A.28.010; amending section 85, chapter 53, Laws of 1965 as amended by section 15, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.020; amending section 86, chapter 53, Laws of 1965 as amended by section 16, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.030; amending section 87, chapter 53, Laws of 1965 as amended by section 17, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.040; amending section 89, chapter 53, Laws of 1965 and RCW 23A.28.060; amending section 90, chapter 53, Laws of 1965 as amended by section 18, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.070; amending section 91, chapter 53, Laws of 1965 as amended by section 19, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.080; amending section 92, chapter 53, Laws of 1965 as amended by section 20, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.090; amending section 94, chapter 53, Laws of 1965 as amended by section 21, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.110; amending section 95, chapter 53, Laws of 1965 as amended by section 22, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.120; amending section 10, chapter 99, Laws of 1980 and RCW 23A.28.125; amending section 96, chapter 53, Laws of 1965 as amended by section 1, chapter 92, Laws of 1969 ex. sess. and RCW 23A.28.130; amending section 108, chapter 53, Laws of 1965 as amended by section 11, chapter 99, Laws of 1980 and RCW 23A.28.250; amending section 111, chapter 53, Laws of 1965 as last amended

be section 47, chapter 16, Laws of 1979 and RCW 23A.32.030; amending section 113, chapter 53, Laws of 1965 as last amended by section 49, chapter 16, Laws of 1979 and RCW 23A.32.050; amending section 114, chapter 53, Laws of 1965 as last amended by section 50, chapter 16, Laws of 1979 and RCW 23A.32.060; amending section 51, chapter 16, Laws of 1979 as amended by section 1, chapter 230, Laws of 1981 and RCW 23A.32.073; amending section 52, chapter 16, Laws of 1979 as amended by section 2, chapter 230, Laws of 1981 and RCW 23A.32.075; amending section 116, chapter 53, Laws of 1965 as amended by section 3, chapter 22, Laws of 1971 and RCW 23A.32.080; amending section 117, chapter 53, Laws of 1965 as amended by section 54, chapter 16, Laws of 1979 and RCW 23A.32.090; amending section 118, chapter 53, Laws of 1965 and RCW 23A.32.100; amending section 122, chapter 53, Laws of 1965 as amended by section 55, chapter 16, Laws of 1979 and RCW 23A.32.140; amending section 123, chapter 53, Laws of 1965 and RCW 23A.32.150; amending section 124, chapter 53, Laws of 1965 as amended by section 12, chapter 99, Laws of 1980 and RCW 23A.32.160; amending section 125, chapter 53, Laws of 1965 and RCW 23A.32.170; amending section 132, chapter 53, Laws of 1965 as amended by section 2, chapter 133, Laws of 1971 ex. sess. and RCW 23A.36.050; amending section 134, chapter 53, Laws of 1965 and RCW 23A.40.010; amending section 135, chapter 53, Laws of 1965 as last amended by section 3, chapter 230, Laws of 1981 and RCW 23A.40.020; amending section 136, chapter 53, Laws of 1965 as last amended by section 1, chapter 133, Laws of 1979 ex. sess. and RCW 23A.40.030; amending section 14, chapter 99, Laws of 1980 and RCW 23A.40.035; amending section 137, chapter 53, Laws of 1965 as amended by section 23, chapter 193, Laws of 1977 ex. sess. and RCW 23A.40.040; amending section 138, chapter 53, Laws of 1965 and RCW 23A.40.050; amending section 139, chapter 53, Laws of 1965 as amended by section 2, chapter 92, Laws of 1969 ex. sess. and RCW 23A.40.060; amending section 140, chapter 53, Laws of 1965 as last amended by section 15, chapter 99, Laws of 1980 and RCW 23A.40.070; amending section 148, chapter 53, Laws of 1965 and RCW 23A.44.010; amending section 149, chapter 53, Laws of 1965 and RCW 23A.44.020; amending section 151, chapter 53, Laws of 1965 and RCW 23A.44.040; amending section 152, chapter 53, Laws of 1965 and RCW 23A.44.050; amending section 153, chapter 53, Laws of 1965 and RCW 23A.44.060; amending section 162, chapter 53, Laws of 1965 and RCW 23A.44.150; amending section 165, chapter 53, Laws of 1965 as amended by section 59, chapter 16, Laws of 1979 and RCW 23A.98.030; recodifying RCW 23A.08.480; adding new sections to chapter 23A.32 RCW; adding a new section to chapter 23A.44 RCW; adding new sections to chapter 43.07 RCW; creating new sections; repealing section 53, chapter 16, Laws of 1979 and RCW 23A.32.078; repealing section 1, chapter 2, Laws of 1971 ex. sess., section 58, chapter 16, Laws of 1979 and RCW 23A.40.150; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 4573, by Senators McCaslin, Charnley and Fuller:

AN ACT Relating to appropriations from the municipal revolving fund; amending section 43.09.270, chapter 8, Laws of 1965 and RCW 43.09.270; and amending section 43.09.282, chapter 8, Laws of 1965 and RCW 43.09.282.

Referred to Committee on Local Government.

SENATE BILL NO. 4574, by Senators Rasmussen and Zimmerman (by Legislative Budget Committee request):

AN ACT Relating to farm labor contractors; repealing section 1, chapter 392, Laws of 1955 and RCW 19.30.010; repealing section 2, chapter 392, Laws of 1955 and RCW 19.30.020; repealing section 3, chapter 392, Laws of 1955 and RCW 19.30.030; repealing section 4, chapter 392, Laws of 1955 and RCW 19.30.040;

repealing section 5, chapter 392, Laws of 1955 and RCW 19.30.050; repealing section 6, chapter 392, Laws of 1955 and RCW 19.30.060; repealing section 7, chapter 392, Laws of 1955 and RCW 19.30.070; repealing section 8, chapter 392, Laws of 1955 and RCW 19.30.080; repealing section 9, chapter 392, Laws of 1955 and RCW 19.30.090; repealing section 10, chapter 392, Laws of 1955 and RCW 19.30.100; repealing section 11, chapter 392, Laws of 1955 and RCW 19.30.110; repealing section 12, chapter 392, Laws of 1955 and RCW 19.30.120; repealing section 14, chapter 392, Laws of 1955 and RCW 19.30.130; repealing section 15, chapter 392, Laws of 1955, section 20, chapter 199, Laws of 1969 ex. sess. and RCW 19.30.140; repealing section 13, chapter 392, Laws of 1955 and RCW 19.30.150; and repealing section 17, chapter 392, Laws of 1955 and RCW 19.30.900.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4575, by Senators Rasmussen, Zimmerman and McDermott (by Legislative Budget Committee request):

AN ACT Relating to child labor; and repealing section 195, chapter 249, Laws of 1909, section 39, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.28.060.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4576, by Senators Quigg and Hemstad:

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

Referred to Committee on Local Government.

SENATE BILL NO. 4577, by Senators Zimmerman, Rasmussen and Ridder (by Legislative Budget Committee request):

AN ACT Relating to the board of prison terms and paroles; adding new sections to chapter 9.95 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4578, by Senators Scott, Deccio, Talmadge, Goltz, Charnley, Benitz and Fleming:

AN ACT Relating to the office of insurance commissioner; and adding a new section to chapter 48.02 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4579, by Senators Rasmussen and Zimmerman (by Legislative Budget Committee request):

AN ACT Relating to industrial welfare; amending section 15.24.086, chapter 11, Laws of 1961 as amended by section 20, chapter 154, Laws of 1973 1st ex. sess. and RCW 15.24.086; amending section 43.78.150, chapter 8, Laws of 1965 as amended by section 86, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.78.150; amending section 1, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.005; amending section 5, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.041; amending section 7, chapter 174, Laws of 1913 as amended by section 14, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.050; amending section 6, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.091; amending section 7, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.101; amending section 8, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.105; amending section 13, chapter 174, Laws of 1913 as last amended by section 35, chapter 80, Laws of 1977 ex. sess. and RCW 49.12.110; amending section 15, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.121; amending section 3, chapter 51, Laws of 1973 and RCW 49.12.123; amending section 17 1/2, chapter 174, Laws of 1913 and RCW 49.12.140; amending section 9, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.161; amending section 17, chapter 174, Laws of 1913 as amended by section

16, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.170; amending section 20, chapter 174, Laws of 1913 as amended by section 73, chapter 75, Laws of 1977 and RCW 49.12.180; repealing section 43.22.280, chapter 8, Laws of 1965, section 84, chapter 154, Laws of 1973 1st ex. sess., section 4, chapter 16, Laws of 1973 2nd ex. sess. and RCW 43.22.280; repealing section 10, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.035; and repealing section 15, chapter 174, Laws of 1913 and RCW 49.12.125.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4580, by Senators Rasmussen and Zimmerman (by Legislative Budget Committee request):

AN ACT Relating to health care activities; amending section 2, chapter 123, Laws of 1975 1st ex. sess. and RCW 43.22.505; repealing section 1, chapter 156, Laws of 1972 ex. sess., section 1, chapter 3, Laws of 1973 2nd ex. sess. and RCW 49.66.010; repealing section 2, chapter 156, Laws of 1972 ex. sess., section 2, chapter 3, Laws of 1973 2nd ex. sess. and RCW 49.66.020; repealing section 3, chapter 156, Laws of 1972 ex. sess., section 3, chapter 3, Laws of 1973 2nd ex. sess. and RCW 49.66.030; repealing section 4, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.040; repealing section 5, chapter 156, Laws of 1972 ex. sess., section 4, chapter 3, Laws of 1973 2nd ex. sess. and RCW 49.66.050; repealing section 6, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.060; repealing section 7, chapter 156, Laws of 1972 ex. sess., section 5, chapter 3, Laws of 1973 2nd ex. sess. and RCW 49.66.070; repealing section 8, chapter 156, Laws of 1972 ex. sess., section 6, chapter 3, Laws of 1973 2nd ex. sess. and RCW 49.66.080; repealing section 9, chapter 156, Laws of 1972 ex. sess., section 7, chapter 3, Laws of 1973 2nd ex. sess. and RCW 49.66.090; repealing section 10, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.100; repealing section 11, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.110; repealing section 12, chapter 156, Laws of 1972 ex. sess., section 8, chapter 3, Laws of 1973 2nd ex. sess., section 147, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.66.120; and repealing section 13, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.900.

Referred to Committee on Social and Health Services.

SENATE JOINT RESOLUTION NO. 141, by Senators Pullen and Bottiger: Removing the constitutional requirement for a state census and updating obsolete terms.

Referred to Committee on Constitutions and Elections.

ENGROSSED HOUSE BILL NO. 223, by Committee on Natural Resources and Environmental Affairs and Representative Rosbach:

Modifying provisions on forest protection.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 361, by Committee on Higher Education and Representatives Teutsch and Ellis:

Providing for removal of members of community college board of trustees by the governor.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 381, by Representatives Tilly and Padden: Modifying procedures applicable to conditionally released persons.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 386, by Representatives Nickell, Rinchart, Tilly, Rust, Barrett, Fancher and Wang:

Modifying the administration of winter recreation activities.

Referred to Committee on Natural Resources.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

### MOTIONS

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

On motion of Senator Lee, the Committee on Social and Health Services was relieved from further consideration of Senate Bill No. 3541.

On motion of Senator Lee, Senate Bill No. 3541 was rereferred to the Committee on Education.

On motion of Senator Lee, the Committee on Natural Resources was relieved from further consideration of Senate Bill No. 4487.

On motion of Senator Lee, Senate Bill No. 4487 was rereferred to the Committee on Ways and Means.

On motion of Senator Lee, the Committee on Ways and Means was relieved from further consideration of Senate Joint Resolution No. 138.

On motion of Senator Lee, Senate Joint Resolution No. 138 was rereferred to the Committee on State Government.

On motion of Senator Lee, the Committee on Social and Health Services was relieved from further consideration of Senate Bill No. 4499.

On motion of Senator Lee, Senate Bill No. 4499 was rereferred to the Committee on Financial Institutions and Insurance.

On motion of Senator Lee, the Committee on Social and Health Services was relieved from further consideration of Substitute House Bill No. 174.

On motion of Senator Lee, Substitute House Bill No. 174 was rereferred to the Committee on Commerce and Labor.

### MOTION

Senator Clarke moved the following measures be referred to the Committee on Parks and Ecology from Committee on Rules on third reading:

SSB 3025, SSB 3026, ESSB 3027, ESB 3028, SSB 3030 and ESSB 3031.

### POINT OF INQUIRY

Senator Williams: "Senator Clarke, perhaps, for the chairman of the committee or for you, I am curious as to why, for instance, the preservation bills are being moved back to committee. There was a period of time that these bills all passed the Senate and went to the House and then of course were returned after the conclusion of the last session.

"I am just curious as to what the intent of moving the bills back to committee is since I really have not been contacted in the interim or, for that matter, the people that are primarily interested in these bills, as to what the nature of the reason is for bringing them back to committee."

Senator Clarke: "I should perhaps yield to a member of rules committee because I am no longer on rules since I am a committee chairman but it is my understanding that most of these bills either have already been enacted into law in some other bill or for some reason or other rules committee felt that it was not desirable to have the Senate reconsider them for final passage. For that reason the reference back to committee, I believe in most instances, is to allow the committee simply to finally dispose of the bill by indefinite postponement or by simply not reconsidering."

Senator Williams: "I guess that, then, raises a concern on my part because I am not aware of any of these, for that matter, as being bills that have been resolved

either in other legislation or otherwise. The bills, perhaps, may have some work that could be done on them, however, I have not . . .".

Senator Clarke: "Senator, may I yield to Senator Fuller who is the chairman of that committee and who has more intimate knowledge as to the reasons on those particular bills."

#### REMARKS BY SENATOR FULLER

Senator Fuller: "Senator Williams, it has turned out that one or two of these bills have a very significant financial impact and also we have a conflict between one of those bills and a bill coming from the House. We would like to resolve that conflict in the committee rather than here on the floor. So we think they can be beneficially worked on in committee and we hope you will be able to attend the committee meeting, of course, and help us do that."

#### REMARKS BY SENATOR WILLIAMS

Senator Williams: "I guess my question is, 'Are you intending to put the bills on the calendar for consideration and hearing?'"

Senator Fuller: "We will have at least one hearing on each one and if the committee sees fit, we will go beyond that, yes."

Senator Williams: "Can you tell me which of the two bills are the ones that have the significant financial impact?"

Senator Fuller: "I believe 3025 has a local impact and the restoration building skills has some implications of cost to the state."

Senator Williams: "Well, I guess on the assurance that the bills will have hearings as opposed to simply putting them back to committee for killing them, I would not oppose the motion as long as there is that understanding that the bills are going to be heard."

Senator Fuller: "We expect to have hearings on them, yes."

Senator Williams: "Thank you."

The motion by Senator Clarke carried. The measures as indicated were referred to the Committee on Parks and Ecology.

#### MOTION

Senator Clarke moved Engrossed Substitute Senate Bill No. 3120 be referred to the Judiciary Committee from the Committee on Rules on third reading.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Clarke, the same kind of question as Senator Williams'. Will you be scheduling Senate Bill 3120 or some kind of similar house bill for a hearing sometime soon? That is the bill relating to the oversight of the organized crime intelligence unit of the state patrol who are members of the body."

Senator Clarke: "I assume I will if there are substantial requests for it. At the last meeting of that committee, there was some feeling that the present law should be allowed to remain in effect for a longer period of time to see whether it was working out properly. If you wish to request a hearing, that certainly will be taken under consideration."

Senator Talmadge: "Thank you, Senator Clarke. I would submit that both Senator Shinpooh and I would have a substantial interest in that bill."

The motion by Senator Clarke carried. Engrossed Substitute Senate Bill No. 3120 was referred to the Judiciary Committee from the Committee on Rules on third reading.

## MOTIONS

On motion of Senator Clarke, the following measures were referred to the committees indicated from the Committee on Rules on third reading: SB 3194 to the Committee on Commerce and Labor; SB 3884 to the Committee on Natural Resources; SCR 105 to the Judiciary Committee.

On motion of Senator Clarke, the following measures were referred to the committees indicated from the Committee on Rules on second reading: SB 3252 to the Judiciary Committee; SB 3920 to the Committee on Local Government; SB 4339 to the Committee on Transportation.

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

On motion of Senator Clarke, the Senate commenced consideration of Engrossed Senate Bill No. 3898.

## THIRD READING

ENGROSSED SENATE BILL NO. 3898, by Senators Rasmussen and Jones (by Utilities and Transportation Commission request):

Changing the name of the utilities and transportation commission to the public service commission.

## MOTION

On motion of Senator Clarke, the rules were suspended and Engrossed Senate Bill No. 3898 was returned to second reading.

Senator Lysen moved adoption of the following amendment by Senators Lysen and Quigg:

Throughout the bill, whenever "~~((utilities and transportation))~~ public service commission" appears, strike "~~((utilities and transportation))~~ public service commission" and insert "utilities ~~((and transportation))~~ commission"

## MOTION

On motion of Senator Rasmussen, Engrossed Senate Bill No. 3898, together with the pending amendment by Senators Lysen and Quigg, was ordered held for consideration on January 19, 1982.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 3993, by Committee on Transportation (originally sponsored by Senator Guess):

Implementing the International Registration Plan.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3993.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3993, and the bill passed the Senate by the following vote: Yeas, 31; nays, 13; absent or not voting, 1; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Talley, Vognild, von Reichbauer, Woody, Zimmerman—31.

Voting nay: Senators Fleming, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Williams, Wilson, Wojahn—13.

Absent or not voting: Senator Conner—1.

Excused: Senators Bottiger, McCaslin, Scott, Sellar—4.

SUBSTITUTE SENATE BILL NO. 3993, having received the 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 11:10 a.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Tuesday, January 19, 1982.

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

## NINTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, January 19, 1982.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Rasmussen and Sellar. On motion of Senator Ridder, Senator Rasmussen was excused. There being no objection, Senator Sellar was excused.

The Color Guard, consisting of Pages Jolie Rasmussen and Chris McDonald, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 18, 1982

**SENATE BILL NO. 4469**, advancing construction of interstate highways (reported by Committee on Transportation):

**MAJORITY recommendation:** That Substitute Senate Bill No. 4469 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Conner, Gallagher, Guess, Hansen, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 19, 1982.

**SENATE BILL NO. 4488**, revising payment procedures of assessments for local improvements (reported by Committee on Local Government):

**Recommendation:** Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

January 19, 1982.

**SENATE BILL NO. 4489**, revising appellate procedures from city police courts (reported by Judiciary Committee):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

January 19, 1982.

**SENATE BILL NO. 4491**, permitting state appeals court judges to serve as judges pro tempore of the state supreme court (reported by Judiciary Committee):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

January 19, 1982.

SENATE BILL NO. 4493, permitting justice courts to impose fines up to \$1000 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

January 18, 1982.

MARLEE L. NADDY, to the position of Member of the State Commission for the Blind, appointed by the Governor on January 26, 1981 for the term ending September 30, 1983, succeeding Frank M. Cuta (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, Moore, Ridder, Talmadge.

Passed to Committee on Rules.

January 18, 1982.

DANIEL V. CARBONE, to the position of Member of the Board of Trustees for Community College District No. 6, appointed by the Governor on October 15, 1981 for the term ending September 30, 1986, succeeding himself (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 18, 1982.

MARY McKINLEY, to the position of Member of the Board of Trustees for Community College District No. 8, appointed by the Governor on October 15, 1981 for the term ending September 30, 1986, succeeding herself (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 18, 1982.

DOROTHY K. HUNT, to the position of Member of the Board of Trustees for Community College District No. 11, appointed by the Governor on April 27, 1981 for the term ending September 30, 1985, succeeding herself (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

January 18, 1982.

MARY HENRIE, to the position of Member of the Board of Trustees for Community College District No. 15, appointed by the Governor on October 15, 1981 for the term ending September 30, 1986, succeeding herself (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

### MESSAGE TO THE SENATE

Mr. President, members of the Senate, pursuant to the provision of Senate Floor Resolution No. 146, we, the members of the Senate Constitutions and Elections Committee, have considered the Senate and House memorials requesting a balanced budget amendment to the federal constitution. After due consideration and public debate, we have adopted a report outlining our findings and recommendations. This report received the affirmative vote of four members and the negative vote of three members and has been made available for your review.

Signed: KENT PULLEN,  
Chairman  
Senate Constitutions and  
Elections Committee.

### INTERIM STUDY REPORT PURSUANT TO SENATE FLOOR RESOLUTION NO. 146

By: Senate Committee on Constitutions and Elections.

#### BACKGROUND

This report is submitted by the Senate Constitutions and Elections Committee pursuant to Senate Floor Resolution No. 146. SFR 146, in substance, requests that a joint select committee be appointed to study the differences between Senate and House legislation regarding a federal balanced budget and to make recommendations to the "1982 session of the Legislature."

The Senate Rules Committee, rather than appointing members to a joint select committee, referred the resolution to this standing committee. Therefore, we have assumed the responsibilities stipulated in the resolution and make the following report.

#### MATTERS OF DIFFERENCE

During the 1981 regular session of the Washington State Legislature, both houses of the Legislature passed slightly different memorials to the President of the United States and Congress calling for a constitutional amendment to require that the federal budget be balanced. Both memorials requested such an amendment be initiated either by Congress or by a constitutional convention. The Senate Memorial (ESJM 105) contains the identical language of the House Memorial (HJM 1), except that: (a) The Senate Memorial specifically provides that if a constitutional convention were called, that convention may not consider revisions to Amendments 1, 2, 4, 5, 6, 7, 13, 14, 15 or 19 of the Constitution of the United States of America; and (b) the Senate Memorial includes a referendum clause.

#### INTERIM STUDY

On September 11, 1981, the committee held a hearing to gather testimony on the measures. Testimony opposing the memorials focused on the potential evils of a run-away convention rather than attacking the need for constitutional restraints on federal spending. Supporting testimony contended that constitutional restraint is necessary to restore fiscal responsibility by curtailing federal deficit spending.

Regarding the differences between the Senate and House Memorials, testimony, staff research and committee debate revealed that opinions vary sharply on the force and effect of restrictions on the scope of a convention. Some scholars contend that Congress may limit the actions of a convention, while others argue that only the

delegates themselves may set the procedures for their deliberation. We found rational support for the position that limitations contained in memorials by the states will be held as valid restrictions over the scope of a constitutional convention. However, this position has not been tested by the Court, and therefore there is no positive assurance that a convention, once called, will restrict itself solely to the question of a balanced federal budget.

Additional discussion evolved around the need for and validity of the referendum clause contained in ESJM 105. Article V of the United States Constitution provides that Congress shall call a convention "on the application of the legislatures of two-thirds of the several states" (emphasis added). It is argued that only the legislature of a state may make an application and that a referendum clouds the validity of the origin of an application.

### RECOMMENDATIONS

The committee recommends that a no memorial to Congress regarding a balanced federal budget contain a provision for a constitutional convention.

Further, in the course of this interim study, we have found that any memorial to Congress requesting a constitutional convention should include language which will endeavor to restrict the scope of the convention, precluding revisions to Amendments 1, 2, 4, 5, 6, 7, 13, 14, 15 or 19 to the Constitution of the United States.

Due to the need for clarification of the impact of the referendum clause, we finally recommend that ESJM 105 be amended as follows:

On page 3, beginning on line 16, strike all material down to and including "thereof;" on line 21 and insert

"AND BE IT FURTHER RESOLVED, That this memorial shall be submitted to the people for their ratification, 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; and further

THAT, This memorial is an application by the legislature within the meaning of Article V of the Federal Constitution unless rejected by the people; and if rejected by the people, this memorial shall be considered null and void;"

On page 3, line 22, after "That" insert the following:

" , if ratified by the people, "

### REPORT OF STANDING COMMITTEE

MAJORITY recommendation: Report be adopted.

Signed by: Senators Clarke, Gould, Ridder and Woody.

MINORITY recommendation: Report not be adopted.

Signed by: Senators Pullen, Chairman; Conner and Metcalf.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 4581, by Senators Shinpoch, Deccio, Gaspard and Lee:

AN ACT Relating to certain deferred compensation plans for public employees; amending section 1, chapter 264, Laws of 1971 ex. sess. as last amended by section 2, chapter 256, Laws of 1981 and RCW 41.04.250; and amending section 1, chapter 274, Laws of 1975 1st ex. sess. as last amended by section 3, chapter 256, Laws of 1981 and RCW 41.04.260.

Referred to Judiciary Committee.

SENATE BILL NO. 4582, by Senators Quigg, Newhouse, Jones, Vognild, Williams and Hurley:

AN ACT Relating to the establishment of a small business innovators' opportunity program; adding a new chapter to Title 43 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4583, by Senator Deccio:

AN ACT Relating to blood banks; adding a new chapter to Title 70 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4584, by Senators Hemstad, Hansen, Benitz and Quigg:

AN ACT Relating to horse racing; amending section 1, chapter 55, Laws of 1933 as last amended by section 1, chapter 22, Laws of 1969 and RCW 67.16.010; amending section 3, chapter 236, Laws of 1949 as amended by section 2, chapter 22, Laws of 1969 and RCW 67.16.080; amending section 4, chapter 236, Laws of 1949 as amended by section 3, chapter 22, Laws of 1969 and RCW 67.16.090; amending section 7, chapter 31, Laws of 1979 and RCW 67.16.180; and creating a new section.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4585, by Senator Bottiger:

AN ACT Relating to state-wide natural gas companies; and amending section 82.16.020, chapter 15, Laws of 1961 as last amended by section 12, chapter 299, Laws of 1971 ex. sess. and RCW 82.16.020.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4586, by Senators Metcalf, Hemstad and Wilson (by Governor Spellman request):

AN ACT Relating to the reorganization of various agencies of state government; amending section 3, chapter 74, Laws of 1967 and RCW 43.63A.030; amending section 2, chapter 74, Laws of 1967 and RCW 43.63A.020; amending section 4, chapter 74, Laws of 1967 as amended by section 10, chapter 40, Laws of 1975 and RCW 43.63A.040; amending section 6, chapter 74, Laws of 1967 and RCW 43.63A.060; amending section 10, chapter 74, Laws of 1967 and RCW 43.63A.100; amending section 41, chapter 304, Laws of 1981 and RCW 43.63A.175; amending section 2, chapter 269, Laws of 1981 and RCW 43.63A.190; amending section 2, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.020; amending section 3, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.030; amending section 3, chapter 134, Laws of 1975 1st ex. sess. as amended by section 13, chapter 195, Laws of 1977 ex. sess. and RCW 27.53.030; amending section 4, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.060; amending section 5, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.070; amending section 6, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.080; amending section 9, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.110; amending section 11, chapter 5, Laws of 1965 as last amended by section 1, chapter 206, Laws of 1981 and by section 7, chapter 338, Laws of 1981 and RCW 43.99.110; amending section 4, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.122; amending section 5, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.124; amending section 6, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.126; amending section 13, chapter 5, Laws of 1965 as last amended by section 2, chapter 206, Laws of 1981 and RCW 43.99.130; amending section 1, chapter 24, Laws of 1979 ex. sess. and RCW 43.99.142; amending section 1, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.010; amending section 7, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.060; amending section 8, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.070; amending section 3, chapter 123, Laws of 1980 and RCW 28A.91.110; amending section 73, chapter 151, Laws of 1979 as last amended by section 15, chapter 67, Laws of 1981 and by section 20,

chapter 311, Laws of 1981 and RCW 42.17.240; amending section 20, chapter 87, Laws of 1980 and RCW 43.03.028; amending section 2, chapter 117, Laws of 1972 ex. sess. as amended by section 111, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31A.020; amending section 7, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.080; amending section 2, chapter 19, Laws of 1977 ex. sess. as amended by section 149, chapter 151, Laws of 1979 and RCW 43.132.020; amending section 8, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.070; amending section 4, chapter 189, Laws of 1981 and RCW 79.70.070; amending section 2, chapter 161, Laws of 1977 ex. sess. and RCW 79.72.020; 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; adding new sections to chapter 43.63A RCW; creating a new section; repealing section 43.31.200, chapter 8, Laws of 1965, section 42, chapter 171, Laws of 1974 ex. sess. and RCW 43.31.200; repealing section 43.31.210, chapter 8, Laws of 1965 and RCW 43.31.210; repealing section 43.31.220, chapter 8, Laws of 1965 and RCW 43.31.220; repealing section 43.31.230, chapter 8, Laws of 1965 and RCW 43.31.230; repealing section 7, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.090; repealing section 8, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.100; repealing section 1, chapter 74, Laws of 1967 and RCW 43.63A.010; repealing section 7, chapter 74, Laws of 1967, section 28, chapter 151, Laws of 1977 ex. sess., section 132, chapter 151, Laws of 1979 and RCW 43.63A.070; repealing section 8, chapter 74, Laws of 1967, section 63, chapter 75, Laws of 1977 and RCW 43.63A.080; repealing section 11, chapter 74, Laws of 1967 and RCW 43.63A.110; repealing section 21, chapter 99, Laws of 1979 and RCW 43.131.189; repealing section 63, chapter 99, Laws of 1979 and RCW 43.131.190; repealing section 28, chapter 99, Laws of 1979 and RCW 43.131.203; repealing section 70, chapter 99, Laws of 1979 and RCW 43.131.204; repealing section 35, chapter 99, Laws of 1979 and RCW 43.131.217; repealing section 77, chapter 99, Laws of 1979 and RCW 43.131.218; repealing section 28, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.270; decodifying RCW 43.41.900, 43.41.910, 43.41.920, 43.41.930, 43.41.960, 43.51A.040, 43.51A.050, 43.63A.090, 43.63A.170, and 43.63A.180; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 4587, by Senators Pullen and Woody:

AN ACT Relating to the recall; and amending section 29.82.160, chapter 9, Laws of 1965 and RCW 29.82.160.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4588, by Senator Quigg:

AN ACT Relating to the assignment of dental insurance benefits; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; and adding a new section to chapter 48.44 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4589, by Senators Pullen and Woody:

AN ACT Relating to elections; amending section 29.27.080, chapter 9, Laws of 1965 as amended by section 8, chapter 35, Laws of 1980 and RCW 29.27.080; amending section 29.82.030, chapter 9, Laws of 1965 as amended by section 4, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.030; and amending section 1, chapter 42, Laws of 1980 and RCW 29.82.105.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4590, by Senators Williams, Rasmussen, Lysen, Hurley, Conner, Goltz, Ridder, Wojahn, Charnley, Bauer, Hughes, McDermott, Gaspard, Fleming, Vognild and Talmadge:

AN ACT Relating to low-level nuclear waste; adding a new section to chapter 70.98 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 4591**, by Senators Lysen, Quigg, Hurley, Pullen, von Reichbauer and Craswell:

AN ACT Relating to the utilities and transportation commission; amending section 80.01.010, chapter 14, Laws of 1961 as amended by section 4, chapter 307, Laws of 1961 and RCW 80.01.010; amending section 29.21.085, chapter 9, Laws of 1965 as amended by section 88, chapter 176, Laws of 1969 ex. sess. and RCW 29.21.085; amending section 1, chapter 10, Laws of 1970 ex. sess. as amended by section 5, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.150; amending section 2, chapter 10, Laws of 1970 ex. sess. as last amended by section 8, chapter 183, Laws of 1979 ex. sess. and RCW 29.21.180; amending section 3, chapter 61, Laws of 1972 ex. sess. as amended by section 11, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.370; amending section 4, chapter 61, Laws of 1972 ex. sess. as amended by section 12, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.380; amending section 29.30.020, chapter 9, Laws of 1965 as last amended by section 52, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.020; amending section 61, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.091; amending section 34, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.320; amending section 43, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.420; amending section 29.80.010, chapter 9, Laws of 1965 as last amended by section 106, chapter 361, Laws of 1977 ex. sess. and RCW 29.80.010; amending section 29.80.020, chapter 9, Laws of 1965 as last amended by section 1, chapter 145, Laws of 1971 ex. sess. and RCW 29.80.020; and adding a new section to chapter 29.21 RCW.

Referred to Committee on Energy and Utilities.

**SENATE JOINT MEMORIAL NO. 115**, by Senators Bauer, Patterson, Talley, Hansen, Quigg, Benitz, Sellar, Hayner and Zimmerman:

Opposing the imposition of user fees to fund federal navigation projects.

Referred to Committee on Local Government.

**SENATE JOINT MEMORIAL NO. 116**, by Senators Williams, Gould, Lysen, Hurley, Conner, Wojahn, Ridder, Charnley, Vognild, McDermott, Goltz, Wilson, Bauer, Talmadge and Gaspard:

Requesting modification of federal policies on high-level radioactive wastes.

Referred to Committee on Energy and Utilities.

**SENATE JOINT RESOLUTION NO. 142**, by Senators Pullen and Woody:

Removing obsolete provisions from the Constitution.

Referred to Committee on Constitutions and Elections.

**SENATE CONCURRENT RESOLUTION NO. 133**, by Senators Quigg, Jones, Bluechel, Lee, Kiskaddon, Haley, Deccio, Gould, Clarke, Gallagher, Patterson, Newhouse, Fuller, Hemstad, Benitz, Zimmerman, Hayner, Vognild, Metcalf and Guss:

Establishing 1982 as "Washington Works Year".

Referred to Committee on Commerce and Labor.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

### THIRD READING

**ENGROSSED SENATE BILL NO. 3310**, by Senators Gould, Williams and Fuller:

Confirming rules adopted as standards for energy use in buildings.

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

## POINT OF INQUIRY

Senator Pullen: "Senator Gould, a few years ago, President Carter, by executive order, mandated that all thermostats were to be maintained at 65 degrees. That made quite a few people rather cold during the winter months. Many citizens thought that that was simply government bureaucracy in action.

"Is there anything you can tell us about this bill that would convince us that it is not just more bureaucracy?"

Senator Gould: "I am not sure if I could ever convince you of that, Senator Pullen. In reference to President Carter's order on the 65 degree thermostat and people were concerned because that made them cold, I will assure you that this bill will help make them warm."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, members of the Senate. This bill and Senator Pullen's remarks give me an opportunity to remind you that at the time President Carter issued that order, we were importing almost 20% of our oil from foreign countries. That got down to a substantially lower figure; however, the trend is now going back up, and it is a warning, Senator Pullen, that this is not an issue that will come and go; one that we will have to continually address is that of minimizing our dependence on foreign imported oil. And a building code, a proper and adequate building code is at least a step in the right direction."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3310.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3310 and the bill passed the Senate by the following vote: Yeas, 42; nays 5; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, Williams, Wojahn, Woody—42.

Voting nay: Senators Bauer, Pullen, von Reichbauer, Wilson, Zimmerman—5.

Excused: Senators Rasmussen, Sellar—2.

ENGROSSED SENATE BILL NO. 3310, having received the 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

ENGROSSED SENATE BILL NO. 3737, by Senators Lee, Goltz and Haley: Modifying the administration of winter recreation activities.

## MOTIONS

On motion of Senator Lee, the rules were suspended and Engrossed Senate Bill No. 3737 was returned to second reading.

On motion of Senator Woody, the following amendment by Senators Woody and Metcalf was adopted:

On page 2, line 11, after "committee" and before the period insert: "PROVIDED, HOWEVER, That such fee may not exceed ten dollars annually"

On motion of Senator Lee, the following amendment was adopted:

On page 5, after line 2 of the engrossed bill, being page 5, after line 1 of the printed bill, insert the following:

"NEW SECTION, Sec. 7. There is appropriated for the biennium ending June 30, 1983, from the winter recreation parking account in the general fund to the state parks and recreation commission the sum of thirty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act."

Renumber the sections consecutively.

On motion of Senator Lee, the following amendments to the title were adopted:

On page 1, line 11, of the title, after "creating a new section;" strike "and providing an effective date." and insert "and declaring an emergency."

On page 1, line 10 of the title of the engrossed bill, being line 2 of the Senate amendment to page 1, line 10 of the printed bill, after "creating" strike "a new section;" and insert "new sections; making an appropriation;"

On motion of Senator Lee, the rules were suspended, Reengrossed Senate Bill No. 3737 was advanced to third reading, the second 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 Senate Bill No. 3737, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Bottiger, Conner, Talley—3.

Excused: Senators Rasmussen, Sellar—2.

REENGROSSED SENATE BILL NO. 3737, having received the 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 Clarke, Engrossed Senate Bill No. 3898 was ordered held for consideration on January 20, 1982.

### THIRD READING

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 127, by Senators Metcalf, Vognild, Rasmussen, Moore, McCaslin, Pullen, Guess, Hansen, Bauer, Lysen, Craswell and Fuller:

Requesting actions be filed in the supreme court against unsound monetary policies.

### MOTION

On motion of Senator Ridder, Senator McDermott was excused.

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

The President declared the question before the Senate to be adoption of Engrossed Senate Concurrent Resolution No. 127.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 127, having received the constitutional majority, was adopted.

## MOTIONS

On motion of Senator Clarke, Engrossed Senate Bill No. 3565 was ordered held for consideration on January 20, 1982.

## THIRD READING

ENGROSSED SENATE BILL NO. 3724, by Senators Scott, Ridder, Gould, von Reichbauer and Woody:

Adding requirement for education on drug effects to school curriculum.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3724.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3724, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Haley, Hemstad, Williams, Wilson—4.

Excused: Senators McDermott, Rasmussen, Sellar—3.

ENGROSSED SENATE BILL NO. 3724, having received the 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

ENGROSSED SENATE BILL NO. 3318, by Senators Patterson, Wilson, Fuller and Charnley:

Authorizing the use of hotel/motel tax receipts for other capital purposes.

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

## POINT OF INQUIRY

Senator Bottiger: "Senator Quigg, we are authorizing cities to get into building convention centers. There is nothing wrong with new federalism on this, is there?"

Senator Quigg: "Compared to what, Senator Bottiger?"

Senator Bottiger: "Well, it looks like the public is getting into collecting a tax and then going to build a convention center and an art center and whole bunch of things like that. We are not violating any of the new rules?"

Senator Quigg: "As far as I know we are not, Senator, and I appreciate your interest and your getting with the program and I know with your kind of experience and background it is going to serve the public very well."

Debate ensued.

## POINT OF INQUIRY

Senator Pullen: "Will Senator Patterson yield to a question?"

(Senator Patterson declined to yield)

Senator Pullen: "Will Senator Zimmerman yield to a question?"

(Senator Zimmerman declined to yield)

## MOTION

On motion of Senator Pullen, Engrossed Senate Bill No. 3318 will be considered following Substitute Senate Bill No. 4315.

## MOTION

On motion of Senator Clarke, Engrossed Second Substitute Senate Bill No. 3084, Engrossed Senate Bill No. 3446 and Substitute Senate Bill No. 4315 will be considered on January 20, 1982.

## THIRD READING

ENGROSSED SENATE BILL NO. 3318, by Senators Patterson, Wilson, Fuller and Charnley:

Authorizing the use of hotel/motel tax receipts for other capital purposes.

The Senate resumed consideration of Engrossed Senate Bill No. 3318 from earlier today.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3318.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3318 and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Zimmerman—33.

Voting nay: Senators Craswell, Deccio, Fleming, Goltz, Hurley, Kiskaddon, Lysen, Pullen, Ridder, Scott, Shipoch, von Reichbauer, Woody—13.

Excused: Senators McDermott, Rasmussen, Sellar—3.

ENGROSSED 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.

## THIRD READING

ENGROSSED SENATE BILL NO. 3007, by Senators Hansen, Guess and Hughes:

Regulating private family day care homes.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3007.

Debate ensued.

## POINT OF INQUIRY

Senator Woody: "Senator Hansen, the question I have for Senator Hansen is, I notice in the bill summary it says that 'a certificate of registration shall be issued by the department of social and health services after fire inspection and after an inspection by local health officials.' Do you know what kind of local health official certification we are expecting to receive?"

Senator Hansen: "It would be the county health department and the local fire department that would make the fire and health safety inspections; and then the registration would be issued by social and health services."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3007 and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; excused, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wojahn, Woody—36.

Voting nay: Senators Bauer, Charnley, Fleming, Goltz, Hemstad, Kiskaddon, Ridder, Talmadge, Wilson, Zimmerman—10.

Excused: Senators McDermott, Rasmussen, Sellar—3.

ENGROSSED SENATE BILL NO. 3007, having received the 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

SENATE BILL NO. 3930, by Senators Lee, Scott and Gallagher:  
Repealing provisions relating to game department property taxes.

### MOTIONS

On motion of Senator Lee, the rules were suspended and Senate Bill No. 3930 was returned to second reading.

On motion of Senator Lee, the following amendment was adopted:

On page 1, section 2, line 16, after act strike "shall take effect on July 1, 1982." and insert "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 Lee, the following amendment to the title was adopted:

On page 1, line 6 of the title, after "77.12.203;" strike "and providing an effective date." and insert "and declaring an emergency."

On motion of Senator Lee, the rules were suspended, Engrossed Senate Bill No. 3930 was advanced to third reading, the second 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. 3930 and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Goltz, Hemstad, Talmadge, Wilson—4.

Absent: Senator Newhouse—1.

Excused: Senators McDermott, Rasmussen, Sellar—3.

ENGROSSED SENATE BILL NO. 3930, having received the 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

SENATE BILL NO. 3394, by Senators Goltz, Bottiger and Quigg:  
Increasing the business and occupation tax credit for cogeneration facilities.  
The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3394.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3394 and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Charnley, Hurley, Lysen, Shinpoch, Wilson—5.

Excused: Senators McDermott, Rasmussen, Sellar—3.

SENATE BILL NO. 3394, having received the 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 Clarke, the Senate advanced to the eighth order of business.

On motion of Senator Jones, there being no objection, all members were permitted as additional sponsors to Senate Resolution 1982-165.

### MOTION

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

#### SENATE RESOLUTION 1982—165

By Senators Hayner, Jones, Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman:

WHEREAS, Workers from throughout the state have journeyed to Olympia to share their concerns about the state's economy with the Legislature; and

WHEREAS, The Washington State Senate recognizes the dignity of all workers and their labor, the Senate thanks the workers for their expressions of concern, wishes to welcome them to Olympia and to assure the visitors that the Legislature shares their concerns about unemployment and the lagging economy, and has dedicated itself to this principle and program: Washington Works; and

WHEREAS, The Senate wishes to hear the concerns of Washington workers on January 20, the Senate shall schedule itself in such a way as to meet with as many workers as possible, and note their ideas for revitalizing the state's economy;

NOW, THEREFORE, BE IT RESOLVED, That the Senate show honor and respect for workers in Washington State by operating on a reduced session schedule to allow for as many contacts between Senators and workers as is practicable.

#### MOTIONS

On motion of Senator Lee, the Committee on Ways and Means was relieved from further consideration of Senate Bill No. 4581.

On motion of Senator Lee, Senate Bill No. 4581 was rereferred to the Judiciary Committee.

On motion of Senator Lee, the Committee on Transportation was relieved from further consideration of Senate Bill No. 4591.

On motion of Senator Lee, Senate Bill No. 4591 was rereferred to the Committee on Energy and Utilities.

On motion of Senator Lee, the Judiciary Committee was relieved from further consideration of Senate Joint Resolution No. 140.

On motion of Senator Lee, Senate Joint Resolution No. 140 was rereferred to the Committee on Constitutions and Elections.

#### POINT OF INQUIRY

Senator Quigg: "Senator Wilson, what is a 'short Democrat?'"

Senator Wilson: "Well, I just apologized to Senator Ridder for telling a lie, by announcing there would be a short Democratic caucus, and I am not about to apologize to you, also."

#### MOTION

At 11:47 a.m., on motion of Senator Jones, the Senate adjourned until 10:30 a.m., Wednesday, January 20, 1982.

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

## TENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 20, 1982.

The Senate was called to order at 10:30 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 Kristin Lee and Robin Halseth, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 19, 1982

**SUBSTITUTE SENATE BILL NO. 3033**, authorizing municipal corporation heating systems (reported by Committee on Energy and Utilities):

**MAJORITY** recommendation: That Second Substitute Senate Bill No. 3033 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Gould, Chairman; Fuller, Hurley, Moore, Quigg, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

January 19, 1982.

**SENATE BILL NO. 3587**, implementing law relating to kindergartens (reported by Committee on Education):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

January 19, 1982.

**SENATE BILL NO. 3847**, revising laws relating to uniform allowance of organized militia (reported by Committee on State Government):

**MAJORITY** recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

January 18, 1982.

**ENGROSSED SENATE BILL NO. 3946**, modifying the aircraft fuel excise tax (reported by Committee on Transportation):

**MAJORITY** recommendation: That Substitute Senate Bill No. 3946 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Patterson, Vice Chairman; Charnley, Conner, Gallagher, Guess, Hansen, Kiskaddon, Peterson, Talley.

Passed to Committee on Rules for second reading.

January 19, 1982.

SENATE BILL NO. 4440, modifying the educational employment relations act (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 4440 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

MINORITY recommendation: Do not pass.

Signed by: Senators McDermott, Moore.

Passed to Committee on Rules for second reading.

January 19, 1982.

SENATE BILL NO. 4463, modifying provisions relating to joint operating agencies (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 4463 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Hurley, Moore, Newhouse, Williams, Woody.

Passed to Committee on Rules for second reading.

January 20, 1982.

SENATE BILL NO. 4464, modifying provisions relating to crab fishing (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gallagher, Chairman; Patterson, Peterson, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

January 19, 1982.

SENATE BILL NO. 4477, modifying provisions relating to volunteer work on state park lands (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fuller, Chairman; Bluechel, Guess, Haley, Hansen, Quigg, Zimmerman.

MINORITY recommendation: Do not pass.

Signed by: Senators Goltz, Hughes, Hurley, Williams.

Passed to Committee on Rules for second reading.

January 19, 1982.

SENATE BILL NO. 4505, treasurers' investment fee (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 4505 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, Talley, Wilson.

Passed to Committee on Rules for second reading.

January 19, 1982.

SENATE BILL NO. 4559, modifying the state forms management program (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

## MOTION

At 10:39 a.m., on motion of Senator Clarke, the Senate recessed until 1:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

## MOTION

At 1:05 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 1:40 p.m.

## MESSAGES FROM THE HOUSE

January 19, 1982.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 33, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

January 19, 1982.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 787,

HOUSE BILL NO. 847, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

January 19, 1982.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 419,

ENGROSSED HOUSE BILL NO. 439,

HOUSE BILL NO. 461,

REENGROSSED SUBSTITUTE HOUSE BILL NO. 506, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 4592, by Senators Vognild, Quigg, Fleming, Lysen, Ridder, Bottiger, McDermott, Talmadge and Gaspard:

AN ACT Relating to business and occupation tax credits; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4593, by Senators Vognild, Quigg, Talmadge, Ridder, Fleming, McDermott, Bottiger, Charnley and Gaspard:

AN ACT Relating to unemployment insurance; and adding a new chapter to Title 50 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4594, by Senators Fleming, Quigg, Charnley, Vognild, Bottiger, Ridder, Hughes, Rasmussen, Wojahn, McDermott, Gaspard and Bauer:

AN ACT Relating to the employment services program; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4595, by Senators Goltz, Haley, Woody, Moore, Fleming, Bottiger, Wojahn, Lysen, Talley, Rasmussen, Conner, Ridder, Gaspard, McDermott, Hurley, Charnley and Bauer:

AN ACT Relating to the youth service corps; adding a new chapter to Title 50 RCW; providing an expiration date; and making an appropriation.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4596, by Senators McDermott, Quigg, Fleming, Vognild, Moore, Woody, Talmadge and Gaspard:

AN ACT Relating to unemployment compensation and services programs; creating a new section; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4597, by Senators Zimmerman, Vognild and Bauer:

AN ACT Relating to fireworks; 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 36, chapter 228, Laws of 1961 and RCW 70.77.295; amending section 38, chapter 228, Laws of 1961 and RCW 70.77.305; 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 48, chapter 228, Laws of 1961 and RCW 70.77.355; 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 58, chapter 228, Laws of 1961 and RCW 70.77.405; 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 70.77 RCW; repealing section 2, chapter 228, Laws of 1961 and RCW 70.77.125; repealing section 3, chapter 228, Laws of 1961 and RCW 70.77.130; repealing section 4, chapter 228, Laws of 1961 and RCW 70.77.135; repealing section 5, chapter 228, Laws of 1961 and RCW 70.77.140; 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 39, chapter 228, Laws of 1961 and

RCW 70.77.310; 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; and repealing section 89, chapter 228, Laws of 1961 and RCW 70.77.560.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4598, by Senators Bottiger, Wojahn and Ridder:

AN ACT Relating to excise taxes; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 8, Laws of 1981 2nd ex. sess. and RCW 82.08.020; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4599, by Senators Zimmerman and Bauer:

AN ACT Relating to mosquito control districts taxes; and amending section 10, chapter 153, Laws of 1957 as amended by section 2, chapter 195, Laws of 1973 1st ex. sess. and RCW 17.28.100.

Referred to Committee on Local Government.

SENATE BILL NO. 4600, by Senators Bottiger, Gaspard, Rasmussen, Ridder, Lysen, Moore, Vognild, Wojahn, Fleming, Hurley, Bauer, Hansen and Woody:

AN ACT Relating to crime and punishment; adding a new chapter to Title 9A RCW; repealing section 9A.20.030, chapter 260, Laws of 1975 1st ex. sess., section 3, chapter 29, Laws of 1979 and RCW 9A.20.030; defining crimes; prescribing penalties; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 4601, by Senators Bauer and Zimmerman:

AN ACT Relating to toxic plants; adding a new section to chapter 69.40 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4602, by Senators Lee and Talmadge:

AN ACT Relating to street lighting systems; amending section 1, chapter 68, Laws of 1941 and RCW 57.08.060; adding a new section to chapter 56.08 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 4603, by Senators Zimmerman, Fleming, Bottiger, Hemstad, Bauer, Benitz and Fuller (by Governor Spellman request):

AN ACT Relating to public improvements financing; adding a new chapter to Title 39 RCW; and adding a new section to chapter 84.55 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4604, by Senator Scott:

AN ACT Relating to revenue and taxation; amending section 82.08.050, chapter 15, Laws of 1961 as last amended by section 7, chapter 299, Laws of 1971 ex. sess. and RCW 82.08.050; amending section 82.32.290, chapter 15, Laws of 1961 as amended by section 89, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32-.290; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 4605, by Senator Scott:

AN ACT Relating to the department of revenue; and amending section 4, chapter 26, Laws of 1967 ex. sess. and RCW 82.01.070.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4606, by Senators Zimmerman, Hemstad, Wilson and Charnley:

AN ACT Relating to library trustees; and amending section 8, chapter 119, Laws of 1935 as last amended by section 2, chapter 26, Laws of 1981 and RCW 27.12.190.

Referred to Committee on Local Government.

SENATE BILL NO. 4607, by Senator Scott:

AN ACT Relating to revenue and taxation; amending section 4, chapter 191, Laws of 1979 ex. sess. and RCW 82.35.040; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4608, by Senators Fuller, Peterson, Hemstad, Gallagher and Conner:

AN ACT Relating to forest land taxation; amending section 1, chapter 347, Laws of 1977 ex. sess. as last amended by section 1, chapter 148, Laws of 1981 and RCW 84.33.071; amending section 1, chapter 146, Laws of 1981 and RCW 84.33-.073; amending section 10, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.100; and amending section 13, chapter 294, Laws of 1971 ex. sess. as last amended by section 8, chapter 148, Laws of 1981 and RCW 84.33.130.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4609, by Senators Kiskaddon and Vognild (by Governor Spellman request):

AN ACT Relating to transportation; amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 6, chapter 344, Laws of 1981 and RCW 41.05.050; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 9, chapter 342, Laws of 1981 and RCW 46.68.030; amending section 5, chapter 344, Laws of 1981 and RCW 47.60.326; amending section 47.64.090, chapter 13, Laws of 1961 and RCW 47.64.090; amending section 9, chapter 344, Laws of 1981 (uncodified); adding a new section to chapter 41.58 RCW; adding a new section to chapter 47.60 RCW; adding new sections to chapter 47.64 RCW; repealing section 7, chapter 344, Laws of 1981 and RCW 41.06.166; repealing section 8, chapter 24, Laws of 1972 ex. sess., section 10, chapter 342, Laws of 1981 and RCW 47.60.325; repealing section 47.64.010, chapter 13, Laws of 1961, section 33, chapter 296, Laws of 1975 1st ex. sess., section 1, chapter 344, Laws of 1981 and RCW 47.64.010; section 2, chapter 344, Laws of 1981 and RCW 47.64.031; repealing section 3, chapter 344, Laws of 1981 and RCW 47.64.100; repealing section 4, chapter 344, Laws of 1981 and RCW 47.64.110; repealing section 47.64.040, chapter 13, Laws of 1961, section 35, chapter 296, Laws of 1975 1st ex. sess., section 1, chapter 73, Laws of 1979 ex. sess. and RCW 47.64.040; providing penalties; and declaring an emergency.

SENATE BILL NO. 4610, by Senators Quigg, Deccio, Talmadge and Moore:

AN ACT Relating to assignment of health care insurance payments; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; and adding a new section to chapter 48.44 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4611, by Senators Guess, Benitz, Gallagher, McCaslin, Craswell and Haley:

AN ACT Relating to salaries for public employees; amending section 14, chapter 340, Laws of 1981 as amended by section 15, chapter 14, Laws of 1981 2nd ex.

sess. (uncodified); amending section 92, chapter 340, Laws of 1981 as amended by section 76, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4612, by Senators Gallagher, Vognild and Haley:

AN ACT Relating to food fish and shellfish; amending section 75.16.010, chapter 12, Laws of 1955 as amended by section 1, chapter 35, Laws of 1971 and RCW 75.16.010; amending section 75.16.020, chapter 12, Laws of 1955 and RCW 75.16.020; 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; amending section 7, chapter 98, Laws of 1980 and RCW 82.27.070; and adding a new chapter to Title 75 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4613, by Senators Metcalf, Pullen and Craswell:

AN ACT Relating to education; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW.

Referred to Committee on Education.

SENATE BILL NO. 4614, by Senator Vognild:

AN ACT Relating to barbering; amending section 2, chapter 75, Laws of 1923 as last amended by section 2, chapter 223, Laws of 1967 and RCW 18.15.020; amending section 6, chapter 75, Laws of 1923 as last amended by section 11, chapter 158, Laws of 1979 and RCW 18.15.050; adding a new section to chapter 18.15 RCW; repealing section 3, chapter 75, Laws of 1923, section 2, chapter 199, Laws of 1937, section 2, chapter 51, Laws of 1949, section 2, chapter 16, Laws of 1951, section 1, chapter 101, Laws of 1957, section 3, chapter 223, Laws of 1967, section 4, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.040; and repealing section 3, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.045.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4615, by Senators Metcalf, Gaspard and Gallagher:

AN ACT Relating to public officials; and adding a new section to chapter 43.03 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 4616, by Senators Gould, Moore, Hemstad and Williams:

AN ACT Relating to electrical rates and conservation; and adding a new chapter to Title 80 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4617, by Senators Bauer, Bluechel, Scott, Hansen, Bottiger, Hughes, Gaspard, Zimmerman and Talley:

AN ACT Relating to property taxation; amending section 12, chapter 212, Laws of 1973 1st ex. sess. as amended by section 5, chapter 134, Laws of 1980 and RCW 84.34.108; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4618, by Senators Vognild, Quigg and Hansen:

AN ACT Relating to shoreline management; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4619, by Senators Metcalf, Conner and Gallagher:

AN ACT Relating to veterans; creating a new section; and providing an expiration date.

Referred to Committee on State Government.

SENATE BILL NO. 4620, by Senators Quigg, Conner, Talley and Fuller:  
AN ACT Relating to excise taxation; adding a new chapter to Title 82 RCW;  
and providing an effective date.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 143, by Senators Gallagher, Fleming, Bottiger, Zimmerman, Hemstad, Bauer and Benitz (by Governor Spellman request):  
Providing the means for the payment of indebtedness on public improvements.

Referred to Committee on Local Government.

SENATE CONCURRENT RESOLUTION NO. 134, by Senators Lee, Bluechel, Wojahn and Shinpoch:

Urging the adoption of abuse prevention programs in Washington schools.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 419, by Committee on Natural Resources and Environmental Affairs (originally sponsored by Committee on Natural Resources and Environmental Affairs and Representatives Wilson and North):

Notifying the buyer of land when reforestation is required.

Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 439, by Representatives North, Sherman and Garrett:

Providing that candidates for municipal office may file with the city clerk.

Referred to Committee on Constitutions and Elections.

HOUSE BILL NO. 461, by Representatives Prince, Burns, Isaacson, Amen and Stratton:

Authorizing educational reciprocity as to institutions of higher education with state of Idaho.

Referred to Committee on Higher Education.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 506, by Committee on Revenue (originally sponsored by Representatives Dickie, Granlund, Smith, Hine, Fiske, Flanagan, Galloway, Lewis, Clayton, Van Dyken, McCormick, Patrick, Gallagher, Salatino, Wilson, Bickham, Winsley and Wang):

Modifying provisions on senior citizen tax relief.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 787, by the Select Committee on Redistricting (originally sponsored by Representatives Eberle, Sanders and Prince):

Providing for congressional redistricting and reapportionment and establishing a redistricting commission.

Referred to Committee on State Government.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

#### MOTION

On motion of Senator Clarke, all measures were referred as indicated on the lists on the desk of each member with the exception of House Bill No. 847, House Concurrent Resolution No. 33 and Senate Bill No. 4609.

#### MOTION

Senator Clarke moved that Senate Bill No. 4609 be referred to the Committee on Transportation.

Debate ensued.

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

Senators Bottiger, McDermott and Goltz demanded a Call of the Senate.

Senator von Reichbauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the demand for a Call of the Senate.

#### ROLL CALL

The Secretary called the roll and the demand for the Call of the Senate was not sustained by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

The President declared the question before the Senate to be the roll call as demanded by Senator Talmadge previously on the motion by Senator Clarke that Senate Bill No. 4609 be referred to the Committee on Transportation.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Senate Bill No. 4609 was referred to the Committee on Transportation.

#### INTRODUCTION AND FIRST READING

HOUSE BILL NO. 847, by Representatives Barnes and Scott:

Revising maximum interest paid by operating agencies.

#### MOTION

On motion of Senator Clarke, the rules were suspended and House Bill No. 847 was advanced to second reading and read the second time in full.

Senator Gould moved adoption of the following amendment:

On page 2, line 24, after "act." insert "The legislative body of any member may authorize and make such advances or contributions to an operating agency to assist in a plan for termination of a project or projects, whether or not such member is a participant in such project or projects."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Gould, as I read the bill and your amendment, the bill does not relate to, particularly to mothballing or termination. It is a wide-open bill that any entity may loan money to WPPSS; and I am going to touch briefly on your other amendment which strikes the twelve and inserts the fifteen, fifteen percent or 4. above the amount established by the San Francisco Reserve Bank,

the Federal Reserve Bank, which could, in the future, go up to nineteen, twenty or twenty-one percent as we were in the past, and is headed that way right now.

"But my main question is, do you propose that the legislative body of any member—city of Tacoma, we have a legislative body for public utilities, and we have a separate legislative body in the city council. Now it might be that they could interpret this that the legislative body of the public utilities could act independently of the city council. And I would hope that you would put that on the record that it would have to be the final legislative body; and while I am asking this question, the other question would be, let us take the city of Seattle or Tacoma or Spokane that have bonding capabilities. They could issue bonds on their own, either inside levy or general obligation, it would be general obligation if they were an inside-levy anyway; and then loan them to WPPSS for whatever purpose WPPSS wanted. There is no provision in the bill and it does not tie it down, this determination.

"For instance, let me clarify that a little bit. WPPSS goes to the bond market and they have been dropped down to a single A from AA or AAA, and they decide they do not want to go at that rate, but the other operating agencies have a better bonding capacity and a better rating, AA or AAA. They then could issue the bonds and loan the money to WPPSS under this. So that is what I am suggesting to you, it is a wide-open bill that the people themselves may not like."

Senator Gould: "In response to Senator Rasmussen's statement and questions, I see three things in there that I want to respond to. One is, 'Yes, Senator, it is the legislative authority of the city itself that makes the decision,' as has the city of Tacoma; and the city council of Tacoma made the decision all the way along as to how they participate in this program, so there is no problem with that.

"Secondly, the city of Spokane, or any other city in the state that was not a member of the Washington Public Power Supply System, could not participate in this, could not use this as a vehicle for participating, because it says 'any member' and that includes, basically, Tacoma and Seattle who have their own municipal city light.

"As far as the open-endedness of the rate, you are right. It does not say that it has to specifically be tied to termination or even to mothballing. In fact, originally the idea was to do this so they could go into mothballing and help them in that; since that has fallen apart it becomes even more imperative that they have that authority under termination process.

"I believe and I think you believe too, Senator Rasmussen, that in this case, first of all the utility is not going to be lending 'their bonding rating' because the bonding companies are looking very closely at that, in fact the facilities are getting very similar bond ratings as to WPPSS. Some of the utilities even at this point cannot go out, or have been told they cannot get funds for their own individual projects because of the indenture of, indebtedness of WPPSS.

"I guess that clarifies as much as I could on it."

Senator McDermott moved adoption of the following amendment to the amendment by Senator Gould:

Following the last word of the Gould amendment, after the period, insert "However, such member who lends monies shall not, solely because of said loan, accrue any liability for WPPSS projects 4 and 5."

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator McDermott, I see the import and purpose of your amendment and I would tend to sympathize with it. I am wondering, however, if you would—and I realize I am asking for an amendment to an amendment to an

amendment, so it would have to be a substitute amendment. But would you be willing to insert, after 'accrue,' the words 'solely because of said loan any liability for the loan of such money,' any liability for the project.

"What I am thinking of, let us suppose Snohomish and Tacoma which are liable on four and five, contribute to the form of a loan, would they then escape liability they already had because of said loan, obviously if they would, WPPSS could not accept the money."

Senator McDermott: "With your answer to my question already in the record, if it is, as long as Seattle or any agency that did not participate in setting up four and five, as long as they do not get any responsibility for the whole problem as a result of making this loan, I would accept that as a friendly amendment. Perhaps you ought to set it down for a moment and redraw it so everybody knows what we are talking about."

Further debate ensued.

### MOTIONS

Senator Clarke moved that House Bill No. 847, together with the pending amendment by Senator Gould and the amendment to the amendment by Senator McDermott, be considered following House Concurrent Resolution No. 33.

Senator Talmadge moved that House Bill No. 847, together with the pending amendment by Senator Gould and the amendment to the amendment by Senator McDermott, be considered on January 21, 1982.

Debate ensued.

There being no objection, the motion by Senator Talmadge was withdrawn.

The motion by Senator Clarke carried. House Bill No. 847, with the pending amendments, will be considered following House Concurrent Resolution No. 33.

### FIRST READING OF HOUSE RESOLUTION

<sup>4</sup>HOUSE CONCURRENT RESOLUTION NO. 33, by Representatives Fiske, Thompson and Wilson:

Establishing a joint select committee on telephone systems.

### MOTIONS

On motion of Senator Newhouse, the rules were suspended and House Concurrent Resolution No. 33 was advanced to second reading and read the second time in full.

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

On page 1, line 15, strike "majority leader" and insert "president"

### MOTION

On motion of Senator Newhouse, the rules were suspended and Engrossed House Concurrent Resolution No. 33 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Debate ensued.

### POINT OF INQUIRY

Senator Rasmussen: "Senator Hayner, you say the department of general administration has already made the decision?"

Senator Hayner: "They have not purchased any equipment, they are seriously toying with the idea and they are thinking that is the way they will go but they have not taken the action yet, as I understand it."

Senator Rasmussen: "Well, the resolution reads 'to investigate the cost and reliability of the proposed new telephone system and other appropriate matters.' What would the 'other appropriate matters' be?"

Senator Hayner: "With respect to costs and efficiency and how the thing operates and what the new system is and what the future shall hold and how obsolete it becomes and . . ."

Senator Rasmussen: "I thought maybe the 'appropriate matters' might refer to our good Senators Jones and Fleming whether or not they would be allowed to stay working with the telephone company. And whether or not we should retain our stock in AT & T or PNB, I do not know which; but I presume all of us that are affected will not be voting on it, and I would sincerely hope the 'appropriate matters' would not interfere with the normal cost-savings of the general administration under this administration, are particularly looking for, because they are running out of dollars and they have to get service as cheap as they can. As far as the state is concerned, I would hope that they could also get a little cheaper service for the people that are paying for the operation of the state as Senator Bottiger said, we, the taxpayers need a little relief, too."

The President declared the question before the Senate to be adoption of Engrossed House Concurrent Resolution No. 33.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 33, having received the constitutional majority, was passed.

## SECOND READING

HOUSE BILL NO. 847, by Representatives Barnes and Scott:

Revising maximum interest paid by operating agencies.

The Senate resumed consideration of House Bill No. 847, the pending amendment by Senator Gould and the amendment to the amendment by Senator McDermott from earlier today.

There being no objection, the amendment by Senator McDermott to the amendment by Senator Gould, was withdrawn.

Senator McDermott moved adoption of the following amendment to the amendment by Senator Gould:

Following the last word of the Gould amendment, after the period, insert "However, such member who lends monies shall not, solely because of said loan, accrue any liability for any projects in which they are not a participant."

## POINT OF INQUIRY

Senator Wilson: "Senator McDermott, the statute that we are amending with this bill is 43.52, which pertains generally to joint operating agencies. Nowhere in the existing statute is WPPSS or the Washington Public Power Supply System specifically identified. There are occasional references to an 'operating agency constructing or operating a nuclear power plant' which are designed to apply, of course, to WPPSS but the entity itself, is that defined in the statute or specifically a name, so that the adoption of your amendment to the amendment would be the first mention of something called 'WPPSS projects four and five'?"

"And I guess my question is whether this is good law and whether it would be clear, crystal clear to everyone what we are talking about and whether the definition is legally defensible in case there is a legal problem with the language you are attempting to insert into the bill?"

Senator McDermott: "Senator Wilson, I confess that my amendment has not been run through the code reviser but I am sure it is good law. It is intended to, when the bill was written in 1957 and they set up the joint operating agency, the creature that came out of that was the Washington Public Power Supply System, affectionately known as 'WPPSS'; and the projects four and five, one is at Hanford and one is at Satsop and it is to those two plants I am referring."

Debate ensued.

#### POINT OF INQUIRY

Senator Gould: "Mr. President, I do not have a particular problem with Senator McDermott's amendment; and I would ask Senator McDermott to yield to a question, I guess, just to make it perfectly clear, what you want.

"My understanding of the purpose of your amendment is that any member who gives a loan to the supply system for termination, who is not a participant in four and five, will not, by giving the loan, become liable for any of the indebtedness of four and five; is that correct?"

Senator Bottiger: "That is correct, Senator Gould, and in fact, Senator Hayner has already suggested perhaps a better way to word the latter part of that amendment, rather than saying 'shall not, solely because of said loan, accrue any liability for projects of which they are not a participant'; that would be, I think, a better way to put it and I would be willing to stop for a minute and change those words if the will of the body would be in that direction."

Senator Gould: "I would like, excuse me if I may continue; I would like to add, in my mind and I have checked this out with legal counsel and staff, there is no liability under current law for those projects, that without this amendment they would still be safe. But if, in the wisdom of the body of the Senate that they feel that is necessary just to double assure that, why there is no problem with that amendment as changed."

#### POINT OF INQUIRY

Senator Williams: "Senator McDermott, I have some concerns also about our amending on the floor in this manner. But I have another question about the language of your amendment and that is the word 'solely.' As I read it there is a possibility—I am wondering about that word being in there, because it seems to me by leaving it that way there is a possibility that, not solely because of this action of lending this money, but perhaps additively to other actions that a nonparticipant in four and five might make, that this could be an additive action that could bring them into being liable for those two plants. So from point of view of the original intention of this amendment to protect the interests of the city of Seattle, which is not a participant in four and five, it seems to me that this added language, particularly the word 'solely' could, in a very small way, bring us back into jeopardy in being liable for those plants."

Senator McDermott: "In answer to your question, Senator Williams, I became aware this morning when I got down here that this bill was set for running down the railway at a hundred miles an hour, and I have had concerns and made phone calls all morning trying trying to find out the best way to go on this.

"It may be that the word 'solely' should not be in there for the best interests of Seattle. I cannot actually say and I personally would rather put the bill down until tomorrow so that we can talk to some bond people and know exactly what we are doing. We started out with a little teeny project that has turned into a forty-billion-dollar problem and we are now trying to correct it; and I, personally, think we would be much better off if we waited until tomorrow because I am not absolutely certain that the word 'solely' helps Seattle as much as I want to."

Senator Williams: "Well, I agree and I think some of us understand that the motion will be made to set this down after we have discussed this; and I partially raised this question now so that it is out before us as opposed to talking about it later."

#### MOTION

On motion of Senator Clarke, House Bill No. 847, together with the pending amendment by Senator Gould and the amendment to the amendment by Senator McDermott, was ordered held for further consideration on January 21, 1982.

#### REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, before you recognize the motion of Senator Clarke, I think we would be remiss if we did not, the Senate itself, recognize the fact that the many people from all over the state that came down to visit the state capitol today, to visit their legislators and show their concern about the plight of the people in the state of Washington. I think we would be remiss without recognizing the fact that they came down, and I think we ought to commend them on participatory government."

#### REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, I certainly want to agree with Senator Fleming. There were a number of us who went down to Capital Lake Park and to Sylvester Park to talk with some of these individuals; and the fact that they are interested in the legislative process, in participating in it, is certainly laudatory, and we want to thank them for joining us."

#### MOTION

At 2:37 p.m., on motion of Senator Clarke, the Senate adjourned until 10:00 a.m., Thursday, January 21, 1982.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## ELEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, January 20, 1982.

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 Haley, Newhouse, Pullen, Wojahn and Zimmerman. On motion of Senator Bluechel, Senators Haley and Newhouse were excused. On motion of Senator Ridder, Senator Wojahn was excused.

The Color Guard, consisting of Pages Tina-Marie Johnson and Julie Sullivan, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 20, 1982.

SENATE BILL NO. 4544, permitting the department of licensing to supply lists of vehicle owners for certain purposes (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Talley.

Passed to Committee on Rules for second reading.

January 20, 1982.

SENATE BILL NO. 4545, exempting from the MVET vehicles used exclusively for elderly or handicapped ride-sharing (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 4545 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Guess, Hansen, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 20, 1982.

SENATE BILL NO. 4547, permitting horseless carriage plates to be issued to pre-1941 vehicles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Talley.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

January 20, 1982.

LUDWIG LOBE, to the position of Member of the Health Care Facilities Authority, appointed by the Governor on July 21, 1981 for the term ending March 1, 1983, succeeding Anthony I. Eyring (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen.

Passed to Committee on Rules.

January 20, 1982.

DR. ARCH LOGAN, JR., to the position of Member of the Hospital Commission, reappointed by the Governor on August 4, 1981 for the term ending July 16, 1985 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen.

Passed to Committee on Rules.

January 20, 1982.

NORMAN E. RAMSEY, to the position of Member of the Hospital Commission, appointed by the Governor on September 25, 1981 for the term ending July 16, 1985, succeeding Ken Webster (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen.

Passed to Committee on Rules.

January 21, 1982.

LUDWIG LOBE, to the position of Member of the State Personnel Board, appointed by the Governor on August 3, 1981 for the term ending January 4, 1987, succeeding Fred Huleen (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules.

January 21, 1982.

MAXINE E. DALY, to the position of Member of the Personnel Appeals Board, appointed by the Governor on July 27, 1981 for the term ending July 26, 1987 (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules.

January 21, 1982.

JOHN F. GORDON, to the position of Member of the Personnel Appeals Board, appointed by the Governor on July 27, 1981 for the term ending July 26, 1985 (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules.

January 21, 1982.

AL HUNTER, to the position of Member of the Personnel Appeals Board, appointed by the Governor on July 27, 1981 for the term ending July 26, 1983 (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules.

January 21, 1982.

GLORIA M. CHAMPEAUX, to the position of Member of the Public Employees' Retirement Board, appointed by the Governor on July 9, 1981 for the term ending at the pleasure of the Governor, succeeding Justin J. Lee (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules.

January 21, 1982.

SHIRLEY B. JENSEN, to the position of Member of the Public Employees' Retirement Board, appointed by the Governor on July 9, 1981 for the term ending at the pleasure of the Governor, succeeding Anson Blaker (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules.

January 20, 1982.

ROBERT A. CASE, II, to the position of Member of the Board of Trustees for Central Washington University, appointed by the Governor on October 15, 1981 for the term ending September 30, 1987, succeeding Don Broughton (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

January 20, 1982.

JEAN COOLEY, to the position of Member of the Board of Trustees for Everett Community College District 5, appointed by the Governor on July 1, 1981 for the term ending September 30, 1984, succeeding Margaret Hays (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

January 20, 1982.

HUGH L. MATHEWS, to the position of Member of the Board of Trustees for Green River Community College District 10, reappointed by the Governor on October 21, 1981 for the term ending September 30, 1986 (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

January 20, 1982.

RAYMOND L. CHALKER, to the position of Member of the Board of Trustees for Fort Steilacoom Community College District 11, appointed by the Governor on October 26, 1981 for the term ending September 30, 1986, succeeding Ramon L. Barnes (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

January 20, 1982.

TIMOTHY R. NIHOUL, to the position of Member of the Board of Trustees for Big Bend Community College District 18, appointed by the Governor on September 1, 1981 for the term ending September 30, 1984, succeeding Raymond R. Anderson (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

January 20, 1982.

VAUGHN A. SHERMAN, to the position of Member of the Board of Trustees for Edmonds Community College District 23, appointed by the Governor on July 1, 1981 for the term ending September 30, 1983 (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson, Scott.

Passed to Committee on Rules.

January 20, 1982.

CAROL SIMONS, to the position of Member of the Board of Trustees for Edmonds Community College District 23, appointed by the Governor on July 1, 1981 for the term ending September 30, 1985 (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Goltz, Guess, Patterson, Scott.

Passed to Committee on Rules.

January 20, 1982.

JOHN C. MCCARTHY, to the position of Chairman of the Hospital Commission, appointed by the Governor on July 17, 1981 for the term ending July 16, 1985, succeeding Ludwig Lobe (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen.

Passed to Committee on Rules.

January 21, 1982.

DELLA M. NEWMAN, to the position of Member of the State Personnel Board, appointed by the Governor on January 9, 1982 for the term ending January 9, 1983, succeeding Fred Huleen (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules.

### MESSAGE FROM THE HOUSE

January 21, 1982.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 34, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 4621, by Senators Kiskaddon, Hayner, Lee, Goltz, Zimmerman and Ridder (by Governor Spellman request):

AN ACT Relating to voluntary action; adding a new chapter to Title 43 RCW; providing an expiration date; and making an appropriation.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4622, by Senators Quigg, Jones and Lee (by Governor Spellman request):

AN ACT Relating to economic development; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4623, by Senators Gould, Clarke and Wojahn:

AN ACT Relating to education; reenacting and amending section 4, chapter 325, Laws of 1977 ex. sess. as last amended by section 1, chapter 168, Laws of 1981 and by section 10, chapter 264, Laws of 1981 and RCW 84.52.0531; amending section 3, chapter 325, Laws of 1977 ex. sess. and RCW 84.52.053; creating new sections; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 4624, by Senators Pullen and Woody:

AN ACT Relating to incompatible elective offices; amending section 58, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.101; and adding a new section to chapter 29.30 RCW.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4625, by Senator Pullen:

AN ACT Relating to initiative and referendum signatures; amending section 29.79.170, chapter 9, Laws of 1965 and RCW 29.79.170; and amending section 29.79.210, chapter 9, Laws of 1965 and RCW 29.79.210.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4626, by Senator Lee (by Governor Spellman request):

AN ACT Relating to state government; adding new sections to chapter 43.131 RCW; repealing section 1, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.010; repealing section 2, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.020; repealing section 3, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.030; repealing section 4, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.040; repealing section 5, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.050; repealing section 6, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.060; repealing section 8, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.070; repealing section 1, chapter 226, Laws of 1949 and RCW 18.04.020; repealing section 2, chapter 226, Laws of 1949 and RCW 18.04.030; repealing section 3, chapter 226, Laws of 1949 and RCW 18.04.040; repealing section 4, chapter 226, Laws of 1949 and RCW 18.04.050; repealing section 5, chapter 226, Laws of 1949 and RCW 18.04.060; repealing section 6,

chapter 226, Laws of 1949, section 1, chapter 294, Laws of 1961 and RCW 18.04.070; repealing section 7, chapter 226, Laws of 1949, section 25, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.04.080; repealing section 8, chapter 226, Laws of 1949 and RCW 18.04.090; repealing section 9, chapter 226, Laws of 1949, section 8, chapter 75, Laws of 1977 and RCW 18.04.100; repealing section 1, chapter 98, Laws of 1935, section 16, chapter 38, Laws of 1963, section 1, chapter 18, Laws of 1973 1st ex. sess., section 17, chapter 338, Laws of 1981 and RCW 18.64.001; repealing section 2, chapter 98, Laws of 1935, section 17, chapter 38, Laws of 1963, section 40, chapter 34, Laws of 1975-'76 2nd ex. sess., section 1, chapter 90, Laws of 1979 and RCW 18.64.003; repealing section 3, chapter 98, Laws of 1935, section 18, chapter 38, Laws of 1963, section 2, chapter 18, Laws of 1973 1st ex. sess., section 2, chapter 90, Laws of 1979, section 21, chapter 67, Laws of 1981 and RCW 18.64.005; repealing section 19, chapter 38, Laws of 1963, section 3, chapter 90, Laws of 1979 and RCW 18.64.007; repealing section 1, chapter 82, Laws of 1969 ex. sess., section 4, chapter 90, Laws of 1979 and RCW 18.64.009; repealing section 1, chapter 6, Laws of 1972 ex. sess. and RCW 38.52.005; repealing section 2, chapter 6, Laws of 1972 ex. sess. and RCW 38.52.006; repealing section 4, chapter 178, Laws of 1951, section 3, chapter 203, Laws of 1967, section 58, chapter 154, Laws of 1973 1st ex. sess., section 3, chapter 113, Laws of 1975 1st ex. sess. and RCW 38.52.030; and repealing section 16, chapter 289, Laws of 1977 ex. sess., section 3, chapter 22, Laws of 1979 and RCW 43.131.900.

Referred to Committee on State Government.

**SENATE BILL NO. 4627**, by Senators Gallagher, Deccio, Kiskaddon and Benitz (by Governor Spellman request):

AN ACT Relating to Washington health care facilities authority; amending section 3, chapter 147, Laws of 1974 ex. sess. as amended by section 157, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 70.37.030; amending section 5, chapter 147, Laws of 1974 ex. sess. as amended by section 1, chapter 121, Laws of 1981 and RCW 70.37.050; and declaring an emergency.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 4628**, by Senators Fuller, Haley and Lee (by Governor Spellman request):

AN ACT Relating to occupational information; adding a new chapter to Title 50 RCW; and providing an effective date.

Referred to Committee on Commerce and Labor.

**SENATE BILL NO. 4629**, by Senators Quigg and Vognild (by Department of Labor and Industries request):

AN ACT Relating to boilers and pressure vessels; amending section 3, chapter 32, Laws of 1951 as amended by section 1, chapter 86, Laws of 1972 ex. sess. and RCW 70.79.030; amending section 4, chapter 32, Laws of 1951 and RCW 70.79.040; amending section 5, chapter 32, Laws of 1951 and RCW 70.79.050; amending section 6, chapter 32, Laws of 1951 and RCW 70.79.060; amending section 7, chapter 32, Laws of 1951 and RCW 70.79.070; amending section 8, chapter 32, Laws of 1951 and RCW 70.79.080; amending section 9, chapter 32, Laws of 1951 as amended by section 2, chapter 86, Laws of 1972 ex. sess. and RCW 70.79.090; amending section 10, chapter 32, Laws of 1951 and RCW 70.79.100; amending section 11, chapter 32, Laws of 1951 and RCW 70.79.110; amending section 12, chapter 32, Laws of 1951 and RCW 70.79.120; amending section 13, chapter 32, Laws of 1951 and RCW 70.79.130; amending section 14, chapter 32, Laws of 1951 and RCW 70.79.140; amending section 15, chapter 32, Laws of 1951 and RCW 70.79.150; amending section 16, chapter 32, Laws of 1951 and RCW 70.79.160; amending section 19, chapter 32, Laws of 1951 and RCW 70.79.180; amending section 17, chapter 32, Laws of 1951 and RCW 70.79.230; amending section 22, chapter 32,

Laws of 1951 and RCW 70.79.240; amending section 23, chapter 32, Laws of 1951 and RCW 70.79.250; amending section 24, chapter 32, Laws of 1951 and RCW 70.79.260; amending section 26, chapter 32, Laws of 1951 and RCW 70.79.270; amending section 27, chapter 32, Laws of 1951 and RCW 70.79.280; amending section 28, chapter 32, Laws of 1951 as last amended by section 1, chapter 175, Laws of 1977 ex. sess. and RCW 70.79.290; amending section 29, chapter 32, Laws of 1951 and RCW 70.79.300; amending section 30, chapter 32, Laws of 1951 and RCW 70.79.310; amending section 31, chapter 32, Laws of 1951 and RCW 70.79.320; amending section 32, chapter 32, Laws of 1951 as last amended by section 2, chapter 175, Laws of 1977 ex. sess. and RCW 70.79.330; amending section 34, chapter 32, Laws of 1951 as last amended by section 171, chapter 151, Laws of 1979 and RCW 70.79.350; amending section 36, chapter 32, Laws of 1951 and RCW 70.79.360; adding new sections to chapter 32, Laws of 1951 and to chapter 70.79 RCW; and repealing section 35, chapter 32, Laws of 1951 and RCW 70.79.210.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4630, by Senators Quigg and Vognild (by Department of Labor and Industries request):

AN ACT Relating to elevators, lifting devices, and moving walks; amending section 1, chapter 26, Laws of 1963 as last amended by section 9, chapter 52, Laws of 1973 1st ex. sess. and RCW 70.87.010; amending section 2, chapter 26, Laws of 1963 and RCW 70.87.020; amending section 3, chapter 26, Laws of 1963 as last amended by section 10, chapter 52, Laws of 1973 1st ex. sess. and RCW 70.87.030; amending section 4, chapter 26, Laws of 1963 and RCW 70.87.040; amending section 5, chapter 26, Laws of 1963 as amended by section 2, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.050; amending section 6, chapter 26, Laws of 1963 and RCW 70.87.060; amending section 7, chapter 26, Laws of 1963 and RCW 70.87.070; amending section 8, chapter 26, Laws of 1963 and RCW 70.87.080; amending section 9, chapter 26, Laws of 1963 and RCW 70.87.090; amending section 10, chapter 26, Laws of 1963 and RCW 70.87.100; amending section 11, chapter 26, Laws of 1963 and RCW 70.87.110; amending section 12, chapter 26, Laws of 1963 as amended by section 2, chapter 22, Laws of 1970 ex. sess. and RCW 70.87.120; amending section 14, chapter 26, Laws of 1963 and RCW 70.87.140; amending section 15, chapter 26, Laws of 1963 and RCW 70.87.150; amending section 16, chapter 26, Laws of 1963 and RCW 70.87.160; amending section 17, chapter 26, Laws of 1963 and RCW 70.87.170; amending section 18, chapter 26, Laws of 1963 and RCW 70.87.180; amending section 19, chapter 26, Laws of 1963 and RCW 70.87.190; amending section 20, chapter 26, Laws of 1963 as amended by section 4, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.200; amending section 22, chapter 26, Laws of 1963 and RCW 70.87.900; adding new sections to chapter 26, Laws of 1963 and to chapter 70.87 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4631, by Senators Quigg and Vognild (by Department of Labor and Industries request):

AN ACT Relating to contractor registration; amending section 8, chapter 77, Laws of 1963 as amended by section 3, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.080; amending section 4, chapter 126, Laws of 1967 and RCW 18.27.110; amending section 5, chapter 118, Laws of 1972 ex. sess. as amended by section 7, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.120; amending section 4, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.130; adding new sections to chapter 18.27 RCW; repealing section 1, chapter 77, Laws of 1963, section 5, chapter 126, Laws of 1967, section 1, chapter 118, Laws of 1972 ex. sess., section 1, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.010; repealing section 2, chapter 77, Laws of 1963, section 2, chapter 153, Laws of 1973 1st ex. sess. and

RCW 18.27.020; repealing section 3, chapter 77, Laws of 1963, section 3, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.030; repealing section 4, chapter 77, Laws of 1963, section 1, chapter 126, Laws of 1967, section 2, chapter 118, Laws of 1972 ex. sess., section 4, chapter 153, Laws of 1973 1st ex. sess., section 1, chapter 11, Laws of 1977 ex. sess. and RCW 18.27.040; repealing section 5, chapter 77, Laws of 1963 and RCW 18.27.050; repealing section 6, chapter 77, Laws of 1963, section 1, chapter 61, Laws of 1977 ex. sess. and RCW 18.27.060; repealing section 7, chapter 77, Laws of 1963, section 2, chapter 126, Laws of 1967, section 5, chapter 153, Laws of 1973 1st ex. sess., section 1, chapter 66, Laws of 1977 ex. sess. and RCW 18.27.070; repealing section 6, chapter 126, Laws of 1967 and RCW 18.27.085; repealing section 2, chapter 25, Laws of 1974 ex. sess., section 2, chapter 68, Laws of 1980 and RCW 18.27.090; repealing section 10, chapter 77, Laws of 1963, section 1, chapter 116, Laws of 1979 ex. sess., section 1, chapter 68, Laws of 1980 and RCW 18.27.100; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4632, by Senators Gallagher, Fuller, Deccio, Haley, Benitz and Zimmerman (by Governor Spellman request):

AN ACT Relating to the traffic safety commission; amending section 3, chapter 147, Laws of 1967 ex. sess. as last amended by section 105, chapter 158, Laws of 1979 and RCW 43.59.030; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 4633, by Senators Gallagher, Deccio, Lee, Bluechel, Gues and Hayner (by Governor Spellman request):

AN ACT Relating to state government; amending section 7, chapter 149, Laws of 1979 and RCW 28A.41.412; amending section 28B.20.402, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.402; amending section 28B.20.412, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 62, Laws of 1973 and RCW 28B.20.412; amending section 6, chapter 209, Laws of 1969 ex. sess. as last amended by section 27, chapter 3, Laws of 1981 and RCW 41.26.060; amending section 4, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.570; amending section 10, chapter 167, Laws of 1975 1st ex. sess. as amended by section 102, chapter 151, Laws of 1979 and RCW 43.19.600; amending section 5, chapter 167, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 169, Laws of 1980 and RCW 43.41.130; amending section 2, chapter 169, Laws of 1975 1st ex. sess. as amended by section 128, chapter 158, Laws of 1979 and RCW 46.08.066; amending section 20, chapter 87, Laws of 1980 and RCW 43.03.028; amending section 3, chapter 224, Laws of 1951 as amended by section 152, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 58.24.020; amending section 4, chapter 224, Laws of 1951 and RCW 58.24.030; adding a new section to chapter 2.10 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.50 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 43.43 RCW; creating new sections; repealing section 5, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.050; repealing section 6, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.060; repealing section 2, chapter 85, Laws of 1974 ex. sess. and RCW 28A.41.260; repealing section 5, chapter 209, Laws of 1969 ex. sess., section 3, chapter 6, Laws of 1970 ex. sess., section 7, chapter 257, Laws of 1971 ex. sess., section 4, chapter 131, Laws of 1972 ex. sess., section 2, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.050; repealing section 4, chapter 80, Laws of 1947, section 1, chapter 17, Laws of 1975 1st ex. sess. and RCW 41.32.040; repealing section 5, chapter 80, Laws of 1947 and RCW 41.32.050; repealing section 6, chapter 80, Laws of 1947, section 89, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.32.060; repealing section 7, chapter

80, Laws of 1947, section 2, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.070; repealing section 8, chapter 80, Laws of 1947 and RCW 41.32.080; repealing section 9, chapter 80, Laws of 1947 and RCW 41.32.090; repealing section 10, chapter 80, Laws of 1947, section 3, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.100; repealing section 3, chapter 274, Laws of 1947, section 2, chapter 291, Laws of 1961, section 2, chapter 174, Laws of 1963, section 3, chapter 271, Laws of 1971 ex. sess., section 3, chapter 190, Laws of 1973 1st ex. sess., section 1, chapter 195, Laws of 1974 ex. sess., section 1, chapter 34, Laws of 1977 ex. sess. and RCW 41.40.030; repealing section 4, chapter 274, Laws of 1947, section 3, chapter 291, Laws of 1961, section 3, chapter 174, Laws of 1963 and RCW 41.40.040; repealing section 5, chapter 274, Laws of 1947, section 90, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.40.050; repealing section 6, chapter 274, Laws of 1947, section 3, chapter 240, Laws of 1949, section 4, chapter 174, Laws of 1963 and RCW 41.40.060; repealing section 6, chapter 167, Laws of 1975 1st ex. sess., section 93, chapter 158, Laws of 1979 and RCW 43.19.580; repealing section 1, chapter 44, Laws of 1975 1st ex. sess. and RCW 43.21E.010; repealing section 2, chapter 44, Laws of 1975 1st ex. sess. and RCW 43.21E.020; repealing section 3, chapter 44, Laws of 1975 1st ex. sess., section 102, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.21E.030; repealing section 4, chapter 44, Laws of 1975 1st ex. sess. and RCW 43.21E.900; repealing section 6, chapter 44, Laws of 1975 1st ex. sess. and RCW 43.21E.910; repealing section 43.22.280, chapter 8, Laws of 1965, section 84, chapter 154, Laws of 1973 1st ex. sess., section 4, chapter 16, Laws of 1973 2nd ex. sess. and RCW 43.22.280; repealing section 43.31.090, chapter 8, Laws of 1965, section 1, chapter 292, Laws of 1975 1st ex. sess., section 108, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.090; repealing section 43.31.100, chapter 8, Laws of 1965 and RCW 43.31.100; repealing section 43.43.140, chapter 8, Laws of 1965 and RCW 43.43.140; repealing section 43.43.150, chapter 8, Laws of 1965 and RCW 43.43.150; repealing section 43.43.160, chapter 8, Laws of 1965 and RCW 43.43.160; repealing section 43.51.520, chapter 8, Laws of 1965, section 2, chapter 96, Laws of 1969 ex. sess. and RCW 43.51.520; repealing section 1, chapter 243, Laws of 1967 and RCW 43.94.010; repealing section 2, chapter 243, Laws of 1967 and RCW 43.94.020; repealing section 3, chapter 243, Laws of 1967 and RCW 43.94.030; repealing section 4, chapter 243, Laws of 1967 and RCW 43.94.040; repealing section 5, chapter 243, Laws of 1967 and RCW 43.94.050; repealing section 6, chapter 243, Laws of 1967 and RCW 43.94.900; repealing section 7, chapter 243, Laws of 1967 (uncodified); repealing section 1, chapter 315, Laws of 1977 ex. sess. (uncodified); repealing section 2, chapter 315, Laws of 1977 ex. sess. (uncodified); repealing section 3, chapter 315, Laws of 1977 ex. sess. (uncodified); repealing section 43.97.020, chapter 8, Laws of 1965, section 1, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.020; repealing section 43.97.030, chapter 8, Laws of 1965, section 2, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.030; repealing section 43.97.040, chapter 8, Laws of 1965, section 3, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.040; repealing section 5, chapter 48, Laws of 1975 1st ex. sess., section 124, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.97.060; repealing section 6, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.070; repealing section 7, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.080; repealing section 41, chapter 99, Laws of 1979 and RCW 43.131.229; repealing section 83, chapter 99, Laws of 1979 and RCW 43.131.230; repealing section 13, chapter 49, Laws of 1974 ex. sess., section 163, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 70.106.130; repealing section 20, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.200; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 4634, by Senator Scott:

AN ACT Relating to property taxation; amending section 84.48.080, chapter

15, Laws of 1961 as last amended by section 3, chapter 86, Laws of 1979 ex. sess. and RCW 84.48.080; and amending section 3, chapter 228, Laws of 1981 and RCW 84.55.070.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4635, by Senators Bluechel and Gaspard (by Department of Retirement Systems request):

AN ACT Relating to law enforcement officers' and fire fighters' retirement; amending section 11, chapter 209, Laws of 1969 ex. sess. as last amended by section 9, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.110; and amending section 8, chapter 294, Laws of 1977 ex. sess. as amended by section 9, chapter 294, Laws of 1981 and RCW 41.26.470.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4636, by Senators Bluechel, Gaspard and Zimmerman (by Department of Retirement Systems request):

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. 4637, by Senator Scott:

AN ACT Relating to payroll deductions of school district certificated employees; amending section 1, chapter 39, Laws of 1972 ex. sess. and RCW 28A.67.095; and amending section 11, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.100.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4638, by Senators Scott, Craswell, Bluechel and Zimmerman (by Department of Retirement Systems request):

AN ACT Relating to retirement of public employees; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4639, by Senator Rasmussen:

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

Referred to Judiciary Committee.

SENATE BILL NO. 4640, by Senators Scott, Zimmerman and Gaspard (by Department of Retirement Systems request):

AN ACT Relating to retirement from public service; amending section 12, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.120; amending section 18, chapter 267, Laws of 1971 ex. sess. as amended by section 1, chapter 205, Laws of 1979 ex. sess. and RCW 2.10.180; amending section 1, chapter 229, Laws of 1937 as last amended by section 4, chapter 106, Laws of 1973 and RCW 2.12.010; amending section 2, chapter 229, Laws of 1937 as last amended by section 5, chapter 106, Laws of 1973 and RCW 2.12.020; amending section 5, chapter 229, Laws of 1937 as last amended by section 1, chapter 75, Laws of 1977 and RCW 2.12.050; amending section 15, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.540; amending section 1, chapter 80, Laws of 1947 as last amended by section 5, chapter 256, Laws of 1981 and RCW 41.32.010; amending section 3, chapter 80, Laws of 1947 as last amended by section 1, chapter 150, Laws of 1969 ex. sess. and RCW

41.32.030; amending section 38, chapter 80, Laws of 1947 and RCW 41.32.380; amending section 11, chapter 14, Laws of 1963 ex. sess. as amended by section 15, chapter 87, Laws of 1980 and RCW 41.32.401; amending section 12, chapter 150, Laws of 1969 ex. sess. as amended by section 8, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.405; amending section 41, chapter 80, Laws of 1947 as last amended by section 13, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.410; amending section 46, chapter 80, Laws of 1947 and RCW 41.32.460; amending section 7, chapter 35, Laws of 1970 ex. sess. as last amended by section 1, chapter 148, Laws of 1975 1st ex. sess. and RCW 41.32.4943; amending section 51, chapter 80, Laws of 1947 as last amended by section 17, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.510; amending section 8, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.567; amending section 15, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.820; amending section 11, chapter 274, Laws of 1947 as last amended by section 4, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.100; 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 16, chapter 274, Laws of 1947 as last amended by section 10, chapter 249, Laws of 1979 ex. sess. and RCW 41.40.150; amending section 19, chapter 274, Laws of 1947 as last amended by section 7, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.180; amending section 21, chapter 274, Laws of 1947 as last amended by section 5, chapter 277, Laws of 1955 and RCW 41.40.200; amending section 24, chapter 274, Laws of 1947 as last amended by section 9, chapter 128, Laws of 1969 and RCW 41.40.230; amending section 38, chapter 274, Laws of 1947 as last amended by section 63, chapter 151, Laws of 1979 and RCW 41.40.370; amending section 8, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.670; amending section 14, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.730; amending section 43.43.120, chapter 8, Laws of 1965 as last amended by section 1, chapter 77, Laws of 1980 and RCW 43.43.120; amending section 43.43.230, chapter 8, Laws of 1965 and RCW 43.43.230; amending section 43.43.250, chapter 8, Laws of 1965 as last amended by section 1, chapter 116, Laws of 1975-'76 2nd ex. sess. and RCW 43.43.250; amending section 43.43.260, chapter 8, Laws of 1965 as last amended by section 3, chapter 180, Laws of 1973 1st ex. sess. and RCW 43.43.260; amending section 4, chapter 180, Laws of 1973 1st ex. sess. as amended by section 3, chapter 14, Laws of 1973 2nd ex. sess. and RCW 43.43.270; amending section 43.43.280, chapter 8, Laws of 1965 as last amended by section 5, chapter 180, Laws of 1973 1st ex. sess. and RCW 43.43.280; amending section 43.43.290, chapter 8, Laws of 1965 and RCW 43.43.290; amending section 43.43.310, chapter 8, Laws of 1965 as last amended by section 8, chapter 205, Laws of 1979 ex. sess. and RCW 43.43.310; adding a new section to chapter 2.12 RCW; adding a new section to chapter 41.50 RCW; creating a new section; repealing section 21, chapter 200, Laws of 1953 and RCW 41.40.125; repealing section 43.43.150, chapter 8, Laws of 1965 and RCW 43.43.150; repealing section 43.43.265, chapter 8, Laws of 1965 and RCW 43.43.265; repealing section 43.43.266, chapter 8, Laws of 1965 and RCW 43.43.266; and repealing section 5, chapter 12, Laws of 1969 and RCW 43.43.267.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4641, by Senators Benitz, Hayner and Gould:

AN ACT Relating to the funding of Energy Fair '83; amending section 2, chapter 69, Laws of 1981 as amended by section 102, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4642, by Senators Gaspard and Bottiger:

AN ACT Relating to mobile home landlords and tenants; amending section 8, chapter 279, Laws of 1977 ex. sess. as last amended by section 21, chapter 304, Laws of 1981 and RCW 59.20.080; amending section 9, chapter 279, Laws of 1977

ex. sess. as last amended by section 2, chapter 152, Laws of 1980 and RCW 59.20-.090; amending section 11, chapter 279, Laws of 1977 ex. sess. and RCW 59.20.110; adding a new section to chapter 59.20 RCW; and prescribing penalties.

Referred to Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

### FIRST READING OF HOUSE RESOLUTION

HOUSE CONCURRENT RESOLUTION NO. 34, by Representative Nelson (G.):

Calling a joint session for distinguished Canadians.

### MOTIONS

On motion of Senator Clarke, the rules were suspended, and House Concurrent Resolution No. 34 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, the rules were suspended, House Concurrent Resolution No. 34 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

### MOTION

On motion of Senator Clarke, the Senate resumed consideration of House Bill No. 847.

### SECOND READING

HOUSE BILL NO. 847, by Representatives Barnes and Scott:

Revising maximum interest paid by operating agencies.

The Senate resumed consideration of House Bill No. 847. On January 20, 1982, Senator Gould had moved adoption of the following amendment:

On page 2, line 24, after "act." insert "The legislative body of any member may authorize and make such advances or contributions to an operating agency to assist in a plan for termination of a project or projects, whether or not such member is a participant in such project or projects."

At that time Senator McDermott had proposed an amendment to the amendment by Senator Gould.

There being no objection, on motion of Senator McDermott, the amendment to the amendment was withdrawn.

On motion of Senator McDermott, the following amendment to the amendment by Senator Gould was adopted:

On page 2, line 24, after "projects." insert "Any member who makes such advances or contributions for terminating a project or projects in which it is not a participant shall not assume any liability for any debts or obligations related to the terminated project or projects on account of such advance or contribution."

The amendment by Senator Gould, as amended, was adopted.

On motion of Senator Gould, the following amendment was adopted:

On page 2, line 29, strike "twelve" and insert "fifteen"

On motion of Senator Gould, the rules were suspended, House Bill No. 847, 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. 847, 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 Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Woody, Zimmerman—45.

Voting nay: Senator Conner—1.

Absent or not voting: Senator Pullen—1.

Excused: Senators Newhouse, Wojahn—2.

HOUSE BILL NO. 847, 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 Clarke, House Bill No. 847, as amended by the Senate, was ordered immediately transmitted to the House.

At 10:30 a.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of hearing a message from the Prime Minister of Canada.

## JOINT SESSION

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

The Speaker requested the Sergeants at Arms of the Senate and House to escort Lt. Governor John Cherberg, President Pro Tem Sam Guess and Vice President Pro Tem George Clarke of the Senate to the rostrum.

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

The Speaker: "This Joint Session is called for the purpose of welcoming to our state, distinguished dignitaries from Canada and His Excellency, the Honorable W. R. Bennett, Premier of British Columbia.

"The Speaker would like to acknowledge some visitors with us today. In the gallery, a group of people who have entertained most of the members of this Joint Session during the very recent weeks, The Diamonds. Would The Diamonds please stand and be recognized by the House and the Senate." (Applause)

The Speaker presented the gavel to President Cherberg.

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

The Clerk of the House called the roll of the House and all members were present except Representatives Fancher, Garson, Hine, Sommers and Warnke, who were excused.

The President of the Senate appointed Senators Hayner, Bottiger, Hemstad and Talmadge and Representatives Lundquist, Sherman, McDonald, Walk and Hankins to escort the Supreme Court Justices to seats within the House Chamber.

The President of the Senate appointed Senators Fuller, Hurley and Craswell and Representatives Isaacson, Rinehart, Dawson and Maxie to escort the State Elected Officials to seats within the House Chamber.

The President of the Senate appointed Senators Quigg and Ridder and Representatives Barr, Thompson and Nisbet to escort the Canadian cabinet members to the rostrum.

The President of the Senate appointed Senators Sellar and Moore and Representatives Hastings and Heck to escort Governor Spellman to the rostrum.

The President of the Senate appointed Senators Jones and Goltz and Representatives Gary Nelson and Ehlers to escort the Premier of British Columbia to the rostrum.

President Cherberg: "Mr. Speaker, Governor Spellman, honored members of the Supreme Court, elected state officials, ladies and gentlemen of the legislature, I have the honor to present to you our distinguished guests from British Columbia:

"The Honorable Garde B. Gardom, Minister of Intergovernmental Relations;

"Mr. Patrick Insella, Deputy Minister to the Premier;

"Dr. Norman Spector, Assistant Deputy Minister for Policy;

"Mr. Mike Bailey, Executive Assistant, and

"Mr. Hall Leiren, Press Secretary.

"Gentlemen, welcome to the State of Washington.

"I would also like to introduce to you some very distinguished guests seated in the north gallery:

"The first lady of Washington State, Mrs. Lois Spellman;

"The first lady of British Columbia, Mrs. Audrey Bennett;

"The Honorable J. R. Sharpe, Canadian Consul General and Mrs. Sharpe;

"The Honorable Walter Lockwood, American Consul General and Mrs. Lockwood."

President Cherberg introduced Speaker Polk for welcoming remarks.

Speaker Polk: "Thank you, Governor Cherberg. Governor Spellman, very distinguished guests, ladies and gentlemen: It's a distinct honor and a pleasure to welcome you here today to meet His Excellency Premier William R. Bennett of British Columbia. I am reliably informed that Premier Bennett has heard about our reapportionment plan and has come to meet some of his new constituents.

"Our relationship with our neighbors to the north has always, and continues to be, one of cordial and productive relations and I am certain that all of us will find the experiences and approaches with which our Canadian friends are addressing the concerns, which all of us share, to be most interesting and productive. I have to confess that in the dozen or so years now that I have been in the Washington State Legislature that we have not had great amount of governmental contact between our Legislature and that of British Columbia and I think we should all regard that as one of lost opportunity.

"Mr. Bennett, I think your visit today brings with it a rich opportunity for establishing a strong working relationship between our governments—a close working relationship between the State of Washington and British Columbia—and I am certainly encouraged by that. I want to extend a heartfelt and warm welcome to you and your visitors who are with us today. I hope you will find your visit fruitful and rewarding."

The President of the Senate introduced Governor John Spellman.

Governor Spellman: "Speaker Polk, distinguished members of the Supreme Court, members of the House and Senate, distinguished guests, ladies and gentlemen: As Governor, I am greatly honored by the opportunity to welcome and introduce to our Legislature, the Premier of the Province of British Columbia, the Honorable William Richards Bennett. He has the unique distinction of being the son of a Premier, the late W.A. C. Bennett, who for two decades was Premier of British Columbia.

"Our state's quest is for better relations with British Columbia and indeed we have the opportunity to reach out the hand of friendship across the border and meet in Victoria with Premier Bennett. I had the rare experience of speaking to their Legislative Assembly and the experience of seeing a Legislative Assembly where the Premier didn't just come in occasionally to talk, but was the center of all debate. He is at least a part of the debate of which he is the center.

"He is a native of British Columbia and went through the school system in British Columbia and later distinguished himself in business. He followed then in his father's footsteps in public life. The diversity and breadth of his business career spanning lumber, agriculture and investment companies, wholesale and retail, I think, reflects the diversity that he has brought to public service. He has, for three decades, been an active member of the British Columbia Social Credit Party. When he first sought public office, really only eight years ago, he was elected as a representative from the Okanogan south constituency to the Provincial Legislative Assembly. Two years later he was chosen as Premier and for those of you who may not know, he is not only Premier, but he is a very active floor leader and the leader of all debate. Almost everyone sitting behind you is not only a member of the cabinet, but is an elected representative of their constituency as well. If I think I have problems with department heads, imagine having elected department heads. It seemed to work rather well on the occasion I was there.

"His resume, I don't think, would be complete without referring to the fact the he and Audrey, who is gracing us with her attendance this morning, have four sons and maintain a residence in the Okanogan Territory in addition to being in Victoria. This is only the second time, as far as I can determine, that a provincial Premier has addressed this body. After their generous welcome and the opportunity I received to speak to their Legislative Assembly, I think this is an important occasion, because we do so much business and we have so much cultural activity and so much educational activity that we share. It is important that we—despite our differences, because we are different countries and we have different political systems—that Washington and British Columbia share a common destiny and we acknowledge that as we have shared a very fruitful and common past. We have agreed, the Premier and I, that when we do differ, we will not bicker; that our mutual problems call for solutions, not confrontations. So, on my last visit I discovered Premier Bennett to be a leader with charm and insight, great skill and I know you will share my view as you join in welcoming him.

"Ladies and gentlemen, it is my privilege to present to you the Honorable W. R. Bennett, Premier of British Columbia."

Premier Bennett: "Governor Spellman, Lieutenant Governor Cherberg, Mr. Speaker, members of the State Supreme Court, the Senate and the House of Representatives, and, of course, Canadian Consul General Sharpe and American Consul Lockwood, distinguished guests: It is a great honor and pleasure for me to have the honor to speak with you today. I must say, coming from a Legislature in British Columbia, I have never experienced a welcome such as you have given to me and to understand that, you must sometime, if you have not, visit the proceedings of the British Columbia Legislature to get some idea of the different sort of welcome I receive there.

"Although we are now well into the month of January, I cannot let this occasion pass without conveying two sets of wishes. First I bring with me the greetings and belated wishes for a happy and successful new year to all of you from the 2,700,000 British Columbians who are your neighbors to the north. Secondly, it pleases me to offer my congratulations to the University of Washington Huskies for their well-earned Rose Bowl victory. I might say that I hope some of their success would rub off on the Seattle Seahawks and the British Columbia Lions, who aren't noted for the same success the Huskies have.

"We, in the vibrant and burgeoning problems of British Columbia, believe we are very fortunate—indeed, that we are doubly blessed. In the first place, we are endowed with a land that is immeasurably rich in natural resources and in scenic wonderment. A land that is a source of both our life style and our livelihood. The second blessing is that we have the inestimable advantage of having neighbors such as ourselves and on a larger scale that is Canadians we have you, as Americans on our frontier. I call you neighbors, but in truth, we are more. We are neighbors by chance, but we are friends by choice. That we have come to share a frontier through the shifting of continents from the fashioning of mountains out of the sea, was surely beyond man's control. That we have taken this frontier and have made it a pathway to close encounters of commerce and friendship is a tribute to the wisdom of our forefathers and the continuing good sense of our people today. One has only to look at recent events in Poland to appreciate how fortunate we are to be free men and women. Free to build our lives according to our efforts and our abilities; free to criticize our governments; free to cross into each others country, albeit sometimes slowed considerably by the traffic at the border at Blaine. However, our system of government may differ somewhat—your Constitution having been forged out of revolution; our own after many years of discussion, and in recent months, after some division, in the Canadian way of compromise and conciliation—as neighbors and friends we share, to a great extent, the common past, common traditions and a common feature of prosperity that is the framework of freedom and liberty.

"Each time I look at our corner of the world on a globe, located as we are in the northeast of the great Pacific Rim, an area that spans such diverse societies and exciting markets as Australia, Mexico, Japan and the Astian, or Southeast Asian nations, I'm awed by the bountiful opportunities that await us in the future. With Alaska and the Yukon to the north, and British Columbia and Washington to the south, we share an area together of 1.2 million square miles which is roughly one-third of the total of your United States. When we consider our immense natural resources, our fortune in being part of the developing Pacific Rim, and most importantly, the energies, skills and creativity of our people, one cannot help but be impressed by the future potential of our corner of the world for the rest of this century and for the century to follow.

"I recently returned from a visit to Japan. What I saw will come as no surprise to your Governor, who has had the foresight to lead trade missions to that part of the world. I've been to Japan and seen a society of almost continuous technological change and innovation; of dynamic marketing and above all, a cooperative effort and commitment toward the achievement of mutually beneficial goals. Although our histories and traditions are quite different, there are some lessons we can learn or relearn from the Japanese, both economically and socially. The Japanese have gained greatly from a commitment to growth and productivity; from an emphasis on cooperation above confrontation. In recent months as the economy has turned down, we have seen workers and managers in both Canada and the United States come to recognize a common interest in the health and prosperity of their enterprise and in an environment of tough international competition, it is to be hoped that this new knowledge will endure once the economic situation improves. Just as we might learn to put greater emphasis on cooperation in our internal affairs, if we, in the Pacific Northwest, are to benefit fully from our good fortune in the provinces and the states, we must take every appropriate opportunity available to us to cooperate with each other.

"Forest fire suppression and emergency measure agreements, signed by your Governor and myself on his visit to Victoria last year, are tangible examples of the benefits of dialogue and cooperation to both of our peoples. Agreements such as these can only result in the strengthening of our region and, indeed, of the entire social and economic fabric of our respective nations. The spirit of cooperation in our

region can serve as a beacon of hope for improving relations between our two great countries. At present the people of British Columbia and of your state are experiencing difficult economic times, with the very high levels of unemployment the most disturbing feature. Entire industries, and most particularly the forest industry, on both sides of the border are undergoing unprecedented challenge. Governments, too, are facing a down turn in their fiscal fortune and are having to come to grips with a period of fiscal restraint. In your country the federal administration is transferring a greater share of the burden of financing social programs to the states in the name of decentralizing power. In my country the same process is under way, but, ironically, in the name of centralizing power. But whatever the rationale, the process underway in both countries makes it all the more necessary that we pursue economic recovery as our number one social priority. As it is increasingly clear, in order to do good, you have to do well. In this vein, I cannot help but recall the words of your late President, John F. Kennedy, who, in commenting on the importance of economic growth to all society, once observed that a rising tide lifts all boats.

"I'm optimistic. I sense that this period we are going through, difficult as it may be, is only a temporary adjustment. A challenge, if you will, posed by the world to test the energy and creativity of our respective nations. I believe in the underlying strength of our two nations, and I am confident that this strength will soon begin to manifest itself to the long-term benefit of our people. This does not mean that periodic differences between British Columbia and the State of Washington will disappear. Governor Spellman, when addressing the British Columbia Legislature last May, put it very aptly—if I may quote him when he said, 'It is normal for friends and neighbors who share a common fence to fall into occasional dispute, sometimes even with a bit of yelling across that fence.' He went on to point out that British Columbia and the State of Washington have too much in common to let occasional dispute stand between us. I agree with Governor Spellman. For the benefit of both British Columbia and the State of Washington, both sides must accept the challenge of resolving these disputes through communication and cooperation. We must always be careful that we do not allow issues to escalate, for as Governor Spellman and I know at first hand, once voices have been raised, it takes a lot of hard work to restore good relations. When I refer to our mutual benefit, I'm not only referring to trade and commerce, to questions such as energy, forests and environmental quality, I'm also referring to our friendship. I believe the financial rewards of cooperation are secondary to the real rewards, that of the enhancement of the sense of harmony and mutual understanding and of genuine closeness that we share in this part of the world. That is the greatest reward of all. In the best of times small incidents can magnify in importance and threaten a basically healthy relationship. In times such as those we must be especially vigilant not to allow short term economic difficulties to lead to 'beggar thy neighbor' policies. If we, in the Pacific Northwest know anything—and this is a lesson that perhaps our eastern countries seem not to have learned from the 1930's—it is that trade must be made freer and not more controlled and that economic barriers must be reduced rather than reinforced.

"Again, I would like to thank you, Governor Spellman, on behalf of myself and all British Columbians for honoring us by allowing me the opportunity to address your Legislature today. Official visits of this type are an important part of the communication and cooperation I've just mentioned. To that end, we in British Columbia are looking forward, Governor, to your next visit to us, hopefully later this year. Again thank you very much for your courtesy today."

Lieutenant Governor Cherberg presented Premier Bennett with a plaque making him an honorary member of the United States.

Speaker Polk presented a gift to Premier Bennett.

President Cherberg requested the escort committee to escort Premier Bennett to the State Reception Room.

The President requested the committee to escort Governor Spellman to the State Reception Room.

The President requested the committee to escort the visiting dignitaries to the State Reception Room.

The President requested the committee to escort the state elected officials to the State Reception Room.

The President requested the committee to escort the Supreme Court Justices to the State Reception Room.

#### MOTION

On motion of Mr. Nelson (G), the Joint Session was dissolved.

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

The Speaker requested the Sergeants at Arms of the Senate and the House to escort Lieutenant Governor Cherberg, President Pro Tem Guess and Vice President Pro Tem Clarke and the Senators to the State Reception Room.

The President called the Senate to order at 11:45 a.m.

#### MOTION

On motion of Senator Hayner, the Senate was declared to be at ease.

The President called the Senate to order at 12:31 p.m.

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

#### MESSAGES FROM THE HOUSE

January 21, 1982.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 847 and passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

January 21, 1982.

Mr. President: The Speaker has signed: HOUSE BILL NO. 847, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

January 21, 1982.

Mr. President: The Speaker has signed: HOUSE CONCURRENT RESOLUTION NO. 34, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 847,

HOUSE CONCURRENT RESOLUTION NO. 34.

## MOTION

At 12:33 p.m., on motion of Senator Clarke, the Senate adjourned until 10:00 a.m., Friday, January 22, 1982.

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

## TWELFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, January 22, 1982.

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 Lysen, McDermott and Sellar. On motion of Senator Wilson, Senator McDermott was excused. On motion of Senator Ridder, Senator Lysen was excused.

The Color Guard, consisting of Pages Joey Gray and Peter Lynch, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 21, 1982.

ENGROSSED SENATE BILL NO. 3112, providing for the award of expenses to prevailing parties in civil actions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

January 21, 1982.

SENATE BILL NO. 3913, authorizing presuit depositions and interrogatories in the investigation of unfair business practices (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3913 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

January 20, 1982.

SENATE BILL NO. 4436, providing for no implied warranty that livestock are free from disease or breedable (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Newhouse, Chairman; Benitz, Hansen, Jones, Wilson.

Passed to Committee on Rules for second reading.

January 20, 1982.

SENATE BILL NO. 4439, changing maximum cattle assessments (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 4439 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Newhouse, Chairman; Benitz, Hansen, Wilson.

Passed to Committee on Rules for second reading.

January 21, 1982.

SENATE BILL NO. 4474, modifying provisions relating to witnesses in criminal proceedings (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge.

Passed to Committee on Rules for second reading.

January 21, 1982.

SENATE BILL NO. 4483, prescribing penalties for assaults on transit drivers (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

January 21, 1982.

SENATE BILL NO. 4492, excluding all parking offenses from additional penalty assessments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge.

Passed to Committee on Rules for second reading.

January 21, 1982.

SENATE JOINT RESOLUTION NO. 141, removing the constitutional requirement for a state census and updating obsolete terms (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Conner, Gould, Ridder, Woody.

Passed to Committee on Rules for second reading.

January 21, 1982.

SENATE JOINT RESOLUTION NO. 142, removing obsolete provisions from the Constitution (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Conner, Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

### GUBERNATORIAL APPOINTMENTS

January 21, 1982.

GRETA ANN BRYAN, to the position of member of the Judicial Qualifications Commission, appointed by the Governor on April 13, 1981 (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

January 21, 1982.

PHILLIP AARON, to the position of member of the Sentencing Guidelines Commission, appointed by the Governor on August 3, 1981 for the term ending August 2, 1982 (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

### MESSAGES FROM THE HOUSE

January 21, 1982.

Mr. President: The House has passed: SUBSTITUTE HOUSE BILL NO. 808, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

January 21, 1982.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 115,  
THIRD SUBSTITUTE HOUSE BILL NO. 179,  
SUBSTITUTE HOUSE BILL NO. 213,  
HOUSE BILL NO. 357,  
HOUSE BILL NO. 375,  
HOUSE BILL NO. 385,  
HOUSE BILL NO. 442,  
HOUSE BILL NO. 500,  
HOUSE BILL NO. 572,  
HOUSE BILL NO. 600,  
ENGROSSED HOUSE BILL NO. 621,  
HOUSE BILL NO. 682,  
SUBSTITUTE HOUSE BILL NO. 709,  
HOUSE BILL NO. 720,  
HOUSE BILL NO. 884,

HOUSE JOINT MEMORIAL NO. 15, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 4643, by Senator Deccio (by Department of Social and Health Services request):

AN ACT Relating to social and health services; amending section 2, chapter 155, Laws of 1973 1st ex. sess. and RCW 70.96.160; amending section 1, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.010; amending section 2, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.020; amending section 4, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.040; amending section 5, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.050; amending section 8, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.060; amending section 9, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.070; amending section 10, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.080; amending section 11, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.090; adding new sections to chapter 69.54 RCW; and adding new sections to chapter 70.96 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4644, by Senators Scott and Shinpoch:

AN ACT Relating to state investments; and adding a new section to chapter 43.33A RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4645, by Senator Deccio (by Department of Social and Health Services request):

AN ACT Relating to child welfare; amending section 17, chapter 172, Laws of 1967 as last amended by section 16, chapter 298, Laws of 1981 and RCW 74.13-.031; amending section 4, chapter 63, Laws of 1971 ex. sess. as amended by section

8, chapter 67, Laws of 1979 ex. sess. and RCW 74.13.109; and adding new sections to chapter 74.13 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4646, by Senator Deccio (by Department of Social and Health Services request):

AN ACT Relating to county community mental health programs; and amending section 13, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.130.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4647, by Senator Lee:

AN ACT Relating to permanent insurance funds of first class school districts; and amending section 28A.59.185, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.185.

Referred to Committee on Education.

SENATE BILL NO. 4648, by Senators Lee and Bauer:

AN ACT Relating to the authority of school districts and educational service districts to form self-insurance groups; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.21 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and adding new sections to chapter 51.14 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4649, by Senators Newhouse, Vognild and Quigg (by Department of Labor and Industries request):

AN ACT Relating to industrial insurance; amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 3, chapter 128, Laws of 1981 and RCW 51.12.020; amending section 51.12.090, chapter 23, Laws of 1961 as last amended by section 20, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.090; amending section 6, chapter 14, Laws of 1980 and RCW 51.12.110; 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 10, chapter 14, Laws of 1980 and RCW 51.32.095; 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; amending section 51.36.020, chapter 23, Laws of 1961 as last amended by section 57, chapter 350, Laws of 1977 ex. sess. and RCW 51.36.020; amending section 51.44.040, chapter 23, Laws of 1961 as last amended by section 21, chapter 323, Laws of 1977 ex. sess. and RCW 51.44.040; amending section 51.48.010, chapter 23, Laws of 1961 as last amended by section 69, chapter 350, Laws of 1977 ex. sess. and RCW 51.48.010; amending section 51.48.030, chapter 23, Laws of 1961 as amended by section 64, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.030; amending section 51.52.120, chapter 23, Laws of 1961 as last amended by section 81, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.120; 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; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4650, by Senators Lee and Gaspard:

AN ACT Relating to school district authority to enter into five-year contracts; and amending section 1, chapter 210, Laws of 1977 ex. sess. and RCW 28A.58.131.

Referred to Committee on Education.

**SENATE BILL NO. 4651**, by Senator Deccio (by Department of Social and Health Services request):

AN ACT Relating to eligibility for services from the developmental disabilities division of the department of social and health services; and repealing section 2, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.015.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 4652**, by Senator Pullen:

AN ACT Relating to motor vehicle emission control; repealing section 11, chapter 163, Laws of 1979 ex. sess., section 1, chapter 176, Laws of 1980 and RCW 46.16.015; repealing section 15, chapter 163, Laws of 1979 ex. sess. and RCW 46.16.016; 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., section 2, chapter 176, Laws of 1980 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., section 3, chapter 176, Laws of 1980 and RCW 70.120.060; repealing section 7, chapter 163, Laws of 1979 ex. sess., section 4, chapter 176, Laws of 1980 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 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 5, chapter 176, Laws of 1980 and RCW 70.120.140; 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 Parks and Ecology.

**SENATE BILL NO. 4653**, by Senators Quigg, Hansen and McCaslin:

AN ACT Relating to building standards; amending section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 8, Laws of 1980 and RCW 19.27.030; 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 6, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 64, Laws of 1980 and RCW 19.27.060; repealing section 7, chapter 96, Laws of 1974 ex. sess., section 59, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.27.070; and repealing section 3, chapter 76, Laws of 1979 ex. sess. and RCW 19.27.075.

Referred to Committee on Commerce and Labor.

**SENATE BILL NO. 4654**, by Senator Talley:

AN ACT Relating to the liability of owners who allow their land to be used for outdoor recreation; and amending section 2, chapter 216, Laws of 1967 as last amended by section 1, chapter 111, Laws of 1980 and RCW 4.24.210.

Referred to Judiciary Committee.

**SENATE BILL NO. 4655**, by Senators Kiskaddon, Gaspard, Gould and Hemstad:

AN ACT Relating to education; amending section 1, chapter 90, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.090; 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;

creating a new section; and repealing section 2, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.092.

Referred to Committee on Education.

SENATE BILL NO. 4656, by Senators Hansen and Gallaghan:

AN ACT Relating to local motor vehicle excise taxes; amending section 7, chapter 270, Laws of 1975 1st ex. sess. as amended by section 1, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.2721; amending section 2, chapter 296, Laws of 1971 ex. sess. as last amended by section 1, chapter 163, Laws of 1980 and RCW 82.14.045; amending section 1, chapter 87, Laws of 1972 ex. sess. as last amended by section 4, chapter 175, Laws of 1979 ex. sess. and RCW 82.44.150; creating a new section; repealing section 8, chapter 255, Laws of 1969 ex. sess., section 2, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.273; repealing section 9, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.274; repealing section 10, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.275; repealing section 11, chapter 255, Laws of 1969 ex. sess., section 1, chapter 199, Laws of 1971 ex. sess. and RCW 35.58.276; repealing section 12, chapter 255, Laws of 1969 ex. sess., section 91, chapter 158, Laws of 1979 and RCW 35.58.277; repealing section 13, chapter 255, Laws of 1969 ex. sess., section 1, chapter 54, Laws of 1974 ex. sess., section 2, chapter 270, Laws of 1975 1st ex. sess. and RCW 35.58.278; repealing section 14, chapter 255, Laws of 1969 ex. sess., section 3, chapter 175, Laws of 1979 ex. sess., section 3, chapter 319, Laws of 1981 and RCW 35.58.279; repealing section 19, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.2791; repealing section 20, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.2792; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 4657, by Senators Hansen, Guess and Bauer:

AN ACT Relating to marine transportation; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 9, chapter 342, Laws of 1981 and RCW 46.68.030; amending section 46.68.100, chapter 12, Laws of 1961 as last amended by section 9, chapter 317, Laws of 1977 ex. sess. and RCW 46.68.100; amending section 47.60.150, chapter 13, Laws of 1961 as amended by section 5, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.150; amending section 5, chapter 344, Laws of 1981 and RCW 47.60.326; amending section 5, chapter 9, Laws of 1961 ex. sess. as last amended by section 7, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.440; amending section 2, chapter 85, Laws of 1970 ex. sess. as last amended by section 3, chapter 27, Laws of 1979 and RCW 47.60.505; amending section 7, chapter 27, Laws of 1979 and RCW 47.60.543; repealing section 8, chapter 24, Laws of 1972 ex. sess., section 10, chapter 342, Laws of 1981 and RCW 47.60.325; repealing section 3, chapter 24, Laws of 1972 ex. sess., section 4, chapter 27, Laws of 1979 and RCW 47.60.530; repealing section 4, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.540; and providing effective dates.

Referred to Committee on Transportation.

SENATE BILL NO. 4658, by Senator Deccio (by Department of Social and Health Services request):

AN ACT Relating to public assistance; adding a new section to chapter 74.08 RCW; creating a new section; repealing section 11, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.042; providing an effective date; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4659, by Senators Hemstad and Clarke:

AN ACT Relating to the election of judges; and amending section 1, chapter 10, Laws of 1970 ex. sess. as amended by section 5, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.150.

Referred to Judiciary Committee.

SENATE BILL NO. 4660, by Senators Lee, Shinpoch, Deccio and Gaspard (by Joint Committee on Administrative Rules request):

AN ACT Relating to administrative rule making; amending section 3, chapter 237, Laws of 1967 as last amended by section 3, chapter 324, Laws of 1981 and RCW 34.04.025; amending section 1, chapter 84, Laws of 1977 ex. sess. as amended by section 10, chapter 186, Laws of 1980 and RCW 34.04.045; amending section 3, chapter 57, Laws of 1971 ex. sess. as last amended by section 12, chapter 324, Laws of 1981 and RCW 28B.19.030; and amending section 23, chapter 186, Laws of 1980 and RCW 28B.19.033.

Referred to Judiciary Committee.

SENATE BILL NO. 4661, by Senator Quigg (by Department of Employment Security request):

AN ACT Relating to unemployment compensation; amending section 59, chapter 35, Laws of 1945 as last amended by section 149, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 50.12.200; amending section 2, chapter 1, Laws of 1971 as last amended by section 7, chapter 35, Laws of 1981 and RCW 50.22.010; amending section 7, chapter 1, Laws of 1971 and RCW 50.22.060; amending section 4, chapter 1, Laws of 1971 as amended by section 9, chapter 35, Laws of 1981 and RCW 50.22.030; amending section 6, chapter 1, Laws of 1971 and RCW 50.22.050; amending section 124, chapter 35, Laws of 1945 and RCW 50.32.080; amending section 183, chapter 35, Laws of 1945 and RCW 50.40.020; amending section 9, chapter 164, Laws of 1971 ex. sess. as last amended by section 10, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.090; adding a new section to chapter 50.20 RCW; adding a new section to chapter 50.32 RCW; adding a new section to chapter 50.40 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4662, by Senators Bauer, Sellar and Bottiger:

AN ACT Relating to savings and loan associations; amending section 119-A, chapter 235, Laws of 1945 and RCW 33.04.010; amending section 95, chapter 235, Laws of 1945 as last amended by section 1, chapter 113, Laws of 1979 and RCW 33.04.020; amending section 20, chapter 130, Laws of 1973 and RCW 33.04.025; amending section 3, chapter 245, Laws of 1977 ex. sess. and RCW 33.04.110; amending section 3, chapter 235, Laws of 1945 and RCW 33.08.020; amending section 4, chapter 235, Laws of 1945 as amended by section 1, chapter 20, Laws of 1949 and RCW 33.08.030; amending section 5, chapter 235, Laws of 1945 and RCW 33.08.040; amending section 6, chapter 235, Laws of 1945 as amended by section 30, chapter 302, Laws of 1981 and RCW 33.08.050; amending section 7, chapter 235, Laws of 1945 as last amended by section 1, chapter 107, Laws of 1969 and RCW 33.08.060; amending section 9, chapter 235, Laws of 1945 as amended by section 31, chapter 302, Laws of 1981 and RCW 33.08.080; amending section 10, chapter 235, Laws of 1945 as last amended by section 32, chapter 302, Laws of 1981 and RCW 33.08.090; amending section 7, chapter 280, Laws of 1959 as last amended by section 1, chapter 98, Laws of 1974 ex. sess. and RCW 33.08.110; amending section 29, chapter 235, Laws of 1945 as last amended by section 3, chapter 107, Laws of 1969 and RCW 33.12.010; amending section 1, chapter 87, Laws of 1981 and RCW 33.12.012; amending section 2, chapter 87, Laws of 1981 and RCW 33.12.014; amending section 35, chapter 235, Laws of 1945 as last amended by section 3, chapter 113, Laws of 1979 and RCW 33.12.060; amending section 13, chapter 235, Laws of 1945 and RCW 33.12.140; amending section 51, chapter 235, Laws of 1945 as last amended by section 3, chapter 84, Laws of 1981 and RCW 33.12.150; amending section 15, chapter 235, Laws of 1945 as amended by section 5, chapter 246, Laws of 1963 and RCW 33.16.020; amending section 16, chapter 235, Laws of 1945 and RCW 33.16.030; amending section 17, chapter 235, Laws of 1945 as amended by section 21, chapter 130, Laws of 1973 and RCW

33.16.040; amending section 19, chapter 235, Laws of 1945 and RCW 33.16.050; amending section 20, chapter 235, Laws of 1945 and RCW 33.16.060; amending section 22, chapter 235, Laws of 1945 and RCW 33.16.080; amending section 23, chapter 235, Laws of 1945 and RCW 33.16.090; amending section 27, chapter 235, Laws of 1945 as amended by section 23, chapter 130, Laws of 1973 and RCW 33.16.120; amending section 38, chapter 235, Laws of 1945 and RCW 33.16.150; amending section 12, chapter 235, Laws of 1945 as last amended by section 4, chapter 107, Laws of 1969 and RCW 33.20.010; amending section 41, chapter 235, Laws of 1945 as amended by section 30, chapter 192, Laws of 1981 and RCW 33.20.040; amending section 44, chapter 235, Laws of 1945 and RCW 33.20.060; amending section 54, chapter 235, Laws of 1945 as last amended by section 5, chapter 113, Laws of 1979 and RCW 33.20.150; amending section 9, chapter 107, Laws of 1969 and RCW 33.20.180; amending section 10, chapter 107, Laws of 1969 as amended by section 1, chapter 54, Laws of 1980 and RCW 33.20.190; amending section 28, chapter 130, Laws of 1973 and RCW 33.24.005; amending section 58, chapter 235, Laws of 1945 as last amended by section 6, chapter 113, Laws of 1979 and RCW 33.24.010; amending section 67, chapter 235, Laws of 1945 as last amended by section 7, chapter 113, Laws of 1979 and RCW 33.24.100; amending section 73, chapter 235, Laws of 1945 and RCW 33.24.160; amending section 27, chapter 130, Laws of 1973 as amended by section 12, chapter 113, Laws of 1979 and RCW 33.24.295; amending section 1, chapter 130, Laws of 1973 and RCW 33.24.350; amending section 2, chapter 130, Laws of 1973 as amended by section 13, chapter 113, Laws of 1979 and RCW 33.24.360; amending section 3, chapter 130, Laws of 1973 and RCW 33.24.370; amending section 77, chapter 235, Laws of 1945 as last amended by section 1, chapter 22, Laws of 1974 ex. sess. and RCW 33.28.020; amending section 79, chapter 235, Laws of 1945 as last amended by section 4, chapter 134, Laws of 1972 ex. sess. and RCW 33.28.040; amending section 81, chapter 235, Laws of 1945 and RCW 33.32.020; amending section 82, chapter 235, Laws of 1945 and RCW 33.32.030; amending section 86, chapter 235, Laws of 1945 and RCW 33.32.070; amending section 89, chapter 235, Laws of 1945 and RCW 33.36.030; amending section 90, chapter 235, Laws of 1945 and RCW 33.36.040; amending section 92, chapter 235, Laws of 1945 and RCW 33.36.050; amending section 91, chapter 235, Laws of 1945 and RCW 33.36.060; amending section 103, chapter 235, Laws of 1945 and RCW 33.40.020; amending section 105, chapter 235, Laws of 1945 and RCW 33.40.040; amending section 106, chapter 235, Laws of 1945 as amended by section 29, chapter 130, Laws of 1973 and RCW 33.40.050; amending section 108, chapter 235, Laws of 1945 as amended by section 10, chapter 71, Laws of 1953 and RCW 33.40.070; amending section 1, chapter 105, Laws of 1951 and RCW 33.40.075; amending section 112, chapter 235, Laws of 1945 as amended by section 11, chapter 71, Laws of 1953 and RCW 33.40.110; amending section 113, chapter 235, Laws of 1945 as amended by section 86, chapter 81, Laws of 1971 and RCW 33.40.120; amending section 100, chapter 235, Laws of 1945 and RCW 33.40.130; amending section 116, chapter 235, Laws of 1945 as amended by section 10, chapter 20, Laws of 1949 and RCW 33.43.010; amending section 1, chapter 154, Laws of 1917 as last amended by section 34, chapter 302, Laws of 1981 and RCW 33.44.020; amending section 2, chapter 154, Laws of 1917 as amended by section 2, chapter 177, Laws of 1927 and RCW 33.44.080; amending section 3, chapter 154, Laws of 1917 as amended by section 3, chapter 177, Laws of 1927 and RCW 33.44.090; amending section 1, chapter 83, Laws of 1975 1st ex. sess. and RCW 33.46.010; amending section 2, chapter 83, Laws of 1975 1st ex. sess. and RCW 33.46.020; amending section 3, chapter 83, Laws of 1975 1st ex. sess. and RCW 33.46.030; amending section 4, chapter 83, Laws of 1975 1st ex. sess. and RCW 33.46.040; amending section 5, chapter 83, Laws of 1975 1st ex. sess. as amended by section 35, chapter 302, Laws of 1981 and RCW 33.46.050; amending section 6, chapter 83, Laws of 1975 1st ex. sess. as amended by section

36, chapter 302, Laws of 1981 and RCW 33.46.060; amending section 7, chapter 83, Laws of 1975 1st ex. sess. and RCW 33.46.070; amending section 8, chapter 83, Laws of 1975 1st ex. sess. and RCW 33.46.080; amending section 10, chapter 83, Laws of 1975 1st ex. sess. and RCW 33.46.100; amending section 11, chapter 83, Laws of 1975 1st ex. sess. and RCW 33.46.110; amending section 4, chapter 84, Laws of 1981 and RCW 33.48.025; amending section 4, chapter 122, Laws of 1955 as last amended by section 1, chapter 84, Laws of 1981 and RCW 33.48.030; amending section 5, chapter 122, Laws of 1955 as last amended by section 2, chapter 84, Laws of 1981 and RCW 33.48.040; amending section 9, chapter 122, Laws of 1955 as last amended by section 8, chapter 107, Laws of 1969 and RCW 33.48.080; amending section 10, chapter 122, Laws of 1955 and RCW 33.48.090; amending section 11, chapter 122, Laws of 1955 and RCW 33.48.100; amending section 12, chapter 122, Laws of 1955 and RCW 33.48.110; amending section 13, chapter 122, Laws of 1955 and RCW 33.48.120; amending section 15, chapter 122, Laws of 1955 and RCW 33.48.140; amending section 8, chapter 130, Laws of 1973 and RCW 33.48.170; amending section 12, chapter 130, Laws of 1973 and RCW 33.48.220; amending section 14, chapter 130, Laws of 1973 and RCW 33.48.240; amending section 15, chapter 130, Laws of 1973 and RCW 33.48.250; amending section 16, chapter 130, Laws of 1973 and RCW 33.48.260; amending section 17, chapter 130, Laws of 1973 and RCW 33.48.270; amending section 18, chapter 130, Laws of 1973 and RCW 33.48.280; amending section 19, chapter 130, Laws of 1973 and RCW 33.48.290; amending section 43.19.100, chapter 8, Laws of 1965 as amended by section 2, chapter 185, Laws of 1977 ex. sess. and RCW 43.19.100; adding new sections to chapter 33.04 RCW; adding a new section to chapter 33.08 RCW; adding a new section to chapter 33.20 RCW; adding new sections to chapter 33.24 RCW; adding a new section to chapter 33.44 RCW; adding a new section to chapter 33.46 RCW; repealing section 97, chapter 235, Laws of 1945 and RCW 33.04.040; repealing section 101, chapter 235, Laws of 1945 and RCW 33.04.050; repealing section 8, chapter 280, Laws of 1959 and RCW 33.08.120; repealing section 31, chapter 235, Laws of 1945 and RCW 33.12.030; repealing section 33, chapter 235, Laws of 1945 and RCW 33.12.040; repealing section 34, chapter 235, Laws of 1945, section 1, chapter 222, Laws of 1961 and RCW 33.12.050; repealing section 36, chapter 235, Laws of 1945 and RCW 33.12.070; repealing section 37, chapter 235, Laws of 1945 and RCW 33.12.080; repealing section 49, chapter 235, Laws of 1945, section 3, chapter 71, Laws of 1953, section 3, chapter 246, Laws of 1963, section 2, chapter 49, Laws of 1967 and RCW 33.12.090; repealing section 55, chapter 235, Laws of 1945 and RCW 33.12.110; repealing section 56, chapter 235, Laws of 1945 and RCW 33.12.120; repealing section 57, chapter 235, Laws of 1945, section 5, chapter 20, Laws of 1949, section 2, chapter 280, Laws of 1959, section 3, chapter 222, Laws of 1961, section 3, chapter 49, Laws of 1967 and RCW 33.12.130; repealing section 52, chapter 235, Laws of 1945, section 4, chapter 257, Laws of 1947, section 4, chapter 20, Laws of 1949 and RCW 33.12.160; repealing section 21, chapter 235, Laws of 1945 and RCW 33.16.070; repealing section 24, chapter 235, Laws of 1945 and RCW 33.16.100; repealing section 25, chapter 235, Laws of 1945, section 25, chapter 130, Laws of 1973, section 2, chapter 165, Laws of 1975 1st ex. sess. and RCW 33.16.110; repealing section 18, chapter 235, Laws of 1945 and RCW 33.16.140; repealing section 26, chapter 235, Laws of 1945, section 2, chapter 257, Laws of 1947 and RCW 33.16.160; repealing section 32, chapter 235, Laws of 1945 and RCW 33.20.020; repealing section 39, chapter 235, Laws of 1945 and RCW 33.20.090; repealing section 42, chapter 235, Laws of 1945 and RCW 33.20.100; repealing section 47, chapter 235, Laws of 1945 and RCW 33.20.110; repealing section 69, chapter 235, Laws of 1945, section 7, chapter 20, Laws of

1949, section 4, chapter 280, Laws of 1959, section 26, chapter 130, Laws of 1973, section 8, chapter 113, Laws of 1979 and RCW 33.24.120; repealing section 70, chapter 235, Laws of 1945, section 4, chapter 49, Laws of 1967 and RCW 33.24.130; repealing section 16, chapter 113, Laws of 1979 and RCW 33.24.135; repealing section 71, chapter 235, Laws of 1945, section 9, chapter 71, Laws of 1953 and RCW 33.24.140; repealing section 15, chapter 113, Laws of 1979 and RCW 33.24.145; repealing section 72, chapter 235, Laws of 1945, section 5, chapter 280, Laws of 1959, section 5, chapter 49, Laws of 1967 and RCW 33.24.150; repealing section 74, chapter 235, Laws of 1945, section 8, chapter 20, Laws of 1949, section 6, chapter 280, Laws of 1959, section 9, chapter 113, Laws of 1979 and RCW 33.24.170; repealing section 75, chapter 235, Laws of 1945 and RCW 33.24.180; repealing section 7, chapter 49, Laws of 1967, section 24, chapter 130, Laws of 1973, section 10, chapter 113, Laws of 1979 and RCW 33.24.230; repealing section 8, chapter 49, Laws of 1967, section 11, chapter 113, Laws of 1979 and RCW 33.24.240; repealing section 11, chapter 107, Laws of 1969 and RCW 33.24.250; repealing section 12, chapter 107, Laws of 1969 and RCW 33.24.260; repealing section 14, chapter 107, Laws of 1969, section 31, chapter 130, Laws of 1973, section 3, chapter 165, Laws of 1975 1st ex. sess. and RCW 33.24.280; repealing section 15, chapter 107, Laws of 1969, section 1, chapter 42, Laws of 1972 ex. sess. and RCW 33.24.290; repealing section 78, chapter 235, Laws of 1945 and RCW 33.28.030; repealing section 80, chapter 235, Laws of 1945, section 8, chapter 246, Laws of 1963 and RCW 33.32.010; repealing section 83, chapter 235, Laws of 1945, section 5, chapter 222, Laws of 1961 and RCW 33.32.040; repealing section 110, chapter 235, Laws of 1945 and RCW 33.40.090; repealing section 111, chapter 235, Laws of 1945 and RCW 33.40.100; repealing section 4, chapter 154, Laws of 1917 and RCW 33.44.010; repealing section 2, chapter 122, Laws of 1955 and RCW 33.48.010; repealing section 3, chapter 122, Laws of 1955 and RCW 33.48.020; repealing section 6, chapter 122, Laws of 1955 and RCW 33.48.050; repealing section 7, chapter 122, Laws of 1955 and RCW 33.48.060; repealing section 8, chapter 122, Laws of 1955 and RCW 33.48.070; repealing section 5, chapter 130, Laws of 1973 and RCW 33.48.180; repealing section 9, chapter 130, Laws of 1973 and RCW 33.48.190; repealing section 10, chapter 130, Laws of 1973 and RCW 33.48.200; repealing section 11, chapter 130, Laws of 1973 and RCW 33.48.210; repealing section 13, chapter 130, Laws of 1973 and RCW 33.48.230; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4663, by Senator Gallagher:  
AN ACT Relating to timber sales.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4664, by Senator Gallagher:  
AN ACT Relating to state trust lands.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4665, by Senator Gallagher:  
AN ACT Relating to marine fish.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4666, by Senator Gallagher:  
AN ACT Relating to shellfish.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4667, by Senator Gallagher:  
AN ACT Relating to shorelands and tidelands.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 4668, by Senator Gallagher:  
AN ACT Relating to the department of natural resources.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 4669, by Senator Gallagher:  
AN ACT Relating to hunting and fishing.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 4670, by Senators McDermott, Ridder, Wojahn,  
Williams, Goltz, Bauer and Fleming:  
AN ACT Relating to the taxation of intangible personal property.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4671, by Senators Sellar, Wilson and Hayner:  
AN ACT Relating to highway district boundaries.  
Referred to Committee on Transportation.

SENATE BILL NO. 4672, by Senator Lee:  
AN ACT Relating to review of administrative rules.  
Referred to Committee on State Government.

SENATE BILL NO. 4673, by Senator Kiskaddon:  
AN ACT Relating to the joint select committee on sunset review.  
Referred to Committee on State Government.

SENATE BILL NO. 4674, by Senator Kiskaddon:  
AN ACT Relating to sunset procedures.  
Referred to Committee on State Government.

SENATE BILL NO. 4675, by Senator Kiskaddon:  
AN ACT Relating to school district transportation.  
Referred to Committee on Education.

SENATE BILL NO. 4676, by Senator Kiskaddon:  
AN ACT Relating to school district transportation.  
Referred to Committee on Education.

SENATE BILL NO. 4677, by Senator Gallagher:  
AN ACT Relating to ocean ranching.  
Referred to Committee on Natural Resources.

SENATE JOINT MEMORIAL NO. 117, by Senators Hansen, Guess, Benitz  
and Bauer:  
Requesting that federal charges on small hydroelectric power projects be lifted.  
Referred to Committee on Energy and Utilities.

SUBSTITUTE HOUSE BILL NO. 115, by Committee on Higher Education  
(originally sponsored by Representatives Winsley, Teutsch, Brown, Isaacson,  
Tupper, Burns, Rust and Greengo):  
Implementing law relating to refund or cancellation of tuition and fees at insti-  
tutions of higher education.  
Referred to Committee on Higher Education.

**THIRD SUBSTITUTE HOUSE BILL NO. 179**, by Committee on Appropriations—Human Services (originally sponsored by Committee on Appropriations—Human Services and Representatives Mitchell, Winsley, Houchen, Brekke, Wang, Patrick, Rinehart and Brown):

Creating the council on child abuse and neglect.

Referred to Committee on Social and Health Services.

**SUBSTITUTE HOUSE BILL NO. 213**, by Committee on State Government (originally sponsored by Representatives Thompson, Barrett, Isaacson, Teutsch and Sanders):

Modifying the scope of the Open Public Meetings Act.

Referred to Committee on State Government.

**HOUSE BILL NO. 357**, by Committee on State Government and Representatives Addison and Walk:

Modifying provisions on the preservation and destruction of public records.

Referred to Committee on State Government.

**HOUSE BILL NO. 375**, by Committee on Labor and Economic Development and Representatives Patrick, Sanders, Smith, Salatino, Garrett and Wang:

Modifying the regulation of automotive repairs.

Referred to Committee on Commerce and Labor.

**HOUSE BILL NO. 385**, by Committee on Labor and Economic Development and Representatives Sanders, Patrick, Eberle, Flanagan, Barrett, Hankins, Clayton, King (J), Monohon, Smith, Ellis, Vander Stoep, Isaacson, Addison and McGinnis:

Enacting the Regulatory Fairness Act.

Referred to Committee on Commerce and Labor.

**HOUSE BILL NO. 442**, by Committee on Labor and Economic Development and Representatives Sanders, Scott, Eberle, Garrett, Nelson (G) and Clayton:

Revising laws pertaining to discipline of engineers.

Referred to Committee on Commerce and Labor.

**HOUSE BILL NO. 500**, by Committee on Ethics, Law and Justice and Representatives Ellis and Salatino (by Code Reviser request):

Adopting a rule of statutory construction that a reference includes any amendments to the referenced statute.

Referred to Judiciary Committee.

**HOUSE BILL NO. 572**, by Committee on State Government and Representative Addison:

Transferring responsibility for voting devices to the secretary of state.

Referred to Committee on Constitutions and Elections.

**HOUSE BILL NO. 600**, by Committee on Ethics, Law and Justice and Representatives Ellis, Patrick, Schmidt, Becker, Tilly, Winsley, Bickham, Pruitt and Granlund:

Making various changes in criminal laws.

Referred to Judiciary Committee.

**ENGROSSED HOUSE BILL NO. 621**, by Representatives Winsley and North:

Modifying provisions relating to cruelty to animals.

Referred to Committee on Agriculture.

HOUSE BILL NO. 682, by Committee on Ethics, Law and Justice and Representative Ellis:

Extending the statute of limitations for certain crimes of sexual abuse against children.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 709, by Committee on Local Government (originally sponsored by Committee on Local Government and Representatives Brown and Isaacson):

Transferring county treasurers' duties relating to metropolitan park districts to city treasurers.

Referred to Committee on Local Government.

HOUSE BILL NO. 720, by Committee on Ethics, Law and Justice and Representatives Isaacson and Ellis:

Modifying persons authorized to become donees of gifts of human remains.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 808, by Committee on Appropriations—Human Services (originally sponsored by Representatives Nisbet, Owen, Houchen and Struthers) (by Governor Spellman request):

Providing for a 500-man medium security correction center.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 884, by Committee on Ethics, Law and Justice and Representative Ellis (by Code Reviser request):

Correcting double amendments to various statutes.

Referred to Judiciary Committee.

HOUSE JOINT MEMORIAL NO. 15, by Committee on State Government and Representative Lewis:

Requesting that the U.S. postal service issue a stamp commemorating the eruption of Mount St. Helens.

Referred to Committee on State Government.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

#### MOTION

On motion of Senator Clarke, consideration of Engrossed Senate Bill No. 3898 will be resumed following Substitute Senate Bill No. 4315.

#### THIRD READING

ENGROSSED SENATE BILL NO. 3565, by Senators Quigg, Fleming and Peterson:

Modifying requirements for harbor area leases.

#### MOTIONS

On motion of Senator Quigg, the rules were suspended and Engrossed Senate Bill No. 3565 was returned to second reading.

On motion of Senator Moore, the following amendment was adopted:

On page 13, beginning on line 2, after ")")" strike all of the material down to and including "district" on line 6

On motion of Senator Williams, the following amendment was adopted:

On page 13, line 32, strike all of section 9 and renumber the remaining sections accordingly.

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

On line 8 of the title, after "79.01.428;" strike all material down through "79.01.472;" on line 10

On motion of Senator Quigg, the rules were suspended, Reengrossed Senate Bill No. 3565, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Moore: "Senator Quigg, to what extent do you feel this legislation will cure or at least help that lease situation we have in Lake Union and Salmon Bay and everywhere as far as that is concerned?"

Senator Quigg: "Senator Moore, the department just recently has applied the same pricing policy to aquatic land leases as they have applied historically to trust land revenue accounts and that is they have decided they will go for all the money they could get. And in the committee, when our committee met and when the department testified, they brought this out, that they were going to maximize the return; and then with some study we found that these aquatic lands have a different charge than the trust lands do, and those are not to maximize revenue but to maximize benefits to the state of Washington, not only in terms of revenue but also in terms of transportation and all sorts of other needs: water access, marine food chain supply, and this sort of thing.

"So what we have done in this bill is capped those increases to a price deflator so we do not see those astronomical increases that literally, you are putting people out of their homes where they have lived for years. So I think that this is a reasonable approach. There will be increases but they will not be the thousand percent increases we have seen when they changed policy last."

Senator Moore: "One more question if I might, Mr. President. In those lands, is it your feeling, impression, whatever, at this point that the department of natural resources will treat all lands the same, or do you think that they will be taking into consideration the profitability, the need for water areas. You know there is a lot of difference between whether you run a plywood plant or a shipyard or a flying service, or a yacht sales business, or houseboat — do you have any feeling or any information you could pass on to us on that score?"

Senator Quigg: "The committee received a report from a group of appraisers that suggested appraisal methods that the department may wish to adopt to better match the revenue or the lease requirements to the ability of that property to generate those lease revenues. The department, as you know, for years had a very nominal lease that was probably, maybe in some of the cases too low, they just never checked it. But when all of a sudden they did, they tried to get well overnight and a lot of those folks that were holding those leases dropped them; and I think what this bill will provide is the department with a guideline, a cap, so that that runaway will not occur. That guideline, cap, coupled with the lease recommendations of the appraisers, I think will address just what your concerns are, so that they match up with the use of that land."

#### POINT OF INQUIRY

Senator Conner: "To Senator Quigg or Senator Peterson, we are establishing this harbor improvement revolving fund and I remember the problems that we have had the past two years, as well as others, with the department of natural resources. We are taking away these monies which were being, twenty-five percent of the money that went into this particular program, away from the port districts and we are giving that to the DNR to go ahead on their own program. I am wondering if

they are going to be doing things that would be detrimental to the people in the areas that we were talking about in the interim where there were some real problems involved; and as to whether the committee is going to keep the finger on this particular program to see that these particular problems are not going to be gone back into because it has been a real concern I know to the ports in our area and the people concerned. And so I am particularly concerned about how much leeway we are giving back to the department of natural resources to, in effect I guess, do their own thing."

Senator Quigg: "Senator Conner, this of course, as I mentioned earlier, is a compromise between the ports, DNR, and those folks involved. Of course, when DNR changes its pricing policy to the extent we are changing it here, it is going to make a difference to the cost of the folks using those lands, including the ports. This twenty-five percent that is changed here, I think you could say fairly is offset by the lower cost to the users of those state aquatic lands.

"But we also found out during committee hearings that the DNR in many cases, as some real problems identifying the boundaries in state aquatic lands as a landlord or as an owner of these properties, some of these property ownership functions, frankly, have fallen a bit behind. And the DNR has a job ahead of it to see to it that these properties are properly managed, and these funds will see to it that that is the case and that the state really does know what it has in terms of aquatic lands and that those aquatic lands are managed for the benefit of the people of the state of Washington, not just highest and most revenue but for transportation for fisheries, and for all of the aquatic activities that are so important to the state's economy on the sound, the coast and in those areas where our economy is tied together with our waterfront."

### MOTION

On motion of Senator Bluechel, Senator Sellar was excused.

### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 3565 and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 1; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Conner, Shinpoch, Wilson—3.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Hughes, Lysen, McDermott, Sellar—4.

REENGROSSED 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.

### THIRD READING

SUBSTITUTE SENATE BILL NO. 3965, by Committee on Natural Resources (originally sponsored by Senators Gallagher and Haley):

Providing funding for fish hatchery expenditures of the department of fisheries.

## MOTION

Senator Shinpoch moved that Substitute Senate Bill No. 3965 be referred to the Committee on Ways and Means.

Debate ensued.

## POINT OF INQUIRY

Senator Ridder: "Senator Clarke, essentially what I hear you saying is, that a department should be encouraged to go out and raise its own funds. If those things are being sold now, are they? Money is going into the general fund? And now we are simply saying that because they are a specific source, we are going to leave it within the department? Because I have some real questions about that; I think we have other departments that might be encouraged to go out and have no-bake sales or what-have-you that would raise their own direct funds when really, what we want to do here is to judge the quality and quantity of money that should be established."

Senator Clarke: "Senator, in answer to your question I would not subscribe to all the lengthy remarks that you have made and I will endeavor to answer the substance of it. And that is, as I understand it, and I, in reality, should defer to Senator Gallagher who is much more expert on this than I.

"But my general philosophy is, that if there is an activity such as the propagation of fisheries' fish, and that in connection with that, the operation itself promotes certain revenue which will be promoted only in the event the hatcheries are maintained to a substantial degree and the fish are put out so that they come back, then that the proceeds of the fish that come back which are generated by the very activity itself, that it does make sense to say that those proceeds should be retained for the purpose of maintaining and if necessary, perhaps, enhancing the fisheries' program."

Senator Ridder: "Well, it would seem to me, Mr. President and members, that if we want to write those numbers considerably larger, there is reason to say that DNR then, should have the management of its own monies in order to propagate our timber land; and it seems to me that we are prededicating a fund that then will not be subject to any further across-the-board cut because that money is already there and that program is established and it removes it from our purview and we also have, I understand, game department sales. Do those then revert to the game department and are they outside of our own jurisdiction?"

Further debate ensued.

Senator Shinpoch 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 Shinpoch that Substitute Senate Bill No. 3965 be referred to the Committee on Ways and Means.

## ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 15; nays, 29; absent or not voting, 1; excused, 4.

Voting yea: Senators Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hurley, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Wilson, Wojahn, Woody—15.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Talley, Vognil, von Reichbauer, Williams, Zimmerman—29.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Hughes, Lysen, McDermott, Sellar—4.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3965.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3965 and the bill passed the Senate by the following vote: Yeas, 31; nays, 13; absent or not voting, 1; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Talley, Vognild, von Reichbauer, Zimmerman—31.

Voting nay: Senators Conner, Fleming, Goltz, Hurley, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody—13.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Hughes, Lysen, McDermott, Sellar—4.

SUBSTITUTE SENATE BILL NO. 3965, having received the 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 Clarke, Substitute Senate Bill No. 4315 was ordered to hold its place on the third reading calendar for January 25, 1982.

On motion of Senator Clarke, Engrossed Substitute Senate Bill No. 3084 was ordered placed at the end of the third reading calendar.

### THIRD READING

ENGROSSED SENATE BILL NO. 3446, by Senators Lee and Zimmerman:  
Revising laws relating to boundary review boards.

### MOTIONS

On motion of Senator Lee, the rules were suspended and Engrossed Senate Bill No. 3446 was returned to second reading.

On motion of Senator Lee, the following amendment was adopted:

On page 3, following line 1 add the following sections:

"Sec. 3. Section 35.02.150, chapter 7, Laws of 1965, as last amended by section 1, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.02.150 are each amended to read as follows:

After the filing of any petition for incorporation with the county auditor, and pending its final disposition as provided for in this chapter, no other petition for incorporation (~~((and no petition or resolution for annexation))~~) which embraces any of the territory included therein shall be acted upon by the county auditor or the (~~((board of))~~) county (~~((commissioners;))~~) legislative authority (~~((or by any city or town clerk, city or town council;))~~) or by any other public official or body that might otherwise be empowered to receive or act upon such a petition: PROVIDED, That any petition for incorporation may be withdrawn, or a new petition embracing other or different boundaries may be substituted therefor, by a majority of the signers thereof, at any time before such petition has been certified by the county auditor to the (~~((board of))~~) county (~~((commissioners;))~~) legislative authority in which case the same proceedings shall be taken as in the case of an original petition. A boundary review board, county auditor, county legislative authority, or any other public official or body shall act upon a petition for annexation before considering or acting upon a

petition for incorporation which embraces some or all of the same territory, without regard to priority of filing.

Sec. 4. Section 35A.03.140, chapter 119, Laws of 1967 ex. sess. and RCW 35A.03.140 are each amended to read as follows:

After the filing of any petition for incorporation with the county auditor, and pending final disposition as provided for in this chapter, no other petition for incorporation (~~(or annexation)~~) which embraces any of the territory included therein shall be acted upon by the county auditor or the (~~(board of)~~) county (~~(commissioners;)~~) legislative authority (~~(or by any city or town clerk, city or town council)~~), or by any other public official or body that might otherwise be empowered to receive or act upon such a petition: PROVIDED, That any petition for incorporation may be withdrawn or a new petition embracing other or different boundaries or another plan of government may be substituted therefor, by a majority of the signers thereof, at any time before such petition has been certified by the county auditor to the (~~(board of)~~) county (~~(commissioners;)~~) legislative authority in which case the same proceedings shall be taken as in the case of an original petition. A boundary review board, county legislative authority, or any other public official or body shall act upon a petition for annexation before considering or acting upon a petition for incorporation which embraces some or all of the same territory, without regard to priority of filing.

NEW SECTION. Sec. 5. There is added to chapter 36.93 RCW a new section to read as follows:

A boundary review board, county auditor, county legislative authority, or any other public official or body shall act upon a petition for annexation before considering or acting upon a petition for incorporation which embraces some or all of the same territory, without regard to priority of filing."

On motion of Senator Lee, the following amendments to the title were adopted:

On page 1, line 3 of the title, after "RCW 36.93.100" strike "and"

On page 1, line 5 of the title, after "RCW 36.93.170" insert "; amending section 35.02.150, chapter 7, Laws of 1965, as last amended by section 1, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.02.150; amending section 35A.03.140, chapter 119, Laws of 1967 ex. sess. and RCW 35A.03.140; and adding a new section to chapter 36.93 RCW."

On motion of Senator Lee, the rules were suspended, Reengrossed Senate Bill No. 3446 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 Lee, I had this amendment on my desk just one minute before we took action on it and passed it. Would you kindly tell us just what this bill does now?"

Senator Lee: "Boundary review boards are set up in the major counties of the state of Washington. They are appointees of the governor. Before any kind of annexation or incorporation can take place in those counties, the boundary review board has to look at it. They can do any number of things: they can say, 'Sure, it's okay, you can go ahead and do it, have a vote on it.' Or they can even say 'No' . . . you do not even get a chance to move on it.

"What the bill does itself is say that they have a particular period of time in which to make that finding, because there has been some problems when it has gone on for years and years; or for more than a year without making any finding.

"It also allows them, if there are requests in for both annexation and incorporation for the same area, that they can look at them both at the same time. And that is, in fact, what the amendment did.

"We passed it out of this house without any dissenting vote."

## POINT OF INQUIRY

Senator Wilson: "Senator Lee, these bills as you know, Senator, being an old hand at local government, involving boundary review boards and so on, are always kind of delicate matters. Now this a bill which had a full hearing in the local government committee, and while I do not remember all the particulars, I am looking at the list of people who signed it out; it would seem to include everyone on that committee, I think.

"The amendment introduces a new element, I really do not know offhand whether it is a good or not such a good thing to do. I don't know that we heard any testimony in the committee on the contents of the amendment. There is often a conflict between a municipality that wants to annex an area and an area that would like to incorporate for itself. And, I agree that boundary review boards, that is one of their functions, is to try to resolve that sort of dispute.

"I guess my question is, in what respect has existing law been failing and therefore why is the amendment needed?"

Senator Lee: "Your remarks are quite correct and to the point. The intent of the law was, that of course they could consider both matters as far as the boundary review board is concerned. And it was not until a conflict came up recently, we recognized that the law was imperfect in the way in which it was written. For example the case in point. An incorporation petition has been filed to carry a very large area. At the same time, one day later, annexation petitions were handed in for a very small addition with the 75% requirement of the people in that area saying they wanted to annex.

"The way the law is presently written they cannot even consider them both at the same time. They cannot even talk about them at the time when they are considering the incorporation amendment. And they felt they should be able to consider them concurrently.

"So what it is really doing is putting the law in the kind of form so they can really do what the intent was originally."

Senator Wilson: "I take it then, Senator, that in some particular instance somewhere in the state has led to the proposal of the amendment and amendments are quite justified with that sort of motivation; but sometimes, as you know, they have a different effect and receive a different reaction in other parts of the state, and my final question is, has this proposal received any sort of public hearing in either the Senate or the House so that people from all parts of the state, if they are sufficiently interested, would have had an opportunity to comment?"

Senator Lee: "The answer to that question is 'Yes.' It did have a hearing in the House and of course will have another opportunity to have that kind of scrutiny. And as I say, the procedure that this amendment puts into play would be the same procedure that is now available to all of the counties that do not have boundary review boards."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, where did this request originate, is this a new thought by you or did the Association of Washington Cities, or County Commissioners Association, which body . . .?"

Senator Lee: "Both."

Senator Rasmussen: "They all asked for this?"

Senator Lee: "Yes."

Senator Rasmussen: "I was not aware that they had."

Senator Lee: "Well, it is because it was a request that was made in the House, in a House hearing, and came from that angle."

Senator Rasmussen: "Thank you."

## POINT OF INQUIRY

Senator Charnley: "Senator Lee, I listened very carefully to your explanation and you explained the present law, and I think I see that it is deleted language in the first paragraph, would not make it possible for a board to consider things concurrently. But then I read the additional language at the bottom of the page and it says, 'A boundary review board, county auditor, county legislative authority or any other public official, shall act on a petition for annexation before considering or acting on a petition for incorporation.' So I am confused because you explained that originally in your first comments, that this would allow the boundary review board to consider them concurrently and yet the language down there does not read that way to me. Could you tell me how I am reading this incorrectly?"

Senator Lee: "This is the language that they which to have in there — let me explain why it is written in this particular way. The boundary review board, when it comes to an annexation that has the 75% of property owners on it, just simply says it is okay or it is not okay; it does not involve an election procedure.

In the incorporation procedure, it always involves an election process. So this allows at the time they are looking at whether or not they are going to allow an area to even go through the process of having an election for incorporation, to look at other annexation petitions that are filed, and they can say 'No, you cannot do it until the incorporation has taken place,' or they can say 'Yes, you might as well go ahead and annex, this is just one block, or something of this sort, it does not affect the incorporation,' because as the way it now stands, they do not have any ability to do anything that relates to anything other than the incorporation petition. It really ties their hands."

Senator Charnley: "Okay, the only thing I guess I would point out or I would ask to make clearer, that it says 'shall act' — it does not say they shall act in any way, it says they 'shall act' on the annexation first and then on the incorporation."

Senator Lee: "That is right. In other words, they do have the ability to say to the person with the annexation petition, 'No, this is going to be deferred until after the incorporation election.'"

Senator Charnley: "Is there, I must ask this because you are the proponent and therefore I presume something in your area, is there an area in the Highline area that has run into this problem? I have heard there is annexation considered in the Highline area, or incorporation, I should say?"

Senator Lee: "That is the area, that is the only incorporation proceeding I think, presently before the board. They did run into it in that area and they also ran into it in the Federal Way situation. In the Highline situation, of course, the incorporation simply used the boundaries of the entire school district less the cities that were involved. And one of the cities that was involved had a petition in hand, in fact, to annex one single piece of property. In other words, they had a 100% petition . . . And so the only recourse that property owner has, is to try to defeat the incorporation in order to be annexed to the other city and we really think we should have some way of resolving that problem, short of that other alternative."

Senator Charnley: "Good. Thank you for that explanation."

## MOTION

On motion of Senator Clarke, Reengrossed Senate Bill No. 3446 was ordered held for further consideration on January 25, 1982 on third reading.

## THIRD READING

ENGROSSED SENATE BILL NO. 3100, by Senators Moore, Gould, Talmadge, Shinpoch, Quigg and Woody:

Requiring both spouses to participate in the sale of encumbrance of a mobile home.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Clarke, my question about Senate Bill 3100 was that we passed, I think, something relating to this issue area in House Bill 397 last April. And I am wondering if we could hold it over to make sure we are not enacting, with Senate Bill 3100, something we already enacted into law in House Bill 397?"

Senator Clarke: "Senator, I do not know the answer to that offhand, and if there is that probability, I would certainly have no objection to holding it until next working day to so ascertain."

Debate ensued.

#### MOTION

On motion of Senator Clarke, Engrossed Senate Bill No. 3100 was ordered to hold its place on the third reading calendar for January 25, 1982.

#### MOTION

On motion of Senator Clarke, Substitute Senate Bill No. 3961 was ordered referred to the Committee on Local Government.

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3895, by Committee on Constitutions and Elections (originally sponsored by Senators Woody, Metcalf and Fuller):

Clarifying laws regulating initiatives and referendums.

#### MOTION

On motion of Senator Talmadge, the rules were suspended and Engrossed Substitute Senate Bill No. 3895 was returned to second reading.

#### MOTION

On motion of Senator Clarke, Engrossed Substitute Senate Bill No. 3895 was ordered held on the second reading calendar for January 25, 1982.

#### THIRD READING

ENGROSSED SENATE BILL NO. 3156, by Senators Williams, Fuller, Charnley, Goltz and Zimmerman:

Considering renewable energy systems in the design of public buildings.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3156.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3156 and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 2; excused, 4.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Guess, Rasmussen—2.

Absent or not voting: Senators Bauer, Conner—2.

Excused: Senators Hughes, Lysen, McDermott, Sellar—4.

ENGROSSED SENATE BILL NO. 3156, having received the 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

SENATE BILL NO. 3240, by Senators McDermott and Gaspard:

Modifying certain laws relating to course instruction in common schools.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3240.

### 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, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senator Conner—1.

Excused: Senators Hughes, Lysen, McDermott, Sellar—4.

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.

### MOTION

At 1:03 p.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Monday, January 25, 1982.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, January 25, 1982.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, Fleming, Gould, Hughes and McDermott. On motion of Senator Wilson, Senators Conner, Fleming, Hughes and McDermott were excused.

The Color Guard, consisting of Pages Rachele Benitz and Scott Miller, presented the Colors. Reverend Timothy Dolan, pastor of Westminster United Presbyterian Church of Olympia offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 22, 1982.

SENATE BILL NO. 4522, modifying provisions relating to fishing (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

January 22, 1982.

SENATE BILL NO. 4641, providing funding for state participation in Energy Fair '83 (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do Pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Newhouse, Quigg.

MINORITY recommendation: Do not pass.

Signed by: Senators Hurley, Moore, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

January 21, 1982.

SENATE JOINT RESOLUTION NO. 111, authorizing loans for energy conservation and renewable energy resources (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That 2nd Substitute Senate Joint Resolution No. 111 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Quigg, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

January 22, 1982.

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 B. Rice appointed June 8, 1981, for a term ending September 30, 1985, succeeding J. Grahame Bell as a member of the Board of Trustees for Community College District No. 5.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

### MESSAGES FROM THE HOUSE

January 22, 1982.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 626, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

January 22, 1982.

Mr. President: The House concurred in the Senate amendment to HOUSE CONCURRENT RESOLUTION NO. 33 and adopted the resolution as amended by the Senate and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

January 22, 1982.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 289,  
ENGROSSED HOUSE BILL NO. 757,  
ENGROSSED HOUSE JOINT MEMORIAL NO. 14, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 4678, by Senators Newhouse, McDermott and Sellar:  
AN ACT Relating to claims; and adding a new section to chapter 4.44 RCW.  
Referred to Judiciary Committee.

SENATE BILL NO. 4679, by Senators Hayner, Jones, Newhouse, von Reichbauer and Quigg:

AN ACT Relating to business licenses; amending section 1, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.250; amending section 4, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.280; amending section 5, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.290; amending section 6, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.300; amending section 38, chapter 63, Laws of 1969 as amended by section 15, chapter 297, Laws of 1981 and RCW 15.49.380; amending section 39, chapter 63, Laws of 1969 and RCW 15.49.390; amending section 3, chapter 190, Laws of 1971 ex. sess. as amended by section 1, chapter 146, Laws of 1979 and RCW 15.58.030; amending section 18, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.180; amending section 19, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.190; amending section 1, chapter 38, Laws of 1963 as amended by section 5, chapter 90, Laws of 1979 and RCW 18.64.011; amending section 17, chapter 90, Laws of 1979 and RCW 18.64.044; amending section 1, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.010; amending section 2, chapter 319, Laws of 1977 ex. sess. as amended by section 75, chapter 158, Laws of 1979 and RCW 19.02.020;

amending section 3, chapter 319, Laws of 1977 ex. sess. as amended by section 76, chapter 158, Laws of 1979 and RCW 19.02.030; amending section 4, chapter 319, Laws of 1977 ex. sess. as amended by section 77, chapter 158, Laws of 1979 and RCW 19.02.040; amending section 7, chapter 319, Laws of 1977 ex. sess. as amended by section 79, chapter 158, Laws of 1979 and RCW 19.02.070; amending section 2, chapter 117, Laws of 1943 and RCW 19.32.020; amending section 3, chapter 117, Laws of 1943 and RCW 19.32.040; amending section 4, chapter 117, Laws of 1943 as amended by section 39, chapter 240, Laws of 1967 and RCW 19.32.050; amending section 1, chapter 286, Laws of 1957 as last amended by section 1, chapter 107, Laws of 1979 and RCW 19.91.010; amending section 13, chapter 286, Laws of 1957 as amended by section 14, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.130; amending section 14, chapter 286, Laws of 1957 as amended by section 15, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.140; amending section 15, chapter 286, Laws of 1957 as amended by section 16, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.150; amending section 2, chapter 137, Laws of 1937 and RCW 69.12.020; amending section 3, chapter 137, Laws of 1937 and RCW 69.12.030; amending section 4, chapter 137, Laws of 1937 and RCW 69.12.040; amending section 5, chapter 137, Laws of 1937 as amended by section 44, chapter 240, Laws of 1967 and RCW 69.12.050; amending section 3, chapter 201, Laws of 1975 1st ex. sess. and RCW 69.25.020; amending section 6, chapter 201, Laws of 1975 1st ex. sess. and RCW 69.25.050; amending section 7, chapter 201, Laws of 1975 1st ex. sess. and RCW 69.25.060; adding a new section to chapter 15.49 RCW; adding new sections to chapter 19.02 RCW; adding a new section to chapter 43.07 RCW; creating new sections; repealing section 82.24.220, chapter 15, Laws of 1961, section 69, chapter 278, Laws of 1975 1st ex. sess., section 8, chapter 319, Laws of 1977 ex. sess. and RCW 82.24.220; repealing section 6, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.060; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4680, by Senators Hemstad and Fuller:

AN ACT Relating to the sheriff's office civil service commission; and amending section 12, chapter 1, Laws of 1959 as amended by section 102, chapter 81, Laws of 1971 and RCW 41.14.120.

Referred to Committee on Local Government.

SENATE BILL NO. 4681, by Senators Zimmerman, Charnley, Bluechel, Decchio, Hemstad and Guess:

AN ACT Relating to natural areas; and making an appropriation.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4682, by Senators Talmadge, Vognild and Quigg:

AN ACT Relating to industrial appeals judges; amending section 51.52.095, chapter 23, Laws of 1961 as last amended by section 78, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.095; 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; and amending section 51.52.106, chapter 23, Laws of 1961 as last amended by section 4, chapter 58, Laws of 1975 1st ex. sess. and RCW 51.52.106.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4683, by Senators Hemstad, Talmadge, Gould, Bluechel, Shinpoch, Goltz, Zimmerman and Charnley:

AN ACT Relating to public records; and amending section 31, chapter 1, Laws of 1973 as last amended by section 13, chapter 314, Laws of 1977 ex. sess. and RCW 42.17.310.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4684, by Senators Newhouse, Benitz, Zimmerman and Hansen (by Department of Agriculture request):

AN ACT Relating to plant pests and diseases; amending section 43.06.010, chapter 8, Laws of 1965 as last amended by section 4, chapter 53, Laws of 1979 ex. sess. and RCW 43.06.010; amending section 8, chapter 113, Laws of 1969 and RCW 15.09.080; and adding new sections to chapter 17.24 RCW.

Referred to Committee on Agriculture.

SENATE BILL NO. 4685, by Senators Kiskaddon, Bottiger, Hemstad and Woody:

AN ACT Relating to prison terms; amending section 5, chapter 133, Laws of 1955 as last amended by section 2, chapter 63, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.040; amending section 1, chapter 67, Laws of 1972 ex. sess. and RCW 9.95.052; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 4686, by Senators Fuller, Hurley, Charnley, Gould and Hemstad:

AN ACT Relating to oil; adding a new chapter to Title 19 RCW; and creating a new section.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4687, by Senators Talmadge, Vognild, Shinpoch, Bauer, Fleming, Wojahn, Conner, Charnley, Woody, Goltz, Gaspard, Ridder, Moore and Hughes:

AN ACT Relating to veterans who may have been exposed to certain chemical defoliants or herbicides or other causative agents; and adding a new chapter to Title 73 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4688, by Senators Hurley, Zimmerman, Scott, Hansen, Bauer, Fleming and Shinpoch:

AN ACT Relating to watercraft; amending section 84.36.090, chapter 15, Laws of 1961 and RCW 84.36.090; adding a new chapter to Title 82 RCW; adding a new chapter to Title 88 RCW; and prescribing penalties.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4689, by Senators Sellar and Hansen:

AN ACT Relating to apple advertising assessments; amending section 15.24.100, chapter 11, Laws of 1961 as last amended by section 28, chapter 240, Laws of 1967 and RCW 15.24.100; amending section 15.24.110, chapter 11, Laws of 1961 as amended by section 29, chapter 240, Laws of 1967 and RCW 15.24.110; and adding new sections to chapter 15.24 RCW.

Referred to Committee on Agriculture.

SENATE BILL NO. 4690, by Senators von Reichbauer, Guess and Hansen:

AN ACT Relating to highways; amending 36.80.060, chapter 4, Laws of 1963 as amended by section 10, chapter 182, Laws of 1969 ex. sess. and RCW 36.80.060; amending section 36.82.130, chapter 4, Laws of 1963 as amended by section 13, chapter 182, Laws of 1969 ex. sess. and RCW 36.82.130; amending section 36.86.070, chapter 4, Laws of 1963 and RCW 36.86.070; amending section 36.86.080, chapter 4, Laws of 1963 and RCW 36.86.080; amending section 43.32.010, chapter

8, Laws of 1965 as amended by section 6, chapter 85, Laws of 1971 ex. sess. and RCW 43.32.010; and amending section 47.48.020, chapter 13, Laws of 1961 as amended by section 2, chapter 216, Laws of 1977 ex. sess. and RCW 47.48.020.

Referred to Committee on Transportation.

SENATE BILL NO. 4691, by Senators Talmadge, Bottiger and Hemstad:

AN ACT Relating to technical corrections in the law of comparative fault and contribution among tort feasons; amending section 12, chapter 27, Laws of 1981 and RCW 4.22.040; amending section 15, chapter 27, Laws of 1981 and RCW 4.22.920; creating a new section; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 4692, by Senators Gallagher and Vognild:

AN ACT Relating to motorcycles; amending section 1, chapter 232, Laws of 1967 as amended by section 6, chapter 213, Laws of 1979 ex. sess. and RCW 46.20.500; amending section 50, chapter 145, Laws of 1967 ex. sess. as amended by section 153, chapter 158, Laws of 1979 and RCW 46.20.505; amending section 49, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.527; amending section 4, chapter 232, Laws of 1967 as last amended by section 55, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.530; adding new sections to chapter 46.20 RCW; adding a new section to chapter 46.68 RCW; making an appropriation; defining crimes; and prescribing penalties.

Referred to Committee on Transportation.

SENATE BILL NO. 4693, by Senators Lee, Bauer, Kiskaddon and Gaspard:

AN ACT Relating to the allocation of education enhancement block grants; amending section 100, chapter 340, Laws of 1981 as amended by section 82, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW.

Referred to Committee on Education.

SENATE BILL NO. 4694, by Senators Goltz and Patterson:

AN ACT Relating to institutions of higher education; amending section 13, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.710; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 4695, by Senators Talmadge, Bottiger and Hemstad:

AN ACT Relating to arbitration; amending section 2, chapter 138, Laws of 1943 and RCW 7.04.020; and amending section 15, chapter 138, Laws of 1943 and RCW 7.04.150.

Referred to Judiciary Committee.

SENATE BILL NO. 4696, by Senator Newhouse:

AN ACT Relating to tourism; and creating a new section.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4697, by Senators Quigg, Bluechel, Hemstad, Deccio, Craswell, Metcalf, McCaslin, Patterson, Talmadge, Moore, Woody, McDermott, Jones, Gallagher, von Reichbauer, Benitz, Hayner, Zimmerman, Hurley, Gould, Fuller, Lee, Kiskaddon, Goltz, Wojahn, Williams, Vognild, Talley, Rasmussen, Peterson, Lysen, Hansen, Gaspard, Charnley, Bottiger, Bauer and Sellar:

AN ACT Relating to payroll deductions for public employees for individual retirement accounts; and amending section 1, chapter 70, Laws of 1947 as amended by section 15, chapter 106, Laws of 1973 and RCW 41.04.020.

Referred to Committee on State Government.

SENATE BILL NO. 4698, by Senator Scott:

AN ACT Relating to certain deductions from salaries and wages of education and other public employees; amending section 5, chapter 59, Laws of 1969 as last amended by section 1, chapter 120, Laws of 1980 and RCW 41.04.230; amending section 11, chapter 108, Laws of 1967 ex. sess. as amended by section 1, chapter 59, Laws of 1973 and RCW 41.56.110; amending section 11, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.100; amending section 1, chapter 39, Laws of 1972 ex. sess. and RCW 28A.67.095; and creating new sections.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 289, by Representatives Walk, Garrett, Patrick, Granlund, Nickell, Galloway, Owen, Gallagher, North, Sherman, Sanders, Grimm and Houchen:

Granting civil immunity to officers using police dogs and making it a felony to harm a police dog.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 626, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representatives Ellis, Walk and Owen):

Providing civil and criminal penalties for certain acts relating to pornography and moral nuisances.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 757, by Committee on Human Services and Representative Mitchell (by Department of Social and Health Services request):

Modifying provisions of the certificate of need program.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE JOINT MEMORIAL NO. 14, by Representatives Flanagan, Polk, Scott, Barrett, O'Brien, Sanders, Hankins, Garrett, Thompson, Barr, Warnke, Brown, Smith, King (J), James, Lundquist, Johnson, Lewis, Bickham, Chamberlain, Prince and Clayton:

Requesting mutually beneficial foreign trade agreements.

Referred to Committee on Commerce and Labor.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

## MOTION

On motion of Senator Fuller, Senate Bill No. 4686 was referred to the Committee on Parks and Ecology.

## SECOND READING

ENGROSSED SENATE BILL NO. 3898, by Senators Rasmussen and Jones (by Utilities and Transportation Commission request):

Changing the name of the utilities and transportation commission to the public service commission.

The Senate resumed consideration of Engrossed Senate Bill No. 3898. The measure was returned to second reading on January 18, 1982. An amendment by Senators Lysen and Quigg had been moved for adoption on that day.

There being no objection, on motion of Senator Lysen, the amendment by Senators Lysen and Quigg was withdrawn.

Senator Lysen moved adoption of the following amendment by Senators Lysen and Quigg:

Throughout the bill, whenever "~~((utilities and transportation)) public service commission~~" appears, strike "~~((utilities and transportation)) public service commission~~" and insert "Washington State utilities ~~((and transportation))~~ commission"

Debate ensued.

Senator Lysen 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 Senators Lysen and Quigg.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 15; nays, 29; absent or not voting, 1; excused, 4.

Voting yea: Senators Bauer, Haley, Hansen, Hurley, Lysen, McCaslin, Moore, Peterson, Quigg, Ridder, Shinpoch, Vognild, Williams, Wilson, Wojahn—15.

Voting nay: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Guess, Hayner, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Scott, Sellar, Talley, Talmadge, von Reichbauer, Woody, Zimmerman—29.

Absent or not voting: Senator Gould—1.

Excused: Senators Conner, Fleming, Hughes, McDermott—4.

#### MOTIONS

On motion of Senator Bluechel, Senator Gould was excused.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 3898 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. 3898 and the bill passed the Senate by the following vote: Yeas, 26; nays, 18; excused, 5.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Fuller, Gallagher, Gaspard, Goltz, Guess, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Patterson, Rasmussen, Scott, Sellar, Talley, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Deccio, Haley, Hansen, Lysen, McCaslin, Moore, Peterson, Pullen, Quigg, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—18.

Excused: Senators Conner, Fleming, Gould, Hughes, McDermott—5.

ENGROSSED SENATE BILL NO. 3898, having received the 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 Clarke, Substitute Senate Bill No. 4315, Reengrossed Senate Bill No. 3446, Engrossed Senate Bill No. 3915 and Engrossed Substitute Senate Bill No. 3895 were order held for consideration on January 26, 1982.

On motion of Senator Clarke, Engrossed Senate Bill No. 3100 was rereferred to the Committee on Social and Health Services.

On motion of Senator Clarke, Senate Bill No. 4486 was rereferred to the Committee on Rules.

## MOTION

On motion of Senator Clarke, the Senate commenced consideration of Engrossed Substitute Senate Bill No. 3249.

## THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3249, by Committee on Constitutions and Elections (originally sponsored by Senators Woody, Hayner and Bottiger):

Revising the public disclosure law.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3249.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3249 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Excused: Senators Conner, Fleming, Gould, Hughes, McDermott—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3249, having received the 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

SENATE BILL NO. 3719, by Senators Zimmerman, Bauer, Talley and Benitz:

Authorizing bonds for the acquisition of scenically fragile lands.

## MOTIONS

On motion of Senator Zimmerman, Second Substitute Senate Bill No. 3719 was substituted for Senate Bill No. 3719 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Zimmerman, the rules were suspended, Second Substitute Senate Bill No. 3719 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 Lysen: "Senator Zimmerman, I have always liked to think of myself as a conservationist and very concerned about the environment. But I think the remarks of Senator Rasmussen strike home that in a situation where we are losing our bond rating, the state is bankrupt, we are paying \$6,000 an hour on interest since September. Something like this should be held over until we solve the fiscal crisis that this state is in. Would that not be possible and appropriate, Senator?"

Senator Zimmerman: "Senator Lysen, this measure is not going to have any immediate problem as far as financing, funding as far as bonds. Obviously, first of all, the people would have to decide that they would even like the idea, that would be the first step, even in the concept one way or another. Obviously, beyond that point, nothing, no bond, even if it were approved, and assuming it were approved, they have to come back, which is down the road. First of all you have to have an election. You are going to have to have at least another year before there would be a session, the legislature would have to decide if we were to then consider issuing any bonds. No bonds would be approved, of course, without the state finance committee, their taking action. At the present time they have approximately \$1,645,000,000 in bonds, more than that available. I have to read the figures there again but secondly, that is obviously where a priority would be made in terms of that agency.

"Third, the department of natural resources and the others that they have to confer with, also have to be appropriated, the funds have to be appropriated for every purchase that would be made, according to the bill, it is that tightly drawn — no purchase without the legislative approval to that agency.

"So you are not looking at anything in the very near future. It is going to be long term even if we were to start today, you are going to be looking down the line. I think that the point that needs to be mentioned, however, that does have a significance in terms of jobs. You talk about jobs: first of all, this deals precisely with one of the biggest things we have spent \$4.5 million on and that is tourism, because ultimately, this fits into the tourism plan, idea, for the Columbia Gorge as well as other places in the state.

"And certainly if you were to have persons offer their land, and they have to voluntarily offer their land; you are not going to condemn property, this is not a voluntary offering. Finally, this is the time to have them at this point, suggest their land, because I think we are going to get better prices if we were able to move into it in the next couple of years than if it were five or ten years down the line.

"So I think that there are several legitimate reasons for letting for the people decide and also the very tightness of its being drawn, for us to have full chance to hold back if need be, and at the same time I think it does relate, eventually and very definitely, to the subject of preservation and jobs and tourism, and I would hope that we take this very limited first step."

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 3719 and the bill failed to pass the Senate by the following vote: Yeas, 20; nays, 26; excused, 3.

Voting yea: Senators Bauer, Bluechel, Charnley, Fuller, Gallagher, Gaspard, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Pullen, Scott, Talley, Talmadge, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—20.

Voting nay: Senators Benitz, Bottiger, Clarke, Craswell, Deccio, Fleming, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hurley, Lysen, McCaslin, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Vognild, Wilson—26.

Excused: Senators Conner, Hughes, McDermott—3.

SECOND SUBSTITUTE SENATE BILL NO. 3719, having failed to receive the constitutional two-thirds majority, was declared lost.

#### STATEMENT FOR THE JOURNAL

Monday, January 26, 1982

Regarding

Second Substitute Senate Bill 3719

This measure passed the Senate Parks & Ecology Committee, Senate Ways & Means Committee and Senate Rules Committee and yet failed to receive a 60% majority on the floor of the Senate as a bond issue referendum to the people.

It should be stressed that the voters would decide first; the legislature would have to appropriate funds for any purchase; the State Finance Committee would be able to decide on issuing bonds.

Special property, irreplaceable and fragile exists, such as in the Columbia River Gorge in Skamania & Klickitat Counties; Cypress Island and Shark Reef in San Juan County; Hendrickson Canyon Creek's 160 acres in Wahkiakum County and Mountain Peak near Enumclaw in King County.

The lands are cheaper now than they will be in six years. The State's bonding limit, as per Tim Kerr of OFM, is as follows:

\$3,951,868,135.00 — Total bond limit authorized

\$1,645,308,980.00 — Bonds outstanding

\$1,958,600,000.00 — Bonds available

It is estimated that it should take approximately one to one and a half years to reach the 7% bond statutory debt limit. \$370 million is currently available.

Now is the right time to take this first step, to help develop tourism, to keep faith with private land owners and preserve special places for our descendants.

Signed: SENATOR HAL ZIMMERMAN

CAMAS

17th District

(Clark, Skamania & Klickitat Counties)

## SECOND READING

SENATE BILL NO. 3609, by Senators Bauer, Haley, Gaspard, McDermott, Bluechel, Rasmussen, Ridder, Lee, Zimmerman, Fleming and Hughes:

Establishing a temporary committee on educational policies, structure and management, and setting forth its duties and providing for its abolishment.

## REPORT OF STANDING COMMITTEE

March 26, 1981.

SENATE BILL NO. 3609, establishing a temporary committee on educational policies, structure and management, and setting forth its duties, and providing for its abolishment (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 30, strike all of NEW SECTION. Sec. 4 and insert:

"NEW SECTION. Sec. 4. There is hereby appropriated for the biennium ending June 30, 1983, the sum of one hundred thousand dollars, or so much thereof as may be necessary, from the state general fund, to be used by the committee for the purpose of carrying out the provisions of sections 1 through 3 of this Act. The appropriation contained in this section is subject to the following conditions and limitations:

(1.) That the general fund state funds provided shall be matched by local or private funds on a one to one basis.

(2.) That upon completion of the study, any residual general fund state funds shall revert to the general fund."

Signed by: Senators Craswell, Vice Chairman; Bauer, Deccio, Fleming, Gaspard, Hughes, Lee, McDermott and Zimmerman.

The bill was read the second time by sections.

## MOTIONS

On motion of Senator Bluechel, Senator Clarke was excused.

Senator Scott moved adoption of the committee amendment.

Debate ensued.

The motion by Senator Scott carried and the amendment was adopted.

Senator Bauer moved adoption of the following amendment by Senators Bauer, Lee and Haley:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Section 1. The legislature has reason to believe there seemingly exists in the Washington state educational structure at present a lack of coordination between educational institutions, a weak response to the progressive academic and vocational needs of students, an unclear statement as to roles and missions, an inconsistency between programs, duplications of effort, and inefficient uses of public dollars. The possibilities for improving this structure require comprehensive examination.

The current structure has evolved into several separate and distinct educational components: The kindergarten through grade twelve system; the community college system; the four year colleges and universities system; the vocational technical institute system; and educational instruction within other state institutions; outside of the state systems, but of much importance, are the private and proprietary schools.

Accountability in education should be equally applicable to all levels of instruction. The assessments of student achievement, what constitutes good instruction, and the responsibilities of management, should be public knowledge and publicly controlled in all segments of education funded by state taxes. The needs of the student, the product of the educational system, are paramount.

Therefore, it is the intent of this act to investigate thoroughly the entire educational complex in Washington state.

A review of the educational complex is merited so that the legislative and administrative branches of government and the public may consider these and other issues: Coordination, needs of students and response to those needs; the role and missions of the components, educational diversity and independence; obstacles to orderly student progression; open access; efficiency; duplication; accreditation; graduation and entrance requirements from high school to postsecondary; efficient uses of public dollars; ways to improve the system possibly through managerial reorganization or combining of components; accountability of the various levels; student achievement; and a determination of what constitutes good instruction.

**NEW SECTION.** Sec. 2. There is hereby created the Temporary Committee on Educational Policies, Structure and Management which shall consist of thirteen citizen members, appointed by the governor, each of whom shall apply for membership and demonstrate his or her concern and interest in all of education, one member from each political party of the house of representatives, appointed by the speaker of the house, and one member from each political party of the senate, appointed by the president of the senate.

The temporary committee shall undertake a general review of the entire structure of Washington education, its strengths and areas needed for improvement, and make a report on its findings to the governor, the legislature and the citizens of the state.

In addition to the examination of those questions raised in section 1 of this act, this review shall include:

- (1) An emphasis on the educational progression of the student;
- (2) An examination of the current educational components with particular attention directed to their interrelationships, obstacles to student mobility and progression, and how the system or its components might be improved;

(3) Examination of the educational goals of the components and a determination of their intended interrelationships;

(4) Determination of the extent of duplication of educational services in both the vocational and academic areas, the extent to which such duplication may be unwarranted, and proposed corrections;

(5) Consideration of the nature and extent of any benefits, including those pertaining to student access, progression, and learning, improved information, and cost reduction, as well as any disadvantages, that might accrue from structural reorganization in Washington education;

(6) Consideration of the state's responsibility to make ample provisions for K-12 education, including alternative methods of funding staff costs, alternative approaches to levy limitation, incentive approaches to encouraging effective responsible decision-making at the local level, and the optimum use of the ideas and talents of teachers, administrators and citizens; and

(7) In regard to postsecondary education, the committee shall take into consideration the policy and planning studies of the council for postsecondary education and shall utilize to the extent possible the data and findings of such council's studies.

The committee's initial recommendations shall be made public as soon as possible. Those recommendations shall then be made to the governor and to the 1983 legislature. The committee shall cease to function at the conclusion of the 1983 legislature unless its duties are legislatively continued.

NEW SECTION. Sec. 1. The Temporary Committee on Educational Policies, Structure and Management may accept and expend funds in accordance with chapter 43.88 RCW from private sources and grants from public agencies for the purposes of fulfilling its duties: PROVIDED, That the acceptance of such funds first must be approved by the governor.

The committee may establish advisory committees and task forces, as it may deem necessary, to assist it in the fulfillment of its duties.

The educational institutions, delivery systems, and support systems of the state shall fully cooperate with the committee in its investigations and deliberations.

The committee may employ such staff or consultants that it may deem necessary to fulfill its duties.

The committee, when providing compensation, travel expenses, and/or per diem reimbursement for its members, staff or consultants, may do so according to the provisions of chapter 43.03 RCW or chapter 44.04 RCW, respectively.

NEW SECTION. Sec. 2. There is hereby appropriated for the biennium ending June 30, 1983, the sum of one hundred thousand dollars, or so much thereof as may be necessary, from the state general fund, to be used by the committee for the purpose of carrying out the provisions of sections 1 through 3 of this act. Upon completion of the study, any residual general fund state funds shall revert to the general fund.

NEW SECTION. Sec. 3. 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. 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."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Bauer, if we were to strike the first section of the striking amendment, would it cause any difficulty with the study? The reason I ask

that, is I agree with several of the members who spoke here that it is a lot of statements that we really should not put on the record. I do not believe all of them are fully true.

"New section, Sec. 1, if we struck the first part there, and let the rest of it start on line 22."

Senator Bauer: "Yes, Senator Rasmussen, the original bill had made some declarations or goal suggestions for identifying problem areas that we thought were too harsh. And those comments came back and as a consequence, then, we made this compromise.

"When we say that we believe it is, the legislature believes that there exists in Washington state educational structure at present, a lack of coordination between educational institutions and a weak response to the progressive academic and vocational needs of the student, it is not a slam at any particular delivery system of education in this state — it is a statement of fact. When the Constitution was put together, the Constitution says 'There shall be public school system; and there shall be a superintendent of public instruction, and he should have the responsibility for common schools, normal schools, and technical schools.' The only thing you have in the Constitution right now that provides for a public education in this state. Everything else you have in this state has grown up out of custom or desire or whatever. The Constitution only provides for the common schools."

Senator Rasmussen: "Thank you, Senator Bauer. I gather you want to retain this part of section 1?"

Senator Bauer: "Oh yes, Senator Rasmussen, I think it definitely gives to the commission some understanding of what legislative intent is."

Senator Bauer 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 Senators Bauer, Lee and Haley.

### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 31; nays, 13; absent or not voting, 1; excused, 4.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Kiskaddon, Lee, Lysen, Metcalf, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—31.

Voting nay: Senators Benitz, Craswell, Deccio, Guess, Hayner, Hurley, Jones, McCaslin, Newhouse, Patterson, Pullen, Quigg, Scott—13.

Absent or not voting: Senator Sellar—1.

Excused: Senators Clarke, Conner, Hughes, McDermott—4.

On motion of Senator Scott, the following amendment by Senators Bauer, Lee and Haley to the title was adopted:

In line 5 of the Title after "an appropriation" and before "." insert "; and declaring an emergency"

On motion of Senator Scott, the rules were suspended, Engrossed Senate Bill No. 3609 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 Shipoch: "Senator Bauer, I have a concern relative to both the time frame and the studies to be completed and the amount of money available for such a broad change.

"And I guess that my question to you is, in your judgment, do you feel you can get an adequate study under . . . , we now have a specific amendment in front of us and it was discussed before. Under the language of your amendment, do you feel that we can get an adequate answer within this year, with \$100,000?"

Senator Bauer: "Senator Shinpoch, I would prefer more money; and I would prefer that the legislature would say that that three-to four-billion-dollar expenditure for education every year warrants a little more money in the study.

"However, since we started off with the \$500,000 and recognized that created some problem in terms of its passage here, the direction and the issue is so important that some people from the private sector came and said, 'Well, if you can get some money in it and get it started, then we are willing to come in and work hard for generating additional dollars to give it those extra needed dollars.' And I believe those will be forthcoming. Once the legislature has said that we have a commitment and we want to put \$100,000 up front there right now to tell the public that we are interested in this direction, those dollars will come, I am hopeful they will come and I believe that the public has enough interest now to come forth with those dollars."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3609 and the bill passed the Senate by the following vote: Yeas, 25; nays, 19; absent or not voting, 1; excused, 4.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Fuller, Gaspard, Goltz, Haley, Hansen, Kiskaddon, Lee, Lysen, Metcalf, Moore, Peterson, Quigg, Rasmussen, Ridder, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman—25.

Voting nay: Senators Benitz, Bluechel, Craswell, Deccio, Gallagher, Gould, Guess, Hayner, Hemstad, Hurley, Jones, McCaslin, Newhouse, Patterson, Pullen, Scott, Shinpoch, Wilson, Woody—19.

Absent or not voting: Senator Sellar—1.

Excused: Senators Clarke, Conner, Hughes, McDermott—4.

ENGROSSED SENATE BILL NO. 3609, having received the 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 12:31 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:30 a.m., Tuesday, January 26, 1982.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SIXTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, January 26, 1982.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel and Ridder. On motion of Senator Jones, Senator Bluechel was excused. On motion of Senator Ridder, Senator Williams was excused.

The Color Guard, consisting of Pages Chad Acey and Monica Gillum, presented the Colors. Timothy Dolan, pastor of Westminster United Presbyterian Church of Olympia offer the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 25, 1982.

SENATE BILL NO. 3425, defining the milling of uranium and thorium (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Talmadge.

Passed to Committee on Rules for second reading.

January 20, 1982.

SENATE BILL NO. 4438, modifying the laws governing commission merchants (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 4438 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Newhouse, Chairman; Benitz, Hansen, Jones, Wilson.

Passed to Committee on Rules for second reading.

January 25, 1982.

SENATE BILL NO. 4506, authorizing the state treasurer to alter certificate of deposit allocation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Bauer, Fleming, Gaspard, Lee, McDermott, Pullen, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 25, 1982.

SENATE BILL NO. 4510, providing for recovery operations from Mt. St. Helens eruption (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4510 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bauer, Fleming, Gaspard, Lee, McDermott, Pullen, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 25, 1982.

HOUSE BILL NO. 361, providing for removal of members of community college board of trustees by the governor (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson, Shinpoch.

Passed to Committee on Rules for second reading.

### GUBERNATORIAL APPOINTMENTS

January 25, 1982.

KEITH A. ANGIER, to the position of Member of the Corrections Standards Board, appointed by the Governor on September 25, 1981 for the term ending September 24, 1984 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules.

January 25, 1982.

KEN EIKENBERRY, to the position of Member of the Corrections Standards Board, appointed by the Governor on September 25, 1981 for the term ending September 24, 1984 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules.

January 25, 1982.

LARRY V. ERICKSON, to the position of Member of the Corrections Standards Board, appointed by the Governor on September 25, 1981 for the term ending September 24, 1983 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules.

January 25, 1982.

ROGER F. MAXWELL, to the position of Member of the Corrections Standards Board, appointed by the Governor on September 25, 1981 for the term ending September 24, 1984 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules.

January 25, 1982.

DAVID S. McEACHRAN, to the position of Member of the Corrections Standards Board, appointed by the Governor on September 25, 1981 for the term ending September 24, 1983 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules.

January 25, 1982.

KAREN RAHM, to the position of Member of the Corrections Standards Board, appointed by the Governor on September 25, 1981 for the term ending September 24, 1985 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules.

January 25, 1982.

DR. R. R. RATHFELDER, to the position of Member of the Higher Education Personnel Board, appointed by the Governor on July 2, 1981 for the term ending July 1, 1987, succeeding Dr. Mendal B. Miller (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

January 25, 1982.

ROBERT F. GOLDSWORTHY, to the position of Member of the Council for Postsecondary Education, appointed by the Governor on October 22, 1981 for the term ending June 30, 1987, succeeding Robert M. Humphrey (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

January 25, 1982.

NANCY L. WEIS, to the position of Member of the Board of Trustees for Everett Community College District 5, appointed by the Governor on July 1, 1981 for the term ending September 30, 1982, succeeding Karen Miller (reported by Committee to Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

January 25, 1982.

THE HONORABLE HENRY BEAUCHAMP, to the position of Member of the Corrections Standards Board, appointed by the Governor on September 25, 1981 for the term ending September 24, 1983 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules.

January 25, 1982.

KENNETH A. FARLAND, to the position of Member of the Board of Trustees for Lower Columbia Community College District 13, reappointed by the Governor on October 21, 1981 for the term ending September 30, 1986 (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

January 25, 1982.

PAUL D. KENNER, to the position of Member of the Board of Trustees for Whatcom Community College District 21, appointed by the Governor on November 12, 1981 for the term ending September 30, 1986, succeeding M. G. Hollander (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

### MESSAGE FROM THE HOUSE

January 25, 1982.

Mr. President: The Speaker has signed: HOUSE CONCURRENT RESOLUTION NO. 33, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 4699, by Senators McCaslin, Hansen, Metcalf, Gallagher, Jones, Haley, Deccio, Fuller, Clarke, Craswell, Hayner, Guess and Benitz:

AN ACT Relating to public assistance; amending section 2, chapter 269, Laws of 1961 as last amended by section 315, chapter 141, Laws of 1979 and RCW 74.04.390; amending section 3, chapter 269, Laws of 1961 as last amended by section 316, chapter 141, Laws of 1979 and RCW 74.04.400; amending section 5, chapter 269, Laws of 1961 as last amended by section 318, chapter 141, Laws of 1979 and RCW 74.04.420; and adding new sections to chapter 74.04 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4700, by Senators McCaslin, Deccio, Gallagher and Metcalf:

AN ACT Relating to the utilities and transportation commission; and amending section 80.01.040, chapter 14, Laws of 1961 and RCW 80.01.040.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4701, by Senators Sellar and Ridder:

AN ACT Relating to health maintenance organizations; amending section 3, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.020; and adding new sections to chapter 48.46 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4702, by Senators Lysen, Shinpoch, Deccio, Metcalf and McDermott:

AN ACT Relating to state employees' conflict of interest; and amending section 22, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.220.

Referred to Committee on State Government.

SENATE BILL NO. 4703, by Senators Vognild, Quigg and Bottiger:

AN ACT Relating to alcoholic beverages; and amending section 12, chapter 173, Laws of 1975 1st ex. sess. as amended by section 47, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.510.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4704, by Senators Guess, Hansen and von Reichbauer:  
AN ACT Relating to the Multistate Highway Transportation Agreement; and creating a new chapter in Title 47 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 4705, by Senators Gallagher, Rasmussen, Shinpoch, Deccio, Metcalf, Quigg, Vognild and Haley:

AN ACT Relating to state purchasing; and adding a new section to chapter 43.19 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 4706, by Senators Talley, Quigg and Gallagher:

AN ACT Relating to the Spirit Lake Memorial Highway; and amending section 132, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.655.

Referred to Committee on Transportation.

SENATE BILL NO. 4707, by Senators Kiskaddon and Wojahn:

AN ACT Relating to education; amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 173, Laws of 1979 ex. sess. and RCW 28A.01.120; amending section 6, chapter 92, Laws of 1974 ex. sess. and RCW 28A.02.250; amending section 2, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.102; amending section 4, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.106; amending section 5, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.108; amending section 6, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.110; amending section 8, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.114; amending section 9, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.116; amending section 1, chapter 41, Laws of 1975 1st ex. sess. and RCW 28A.60.350; amending section 2, chapter 41, Laws of 1975 1st ex. sess. and RCW 28A.60.352; amending section 82.24.020, chapter 15, Laws of 1961 as last amended by section 6, chapter 172, Laws of 1981 and RCW 82.24.020; amending section 7, chapter 157, Laws of 1972 ex. sess. as amended by section 1, chapter 22, Laws of 1975 1st ex. sess. and RCW 82.24.260; creating a new section; repealing section 28A.87.100, chapter 223, Laws of 1969 ex. sess., section 151, chapter 176, Laws of 1969 ex. sess., section 144, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.100; repealing section 28A.87.110, chapter 223, Laws of 1969 ex. sess., section 152, chapter 176, Laws of 1969 ex. sess., section 145, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.110; repealing section 12, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.122; repealing section 23, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.036; repealing section 16, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.756; repealing section 2, chapter 60, Laws of 1975 1st ex. sess. and RCW 28A.03.051; repealing section 20, chapter 118, Laws of 1975-'76 2nd ex. sess., section 1, chapter 124, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.495; repealing section 28A.47.130, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.130; repealing section 28A.47.140, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.140; repealing section 28A.47.170, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.170; repealing section 28A.47.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.180; repealing section 28A.47.210, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.210; repealing section 28A.47.220, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.220; repealing section 28A.47.230, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.230; repealing section 28A.47.420, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.420; repealing section 28A.47.435, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.435; repealing section 28A.47.440, chapter 223, Laws of 1969 ex. sess., section 1, chapter 70, Laws of 1971 ex. sess., section 1, chapter 157, Laws of 1972 ex. sess. and RCW 28A.47.440; repealing section 28A.47.445, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.445; repealing section 28A.47.450, chapter

223, Laws of 1969 ex. sess. and RCW 28A.47.450; repealing section 28A.47.460, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.460; repealing section 28A.47.470, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.470; repealing section 28A.47.480, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.480; repealing section 28A.47.490, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.490; repealing section 28A.47.500, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.500; repealing section 28A.47.510, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.510; repealing section 28A.47.520, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.520; repealing section 28A.47.530, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.530; repealing section 28A.47.540, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.540; repealing section 28A.47.560, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.560; repealing section 28A.47.570, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.570; repealing section 28A.47.580, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.580; repealing section 28A.47.590, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.590; repealing section 28A.47.600, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.600; repealing section 28A.47.610, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.610; repealing section 28A.47.620, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.620; repealing section 28A.47.630, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.630; repealing section 28A.47.640, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.640; repealing section 28A.47.650, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.650; repealing section 28A.47.660, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.660; repealing section 28A.47.680, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.680; repealing section 28A.47.690, chapter 223, Laws of 1969 ex. sess., section 37, chapter 141, Laws of 1979 and RCW 28A.47.690; repealing section 28A.47.700, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.700; repealing section 28A.47.710, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.710; repealing section 28A.47.720, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.720; repealing section 28A.47.722, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.722; repealing section 28A.47.724, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.724; repealing section 28A.47.726, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.726; repealing section 28A.47.728, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.728; repealing section 28A.47.730, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.730; repealing section 28A.47.732, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.732; repealing section 28A.47.734, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.734; repealing section 28A.47.736, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.736; repealing section 28A.47.738, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.738; repealing section 28A.47.742, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.742; repealing section 28A.47.744, chapter 223, Laws of 1969 ex. sess., section 38, chapter 141, Laws of 1979 and RCW 28A.47.744; repealing section 28A.47.746, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.746; repealing section 28A.47.748, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.748; and repealing section 28A.47.750, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.750.

Referred to Committee on Education.

SENATE BILL NO. 4708, by Senators Jones, McDermott, Deccio, Bottiger, Benitz and McCaslin (by Horse Racing Commission request):

AN ACT Relating to horse racing; amending section 4, chapter 55, Laws of 1933 and RCW 67.16.020; amending section 6, chapter 31, Laws of 1979 and RCW 67.16.105; amending section 2, chapter 94, Laws of 1969 ex. sess. as amended by section 4, chapter 31, Laws of 1979 and RCW 67.16.130; amending section 7, chapter 31, Laws of 1979 and RCW 67.16.180; and creating a new section.

Referred to Committee on Commerce and Labor.

SENATE CONCURRENT RESOLUTION NO. 135, by Senators von Reichbauer, Charnley, Kiskaddon and Williams:

Establishing the policy of giving priority to ride-sharing programs and other transportation system techniques.

Referred to Committee on Transportation.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

#### SIGNED BY THE PRESIDENT

The President signed: HOUSE CONCURRENT RESOLUTION NO. 33.

#### MOTION

On motion of Senator Clarke, Engrossed Substitute Senate Bill No. 3895 was ordered held for consideration on January 27, 1982.

#### SECOND READING

SENATE BILL NO. 3823, by Senators Hurley, Shipoch and Lee:  
Authorizing the use of ORV moneys for hiking trails and areas.

#### REPORT OF STANDING COMMITTEE

March 27, 1982.

SENATE BILL NO. 3823, authorizing the use of ORV moneys for hiking trails and areas (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after line 24, insert a new subsection as follows:

"(c) Three and one-half percent shall be credited to the ORV account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;"

Renumber the remaining subsection accordingly.

On page 2, line 19, after "(d)" strike "fifty-one and one-half" and insert "~~((fifty-one and one-half))~~ forty-eight"

On page 4, line 5, after "basis," strike "three" and insert "~~((three))~~ five

Signed by: Senators Fuller, Chairman; Goltz, Guess, Hughes, Hurley, Williams and Zimmerman.

The bill was read the second time by sections.

On motion of Senator Hurley, the committee amendments were adopted.

Senator Vognilid moved adoption of the following amendment:

On page 3, line 1, after "moneys" insert ": PROVIDED, That in circumstances where ORV moneys are expended for hiking trails and areas, such trails and areas shall be available for ORV use or shall be directly related to trails used by ORV operators"

Debate ensued.

#### POINT OF INQUIRY

Senator Peterson: "Senator Hurley, are horses permitted on hiking trails?"

Senator Hurley: "I think you are injecting something new here I presume they are. But I would think that horses, being heavier than hikers, would also destroy some of the fragile trails; although as we all know, horses do not cause sparks like ORVs do and of course they do not endanger the forest, still I suppose you cannot keep the horses off either."

Further debate ensued.

Senator Hurley 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 Vognild.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 9; nays, 37; absent or not voting, 1; excused, 2.

Voting yea: Senators Bottiger, Hansen, Moore, Patterson, Peterson, Rasmussen, Talley, Vognild, Woody—9.

Voting nay: Senators Bauer, Benitz, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, von Reichbauer, Wilson, Wojahn, Zimmerman—37.

Absent or not voting: Senator Conner—1.

Excused: Senators Bluechel, Williams—2.

#### MOTION

On motion of Senator Clarke, Senate Bill No. 3823, as amended, was ordered held for further consideration on January 27, 1982.

#### MOTION

On motion of Senator Clarke, Senate Bill No. 3332 will be considered following Senate Bill No. 3512.

#### SECOND READING

SENATE BILL NO. 4313, by Senators Fuller and Conner:

Authorizing increases in the compensation paid members of the youth development and conservation corps.

The bill was read the second time by sections.

Senator Fuller moved adoption of the following amendment:

On page 1, after line 18, strike all of the material down to and including the period on line 23.

#### POINT OF INQUIRY

Senator Goltz: "Senator Fuller, I would like to know whether or not the park recreation department would be able, in fact, to implement the program without the appropriation, or will they continue to do what they are not doing now?"

Senator Fuller: "They are hopeful they can have an increase in income by economies which allows them the latitude to do this, yes."

Debate ensued.

Senator Bottiger 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 Fuller.

#### MOTION

On motion of Senator Ridder, Senator Conner was excused.

## ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 23; nays, 22; absent or not voting, 1; excused, 3.

Voting yea: Senators Benitz, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—23.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Patterson, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Wilson, Wojahn, Woody—22.

Absent or not voting: Senator Talley—1

Excused: Senators Bluechel, Conner, Williams—3.

## MOTION

On motion of Senator Fuller, the following amendment to the title was adopted: On page 1, line 4 of the title, strike "; and making an appropriation"

On motion of Senator Fuller, the rules were suspended, Engrossed Senate Bill No. 4313 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Bottiger: "Senator Fuller, as I understood this bill, the purpose which you have outlined to make sure that the kids that are really out there hustling, get at least the minimum hourly wage, is a good purpose. And the \$85,000 was to pay them the money. So by deleting the appropriation, are we now reducing the number of kids in the program so that fewer can get paid more?"

Senator Fuller: "There is no intent to reduce the number. The hope is that they will be able to find other income or if the economy would make it possible for them to implement the bill without an appropriation."

Senator Bottiger: "So they are going to take money from something else and so they can keep at least the same number of kids there?"

Senator Fuller: "They have the flexibility to do that if it is 'do-able.'"

## MOTION

On motion of Senator Ridder, Senator Wojahn was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4313 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Bluechel, Conner, Williams—3.

ENGROSSED SENATE BILL NO. 4313, having received the 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 Lysen: "In the last two days there has been references by two senators here about a 'bunch of sheep.' That is incorrect. It would be 'bunch of bananas' or a

'flock of sheep' or 'herd of goats' would be the proper reference, Senator Patterson and Senator Guess.

"I think that we should, if we are going to continue to talk about sheep in this chamber, let us use correct English on that. Thank you."

### SECOND READING

SENATE BILL NO. 3518, by Senators McCaslin, Hansen, Moore, Deccio, Patterson, Benitz, Metcalf, Quigg, Vognild and von Reichbauer:

Excluding freeway speeding violations between 55 and 70 mph from a driver's insurance abstract.

### MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 3518 was sustained for Senate Bill No. 3518 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. 3518 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Charnley: "Senator McCaslin, if a person loses their license because of a certain number, they do lose licenses after receiving a certain number of citations for whatever reason. And that is reported to an insurance company.

"Suppose an individual has about four of these energy citations, or speeding violations but they are energy-type, and as a result of it, they lose their, according to the department, they lose their license. Is that reported to the insurance company. Is that fact?"

Senator McCaslin: "Well, I think if you lose your license it will be reported. But these energy violations will not be reported."

Senator Charnley: "Well, will not the insurance company be rather curious as to why a person has been reported to them by the highway department as having lost their license for no reason?"

Senator McCaslin: "Well, I am sure they will lose their license for a reason, but whether or not they will lose their license for energy citations, I doubt it."

Senator Charnley: "Well, the proponents of this, including yourself, has told us that the violation will still be reported as a violation to the department of licenses and so forth, because it is a speeding violation. It just will not be reported to the insurance company, so it seems to me that when the insurance company gets this notice that somebody has lost their license, they are going to want to know why; and it will be for speeding."

Senator McCaslin: "Would you like to offer an amendment?"

Senator Charnley: "No, but I think I will conclude with a few remarks. Thank you very much."

Debate ensued.

### POINT OF INQUIRY

Senator Hurley: "Senator Clarke, I wonder if this brings back memories to you of about eight or nine years ago when you and I had a little discussion about turning over records of drivers to the insurance companies, and, you remember that?"

Senator Clarke: "I remember several arguments we had."

Senator Hurley: "Well, what I want to ask you is, is there a fee that the insurance companies pay for these records, or is this a gratuitous service that they receive, having the records of the drivers furnished to them?"

Senator Clarke: "I really do not know. It is my impression that they pay for it but I am not certain."

Senator Hurley: "They do pay? I would be interested to know how much, if you have that information."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator Hurley, I understand it is \$3.00. That is what we pay for a traffic accident, an attorney pays for a traffic accident report. I believe it is the same thing for a transcript."

Senator Hurley: "I see; thank you."

#### POINT OF INQUIRY

Senator Talley: "Senator McCaslin, is there any way to make this bill retroactive?"

Senator McCaslin: "I need it too, sir."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3518 and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Bauer, Benitz, Conner, Deccio, Fuller, Gallagher, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Sellar, Talley, Vognild, von Reichbauer, Williams, Woody—28.

Voting nay: Senators Bottiger, Charnley, Clarke, Craswell, Fleming, Gaspard, Goltz, Gould, Guess, Hughes, Hurley, McDermott, Pullen, Ridder, Scott, Shinpoch, Talmadge, Wilson, Wojahn, Zimmerman—20.

Excused: Senator Bluechel—1.

SUBSTITUTE SENATE BILL NO. 3518, having received the 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 COMMITTEE

Under the provisions of House Concurrent Resolution No. 33, the President appointed Senators Sellar, Newhouse and Vognild as member of the Joint Select Committee on Telephone Systems.

#### MOTION

On motion of Senator Clarke, the appointees were confirmed.

#### NOTICE OF PROPOSAL — RULE CHANGE

Senator Clarke: "Mr. President, at this time I would like to give notice to the members that we will be proposing an amendment in the rules which will have to do with the cutoff date for the introduction of bills. And this would simply provide that for 60-day sessions, that the cutoff day for introductions would be on the 19th day or, continue with the 40th day during a 105-day regular session and should be read

in under the proper order of business no later than the 23rd legislative day of a 60-day session.

"This would relate simply to the introduction of bills as a separate cutoff; just giving notice that the proposed change will be distributed."

President Cherberg: "Notice of the rule change has been received."

#### POINT OF INQUIRY

Senator Charnley: "If Senator Clarke could answer a question. What date, effectively, would that be this term?"

Senator Clarke: "Next Tuesday, I am informed."

Senator Charnley: "A week from today; for being read in, yes, I understand. Okay."

#### POINT OF INQUIRY

Senator Bottiger: "Mr. President, so there is no confusion, you have to have your bill in to bill drafting by Friday and bill drafting has to have it up here and read in by Tuesday.

"Senator Clarke, that is the cutoff of bills. Is there any progress on getting a cutoff resolution on consideration? I remember a short time ago we got down to the end and the whole thing fell apart because we did not have proper cutoff resolutions. I hope that it is not going to happen again."

Senator Hayner: "Mr. President, ladies and gentlemen of the Senate. We have a cutoff resolution for the consideration of Senate bills and House bills which we are looking at. One of the problems with adopting that is that there are so many exceptions to it that seem to be necessary in a session such as this where we have fiscal problems to deal with that it may be unwise to do that, and as you know, the House does not have any cutoff. We will make a decision on that soon."

#### MOTION

At 12:04 p.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Wednesday, January 27, 1982.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**SEVENTEENTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Wednesday, January 27, 1982.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to President Pro Tempore Guess that all Senators were present except Senators Deccio, Hayner, Lysen, Peterson, Quigg and Sellar.

The Color Guard, consisting of Pages Maureen Mahoney and Treven Lambert, presented the Colors. Reverend Timothy Dolan, pastor of Westminster United Presbyterian Church of Olympia offered the prayer.

**MOTION**

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

**PERSONAL PRIVILEGE**

Senator Goltz: "Ordinarily on this floor the decorum during the flag ceremony is very good. This morning we had a press interview being conducted during the course of the flag ceremony and I think we ought not to let that happen."

**REPORTS OF STANDING COMMITTEES**

January 20, 1982.

**SENATE BILL NO. 4201**, regulating the valuation of insurance and nonforfeiture of life insurance (reported by Committee on Financial Institutions and Insurance):

**MAJORITY** recommendation: That Substitute Senate Bill No. 4201 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Sellar, Chairman; Bauer, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

January 26, 1982.

**SENATE BILL NO. 4473**, applying penalties for violations of the Public Disclosure Law to all persons uniformly (reported by Committee on Constitutions and Elections):

**MAJORITY** recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Clarke, Conner, Gould, Metcalf, Ridder.

Passed to Committee on Rules for second reading.

January 26, 1982.

**SENATE BILL NO. 4570**, increasing permissible limits for contracts between municipalities and their officers (reported by Committee on Constitutions and Elections):

**MAJORITY** recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Clarke, Conner, Metcalf, Ridder.

Passed to Committee on Rules for second reading.

January 26, 1982.

SENATE BILL NO. 4624, preventing a person from simultaneous candidacy for incompatible offices (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Clarke, Conner, Metcalf.

Passed to Committee on Rules for second reading.

#### MOTION

At 10:38 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

President Pro Tempore Guess called the Senate to order at 12:08 p.m.

#### MOTION

At 12:10 p.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Thursday, January 28, 1982.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## EIGHTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, January 28, 1982.

The Senate was called to order at 10:30 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 Sauni Knapman and John Winkenwerder, presented the Colors. Reverend Timothy Dolan, pastor of Westminster United Presbyterian Church of Olympia offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES,

January 27, 1982.

SENATE BILL NO. 4466, revising law on inspecting businesses that sell or handle wildlife (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

January 27, 1982.

SENATE BILL NO. 4549, amending the transportation budget (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Conner, Gallagher, Hansen, Kiskaddon, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 26, 1982.

SENATE BILL NO. 4554, authorizing modification of the requirements of the public disclosure act (reported by Committee on Constitutions and Elections):

MAJORITY recommendations: Do pass as amended.

Signed by: Senators Pullen, Chairman; Clarke, Conner, Gould, Metcalf.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4563, increasing the number of positions exempt from civil service (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

January 20, 1982.

SENATE BILL NO. 4605, authorizing the department of revenue to contract for out-of-state auditing service (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4605 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bauer, Craswell, Deccio, Hayner, Jones, Lee, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 26, 1982.

SENATE BILL NO. 4607, limiting the cogeneration tax credit (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Deccio, Haley, Hughes, Jones, Lee, McDermott, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4619, requiring dissemination to doctors information on certain health problems of veterans (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman, Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

January 26, 1982.

SENATE BILL NO. 4647, enlarging scope of losses covered by permanent insurance fund of first class school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Lee, Wojahn.

Passed to Committee on Rules for second reading.

January 26, 1982.

SENATE BILL NO. 4655, making changes in the learning objectives and basic education school law (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 4655 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Lee, Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE JOINT RESOLUTION NO. 143, providing the means for the payment of indebtedness on public improvements (reported by Committee on Local Government):

Recommendation: That Substitute Senate Joint Resolution No. 143 be substituted therefor, and the substitute resolution do pass and be referred to the Committee on Constitutions and Elections for review.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Constitutions and Elections.

## GUBERNATORIAL APPOINTMENTS

April 9, 1981.

EUSTACE "SONNY" VYNNE, JR., to the position of Member of the State Parks and Recreation Commission, appointed by the Governor on February 18, 1981 for the term ending December 31, 1982, succeeding Don Hodges (reported by Committee on Parks and Ecology):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Fuller, Chairman; Bluechel, Guess, Haley, Quigg, Zimmerman.

MINORITY recommends that said appointment be not confirmed.

Signed by: Senators Hughes, Hurley.

Passed to Committee on Rules.

January 27, 1982.

HAROLD A. LAMON, JR., to the position of Member of the Board of Trustees for Highline Community College District 9, reappointed by the Governor on October 21, 1981 for the term ending September 30, 1986 (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

January 27, 1982.

RICHARD T. PLAISANCE, to the position of Member of the Board of Trustees for Olympic Community College District 3, appointed by the Governor on October 15, 1981 for the term ending September 30, 1986, succeeding A. L. McFall (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

January 27, 1982.

TRACEY OWEN, to the position of Member of the Board of Trustees for Shoreline Community College District 7, appointed by the Governor on January 1, 1982 for the term ending September 30, 1986, succeeding Myron Stevens (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

January 27, 1982.

CINDY KAY HOUGH, to the position of Member of the Board of Trustees for Centralia Community College District 12, appointed by the Governor on November 25, 1981 for the term ending September 30, 1986, succeeding George Warren (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

January 27, 1982.

ROBERT E. HUNT, JR., to the position of Member of the Board of Trustees for Tacoma Community College District 22, reappointed by the Governor on October 15, 1981 for the term ending September 30, 1986 (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Patterson, Scott.

Passed to Committee on Rules.

## MESSAGES FROM THE HOUSE

January 27, 1982.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 825,  
 ENGROSSED HOUSE BILL NO. 844, and the same are herewith  
 transmitted.

VITO T. CHIECHI, Chief Clerk.

January 27, 1982.

Mr. President: The House has passed:  
 SUBSTITUTE HOUSE BILL NO. 451,  
 SUBSTITUTE HOUSE BILL NO. 696,  
 HOUSE BILL NO. 897,  
 HOUSE BILL NO. 916, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

January 26, 1982.

Mr. President: The House has passed:  
 REENGROSSED SUBSTITUTE HOUSE BILL NO. 11,  
 ENGROSSED HOUSE BILL NO. 745,  
 REENGROSSED HOUSE BILL NO. 768, and the same are herewith  
 transmitted.

VITO T. CHIECHI, Chief Clerk.

January 26, 1982.

Mr. President: The House has passed:  
 HOUSE BILL NO. 330,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 762,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 784, and the same are  
 herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

January 26, 1982.

Mr. President: The House has passed:  
 HOUSE BILL NO. 4,  
 ENGROSSED HOUSE BILL NO. 151,  
 SUBSTITUTE HOUSE BILL NO. 274,  
 SUBSTITUTE HOUSE BILL NO. 279,  
 REENGROSSED HOUSE BILL NO. 286,  
 SECOND SUBSTITUTE HOUSE BILL NO. 378,  
 SUBSTITUTE HOUSE BILL NO. 449,  
 HOUSE BILL NO. 472,  
 HOUSE BILL NO. 563,  
 SUBSTITUTE HOUSE BILL NO. 571,  
 HOUSE BILL NO. 576,  
 SUBSTITUTE HOUSE BILL NO. 612,  
 HOUSE BILL NO. 706,  
 ENGROSSED HOUSE BILL NO. 728,  
 SUBSTITUTE HOUSE BILL NO. 778, and the same are herewith  
 transmitted.

VITO T. CHIECHI, Chief Clerk.

MESSAGE FROM THE GOVERNOR  
 GUBERNATORIAL APPOINTMENT

January 26, 1982.

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:

Eloise Alvarez reappointed November 12, 1981, for a term ending September 30, 1986, as a member of the Board of Trustees for Community College District No. 18.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 4709, by Senator Scott (by Office of Financial Management request):

AN ACT Relating to state agencies; adopting a supplemental budget; making supplemental appropriations and authorizing expenditures; making other appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4710, by Senator Rasmussen:

AN ACT Relating to probate law and procedure; and adding a new chapter to Title 11 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 4711, by Senators Gallagher, Peterson, Fuller and Vognild:

AN ACT Relating to forests, forest products and employment in the forest products industry; adding new sections to chapter 79.01 RCW; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4712, by Senators Quigg, Bottiger and Jones:

AN ACT Relating to county roads; and amending section 1, chapter 40, Laws of 1980 and RCW 36.77.065.

Referred to Committee on Local Government.

SENATE BILL NO. 4713, by Senators Patterson, Hansen, Zimmerman and Bottiger:

AN ACT Relating to motor vehicle fund distributions; amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 44, chapter 87, Laws of 1980 and RCW 46.68.120; and adding new sections to chapter 46.68 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 4714, by Senators McCaslin, Talley and Zimmerman:

AN ACT Relating to cities; amending section 1, chapter 56, Laws of 1975 1st ex. sess. as amended by section 1, chapter 89, Laws of 1979 ex. sess. and RCW 35.22.620; 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. 4715, by Senators Craswell, Hayner, Gaspard and Bottiger:

AN ACT Relating to membership on the state board of education; amending section 28A.04.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 179, Laws of 1980 and RCW 28A.04.010; amending section 28A.04.020,

chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 38, Laws of 1981 and RCW 28A.04.020; and amending section 28A.04.050, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 38, Laws of 1981 and RCW 28A.04.050.

Referred to Committee on Education.

SENATE BILL NO. 4716, by Senator Clarke (by Secretary of State request):

AN ACT Relating to state government; amending section 3, chapter 53, Laws of 1965 as amended by section 1, chapter 16, Laws of 1979 and RCW 23A.04.010; amending section 8, chapter 53, Laws of 1965 as amended by section 5, chapter 16, Laws of 1979 and RCW 23A.08.050; amending section 9, chapter 53, Laws of 1965 as last amended by section 6, chapter 16, Laws of 1979 and RCW 23A.08.060; amending section 12, chapter 53, Laws of 1965 and RCW 23A.08.090; amending section 13, chapter 53, Laws of 1965 as last amended by section 7, chapter 16, Laws of 1979 and RCW 23A.08.100; amending section 14, chapter 53, Laws of 1965 as amended by section 2, chapter 190, Laws of 1967 and RCW 23A.08.110; amending section 16, chapter 53, Laws of 1965 as last amended by section 2, chapter 193, Laws of 1977 ex. sess. and RCW 23A.08.130; amending section 37, chapter 53, Laws of 1965 as amended by section 4, chapter 99, Laws of 1980 and RCW 23A.08.340; amending section 51, chapter 53, Laws of 1965 as last amended by section 9, chapter 99, Laws of 1980 and RCW 23A.08.480; amending section 55, chapter 53, Laws of 1965 as amended by section 27, chapter 16, Laws of 1979 and RCW 23A.12.020; amending section 56, chapter 53, Laws of 1965 as amended by section 4, chapter 193, Laws of 1977 ex. sess. and RCW 23A.12.030; amending section 57, chapter 53, Laws of 1965 as amended by section 28, chapter 16, Laws of 1979 and RCW 23A.12.040; amending section 59, chapter 53, Laws of 1965 as amended by section 29, chapter 16, Laws of 1979 and RCW 23A.12.060; amending section 61, chapter 53, Laws of 1965 as amended by section 30, chapter 16, Laws of 1979 and RCW 23A.16.020; amending section 63, chapter 53, Laws of 1965 as last amended by section 31, chapter 16, Laws of 1979 and RCW 23A.16.040; amending section 64, chapter 53, Laws of 1965 as last amended by section 6, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.050; amending section 65, chapter 53, Laws of 1965 as amended by section 32, chapter 16, Laws of 1979 and RCW 23A.16.060; amending section 33, chapter 16, Laws of 1979 and RCW 23A.16.075; amending section 67, chapter 53, Laws of 1965 as last amended by section 34, chapter 16, Laws of 1979 and RCW 23A.16.080; amending section 69, chapter 53, Laws of 1965 as amended by section 9, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.100; amending section 70, chapter 53, Laws of 1965 as amended by section 10, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.110; amending section 71, chapter 53, Laws of 1965 as amended by section 11, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.120; amending section 76, chapter 53, Laws of 1965 as last amended by section 37, chapter 16, Laws of 1979 and RCW 23A.20.040; amending section 77, chapter 53, Laws of 1965 as last amended by section 38, chapter 16, Laws of 1979 and RCW 23A.20.050; amending section 79, chapter 53, Laws of 1965 as amended by section 40, chapter 16, Laws of 1979 and RCW 23A.20.070; amending section 84, chapter 53, Laws of 1965 as last amended by section 45, chapter 16, Laws of 1979 and RCW 23A.28.010; amending section 85, chapter 53, Laws of 1965 as amended by section 15, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.020; amending section 86, chapter 53, Laws of 1965 as amended by section 16, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.030; amending section 87, chapter 53, Laws of 1965 as amended by section 17, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.040; amending section 89, chapter 53, Laws of 1965 and RCW 23A.28.060; amending section 90, chapter 53, Laws of 1965 as amended by section 18, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.070; amending section 91, chapter 53, Laws of 1965 as amended by section 19, chapter

193, Laws of 1977 ex. sess. and RCW 23A.28.080; amending section 92, chapter 53, Laws of 1965 as amended by section 20, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.090; amending section 94, chapter 53, Laws of 1965 as amended by section 21, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.110; amending section 95, chapter 53, Laws of 1965 as amended by section 22, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.120; amending section 10, chapter 99, Laws of 1980 and RCW 23A.28.125; amending section 96, chapter 53, Laws of 1965 as amended by section 1, chapter 92, Laws of 1969 ex. sess. and RCW 23A.28.130; amending section 108, chapter 53, Laws of 1965 as amended by section 11, chapter 99, Laws of 1980 and RCW 23A.28.250; amending section 111, chapter 53, Laws of 1965 as last amended by section 47, chapter 16, Laws of 1979 and RCW 23A.32-.030; amending section 113, chapter 53, Laws of 1965 as last amended by section 49, chapter 16, Laws of 1979 and RCW 23A.32.050; amending section 114, chapter 53, Laws of 1965 as last amended by section 50, chapter 16, Laws of 1979 and RCW 23A.32.060; amending section 115, chapter 53, Laws of 1965 and RCW 23A.32.070; amending section 51, chapter 16, Laws of 1979 as amended by section 1, chapter 230, Laws of 1981 and RCW 23A.32.073; amending section 52, chapter 16, Laws of 1979 as amended by section 2, chapter 230, Laws of 1981 and RCW 23A.32.075; amending section 116, chapter 53, Laws of 1965 as amended by section 3, chapter 22, Laws of 1971 and RCW 23A.32.080; amending section 117, chapter 53, Laws of 1965 as amended by section 54, chapter 16, Laws of 1979 and RCW 23A.32.090; amending section 118, chapter 53, Laws of 1965 and RCW 23A.32-.100; amending section 122, chapter 53, Laws of 1965 as amended by section 55, chapter 16, Laws of 1979 and RCW 23A.32.140; amending section 123, chapter 53, Laws of 1965 and RCW 23A.32.150; amending section 124, chapter 53, Laws of 1965 as amended by section 12, chapter 99, Laws of 1980 and RCW 23A.32.160; amending section 125, chapter 53, Laws of 1965 and RCW 23A.32.170; amending section 132, chapter 53, Laws of 1965 as amended by section 2, chapter 133, Laws of 1971 ex. sess. and RCW 23A.36.050; amending section 134, chapter 53, Laws of 1965 and RCW 23A.40.010; amending section 135, chapter 53, Laws of 1965 as last amended by section 3, chapter 230, Laws of 1981 and RCW 23A.40.020; amending section 136, chapter 53, Laws of 1965 as last amended by section 1, chapter 133, Laws of 1979 ex. sess. and RCW 23A.40.030; amending section 14, chapter 99, Laws of 1980 and RCW 23A.40.035; amending section 137, chapter 53, Laws of 1965 as amended by section 23, chapter 193, Laws of 1977 ex. sess. and RCW 23A.40.040; amending section 138, chapter 53, Laws of 1965 and RCW 23A.40-.050; amending section 139, chapter 53, Laws of 1965 as amended by section 2, chapter 92, Laws of 1969 ex. sess. and RCW 23A.40.060; amending section 140, chapter 53, Laws of 1965 as last amended by section 15, chapter 99, Laws of 1980 and RCW 23A.40.070; amending section 148, chapter 53, Laws of 1965 and RCW 23A.44.010; amending section 149, chapter 53, Laws of 1965 and RCW 23A.44-.020; amending section 151, chapter 53, Laws of 1965 and RCW 23A.44.040; amending section 152, chapter 53, Laws of 1965 and RCW 23A.44.050; amending section 153, chapter 53, Laws of 1965 and RCW 23A.44.060; amending section 165, chapter 53, Laws of 1965 as amended by section 59, chapter 16, Laws of 1979 and RCW 23A.98.030; amending section 2, chapter 235, Laws of 1967 and RCW 24.03.005; amending section 2, chapter 53, Laws of 1971 ex. sess. and RCW 24.03-.017; amending section 5, chapter 235, Laws of 1967 and RCW 24.03.020; amending section 6, chapter 235, Laws of 1967 and RCW 24.03.025; amending section 10, chapter 235, Laws of 1967 and RCW 24.03.045; amending section 11, chapter 235, Laws of 1967 as amended by section 1, chapter 163, Laws of 1969 ex. sess. and RCW 24.03.050; amending section 12, chapter 235, Laws of 1967 and RCW 24.03-.055; amending section 13, chapter 235, Laws of 1967 and RCW 24.03.060; amending section 30, chapter 235, Laws of 1967 and RCW 24.03.145; amending section 31, chapter 235, Laws of 1967 and RCW 24.03.150; amending section 33, chapter

235, Laws of 1967 and RCW 24.03.160; amending section 34, chapter 235, Laws of 1967 and RCW 24.03.165; amending section 35, chapter 235, Laws of 1967 and RCW 24.03.170; amending section 36, chapter 235, Laws of 1967 and RCW 24.03.175; amending section 37, chapter 235, Laws of 1967 and RCW 24.03.180; amending section 41, chapter 235, Laws of 1967 and RCW 24.03.200; amending section 42, chapter 235, Laws of 1967 and RCW 24.03.205; amending section 45, chapter 235, Laws of 1967 and RCW 24.03.220; amending section 49, chapter 235, Laws of 1967 and RCW 24.03.240; amending section 50, chapter 235, Laws of 1967 and RCW 24.03.245; amending section 52, chapter 235, Laws of 1967 as amended by section 3, chapter 163, Laws of 1969 ex. sess. and RCW 24.03.255; amending section 61, chapter 235, Laws of 1967 and RCW 24.03.300; amending section 9, chapter 163, Laws of 1969 ex. sess. as amended by section 1, chapter 128, Laws of 1971 ex. sess. and RCW 24.03.302; amending section 64, chapter 235, Laws of 1967 and RCW 24.03.315; amending section 67, chapter 235, Laws of 1967 as amended by section 4, chapter 163, Laws of 1969 ex. sess. and RCW 24.03.330; amending section 68, chapter 235, Laws of 1967 and RCW 24.03.335; amending section 69, chapter 235, Laws of 1967 and RCW 24.03.340; amending section 70, chapter 235, Laws of 1967 and RCW 24.03.345; amending section 71, chapter 235, Laws of 1967 and RCW 24.03.350; amending section 75, chapter 235, Laws of 1967 and RCW 24.03.370; amending section 76, chapter 235, Laws of 1967 and RCW 24.03.375; amending section 77, chapter 235, Laws of 1967 and RCW 24.03.380; amending section 78, chapter 235, Laws of 1967 and RCW 24.03.385; amending section 80, chapter 235, Laws of 1967 and RCW 24.03.395; amending section 81, chapter 235, Laws of 1967 as amended by section 1, chapter 90, Laws of 1973 and RCW 24.03.400; amending section 82, chapter 235, Laws of 1967 as last amended by section 5, chapter 230, Laws of 1981 and RCW 24.03.405; amending section 83, chapter 235, Laws of 1967 as last amended by section 2, chapter 133, Laws of 1979 ex. sess. and RCW 24.03.410; amending section 87, chapter 235, Laws of 1967 and RCW 24.03.430; amending section 88, chapter 235, Laws of 1967 and RCW 24.03.435; amending section 89, chapter 235, Laws of 1967 and RCW 24.03.440; amending section 90, chapter 235, Laws of 1967 and RCW 24.03.445; amending section 91, chapter 235, Laws of 1967 and RCW 24.03.450; amending section 98, chapter 235, Laws of 1967 as amended by section 8, chapter 163, Laws of 1969 ex. sess. and RCW 24.03.915; amending section 1, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.005; amending section 4, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.020; amending section 5, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.025; amending section 9, chapter 120, Laws of 1969 ex. sess. as amended by section 1, chapter 113, Laws of 1973 and RCW 24.06.045; amending section 10, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.050; amending section 11, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.055; amending section 12, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.060; amending section 34, chapter 120, Laws of 1969 ex. sess. as amended by section 5, chapter 302, Laws of 1981 and RCW 24.06.170; amending section 35, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.175; amending section 37, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.185; amending section 38, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.190; amending section 39, chapter 120, Laws of 1969 ex. sess. as amended by section 6, chapter 302, Laws of 1981 and RCW 24.06.195; amending section 40, chapter 120, Laws of 1969 ex. sess. as amended by section 7, chapter 302, Laws of 1981 and RCW 24.06.200; amending section 41, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.205; amending section 45, chapter 120, Laws of 1969 ex. sess. as amended by section 8, chapter 302, Laws of 1981 and RCW 24.06.225; amending section 46, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.230; amending section 52, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.260; amending section 55, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.275; amending section 56, chapter 120, Laws of 1969 ex. sess. as amended by section 9,

chapter 302, Laws of 1981 and RCW 24.06.280; amending section 57, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.285; amending section 58, chapter 120, Laws of 1969 ex. sess. as amended by section 1, chapter 70, Laws of 1973 and RCW 24.06.290; amending section 67, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.335; amending section 70, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.350; amending section 73, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.365; amending section 74, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.370; amending section 75, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.375; amending section 76, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.380; amending section 79, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.395; amending section 83, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.415; amending section 84, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.420; amending section 85, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.425; amending section 86, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.430; amending section 88, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.440; amending section 89, chapter 120, Laws of 1969 ex. sess. as amended by section 1, chapter 146, Laws of 1973 and RCW 24.06.445; amending section 90, chapter 120, Laws of 1969 ex. sess. as last amended by section 6, chapter 230, Laws of 1981 and RCW 24.06.450; amending section 91, chapter 120, Laws of 1969 ex. sess. as last amended by section 3, chapter 133, Laws of 1979 ex. sess. and RCW 24.06.455; amending section 92, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.460; amending section 95, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.475; amending section 96, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.480; amending section 97, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.485; amending section 98, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.490; amending section 99, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.495; amending section 106, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.520; amending section 104, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.900; amending section 109, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.915; amending section 1, chapter 79, Laws of 1915 and RCW 24.12.010; amending section 3, chapter 79, Laws of 1915 as amended by section 10, chapter 302, Laws of 1981 and RCW 24.12.030; amending section 1, chapter 80, Laws of 1903 as last amended by section 11, chapter 302, Laws of 1981 and RCW 24.20.010; amending section 2, chapter 80, Laws of 1903 and RCW 24.20.020; amending section 1, chapter 190, Laws of 1927 as amended by section 12, chapter 302, Laws of 1981 and RCW 24.24.010; amending section 10, chapter 190, Laws of 1927 and RCW 24.24.100; amending section 4, chapter 122, Laws of 1969 and RCW 18.100.040; amending section 10, chapter 122, Laws of 1969 and RCW 18.100.100; amending section 12, chapter 122, Laws of 1969 and RCW 18.100.120; amending section 14, chapter 122, Laws of 1969 and RCW 18.100.140; amending section 2, chapter 19, Laws of 1913 as amended by section 1, chapter 34, Laws of 1961 and RCW 23.86.050; amending section 3, chapter 19, Laws of 1913 as amended by section 2, chapter 302, Laws of 1981 and RCW 23.86.060; amending section 4, chapter 19, Laws of 1913 as last amended by section 2, chapter 263, Laws of 1959 and RCW 23.86.070; amending section 6, chapter 19, Laws of 1913 as last amended by section 32, chapter 297, Laws of 1981 and RCW 23.86.090; amending section 15, chapter 19, Laws of 1913 and RCW 23.86.180; amending section 2, chapter 221, Laws of 1971 ex. sess. as amended by section 34, chapter 297, Laws of 1981 and RCW 23.86.210; amending section 3, chapter 221, Laws of 1971 ex. sess. as amended by section 35, chapter 297, Laws of 1981 and RCW 23.86.220; amending section 1, chapter 51, Laws of 1981 and RCW 25.10.010; amending section 4, chapter 51, Laws of 1981 and RCW 25.10.040; amending section 13, chapter 51, Laws of 1981 and RCW 25.10.130; amending section 31, chapter 51, Laws of 1981 and RCW 25.10.310; amending section 15.66.010, chapter 11, Laws of 1961 as amended by section 6, chapter 7, Laws of 1975 1st ex. sess. and RCW 15.66.010;

amending section 43.07.030, chapter 8, Laws of 1965 as last amended by section 21, chapter 87, Laws of 1980 and RCW 43.07.030; amending section 43.07.120, chapter 8, Laws of 1965 as amended by section 107, chapter 81, Laws of 1971 and RCW 43.07.120; amending section 1, chapter 122, Laws of 1971 ex. sess. as amended by section 1, chapter 85, Laws of 1973 1st ex. sess. and RCW 43.07.130; amending section 2, chapter 85, Laws of 1973 1st ex. sess. and RCW 43.07.140; amending section 4, chapter 323, Laws of 1959 and RCW 18.08.130; amending section 6, chapter 272, Laws of 1955 as amended by section 35, chapter 141, Laws of 1979 and RCW 26.40.060; amending section 38, chapter 1, Laws of 1973 as amended by section 26, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.380; amending section 46.64.040, chapter 12, Laws of 1961 as last amended by section 1, chapter 91, Laws of 1973 and RCW 46.64.040; amending section 21, chapter 165, Laws of 1947 and RCW 47.68.210; amending section 6, chapter 116, Laws of 1947 and RCW 76.40.060; recodifying RCW 23A.08.480; adding a new section to chapter 23.86 RCW; adding new sections to chapter 23A.32 RCW; adding a new section to chapter 23A.44 RCW; adding new sections to chapter 24.03 RCW; adding new sections to chapter 24.06 RCW; adding a new section to chapter 24.12 RCW; adding a new section to chapter 24.20 RCW; adding a new section to chapter 24.24 RCW; adding new sections to chapter 43.07 RCW; adding a new section to chapter 70.94 RCW; creating new sections; repealing section 2, chapter 218, Laws of 1937 and RCW 19.24.010; repealing section 3, chapter 218, Laws of 1937 and RCW 19.24.020; repealing section 4, chapter 218, Laws of 1937, section 1, chapter 40, Laws of 1967 and RCW 19.24.040; repealing section 5, chapter 218, Laws of 1937 and RCW 19.24.050; repealing section 6, chapter 218, Laws of 1937 and RCW 19.24.055; repealing section 7, chapter 218, Laws of 1937 and RCW 19.24.060; repealing section 8, chapter 218, Laws of 1937, section 1, chapter 108, Laws of 1973 and RCW 19.24.100; repealing section 9, chapter 218, Laws of 1937, section 1, chapter 82, Laws of 1977 ex. sess. and RCW 19.24.140; repealing section 10, chapter 218, Laws of 1937 and RCW 19.24.280; repealing section 11, chapter 218, Laws of 1937 and RCW 19.24.290; repealing section 13, chapter 218, Laws of 1937 and RCW 19.24.300; repealing section 12, chapter 218, Laws of 1937 and RCW 19.24.900; repealing section 53, chapter 16, Laws of 1979 and RCW 23A.32.078; repealing section 1, chapter 2, Laws of 1971 ex. sess., section 58, chapter 16, Laws of 1979 and RCW 23A.40.150; repealing section 4, chapter 79, Laws of 1915 and RCW 24.12.040; repealing section 4, chapter 80, Laws of 1903 and RCW 24.20.040; and providing an effective date.

Referred to Committee on State Government.

**SENATE BILL NO. 4717, by Senators Lee, Shinpoch and Metcalf:**

AN ACT Relating to state publications; amending section 10, chapter 257, Laws of 1953 and RCW 1.08.060; amending section 5, chapter 234, Laws of 1959 as last amended by section 12, chapter 186, Laws of 1980 and RCW 34.04.050; and amending section 4, chapter 136, Laws of 1907 as last amended by section 2, chapter 162, Laws of 1981 and RCW 44.20.040.

Referred to Committee on State Government.

**SENATE BILL NO. 4718, by Senators Moore, Haley and Metcalf:**

AN ACT Relating to veterinary medicine, surgery, and dentistry; 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 23, chapter 67, Laws of 1981 and RCW 18.92.030;

amending section 6, chapter 71, Laws of 1941 as last amended by section 72, chapter 158, Laws of 1979 and RCW 18.92.070; and providing an effective date.

Referred to Committee on Agriculture.

SENATE BILL NO. 4719, by Senator Sellar:

AN ACT Relating to certain state land acquired from the Milwaukee Railroad; creating new sections; and adding a new section to chapter 79.08 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 4720, by Senators Goltz, Metcalf and Conner:

AN ACT Relating to special license plates; and amending section 1, chapter 178, Laws of 1949 as last amended by section 2, chapter 88, Laws of 1980 and RCW 73.04.110.

Referred to Committee on State Government.

SENATE BILL NO. 4721, by Senators McDermott, Hemstad and Bottiger:

AN ACT Relating to health studios; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4722, by Senator Rasmussen:

AN ACT Relating to probate; amending section 54, chapter 117, Laws of 1974 ex. sess. and RCW 11.02.090; and adding a new chapter to Title 11 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 4723, by Senator Benitz:

AN ACT Relating to class J alcoholic beverage licenses; and reenacting section 9, chapter 178, Laws of 1969 ex. sess. as last amended by section 1, chapter 287, Laws of 1981 and by section 46, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.500.

Referred to Judiciary Committee.

SENATE BILL NO. 4724, by Senators Fuller, Moore and Guess:

AN ACT Relating to the exemption from the shoreline management act of certain lands lying easterly of the Alaskan Way seawall; and adding a new section to chapter 286, Laws of 1971 ex. sess. and to chapter 90.58 RCW.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4725, by Senators Metcalf, Bauer, Kiskaddon, Haley, Wojahn, Hemstad, Quigg, Gallagher, Rasmussen, Gaspard and Craswell (by Governor Spellman request):

AN ACT Relating to the governance and administration of vocational education; amending section 1, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.010; and amending section 4, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.040.

#### MOTION

Senator Rasmussen moved that Senate Bill No. 4725 be referred to the Committee on State Government.

Debate ensued.

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 motion by Senator Rasmussen that Senate Bill No. 4725 be referred to the Committee on State Government.

## ROLL CALL

The Secretary called the roll and the motion failed the by following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shinpoch, von Reichbauer, Woody, Zimmerman—27.

Senate Bill No. 4725 was referred to the Committee on Higher Education.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 4726, by Senators Goltz, Gallagher and Peterson:

AN ACT Relating to game; amending section 11, chapter 310, Laws of 1981 and RCW 77.32.340; and amending section 14, chapter 310, Laws of 1981 and RCW 77.32.370.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4727, by Senator Rasmussen:

AN ACT Relating to game and game fish; adding a new section to chapter 77.16 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4728, by Senators Sellar and Wojahn:

AN ACT Relating to local government finances; amending section 2, chapter 80, Laws of 1969 ex. sess. and RCW 43.80.110; adding a new chapter to Title 39 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4729, by Senators Newhouse, Moore, Quigg, McDermott and Jones (by Liquor Control Board request):

AN ACT Relating to financial interests by banks, savings and loan associations and institutional investors in alcoholic beverage licensees; amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 219, Laws of 1977 ex. sess. and RCW 66.28.010; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4730, by Senators Newhouse, Quigg and Vognild (by Public Employment Relations Commission request):

AN ACT Relating to unfair labor practice procedures; amending section 3, chapter 215, Laws of 1969 ex. sess. as amended by section 24, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.160; amending section 4, chapter 215, Laws of 1969 ex. sess. as amended by section 25, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.170; and amending section 16, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.150.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4731, by Senator Metcalf:

AN ACT Relating to the abolishment of educational service districts and the transfer of certain powers and duties thereof; amending section 12, chapter 15, Laws of 1970 ex. sess. as last amended by section 2, chapter 120, Laws of 1977 ex. sess. and RCW 28A.02.070; amending section 1, chapter 303, Laws of 1977 ex. sess. as amended by section 1, chapter 306, Laws of 1981 and RCW 28A.02.110; amending section 2, chapter 92, Laws of 1974 ex. sess. as last amended by section 9, chapter 359, Laws of 1977 ex. sess. and RCW 28A.02.201; amending section 28A.03.030,

of 1981 and RCW 28A.03.030; amending section 2, chapter 78, Laws of 1975 1st ex. sess. and RCW 28A.03.310; amending section 28A.04.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 179, Laws of 1980 and RCW 28A.04.040; amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 173, Laws of 1979 ex. sess. and RCW 28A.04.120; amending section 1, chapter 10, Laws of 1972 ex. sess. as amended by section 52, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.13.020; amending section 28A.24.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 80, Laws of 1977 and RCW 28A.24.080; amending section 28A.24.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 80, Laws of 1977 and RCW 28A.24.100; amending section 28A.24.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 11, chapter 265, Laws of 1981 and RCW 28A.24.100; amending section 1, chapter 4, Laws of 1979 and RCW 28A.26.010; amending section 28A.27.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 56, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.27.040; amending section 28A.27.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 57, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.27.080; amending section 14, chapter 15, Laws of 1970 ex. sess. as amended by section 58, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.27.102; amending section 28A.35.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 6, Laws of 1980 and RCW 28A.35.030; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 265, Laws of 1981 and by section 1, chapter 343, Laws of 1981 and RCW 28A.41.160; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 265, Laws of 1981 and by section 1, chapter 343, Laws of 1981 and RCW 28A.41.160; amending section 28A.44.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 62, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.070; amending section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 1, chapter 282, Laws of 1981 and RCW 28A.48.010; amending section 28A.48.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 70, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.48.055; amending section 28A.48.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 28, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.48.100; amending section 28A.56.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 74, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.030; amending section 28A.56.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 75, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.040; amending section 28A.56.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 76, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.050; amending section 28A.56.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 77, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.060; amending section 28A.57.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 78, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.020; amending section 28A.57.031, chapter 223, Laws of 1969 ex. sess. as last amended by section 79, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.031; amending section 1, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.032; amending section 28A.57.033, chapter 223, Laws of 1969 ex. sess. as last amended by section 81, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.033; amending section 28A.57.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 82, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.040; amending section 2, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.050; amending section 28A.57.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 84, chapter 275, Laws of 1975 1st ex. sess. as last amended by section 112, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.530; amending section 28A.58.560, chapter 223, Laws of 1969 ex. sess. as last amended by section 113, chapter 275, Laws of 1975

275, Laws of 1975 1st ex. sess. and RCW 28A.57.070; amending section 28A.57-.075, chapter 223, Laws of 1969 ex. sess. as last amended by section 85, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.075; amending section 28A.57-.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 86, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.080; amending section 28A.57-.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 87, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.090; amending section 28A.57-.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 88, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.130; amending section 3, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.140; amending section 35, chapter 43, Laws of 1975 and RCW 28A.57.145; amending section 28A.57.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 90, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.150; amending section 28A.57.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 91, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.170; amending section 28A.57.180, chapter 223, Laws of 1969 ex. sess. as last amended by section 92, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.180; amending section 28A.57.190, chapter 223, Laws of 1969 ex. sess. as last amended by section 93, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.190; amending section 4, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.200; amending section 28A.57-.245, chapter 223, Laws of 1969 ex. sess. as last amended by section 96, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.245; amending section 28A.57-.255, chapter 223, Laws of 1969 ex. sess. as last amended by section 97, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.255; amending section 28A.57-.290, chapter 223, Laws of 1969 ex. sess. as last amended by section 98, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.290; amending section 28A.57-.300, chapter 223, Laws of 1969 ex. sess. as last amended by section 99, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.300; amending section 28A.57-.326, chapter 223, Laws of 1969 ex. sess. as last amended by section 100, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.326; amending section 5, chapter 15, Laws of 1975-'76 2nd ex. sess. as last amended by section 2, chapter 35, Laws of 1980 and RCW 28A.57.328; amending section 3, chapter 67, Laws of 1971 as last amended by section 3, chapter 35, Laws of 1980 and RCW 28A.57.355; amending section 6, chapter 15, Laws of 1975-'76 2nd ex. sess. as last amended by section 4, chapter 35, Laws of 1980 and RCW 28A.57.356; amending section 2, chapter 47, Laws of 1980 as amended by section 5, chapter 35, Laws of 1980 and RCW 28A-.57.357; amending section 3, chapter 47, Laws of 1980 as amended by section 6, chapter 35, Laws of 1980 and RCW 28A.57.358; amending section 28A.57.390, chapter 223, Laws of 1969 ex. sess. as last amended by section 106, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.390; amending section 9, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.415; amending section 1, chapter 90, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.090; amending section 2, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.092; amending section 3, chapter 10, Laws of 1972 ex. sess. as last amended by section 1, chapter 16, Laws of 1981 and RCW 28A.58-.100; amending section 28A.58.103, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 134, Laws of 1979 ex. sess. and RCW 28A.58.103; amending section 28A.58.107, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 308, Laws of 1981 and RCW 28A.58.107; amending section 28A.58.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 30, chapter 80, Laws of 1977 ex. sess. and RCW 28A.58.150; amending section 28A-.58.225, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 140, Laws of 1979 ex. sess. and RCW 28A.58.225; amending section 1, chapter 47, Laws of 1975 and RCW 28A.58.430; amending section 28A.58.530, chapter 223, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 249, Laws

1st ex. sess. and RCW 28A.58.560; amending section 28A.58.603, chapter 223, Laws of 1969 ex. sess. as last amended by section 114, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.603; amending section 1, chapter 142, Laws of 1972 ex. sess. as amended by section 115, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.620; amending section 2, chapter 142, Laws of 1972 ex. sess. as amended by section 116, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.630; amending section 28A.59.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 117, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.59.080; amending section 28A.59.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 118, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.59.150; amending section 11, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.60.070; amending section 12, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.60.210; amending section 1, chapter 111, Laws of 1973 as amended by section 21, chapter 43, Laws of 1975 and RCW 28A.60.328; amending section 5, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.420; amending section 6, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.425; amending section 7, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.430; amending section 8, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.435; amending section 14, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.465; amending section 17, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.480; amending section 18, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.485; amending section 28A.66.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 129, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.66.060; amending section 28A.66.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 32, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.66.100; amending section 28A.67.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 131, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.67.040; amending section 28A.67.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 132, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.67.060; amending section 16, chapter 15, Laws of 1970 ex. sess. as last amended by section 4, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.070; amending section 17, chapter 15, Laws of 1975-'76 2nd ex. sess. and section 3, chapter 92, Laws of 1975-'76 2nd ex. sess. and RCW 28A.70.110; amending section 28A.70.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 92, Laws of 1975-'76 2nd ex. sess. and RCW 28A.70.130; amending section 28A.70.140, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 92, Laws of 1975-'76 2nd ex. sess. and RCW 28A.70.140; amending section 28A.70.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 137, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.160; amending section 28A.70.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 138, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.170; amending section 18, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.71.100; amending section 2, chapter 189, Laws of 1977 ex. sess. as amended by section 10, chapter 149, Laws of 1979 and RCW 28A.71.210; amending section 21, chapter 15, Laws of 1970 ex. sess. as amended by section 140, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.030; amending section 22, chapter 15, Laws of 1970 ex. sess. as amended by section 142, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.080; amending section 28A.87.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 143, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.090; amending section 28A.87.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 144, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.100; amending section 28A.87.110, chapter 223, Laws of 1969 ex. sess. as last amended by section 145, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.110; amending section 28A.87.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 146, chapter 275, Laws of 1975 1st ex. sess. and RCW

28A.87.170; amending section 60, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.380; amending section 28B.40.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 80, chapter 169, Laws of 1977 ex. sess. and RCW 28B.40.380; amending section 7, chapter 283, Laws of 1969 ex. sess. as last amended by section 3, chapter 182, Laws of 1980 and RCW 28B.50.551; amending section 36.33.110, chapter 4, Laws of 1963 as last amended by section 10, chapter 154, Laws of 1980 and RCW 36.33.110; amending section 1, chapter 134, Laws of 1979 ex. sess. and RCW 39.33.070; amending section 4, chapter 239, Laws of 1967 as last amended by section 2, chapter 308, Laws of 1981 and RCW 39.34.030; amending section 1, chapter 80, Laws of 1947 as last amended by section 5, chapter 256, Laws of 1981 and RCW 41.32.010; amending section 1, chapter 16, Laws of 1975-'76 2nd ex. sess. and RCW 41.32.420; amending section 3, chapter 256, Laws of 1979 ex. sess. and RCW 48.62.030; amending section 22, chapter 3, Laws of 1971 as last amended by section 12, chapter 35, Laws of 1981 and RCW 50.44.050; amending section 72.40.060, chapter 28, Laws of 1959 as last amended by section 151, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.060; amending section 72.40.070, chapter 28, Laws of 1959 as last amended by section 250, chapter 141, Laws of 1979 and RCW 72.40.070; amending section 72.40.080, chapter 28, Laws of 1959 as last amended by section 153, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.080; amending section 72.40.100, chapter 28, Laws of 1959 as last amended by section 154, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.100; amending section 12, chapter 196, Laws of 1979 ex. sess. and RCW 82.04.395; amending section 8, chapter 266, Laws of 1979 ex. sess. and RCW 82.04.600; amending section 84.52.020, chapter 15, Laws of 1961 as last amended by section 33, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 84.52.020; creating new sections; adding new sections to chapter 27.16 RCW; repealing section 1, chapter 176, Laws of 1969 ex. sess., section 1, chapter 282, Laws of 1971 ex. sess., section 1, chapter 275, Laws of 1975 1st ex. sess., section 1, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.010; repealing section 2, chapter 176, Laws of 1969 ex. sess., section 2, chapter 282, Laws of 1971 ex. sess., section 2, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.020; repealing section 3, chapter 176, Laws of 1969 ex. sess., section 3, chapter 282, Laws of 1971 ex. sess., section 1, chapter 75, Laws of 1974 ex. sess., section 3, chapter 275, Laws of 1975 1st ex. sess., section 14, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.030; repealing section 4, chapter 75, Laws of 1974 ex. sess., section 5, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0303; repealing section 5, chapter 75, Laws of 1974 ex. sess., section 6, chapter 275, Laws of 1975 1st ex. sess., section 19, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.0304; repealing section 6, chapter 75, Laws of 1974 ex. sess., section 7, chapter 275, Laws of 1975 1st ex. sess., section 20, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.0305; repealing section 7, chapter 75, Laws of 1974 ex. sess., section 8, chapter 275, Laws of 1975 1st ex. sess., and RCW 28A.21.0306; repealing section 15, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.031; repealing section 16, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.032; repealing section 17, chapter 283, Laws of 1977 ex. sess., section 7, chapter 179, Laws of 1980 and RCW 28A.21.033; repealing section 18, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.034; repealing section 4, chapter 282, Laws of 1971 ex. sess., section 8, chapter 75, Laws of 1974 ex. sess., section 9, chapter 275, Laws of 1975 1st ex. sess., section 21, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.035; repealing section 23, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.036; repealing section 5, chapter 282, Laws of 1971 ex. sess., section 10, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.037; repealing section 4, chapter 176, Laws of 1969 ex. sess., section 6, chapter 282, Laws of 1971 ex. sess., section 11, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.040; repealing section 5, chapter 176, Laws of 1969 ex. sess., section 7, chapter 282, Laws of 1971 ex. sess., section 12, chapter 275, Laws of 1975 1st ex. sess., section 22, chapter 283,

Laws of 1977 ex. sess. and RCW 28A.21.050; repealing section 6, chapter 176, Laws of 1969 ex. sess., section 8, chapter 282, Laws of 1971 ex. sess., section 13, chapter 275, Laws of 1975 1st ex. sess., section 68, chapter 34, Laws of 1975-'76 2nd ex. sess., section 3, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.060; repealing section 4, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.071; repealing section 11, chapter 282, Laws of 1971 ex. sess., section 16, chapter 275, Laws of 1975 1st ex. sess., section 1, chapter 66, Laws of 1979 ex. sess. and RCW 28A.21.086; repealing section 12, chapter 282, Laws of 1971 ex. sess., section 17, chapter 275, Laws of 1975 1st ex. sess., section 2, chapter 103, Laws of 1981 and RCW 28A.21.088; repealing section 9, chapter 176, Laws of 1969 ex. sess., section 1, chapter 53, Laws of 1971, section 13, chapter 282, Laws of 1971 ex. sess., section 18, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.090; repealing section 14, chapter 282, Laws of 1971 ex. sess., section 19, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.092; repealing section 15, chapter 282, Laws of 1971 ex. sess., section 9, chapter 75, Laws of 1974 ex. sess., section 20, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.095; repealing section 10, chapter 176, Laws of 1969 ex. sess., section 16, chapter 282, Laws of 1971 ex. sess., section 10, chapter 75, Laws of 1974 ex. sess., section 21, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.100; repealing section 19, chapter 34, Laws of 1969 ex. sess., section 6, chapter 48, Laws of 1971, section 11, chapter 75, Laws of 1974 ex. sess., section 22, chapter 275, Laws of 1975 1st ex. sess., section 7, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.105; repealing section 20, chapter 34, Laws of 1969 ex. sess., section 7, chapter 48, Laws of 1971, section 12, chapter 75, Laws of 1974 ex. sess., section 23, chapter 275, Laws of 1975 1st ex. sess., section 8, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.106; repealing section 11, chapter 176, Laws of 1969 ex. sess., section 17, chapter 282, Laws of 1971 ex. sess., section 1, chapter 3, Laws of 1972 ex. sess., section 13, chapter 75, Laws of 1974 ex. sess., section 24, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.110; repealing section 14, chapter 75, Laws of 1974 ex. sess., section 25, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.111; repealing section 15, chapter 75, Laws of 1974 ex. sess., section 26, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.112; repealing section 16, chapter 75, Laws of 1974 ex. sess., section 27, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.113; repealing section 12, chapter 176, Laws of 1969 ex. sess., section 18, chapter 282, Laws of 1971 ex. sess., section 17, chapter 75, Laws of 1974 ex. sess., section 28, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.120; repealing section 13, chapter 176, Laws of 1969 ex. sess., section 19, chapter 282, Laws of 1971 ex. sess., section 29, chapter 275, Laws of 1975 1st ex. sess., section 69, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28A.21.130; repealing section 20, chapter 282, Laws of 1971 ex. sess., section 30, chapter 275, Laws of 1975 1st ex. sess., section 12, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.135; repealing section 9, chapter 293, Laws of 1977 ex. sess. and RCW 28A.21.136; repealing section 10, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.137; repealing section 11, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.138; repealing section 14, chapter 176, Laws of 1969 ex. sess., section 22, chapter 282, Laws of 1971 ex. sess., section 31, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.140; repealing section 16, chapter 176, Laws of 1969 ex. sess., section 23, chapter 282, Laws of 1971 ex. sess., section 32, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.160; repealing section 17, chapter 176, Laws of 1969 ex. sess., section 21, chapter 282, Laws of 1971 ex. sess., section 33, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.170; repealing section 18, chapter 176, Laws of 1969 ex. sess., section 24, chapter 282, Laws of 1971 ex. sess., section 20, chapter 75, Laws of 1974 ex. sess., section 34, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.180; repealing section 23, chapter 75, Laws of 1974 ex. sess., section 35, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.195; repealing section 21, chapter 176, Laws of 1969 ex. sess., section 36, chapter 275, Laws of

1975 1st ex. sess. and RCW 28A.21.200; repealing section 22, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.210; repealing section 23, chapter 176, Laws of 1969 ex. sess., section 28, chapter 282, Laws of 1971 ex. sess., section 37, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.220; repealing section 5, chapter 91, Laws of 1974 ex. sess., section 38, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.300; repealing section 2, chapter 210, Laws of 1977 ex. sess. and RCW 28A.21.310; repealing section 5, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.350; repealing section 6, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.355; repealing section 6, chapter 182, Laws of 1980 and RCW 28A.21.360; repealing section 155, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.900; repealing section 29, chapter 282, Laws of 1971 ex. sess., section 46, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.03.028; repealing section 30, chapter 282, Laws of 1971 ex. sess., section 51, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.04.145; repealing section 28A.44.060, chapter 223, Laws of 1969 ex. sess., section 16, chapter 48, Laws of 1971, section 34, chapter 282, Laws of 1971 ex. sess., section 61, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.060; repealing section 28A.48.030, chapter 223, Laws of 1969 ex. sess., section 109, chapter 176, Laws of 1969 ex. sess., section 68, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.48.030; repealing section 28A.57.240, chapter 223, Laws of 1969 ex. sess., section 131, chapter 176, Laws of 1969 ex. sess., section 2, chapter 47, Laws of 1973, section 95, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.240; repealing section 20, chapter 118, Laws of 1975-'76 2nd ex. sess., section 1, chapter 124, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.495; repealing section 28A.87.050, chapter 223, Laws of 1969 ex. sess., section 148, chapter 176, Laws of 1969 ex. sess., section 141, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.050; repealing section 27, chapter 104, laws of 1903, section 1, page 320, chapter 97, Laws of 1909, section 1, chapter 163, Laws of 1955, section 25, chapter 176, Laws of 1969 ex. sess., section 39, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.010; repealing section 28, chapter 104, Laws of 1903, section 2, page 320, chapter 97, Laws of 1909, section 2, chapter 163, Laws of 1955, section 26, chapter 176, Laws of 1969 ex. sess., section 8, chapter 195, Laws of 1973 1st ex. sess., section 40, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.020; repealing section 3, page 320, chapter 97, Laws of 1909, section 27, chapter 176, Laws of 1969 ex. sess., section 41, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.030; repealing section 4, page 320, chapter 97, Laws of 1909, section 3, chapter 163, Laws of 1955, section 28, chapter 176, Laws of 1969 ex. sess., section 42, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.040; repealing section 5, page 320, chapter 97, Laws of 1909, section 4, chapter 163, Laws of 1955, section 29, chapter 176, Laws of 1969 ex. sess., section 43, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.050; repealing section 6, page 320, chapter 97, Laws of 1909, section 5, chapter 163, Laws of 1955, section 30, chapter 176, Laws of 1969 ex. sess., section 44, chapter 275, Laws of 1975 1st ex. sess. and RCW 27.16.060; providing penalties; making certain effective dates; providing for the expiration of certain sections hereof; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 4732, by Senators Benitz, Shimpoch and Guess:

AN ACT Relating to the state board for community college education; and amending section 28B.50.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 246, Laws of 1981 and RCW 28B.50.090.

Referred to Committee on Higher Education.

SENATE BILL NO. 4733, by Senator Hayner:

AN ACT Relating to juveniles; amending section 3, chapter 160, Laws of 1913 as last amended by section 6, chapter 155, Laws of 1979 and RCW 13.04.040; amending section 62, chapter 291, Laws of 1977 ex. sess. as last amended by section 8, chapter 299, Laws of 1981 and RCW 13.40.080; amending section 70, chapter 291, Laws of 1977 ex. sess. as last amended by section 13, chapter 299, Laws of 1981 and RCW 13.40.160; amending section 73, chapter 291, Laws of 1977 ex. sess. as amended by section 69, chapter 155, Laws of 1979 and RCW 13.40.190; 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 2, chapter 266, Laws of 1981 and RCW 13.40.270; amending section 9, chapter 155, Laws of 1979 as amended by section 19, chapter 299, Laws of 1981 and RCW 13.50.050; repealing section 16, chapter 160, Laws of 1913 and RCW 13.04.160; prescribing penalties; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 4734, by Senators Pullen and Woody:

AN ACT Relating to public records; and amending section 31, chapter 1, Laws of 1973 as last amended by section 13, chapter 314, Laws of 1977 ex. sess. and RCW 42.17.310.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4735, by Senators Newhouse and Bauer:

AN ACT Relating to alcoholic beverage control; and amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 219, Laws of 1977 ex. sess. and RCW 66.28.010.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4736, by Senators Hemstad and Zimmerman:

AN ACT Relating to substances containing toxic vapors or fumes; amending section 1, chapter 149, Laws of 1969 ex. sess. and RCW 9.47A.010; amending section 2, chapter 149, Laws of 1969 ex. sess. and RCW 9.47A.020; amending section 3, chapter 149, Laws of 1969 ex. sess. and RCW 9.47A.030; amending section 4, chapter 149, Laws of 1969 ex. sess. and RCW 9.47A.040; and defining crimes.

Referred to Judiciary Committee.

SENATE BILL NO. 4737, by Senators Hemstad, Lee and Metcalf:

AN ACT Relating to the compulsory attendance law; and amending section 2, chapter 10, Laws of 1972 ex. sess. as last amended by section 1, chapter 59, Laws of 1980 and RCW 28A.27.010.

Referred to Committee on Education.

SENATE BILL NO. 4738, by Senators Benitz, Guess and Hayner:

AN ACT Relating to vocational education; amending section 1, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.010; amending section 2, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.020; amending section 4, chapter 285, Laws of 1971 ex. sess. as amended by section 13, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.026; amending section 3, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.030; amending section 4, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.040; amending section 6, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.060; amending section 7, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.150; amending section 9, chapter 174, Laws of 1975 1st ex.

sess. and RCW 28C.04.500; sess. and RCW 28C.04.050; repealing section 28B.50-.230, chapter 223, Laws of 1969 ex. sess., section 14, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.090; repealing section 12, chapter 174, Laws of 1975 1st ex. sess., section 1, chapter 86, Laws of 1975-'76 2nd ex. sess., section 23, chapter 151, Laws of 1979 and RCW 28C.04.510; and making an effective date.

Referred to Committee on Higher Education.

SENATE BILL NO. 4739, by Senator Guess:

AN ACT Relating to revenue and taxation; amending section 7, chapter 94, Laws of 1970 ex. sess. as last amended by section 11, chapter 4, Laws of 1981 2nd ex. sess. and RCW 82.14.060; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4740, by Senators Bauer and Zimmerman:

AN ACT Relating to a public guardian; and creating a new chapter in Title 36 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4741, by Senators Clarke, Vognild, Hayner and Woody:

AN ACT Relating to petitioning local government officials; and adding a new chapter to Title 42 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4742, by Senators Quigg, Hayner and Vognild:

AN ACT Relating to manufacturers' premium coupons; and amending section 3, chapter 221, Laws of 1957 as amended by section 1, chapter 104, Laws of 1972 ex. sess. and RCW 19.83.040.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4743, by Senator Lee:

AN ACT Relating to local government investment pools; adding a new chapter to Title 39 RCW; and making an appropriation.

Referred to Committee on Local Government.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

HOUSE BILL NO. 4, by Representatives Sanders and Isaacson:

Designating the Roosevelt Elk as the state animal.

## MOTION

Senator Bottiger moved the rules be suspended and House Bill No. 4 be advanced to second reading.

Debate ensued.

## PERSONAL PRIVILEGE

Senator McDermott: "Mr. President, members of the Senate. I received a phone call from a member of my constituency. Happens to be somebody who is a part of the 214,000 people who are unemployed in this state.

"His first question to me was, 'Is the legislature in session? I haven't noticed them doing anything.' Then he went on to comment about the leadership of the majority party and I assured him I did not think they were gutless, or aimless; I thought they just did not know how to react to the President's remarks.

"Then he asked me what was it that happened in 1971 . . ."

President Cherberg: "For what purpose does Senator Guess rise?"

## POINT OF ORDER

Senator Guess: "Point of order."

President Cherberg: "Senator will please state his point."

## REMARKS BY SENATOR GUESS

Senator Guess: "I do not believe that the Senator is speaking on a point of personal privilege. His opinion of our ability to respond to the President's message hasn't anything to do with the order of business before us."

## RULING BY THE PRESIDENT

President Cherberg: "Senator McDermott, the President believes that Senator Guess' remarks are well taken and if you . . ."

## SENATOR McDERMOTT CONTINUES

Senator McDermott: "I will confine myself to the third question he asked me. His question was, 'What was the first thing that happened in the 1971 legislature when Boeing went belly-up?' This is one of my constituents, Senator Guess, and I want to respond publicly to him."

## REMARKS BY SENATOR GUESS

Senator Guess: "Senator McDermott was not in the legislature, in the Senate, in 1971, therefore I do not think it has anything to do with his personal business. He was not here, so he does not know."

## REMARKS BY SENATOR METCALF

Senator Metcalf: "Thank you, Mr. President, members of this Senate. I would urge that we follow the normal procedure on this bill. I like this bill, I am very vigorously in favor of it . . ."

## REPLY BY THE PRESIDENT

President Cherberg: "The motion is not debatable. The President will put the question."

## POINT OF INQUIRY

Senator McDermott: "Mr. President, may I finish my point of personal privilege?"

President Cherberg: "Senator, you have struck out twice."

Senator McDermott: "Is one not allowed, Mr. President, to respond to one's constituents on the floor of the Senate?"

President Cherberg: "The President will permit you to respond to Senator Guess' remarks."

## SENATOR McDERMOTT CONTINUES

Senator McDermott: "I was in the House of Representatives when the first bill that passed in this legislature in 1971 was an extension of unemployment benefits. And at that time, all the Republicans voted against it; and we are back in 1982 with a major problem. We have more unemployment in this state than in the history of the state and we are doing nothing about it. And the constituents are now asking, 'When are you going to do something about unemployment?'"

"We have hearings on mosquito districts but we do not discuss jobs. And I think it is a major failing of all of us."

#### PERSONAL PRIVILEGE

Senator Hayner: "That is simply not true, Senator McDermott. We have launched a Washington works program; we have spent a good deal of time, in fact, we spent three hours last night talking about possible legislation to promote new jobs in the state of Washington. And I think it is unfair to say that we are not considering it, we certainly are considering it."

House Bill No. 4 was referred to the Committee on State Government.

#### INTRODUCTION AND FIRST READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 11, by Committee on State Government (originally sponsored by Representatives Flanagan, Greengo, Smith and Teutsch):

Requiring information on bond measures to be disclosed in the voters' pamphlet.

Referred to Committee on Constitutions and Elections.

ENGROSSED HOUSE BILL NO. 151, by Representatives Galloway, Teutsch, Erickson, Winsley, King (J), Wang and Brekke:

Modifying the laws affecting assault victims under sixteen.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 274, by Committee on Human Services (originally sponsored by Committee on Human Services and Representative Mitchell):

Modifying licensing procedures for practical nurses.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 279, by Committee on Education (originally sponsored by Committee on Education and Representative Taylor):

Authorizing school districts upon vote of school board to hold election to return to system of directors thereof running at large.

Referred to Committee on Education.

REENGROSSED HOUSE BILL NO. 286, by Representatives Teutsch, Brekke, Mitchell, Valle, Williams, Wang, King (J), Tilly, Rinehart, Thompson, Sommers, McDonald, Stratton, Pruitt, Nisbet, Chamberlain, Winsley, Sanders, Ehlers, Sherman, Patrick, Lux, Isaacson, Eng, Greengo, Gruger, Tupper, Garrett, Wilson, Maxie, Erickson, Eberle, Heck, Granlund, Kreidler, Hine, Burns and Rust:

Continuing the displaced homemakers program.

Referred to Judiciary Committee.

HOUSE BILL NO. 330, by Representatives Kreidler, Sanders, Dawson, Bond, Houchen and Sprague:

Requiring notification to the secretary of transportation about plats of subdivisions near public airports.

Referred to Committee on Transportation.

SECOND SUBSTITUTE HOUSE BILL NO. 378, by Committee on Labor and Economic Development (originally sponsored by Committee on Labor and Economic Development and Representative Sanders):

Revising laws regulating cosmetology.

Referred to Committee on Commerce and Labor.

**SUBSTITUTE HOUSE BILL NO. 449**, by Committee on Agriculture (originally sponsored by Representatives Flanagan, Struthers, Barr, Amen and Thompson):

Modifying the supervisor of water resources responsibilities in determining water rights.

Referred to Committee on Agriculture.

**SUBSTITUTE HOUSE BILL NO. 451**, by Committee on Institutions (originally sponsored by Representatives Ehlers, Erickson and Hine):

Modifying provisions relating to juveniles.

Referred to Judiciary Committee.

**HOUSE BILL NO. 472**, by Representatives Pruitt, Sherman, Monohon, Walk, Erickson and Lux:

Modifying the penalty for unlawful political advertising.

Referred to Committee on Constitutions and Elections.

**HOUSE BILL NO. 563**, by Committee on Ethics, Law and Justice and Representatives Ellis, Patrick, Tilly, Bickham, Padden, Salatino, Schmidt, Pruitt and Tupper:

Modifying the grounds for a claim for malicious prosecution.

Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 571**, by Committee on Labor and Economic Development (originally sponsored by Representatives Hankins, Owen, Isaacson, Grimm, Bickham, Erak, Smith, Hastings, King (R), Scott, Struthers and Heck):

Implementing law relating to control of alcoholic beverages.

Referred to Committee on Commerce and Labor.

**HOUSE BILL NO. 576**, by Representatives McCormick, Gallagher, Wilson, Barrett, Eberle, Schmidt, Prince, Walk and Cantu:

Qualifying state authority for the 55 speed limit.

Referred to Committee on Transportation.

**SUBSTITUTE HOUSE BILL NO. 612**, by Committee on Revenue (originally sponsored by Representatives Amen, Greengo, Granlund, Rinehart, Flanagan, Bond, Fancher and Clayton):

Modifying provisions on county indicated ratios.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 696**, by Committee on Local Government (originally sponsored by Committee on Local Government and Representatives Isaacson and Stratton):

Modifying the investment authority of municipal employees' pension system boards.

Referred to Committee on Local Government.

**HOUSE BILL NO. 706**, by Committee on Institutions and Representatives Struthers, Fiske, Walk and Houchen:

Modifying provisions on contraband and detention facilities.

Referred to Judiciary Committee.

**ENGROSSED HOUSE BILL NO. 728**, by Committee on State Government and Representative Sommers:

Revising definition of appraisals.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 745, by Committee on Ethics, Law and Justice and Representatives Ellis and Johnson:

Penalizing threats against the governor and successors to the office of governor.  
Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 762, by Committee on State Government (originally sponsored by Committee on State Government and Representatives Addison and Berleen):

Reorganizing commissions, boards, and councils.  
Referred to Committee on State Government.

REENGROSSED HOUSE BILL NO. 768, by Committee on Institutions and Representative Houchen:

Modifying provisions relating to the department of corrections.  
Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 778, by Select Committee on Deregulation and Productivity (originally sponsored by Select Committee on Deregulation and Productivity and Representative Williams):

Revising provisions for licensing and regulation of certain professions.  
Referred to Committee on Commerce and Labor.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 784, by Committee on Appropriations—Education (originally sponsored by Committee on Appropriations—Education and Representative McDonald) (by Office of Financial Management request):

Making miscellaneous changes in law relating to institutions of higher education.

#### MOTION

Senator Charnley moved that Engrossed Substitute House Bill No. 784 be referred to the Committee on Higher Education.

Debate ensued.

Senator Ridder 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 Charnley that Engrossed Substitute House Bill No. 784 be referred to the Committee on Education.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Engrossed Substitute House Bill No. 784 was referred to the Committee on Ways and Means.

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 825, by Representatives Nickell, Rosbach and Stratton:

Authorizing blue lights on enforcement vehicles of the department of fisheries and game.

Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 844, by Representatives Ellis, Johnson and Maxie:

Authorizing public agencies to contract with collection agencies.

Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 897, by Representatives Armstrong and Ellis:

Providing for jurisdiction in arbitration cases.

Referred to Judiciary Committee.

HOUSE BILL NO. 916, by Committee on Ethics, Law and Justice and Representatives Ellis and Wang:

Modifying the interest rate on judgments.

Referred to Judiciary Committee.

## MOTIONS

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

Senator Wilson moved that the Committee on Commerce and Labor be relieved from further consideration of Senate Bill No. 4712 and be rereferred to the Committee on Local Government.

Debate ensued.

The motion by Senator Wilson carried. Senate Bill No. 4712 was rereferred to the Committee on Local Government.

## MOTION

On motion of Senator Vognild, there being no objection. Senator Vognild's name was removed as a sponsor from Senate Joint Memorial No. 105.

## MOTION

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

## SENATE RESOLUTION 1982—168

By Senators Hayner, Jones and Clarke:

BE IT RESOLVED, That the permanent rules of the Senate, Forty-seventh Legislature, be amended as follows:

## INTRODUCTION OF BILLS

Rule 61. All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Not more than three senators may sponsor a bill, except committee bills which shall be in accordance with the joint rules of the senate and house: PROVIDED, HOWEVER, That any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced: PROVIDED FURTHER, That all bills be considered by the senate during a sixty day regular session shall be on the request list of the code reviser by ((3))5:00 p.m. on the ((twenty-ninth)) nineteenth day, or on the

fortieth day during a one hundred five day regular session, and shall be read in under the proper order of business no later than the ((thirty)) twenty-third legislative day of a sixty day regular session, or on the forty-sixth day of a one hundred five day regular session.

After the expiration of deadlines for bill introductions provided in this rule, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session: **PROVIDED**, That the time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills.

### MOTIONS

On motion of Senator Lee, the Committee on State Government was relieved from further consideration of House Bill No. 213.

On motion of Senator Lee, House Bill No. 213 was rereferred to the Committee on Local Government.

On motion of Senator Lee, the Committee on Natural Resources was relieved from further consideration of House Bill No. 386.

On motion of Senator Lee, House Bill No. 386 was rereferred to the Committee on Parks and Ecology.

On motion of Senator Lee, the Committee on Constitutions and Elections was relieved from further consideration of Senate Bill No. 4448.

On motion of Senator Lee, Senate Bill No. 4448 was rereferred to the Committee on Local Government.

On motion of Senator Lee, the Committee on Natural Resources was relieved from further consideration of Senate Bill No. 4681.

On motion of Senator Lee, Senate Bill No. 4681 was rereferred to the Committee on Ways and Means.

On motion of Senator Lee, the Committee on Commerce and Labor was relieved from further consideration of Senate Bill No. 4648.

On motion of Senator Lee, Senate Bill No. 4648 was rereferred to the Committee on Education.

On motion of Senator Lee, the Committee on Financial Institutions and Insurance was relieved from further consideration of Senate Bill No. 3902.

On motion of Senator Lee, Senate Bill No. 3902 was rereferred to the Committee on Commerce and Labor.

### POINT OF INQUIRY

Senator Fleming: "Senator Clarke, the question is that I am concerned, Senator McDermott made some comments and so forth; but they were more general. I notice — and I do not know what the problem is — it seems to be that we have more of these whole sheets of rereferrals the last couple of sessions and than I have know having that problem in quite some time since I have been in the Senate.

"And I guess my question would be, are we going to have to refine how we are referring these bills; have we changed the system on who decides how they are referred or whatever. Because we seem to have more of this referral and not going to the committees that they maybe should be.

"And I do not know, I am being up front and not trying to be sly about anything, but I am just concerned about that because it creates confusion."

Senator Clarke: "Well, Senator, what we are endeavoring to do, it is obviously impractical to go over each one of these referrals when they come in as a caucus

matter, and allow each individual Senator to set forth his idea. For that reason, normally, these bills are referred to the committees, either if it is a House bill, conversant with the House committee or where the bills normally go.

"Now, we could, but I think it would simply delay the business of the Senate further if we delayed those referrals each day. Now, there may have been more rereferrals this session. But, if so, I think, perhaps, it is indicative of the fact that each individual Senator is raising questions; and if then it seems that those are well-taken, the matter comes back before the body and the reason for the rereferral will be explained any time there is a question."

Senator Fleming: "I guess my concern, Senator Clarke, it seems before that we had a pretty good system, and evidently the system has been changed. Before, I think, the Lieutenant Governor and the attorney and Sid or somebody, made most of the referrals and that is the way most of them went. I do not know if that is still the system because I am not asked.

"But seemingly we are having more problems getting the right bills into the right committees; and I am just saying if the system has changed, is this a part of sort of weeding the bugs out of the system? Or is the system still the same and we are just having, you know, more individual input?"

Senator Clarke: "One of the reasons, I think, is that the House has realigned its committee system over there and for that reason it is not as readily ascertainable when we receive a House bill as to what the comparable Senate committee would be.

"But I can assure you, Senator, that we will heed your comments and anything that we can do to increase the efficiency of the Senate we will endeavor to do."

#### PERSONAL PRIVILEGE

Senator Ridder: "I notice in the gallery that we have one of our former members, Senator Peter Francis; and I would like to say I am personally glad to have him down here to counsel with us as a veteran of these halls and also as a resident of the outside world. Perhaps he will bring some words of wisdom to us and specifically I see, to Senator Williams."

#### MOTION

At 11:54 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 12:38 p.m.

#### MOTIONS

On motion of Senator Clarke, Substitute Senate Bill No. 4315 will be considered following Engrossed Substitute Senate Bill No. 3084.

On motion of Senator Clarke, the Senate commenced consideration of Reengrossed Senate Bill No. 3446.

#### THIRD READING

REENGROSSED SENATE BILL NO. 3446, by Senators Lee and Zimmerman:

Revising laws relating to boundary review boards.

#### MOTIONS

On motion of Senator Lee, the rules were suspended and Reengrossed Senate Bill No. 3446 was returned to second reading.

On motion of Senator Lee, the following amendments were adopted:

On page 3, line 28, strike "shall" and insert "may"; on page 4, line 17, strike "shall" and insert "may"; and on page 4, line 25, strike "shall" and insert "may"

On motion of Senator Lee, the rules were suspended, Second Reengrossed Senate Bill No. 3446 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Bluechel, Senator Metcalf was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Reengrossed Senate Bill No. 3446 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Peterson—1.

Excused: Senator Metcalf—1.

SECOND REENGROSSED SENATE BILL NO. 3446, having received the 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 Clarke, Engrossed Senate Bill No. 3195 and Engrossed Substitute Senate Bill No. 3895 were ordered held for consideration on January 29, 1982.

On motion of Senator Clarke, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 3823, by Senators Hurley, Shinpoch and Lee:

Authorizing the use of ORV moneys for hiking trails and areas.

The Senate resumed consideration of Senate Bill No. 3823, as amended by the committee amendments on January 26, 1982.

On motion of Senator Hurley, the rules were suspended, Engrossed Senate Bill No. 3823 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 Ridder, Senator Peterson was excused.

#### POINT OF INQUIRY

Senator Woody: "Thank you, Mr. President. My problem is I do not know who I should properly address the question to; and so I am going to state the question; anybody who feels competent to answer I would appreciate a response.

"My question is, I notice that this bill will allow two percent additional to go to the administration of the funds. And I am wondering: two percent doesn't sound like

a lot. How many dollars are we talking about in that two percent? What is the dollar increase going to administration going to be if this bill passes?"

Senator Hurley: "I am not sure I can answer in dollar amounts, but it is not a two percent, it is up to two percent. It changes the three percent that is now used for the administration of this area of recreation from 3 to 2.5. And the cost has gone up in the administration of the program."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3823 and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; absent or not voting, 1; excused, 2.

Voting yea: Senators Bluechel, Charnley, Clarke, Craswell, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Pullen, Ridder, Scott, Shinpoch, Talmadge, Williams, Wojahn, Zimmerman—30.

Voting nay: Senators Bauer, Benitz, Bottiger, Conner, Deccio, Hansen, Newhouse, Patterson, Quigg, Rasmussen, Sellar, Talley, Vognild, von Reichbauer, Wilson, Woody—16.

Absent or not voting: Senator Fleming—1.

Excused: Senators Metcalf, Peterson—2.

ENGROSSED SENATE BILL NO. 3823, having received the 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 Bluechel, Senator Craswell was excused.

On motion of Senator Ridder, Senator Fleming was excused.

On motion of Senator Talmadge, Senator Moore was excused.

### SECOND READING

SENATE BILL NO. 3512, by Senator Lee:

Providing for a distribution of leasehold excise tax revenues to fire protection districts.

### MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 3512 was substituted for Senate Bill No. 3512 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 3512 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Bottiger: "Senator Lee, whenever we do 'for' somebody, we do 'to' somebody else. If the fire district around the airport is going to get this leasehold tax, who are they going to get it from?"

Senator Lee: "In this particular case, it will be a small portion left from what the county normally receives. If this were a city, for example, that was getting a leasehold tax, they would be providing fire protection anyway.

"In the case of a county, the county still retains the major portion of the leasehold tax for the service they provide which is police protection."

Senator Bottiger: "But the reduction of revenue to the county in favor of a fire district?"

Senator Lee: "If they do decide to make the annexation, that would be the case."

Senator Bottiger: "Now is initiative 62 complied with? Are we taking a revenue source away from the county without making it up someplace else?"

Senator Lee: "It was my analysis and from talking to others, that we are not in violation of initiative 62 because counties do not provide fire protection services."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3512 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Excused: Senators Craswell, Fleming, Metcalf, Moore, Peterson—5.

SUBSTITUTE SENATE BILL NO. 3512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 1:05 p.m., on motion of Senator Clarke, the Senate adjourned until 10:00 a.m., Friday, January 29, 1982.

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

## NINETEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, January 29, 1982.

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 Lysen. On motion of Senator Ridder, Senator Lysen was excused.

The Color Guard, consisting of Pages James Yonka and Rich Link, presented the Colors. Reverend Timothy Dolan, pastor of Westminster United Presbyterian Church of Olympia offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 28, 1982.

SENATE BILL NO. 4437, modifying the laws governing commission merchants and dealers of agricultural products (reported by Committee on Agriculture):  
MAJORITY recommendation: That Substitute Senate Bill No. 4437 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Newhouse, Chairman; Benitz, Hansen, Jones.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4468, revising laws concerning authorized deductions of retirement pay (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Bauer, Gaspard, Jones, Lee, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4470, modifying provisions relating to pistols (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Woody.

Passed to Committee on Rules for second reading.

January 25, 1982.

SENATE BILL NO. 4476, authorizing public agencies to contract with collection agencies (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4512, modifying the liability of railroad company employees (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4517, modifying provisions relating to the satisfaction of mortgages (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

January 25, 1982.

SENATE BILL NO. 4561, revising authorized limits for certain professional and other fees (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 4561 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Williams.

Passed to Committee on Rules for second reading.

January 27, 1982.

SENATE BILL NO. 4584, putting arabian horse racing under parimutuel betting system (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4632, modifying provisions relating to the traffic safety commission (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Charnley, Gallagher, Guess, Hansen, Kiskaddon, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4635, revising laws relating to LEOFF (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Craswell, Deccio, Fleming, Gaspard, Haley, Hughes, Lee, McDermott, Pullen, Zimmerman.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4636, revising laws relating to correction of errors made under retirement systems (reported by Committee on Ways and Means):

MAJORITY recommendation: Do Pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Craswell, Deccio, Fleming, Gaspard, Haley, Hughes, Jones, Lee, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4638, providing for lump sum payments of retirement benefits (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Craswell, Deccio, Fleming, Haley, Hughes, Lee, McDermott, Pullen, Wojahn, Zimmerman.  
Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4640, revising laws relating to retirement from public service (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Bluechel, Craswell, Gaspard, Lee, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 27, 1982.

SENATE BILL NO. 4706, renaming State Route 504 the Spirit Lake Memorial Highway and correcting its route description (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Conner, Gallagher, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 28, 1982.

HOUSE BILL NO. 884, correcting double amendments to various statutes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

January 28, 1982.

JEFFREY C. SULLIVAN, to the position of Member of the State Jail Commission, appointed by the Governor on October 26, 1981 for the term ending October 7, 1984, succeeding Paul A. Klasen, Jr. (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules.

January 27, 1982.

JERRY B. OVERTON, to the position of Member of the State Transportation Commission, appointed by the Governor on August 20, 1981 for the term ending June 30, 1987, succeeding James G. Swinyard (reported by Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Conner, Gallagher, Guess, Hansen, Kiskaddon, Peterson, Talley, Vognild.

Passed to Committee on Rules.

January 27, 1982.

BERNICE STERN, to the position of Member of the State Transportation Commission, appointed by the governor on August 31, 1982 for the term ending June 30, 1983, succeeding Ray Aardal (reported by Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess; Hansen, Kiskaddon, Peterson, Talley, Vognild.

Passed to Committee on Rules.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 4744, by Senators Hemstad, Clarke and Talmadge:

AN ACT Relating to judgments; amending section 6, chapter 60, Laws of 1929 and RCW 4.56.100; amending section 307, page 75, Laws of 1869 as last amended by section 305, Code of 1881 and RCW 4.64.030; and amending section 2, chapter 60, Laws of 1929 as amended by section 17, chapter 81, Laws of 1971 and RCW 4.56.200.

Referred to Judiciary Committee.

SENATE BILL NO. 4745, By Senator Quigg:

AN ACT Relating to unemployment insurance; adding a new chapter to Title 50 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4746, By Senator Newhouse:

AN ACT Relating to short plats and subdivisions; and amending section 6, chapter 271, Laws of 1969 ex. sess. as amended by section 3, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.060.

Referred to Committee on Local Government.

SENATE BILL NO. 4747, By Senators Benitz, Charnley and Newhouse:

AN ACT Relating to alcoholic beverage control; amending section 23-C added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 31, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.170; amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 219, Laws of 1977 ex. sess. and RCW 66.28.010; and amending section 14, chapter 21, Laws of 1969 ex. sess. as last amended by section 1, chapter 62, Laws of 1975-'76 2nd ex. sess. and RCW 66.28.025.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4748, by Senators Benitz, Charnley and Newhouse:

AN ACT Relating to beer and wine; amending section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 182, Laws of 1981 and RCW 66.28.040; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4749, by Senators Haley, Wojahn, Lee, Gould and Hayner:

AN ACT Relating to eligibility to vote and hold office; and repealing section 1, page 64, Laws of 1854, section 3050, Code of 1881 and RCW 42.04.021.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4750, by Senators Scott, Goltz and von Reichbauer (by Department of Licensing request):

AN ACT Relating to nonresident motorist violators; and creating a new chapter in Title 46 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 4751, by Senators Lysen, Talley and Sellar:

AN ACT Relating to free fishing licenses; and amending section 77.32.230, chapter 36, Laws of 1955 as last amended by section 27, chapter 310, Laws of 1981 and RCW 77.32.230.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4752, by Senators McDermott, Deccio, Moore, Talmadge, Fleming, Ridder, Charnley and Shinpoch:

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

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4753, by Senators Hansen, Wilson and Vognild:

AN ACT Relating to wildlife agents; and amending section 17, chapter 78, Laws of 1980 and RCW 77.12.055.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4754, by Senators Rasmussen, Metcalf and Gaspard:

AN ACT Relating to salmon propagation facilities; and adding a new chapter to Title 75 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4755, by Senators Benitz, Charnley and Newhouse:

AN ACT Relating to alcoholic beverage control; and reenacting and amending section 9, chapter 178, Laws of 1969 ex. sess. as last amended by section 1, chapter 287, Laws of 1981 and by section 46, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.500.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4756, by Senator Haley:

AN ACT Relating to community college boards of trustees; and amending section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 103, Laws of 1979 ex. sess. and RCW 28B.50.100.

Referred to Committee on Higher Education.

SENATE BILL NO. 4757, by Senators Fuller, Conner and Haley:

AN ACT Relating to public employment; adding a new section to chapter 41.04 RCW; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 4758, by Senators Quigg and Bottiger:

AN ACT Relating to contracts requiring competitive bidding; and amending section 1, chapter 74, Laws of 1974 ex. sess. and RCW 39.30.020.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4759, by Senators Vognild, Newhouse, Woody, Moore and Sellar:

AN ACT Relating to the control of gambling; amending section 1, chapter 139, Laws of 1981 and RCW 9.46.020; amending section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 139, Laws of 1981 and RCW 9.46.110; and creating a new section.

Referred to Committee on Commerce and Labor.

SENATE JOINT MEMORIAL NO. 118, by Senators Hansen, Patterson, Hemstad, Charnley, Benitz and Goltz:

Petitioning Congress to oppose further reductions in federal funds for post-secondary student assistance programs.

Referred to Committee on Higher Education.

SENATE JOINT MEMORIAL NO. 119, by Senators Williams, Charnley, Fleming, Shipoch, Gaspard, Wojahn, Moore, Ridder, Talmadge, Goltz, Vognild and Quigg:

Urging Congress to direct the BPA not to pay costs of nor to intervene in the lawsuit against Initiative 394.

Referred to Committee on Energy and Utilities.

SENATE CONCURRENT RESOLUTION NO. 136, by Senator Haley:

Providing for a study and recommendations about obsolete laws.

Referred to Committee on State Government.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

### MOTION

At 10:20 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 11:38 p.m.

### MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Engrossed Substitute Senate Bill No. 3895.

### SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3895, by Committee on Constitutions and Elections (originally sponsored by Senators Woody, Metcalf and Fuller):

Clarifying laws regulating initiatives and referendums.

On January 22, 1982, the rules were suspended and Engrossed Substitute Senate Bill No. 3895 was returned to second reading on motion of Senator Talmadge and held for later consideration.

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

On page 3, line 30, delete all underlined language down to line 32.

On page 3, line 35, delete the underlined language and insert "The statement may not"

On page 4, line 9, delete the underlined language.

On page 4, lines 19, 23-24, 26-27, delete "or summary"

On page 5, lines 1, 3, 6, delete "or summary"

On page 5, line 14, delete "and summary are" and insert "is."

On page 5, lines 21-22, delete the underlined language.

Debate ensued.

The motion failed and the amendments were not adopted on a rising vote.

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Bill No. 3895 was advanced to third reading, the second 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. 3895 and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Hughes, Talmadge, Wilson—3.

Excused: Senator Lysen—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3895, having received the 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. 4064, by Senators Lee and Talley:

Providing for annexation of "island" within sewer and water districts.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Senate Bill No. 4064 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 Lee, as I read this bill, the board of a sewer or water district may hold a hearing, may get 95% remonstrance at that hearing, but they can go ahead an annex this island, willy-nilly, and then the burden is on the people within the island to get a petition, is that correct?"

Senator Lee: "That is correct; the same way it works for all other kinds of annexation proceedings. That is the kind of procedure we now have in state law, as soon as an action is taken, that if the people in the area are dissatisfied with that action, that they have the right of referendum.

"Now, of course, I would think they would be flying in the face of fate if they had 95% objections, went ahead with it, I do not really think that any elected group of commissioners has that kind of suicidal complex."

Senator Rasmussen: "Well, the problem of course, is that, if I understand your explanation, if the board, the commissioners of this sewer and water district say 'We want it' and they hold a pro forma meeting, the people may not want it and they may protest. But then you put the additional burden on them of having to get a petition and say 'No' instead of reversing it and have the people themselves within the area petition for annexation. That would be a more democratic way, I would think."

Senator Lee: "You have the privilege of voting 'No' on the bill, sir."

Senator Rasmussen: "I think I will."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4064 and the bill passed the Senate by the following vote: Yeas, 31; nays, 15; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Talley, Talmadge, Williams, Zimmerman—31.

Voting nay: Senators Conner, Fleming, Gaspard, Goltz, Hansen, McDermott, Pullen, Rasmussen, Sellar, Shinpoch, Vognild, von Reichbauer, Wilson, Wojahn, Woody—15.

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

Excused: Senator Lysen—1.

SENATE BILL NO. 4064, having received the 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 MEMORIAL NO. 110, by Senators Gallagher, Peterson and Conner:

Requesting federal funding of fish enhancement projects.

The memorial was read the second time in full.

On motion of Senator Gallagher, the rules were suspended, Senate Joint Memorial No. 110 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. 110 and the memorial passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

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

Excused: Senator Lysen—1.

SENATE JOINT MEMORIAL NO. 110, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE BILL NO. 3292, by Senators Vognild, Hansen, Gaspard, Quigg, Talmadge and Gallagher (by Senate Oversight Committee on Arson request):

Defining the crime of refusing to report a fire.

## REPORT OF STANDING COMMITTEE

March 17, 1982.

SENATE BILL NO. 3292, defining the crime of refusing to report a fire (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9 after "public" insert "law enforcement or"

On page 1, line 10, section 1 strike "Refusing" and insert "Failure"

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Pullen, Shinpoch, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendments were considered and adopted simultaneously.

Senator McDermott moved adoption of the following amendment:

On page 1, line 11, add "(3) refusing to deal with a fiscal crisis"

## POINT OF ORDER

Senator Clarke: "Point of order—I challenge the scope and object of the amendment."

Debate ensued.

## POINT OF ORDER

Senator Guess: "Point of order. I think that the Senator could talk on the question raised; he could defend the position on that; but he cannot talk about the amendment."

## RULING BY THE PRESIDENT

President Cherberg: "The President believes that the question of scope and object relates to the amendment; therefore the Senator should be permitted to speak."

## RULING BY THE PRESIDENT

President Cherberg: "The President, in ruling upon the point raised by Senator Clarke, finds that Senate Bill 3292 is a bill defining the crime of refusing to report a fire. The amendment proposed by Senator McDermott deals with fiscal crisis; therefore the President believes that the amendment is well beyond the scope and object of the bill and so rules."

The amendment by Senator McDermott was ruled out of order.

On motion of Senator Hemstad, the rules were suspended, Engrossed Senate Bill No. 3292 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Bluechel, Senator Scott was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3292, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wajahn, Woody, Zimmerman—44.

Voting nay: Senator Goltz—1.

Absent or not voting: Senators McDermott, Williams—2.

Excused: Senators Lysen, Scott—2.

ENGROSSED SENATE BILL NO. 3292, having received the 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 Clarke, Senate Bill No. 3405 was ordered held for consideration on the next working day.

## SECOND READING

SENATE BILL NO. 3059, by Senators Hansen, McCaslin and Lee:

Authorizing the financing of energy conservation projects.

The bill was read the second time by sections.

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 3059 was advanced to third reading, the second 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. 3059 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Moore, Pullen—2.

Excused: Senators Lysen, Scott—2.

SENATE BILL NO. 3059, having received the 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. 4025, by Senators Jones and Fleming:

Vacating Smith's Cove waterway.

The bill was read the second time by sections.

On motion of Senator Jones, the rules were suspended, Senate Bill No. 4025 was advanced to third reading, the second 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. 4025 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Moore—1.

Excused: Senators Lysen, Scott—2.

SENATE BILL NO. 4025, having received the 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. 3549, by Senator Metcalf:

Impounding vehicles driven by unlicensed drivers.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 3549 was substituted for Senate Bill No. 3549 and the substitute bill was placed on second reading and read the second time in full.

Debate ensued.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 3549 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, Substitute Senate Bill No. 3549 was ordered held on third reading for consideration on the next working day.

## SECOND READING

SENATE BILL NO. 3332, by Senators Talley and Sellar:  
Revising laws regulating physical therapy.

## MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 3332 was substituted for Senate Bill No. 3332 and the substitute bill was placed on second reading and read the second time in full.

Senator Williams moved the following amendments by Senators Williams and Metcalf be considered and adopted simultaneously:

On page 4, strike all of lines 28 through 31 and renumber the remaining subsections accordingly.

On page 8, line 28, after "treasurer." strike everything through "licenses." on line 30.

On page 9, line 7, after "territory" strike everything through "board" on line 9.

Debate ensued.

The motion by Senator Williams carried and the amendments were adopted.

## POINT OF INQUIRY

Senator Bottiger: "Senator Deccio, when this bill was first explained to me, it made a lot of sense and I totally supported it. However, when the digest came out, if you will look on page 14 directly under 'effective substitute,' that raised a question and I understood that there was either going to be an amendment offered or that you had gotten some opinion from the attorneys that the digest is incorrect.

"Well, it says in the digest, 'The practice of chiropractics and osteopathy are included in the definition of physical therapy.' Now an osteopathist has some limited surgical authority, and I don't think we really mean to allow a physical therapist to do everything that a chiropractor and an osteopathist can do.

"Did they follow through, they said they were going to get in touch with you and see if this digest was wrong?"

"I did not prepare an amendment; but the digest frightens me if it is correct."

Senator Deccio: "Well, Senator Bottiger, I really do not, I did not introduce the bill, what I am trying to say, and did not follow the thing when it came out . . ."

Senator Bottiger: "Well Senator Haley, I am sure, would agree with me, that we do not want physical therapists doing everything the chiropractors and osteopathists do."

Senator Deccio: "Do we examine the exact language in the bill rather than just take it from the digest?"

Senator Bottiger: "I really did not follow through on it, I understood there was going to be some clarification or amendment, and none appearing on my desk, I just raised the question."

### MOTIONS

On motion of Senator Clarke, Substitute Senate Bill No. 3332, as amended, was ordered placed at the beginning of the second reading calendar for consideration on the next working day.

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

### MOTION

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

#### SENATE RESOLUTION 1982—171

By Senators Gaspard, Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Marilyn Brachtenbach, Deputy Secretary of the Senate; and Fred Hildebrand, Sergeant at Arms:

WHEREAS, Washington is the only state named for a President of the United States, George Washington, the father of our country, and as such we Washingtonians hold the presidency and presidents with special regard; and

WHEREAS, Thousands of Washington citizens remember the intense despair of the Great Depression and the hopelessness with which the population regarded the future as rampant unemployment affected one-quarter of the national labor force and, by early March 1933, every bank in our nation was closed; and

WHEREAS, He instilled hope within the hearts of a country as despairing people, the youth and the elderly, the poor and the middle class, and people of all colors and faiths drew courage not only from his able leadership but also because of his courageous personal struggle against a crippling disease; and

WHEREAS, No national monument stands today to honor this President, whose compassionate stewardship brings praise to the United States whenever attention is turned to that trying time in world history;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in session, That we declare our support for observation of January 30, 1982, as a day to acknowledge and honor the charity of this great world leader and American President, Franklin Delano Roosevelt; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby directed to send a certified copy of this resolution to the Franklin Delano Roosevelt Library in Hyde Park, New York.

#### REMARKS MADE DURING THE PROCEEDINGS ON SENATE RESOLUTION 1982-171

#### REMARKS BY SENATOR GASPARD

Senator Gaspard: "Although I did not live through the Roosevelt eras, I have read history of the times. I believe that he was the right man at the right time for our nation. And history, I think, tells a story about this man and our nation while he lived.

"But I think one of the most important contributions that he made to us Americans, is that he gave us reason to have hope, hope for the future.

"I am very happy that we can take this time to give observation to the one hundredth anniversary of President Roosevelt that will take place tomorrow.

"Mr. President, I would like to have the Secretary instructed to add additional sponsors to the resolution, upon their request."

#### REMARKS BY SENATOR HUGHES

Senator Hughes: "Just adding a word to Senator Gaspard. Whether you agreed with the policies of President Roosevelt or not, and I think the vast majority on this side of the aisle certainly did, there was probably no personality in the twentieth century that more affected the United States than Franklin Delano Roosevelt, to face the crisis of a depression, to face the catastrophe of World War II, and to do it with the style that that man offered this nation, I think makes all of us feel good in having the opportunity to recognize his one hundredth birthday today."

#### MOTIONS

On motion of Senator Rasmussen, the Senate observed a moment of silence in memory of Former President Franklin Delano Roosevelt.

On motion of Senator Bottiger, the rules were suspended and all members were permitted as sponsors to Senate Resolution 1982—172.

On motion of Senator Quigg, the following resolution was unanimously adopted:

#### SENATE RESOLUTION 1982—172

By Senators Quigg, Guess, McCaslin, von Reichbauer, Pullen, Metcalf, Jones, Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McDermott, Moore, Newhouse, Patterson, Peterson, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody and Zimmerman:

WHEREAS, The people of Poland have suffered under Soviet-imposed Communist oppression for over thirty-five years; and

WHEREAS, The Polish people have courageously begun to loose the chains of Soviet oppression through revitalization of those historic institutions of freedom—Christianity and the free trade union movement; and

WHEREAS, The Catholic Church of Poland and the Solidarity Labor Union have resolutely led a valiant fight for the freedom and dignity of all native Poles; and

WHEREAS, Acting on orders of the Soviet oppressors, the military high command of the Polish regime's armed forces ruthlessly imposed a military dictatorship of martial law upon the Polish people in an effort to crush the movement toward freedom; and

WHEREAS, The imposition of martial law in Poland is a flagrant violation of inalienable human rights and the will of the people of Poland; and

WHEREAS, The Polish people, joined by freedom-living people everywhere, are continuing to strive to free Poland from the oppression of the WHEREAS, The Polish people, joined by freedom-living people everywhere, are continuing to strive to free Poland from the oppression of the Soviets and the Soviets' minions in the Polish regime; and

WHEREAS, January 30, 1982, has been designated as a day for free people everywhere to express their solidarity with the Polish people;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the people of Washington State proclaim solidarity with the people of Poland in their intrepid quest for freedom and dignity; and

BE IT FURTHER RESOLVED, That the government of the Union of Soviet Socialist Republics and its minions in the Polish regime are condemned for imposing martial law in Poland and be encouraged to allow freedom to the people of Poland; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate send copies of this resolution to the Primate of the Polish Catholic Church and the imprisoned leader of the Solidarity Labor Union for communication to the people of Poland, to the ambassadors to the United States from the Union of Soviet Socialist Republics and the Polish regime, and to the Secretary of State of the United States.

#### REMARKS BY SENATOR QUIGG

Senator Quigg: "Mr. President and members of the Senate. This is a resolution that, while it may not be able to stop the bullets or to unlock any of the chains that are presently enslaving the people of Poland, it does send a message to those people that we here in the state of Washington and the Washington State Senate support their valiant efforts to get out from under the heel of the Soviet oppression.

"The State of Washington is a state that has a strong link with the Polish people. Just a quick run-through of some of the folks that I was in school with and that live in my community, the Walkowicz, the Wensewicz, Rakoskis, Karnockis, Nebroskis and Malinowskis, and many, many more look back to Poland for their roots, and fine, strong roots they are.

"We are fortunate to have with us here today from the Polish Home Association, Ron Golubiek, James A. Hicker, and Teresa Malinowski, in the north gallery.

"The connection between the state of Washington, the United States, and the Polish people fighting for freedom is a strong one. This resolution puts that message out for all to see, and Mr. President, I would ask that the Secretary be directed to accept additional signatures on the resolution."

#### MOTIONS

On motion of Senator Lee, the Committee on Commerce and Labor was relieved from further consideration of Senate Bill No. 4708.

On motion of Senator Lee, Senate Bill No. 4708 was rereferred to the Committee on Ways and Means.

On motion of Senator Lee, the Committee on State Government was relieved from further consideration of Senate Bill No. 4716.

On motion of Senator Lee, Senate Bill No. 4716 was rereferred to the Judiciary Committee.

At 1:05 p.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Monday, February 1, 1982.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## TWENTY-SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, February 1, 1982.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Hayner, Lysen, Quigg, Rasmussen, Scott, Sellar, Talmadge and von Reichbauer. On motion of Senator Bluechel, Senators Scott, Sellar and von Reichbauer were excused. On motion of Senator Wilson, Senator Lysen was excused. There being no objection, Senators Talmadge and Rasmussen were excused.

The Color Guard, consisting of Pages Ray Conner and Eric Durpos, presented the Colors. Reverend George Smith, pastor of Evergreen Christian Center of Olympia offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 28, 1982.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3027, restricting the destruction of historic properties (reported by Committee on Parks and Ecology):

MAJORITY recommendation: The Second Substitute Senate Bill No. 3027 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Fuller, Chairman, Bluechel, Goltz, Guess, Haley, Hansen, Hurley, Quigg, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

January 28, 1982.

SUBSTITUTE SENATE BILL NO. 3541, authorizing administration of oral medication by common school and private school personnel (reported by Committee on Education):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3541 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Lee, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

January 27, 1982.

SUBSTITUTE SENATE BILL NO. 3557, requiring a salmon management plan (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gallagher, Chairman; Patterson, Peterson, Rasmussen, Vognild.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 3617, implementing law relating to use of associated student body funds (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3617 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Lee, Talmadge.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4425, revising the requirement for certain port district elections on the issue of increasing the number of commissioners to five (reported by Committee on Local Government):

Recommendation: Do pass as amended.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

January 27, 1982.

SENATE BILL NO. 4562, authorizing state participation in a multistate motor fuel tax agreement (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 4562 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Charnley, Conner, Gallagher, Guess, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4571, revising procedures for sale of property by port districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman, Bauer, Charnley, Fuller, Gould, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4599, modifying minimum mosquito control districts tax (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Gould, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

January 29, 1982.

SENATE BILL NO. 4612, authorizing private salmon release-recapture facilities (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4675, relating to school district transportation (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 4675 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE JOINT MEMORIAL NO. 115, opposing the imposition of user fees to fund federal navigation projects (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Zimmerman, Chairman; Bauer, Fuller, Gould, Lee, McCaslin, Talley.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE JOINT MEMORIAL NO. 116, requesting modification of federal policies on high-level radioactive wastes (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Gould, Chairman; Fuller, Hurley, Quigg, Williams, Wilson.

Passed to Committee on Rules for second reading.

January 27, 1982.

SUBSTITUTE HOUSE BILL NO. 70, providing for the distribution of federal funds for fish restoration and management projects (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

### MESSAGES FROM THE HOUSE

January 29, 1982.

Mr. President: The House has passed:

HOUSE BILL NO. 841,

SUBSTITUTE HOUSE BILL NO. 855, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

January 29, 1982.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 226,

HOUSE BILL NO. 494, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

### SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3332, by Committee on Social and Health Services (originally sponsored by Senators Talley and Sellar):

Revising laws regulating physical therapy.

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 3332 from January 29, 1982.

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute Senate Bill No. 3332 was advanced to third reading, the second 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. 3332 and the bill passed the Senate by the following vote: Yes, 38; nays, 3; absent or not voting, 2; excused, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Ridder, Shinpoch, Talley, Vognild, Williams, Wilson, Wojahn, Woody—38.

Voting nay: Senators Craswell, Haley, Zimmerman—3.

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

Excused: Senators Lysen, Rasmussen, Scott, Sellar, Talmadge, von Reichbauer—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3332, having received the 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. 3549, by Committee on Transportation (originally sponsored by Senator Metcalf):

Impounding vehicles driven by unlicensed drivers.

## MOTIONS

On motion of Senator Metcalf, the rules were suspended and Substitute Senate Bill No. 3549 was returned to second reading.

On motion of Senator Bottiger, the following amendments were considered and adopted simultaneously:

On line 13, after "(2)" strike "The" and insert "If the driver of the vehicle is the owner of the vehicle, the"

After line 20, insert a new subsection as follows:

"(3) If the driver of the vehicle is not the owner of the vehicle, the driver shall be responsible for any penalties, fines, or forfeitures owed or due and for the costs of impoundment and storage. The vehicle shall be released to the owner upon proof of such ownership."

Renumber the remaining subsection accordingly.

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 3549 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Moore: "Senator Metcalf, I recall, on Friday, that Senator Talmadge raised the question whether this would authorize the police to impound someone's car if they had simply forgotten to carry their license with them. Can you clarify the intent of the bill on this point for the record?"

Senator Metcalf: "Certainly, Senator Moore. In subsection 1 of the bill, reference is made to 'operating a motor vehicle without a valid driver's license in violation of RCW 46.20.021.' RCW 46.20.021 is our basic driver licensing statute requiring all drivers not specifically exempted, to obtain a license as a condition of exercising the driving privilege on any of our streets and highways. What you have referred to is a 'nonmoving' offense covered specifically by RCW 46.20.190, 'licensee operating without a license in his immediate possession.' In such instances, the officer verifies that the driver is licensed through a computer records' check using the

driver's name and birth date. As long as the department of licensing computer verifies that the driver does have a valid license currently issued to him, the driver could be cited for driving without a valid operator's license in his possession, but would not be subject to impoundment under this bill."

Senator Moore: "Senator, are we currently equipped to find this information on the spot?"

Senator Metcalf: "It is my opinion, after checking with the staff of the highway committee, that we are, yes."

Senator Moore: "Very good, that answers the question. Thank you."

#### POINT OF INQUIRY

Senator Deccio: "Senator Bottiger, I think your amendment is a very good one, I am sorry I did not ask this question while it was being considered.

"But if the driver of the vehicle was unlicensed and not the owner and does not have the wherewithal to pay the penalty, does that mean then that the vehicle remains in the impounded state until the unlicensed driver comes up with the money?"

Senator Bottiger: "Senator Deccio, the intent in offering the amendment that that not be the case, that the driver is responsible for fines, forfeitures and penalties, not necessarily the owner when the owner is a different person."

Senator Deccio: "The owner could then pick up his car but the unlicensed driver is still liable for the penalty."

Senator Bottiger: "That is correct."

#### MOTION

On motion of Senator Bluechel, Senator Quigg was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3549 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talley, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Excused: Senators Lysen, Quigg, Scott, Sellar, Talmadge, von Reichbauer—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3549, having received the 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 Clarke, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 4493, by Senators Clarke, Talmadge, Newhouse and Wojahn (by Judicial Council request):

Permitting justice courts to impose fines up to \$1,000.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 4493 was advanced to third reading, the second 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. 4493 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talley, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Excused: Senators Lysen, Quigg, Scott, Sellar, Talmadge, von Reichbauer—6.

SENATE BILL NO. 4493, having received the 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. 3033, by Committee on Energy and Utilities (originally sponsored by Senators Goltz, Williams and Ridder):

Authorizing municipal corporation heating systems.

### MOTIONS

On motion of Senator Gould, Second Substitute Senate Bill No. 3033 was substituted for Substitute Senate Bill No. 3033 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gould, the rules were suspended, Second Substitute Senate Bill No. 3033 was advanced to third reading, the second 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. 3033 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senator Pullen—1.

Excused: Senators Lysen, Quigg, Scott, Sellar, Talmadge, von Reichbauer—6.

SECOND SUBSTITUTE SENATE BILL NO. 3033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 4307, by Senators Guess and Hansen:

Modifying civil service provisions relating to state park rangers.

The bill was read the second time by sections.

On motion of Senator Guess, the rules were suspended, Senate Bill No. 4307 was advanced to third reading, the second 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. 4307 and the bill passed the Senate by the following vote: Yeas, 32; nays, 11; excused, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Rasmussen, Shinpoch, Talley, Vognild, Williams, Wilson, Zimmerman—32.

Voting nay: Senators Bottiger, Fleming, Gaspard, Hughes, Hurley, McDermott, Peterson, Pullen, Ridder, Wojahn, Woody—11.

Excused: Senators Lysen, Quigg, Scott, Sellar, Talmadge, von Reichbauer—6.

SENATE BILL NO. 4307, having received the 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 Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 12:30 p.m.

### MOTIONS

On motion of Senator Clarke, the Senate returned to the fifth order of business.

On motion of Senator Clarke, there being no objection, the following measures on the Introduction and First Reading Calendar were ordered referred as indicated on the list on the desk of each member with the exception of Senate Bill No. 4773 which was ordered held on the desk of the Secretary of the Senate for February 2, 1982.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 4760, by Senators Gould, Metcalf, Woody and Charnley:  
AN ACT Relating to motor vehicle fuel taxation; and adding a new section to chapter 82.36 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 4761, by Senators Gallagher, Vognild and Haley:  
AN ACT Relating to food fish and shellfish; amending section 75.12.060, chapter 12, Laws of 1955 and RCW 75.12.060; amending section 75.16.010, chapter 12, Laws of 1955 as amended by section 1, chapter 35, Laws of 1971 and RCW 75.16.010; amending section 75.16.020, chapter 12, Laws of 1955 and RCW 75.16.020; 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; amending section 7, chapter 98, Laws of 1980 and RCW 82.27.070; adding a new chapter to Title 75 RCW; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4762, by Senator Williams:

AN ACT Relating to property taxation; amending section 6, chapter 87, Laws of 1970 ex. sess. as last amended by section 10, chapter 148, Laws of 1981 and RCW 84.34.060; adding a new section to chapter 84.34 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4763, by Senators Hansen and Benitz:

AN ACT Relating to alcoholic beverages; and amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 219, Laws of 1977 ex. sess. and RCW 66.28.010.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4764, by Senator Rasmussen:

AN ACT Relating to highways; directing construction of a Naches Pass tunnel; adding new sections to Title 47 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 4765, by Senator Charnley:

AN ACT Relating to local government; and amending section 4, chapter 256, Laws of 1979 ex. sess. and RCW 48.62.040.

Referred to Committee on Local Government.

SENATE BILL NO. 4766, by Senators Hayner, Woody, Pullen, Conner, Bauer and Guess:

AN ACT Relating to property rights; adding a new chapter to Title 64 RCW; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 4767, by Senators Newhouse, Sellar, Deccio and Guess:

AN ACT Relating to industrial insurance; 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 51.52.106, chapter 23, Laws of 1961 as last amended by section 4, chapter 58, Laws of 1975 1st ex. sess. and RCW 51.52.106; amending section 51.52.115, chapter 23, Laws of 1961 and RCW 51.52.115; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4768, by Senator Goltz:

AN ACT Relating to motor vehicle excise tax; amending section 82.44.020, chapter 15, Laws of 1961 as last amended by section 10, chapter 222, Laws of 1981 and RCW 82.44.020; and amending section 82.44.060, chapter 15, Laws of 1961 as last amended by section 12, chapter 222, Laws of 1981 and RCW 82.44.060.

Referred to Committee on Transportation.

SENATE BILL NO. 4769, by Senators Lee, Wojahn, Gould, Scott, Shinpoch, Haley, Ridder, McDermott, Woody, Fleming, Craswell and Bluechel:

AN ACT Relating to comparable worth for salaries for state employees including higher education personnel; 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 18, chapter 311, Laws of 1981 and RCW 41.06.150; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4770, by Senator Rasmussen:

AN ACT Relating to residential property tax relief; adding new sections to chapter 84.36 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4771, by Senator Hansen:

AN ACT Relating to state lands; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4772, by Senators Kiskaddon and Gaspard:

AN ACT Relating to institutional education for juveniles; amending section 1, chapter 217, Laws of 1979 ex. sess. and RCW 28A.58.770; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Education.

SENATE BILL NO. 4774, by Senators Clarke, Talley and Hemstad:

AN ACT Relating to court fees; amending section 16, chapter 160, Laws of 1913 and RCW 13.04.160; amending section 16, chapter 98, Laws of 1979 and RCW 26.27.160; amending section 1, chapter 38, Laws of 1973 as last amended by section 5, chapter 330, Laws of 1981 and RCW 36.18.020; amending section 36.18-.110, chapter 4, Laws of 1963 and RCW 36.18.110; and amending section 36.18-.120, chapter 4, Laws of 1963 and RCW 36.18.120.

Referred to Judiciary Committee.

SENATE BILL NO. 4775, by Senators Newhouse and Shinpoch:

AN ACT Relating to personal records and identification; amending section 13, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.760; and adding a new section to chapter 43.43 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 4776, by Senators McCaslin, Lee and Bottiger:

AN ACT Relating to local government planning agencies; amending section 36.70.590, chapter 4, Laws of 1963 and RCW 36.70.590; adding a new section to chapter 35.63 RCW; and adding a new section to chapter 35A.63 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4777, by Senators Deccio, Talmadge and Metcalf (by Department of Corrections request):

AN ACT Relating to corrections; and amending section 13, chapter 20, Laws of 1973 and RCW 72.66.036.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4778, by Senators Deccio, Talmadge and Metcalf (by Department of Corrections request):

AN ACT Relating to corrections; and adding a new section to chapter 72.01 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 4779, by Senators Deccio, Metcalf and Moore (by Department of Corrections request):

AN ACT Relating to criminal procedure; and amending section 76, page 114, Laws of 1854 as last amended by section 1032, code of 1881 and RCW 10.34.020.

Referred to Judiciary Committee.

SENATE BILL NO. 4780, by Senators Deccio, Talmadge and Metcalf (by Department of Corrections request):

AN ACT Relating to corrections; and adding a new section to chapter 72.70 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4781, by Senator Zimmerman (by State Auditor request):

AN ACT Relating to the division of municipal corporations; amending section 43.09.270, chapter 8, Laws of 1965 and RCW 43.09.270; amending section 43.09-.282, chapter 8, Laws of 1965 and RCW 43.09.282; adding a new section to chapter 43.09 RCW; and providing an effective date.

Referred to Committee on Local Government.

SENATE BILL NO. 4782, by Senators Deccio, Talmadge and Metcalf (by Department of Corrections request):

AN ACT Relating to corrections; amending section 1, chapter 171, Laws of 1971 ex. sess. and RCW 72.02.100; and amending section 2, chapter 171, Laws of 1971 ex. sess. as amended by section 80, chapter 136, Laws of 1981 and RCW 72.02.110.

Referred to Committee on Social and health Services.

SENATE BILL NO. 4783, by Senators Conner and Sellar:

AN ACT Relating to the control of gambling activities of bona fide charitable or nonprofit organizations; and amending section 1, chapter 139, Laws of 1981 and RCW 9.46.020.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4784, by Senators Deccio, Talmadge and Metcalf (by Department of Corrections request):

AN ACT Relating to prisoners; and amending section 72.68.080, chapter 28, Laws of 1959 as amended by section 10, chapter 122, Laws of 1967 ex. sess. and RCW 72.68.080.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4785, by Senators Deccio, Metcalf and Moore (by Department of Corrections request):

AN ACT Relating to corrections; amending section 1, chapter 40, Laws of 1959 as last amended by section 72, chapter 136, Laws of 1981 and RCW 72.01-.370; and adding a new section to chapter 72.01 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4786, by Senators Lee, Hayner, Deccio, Scott and Wojahn:

AN ACT Relating to community mental health services; amending section 3, chapter 111, Laws of 1967 ex. sess. as last amended by section 5, chapter 155, Laws of 1973 1st ex. sess. and RCW 71.24.030; amending section 10, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.100; amending section 11, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.110; amending section 15, chapter 111, Laws of 1967 ex. sess. as amended by section 2, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.150; amending section 16, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.160; amending section 21, chapter 111, Laws of 1967 ex. sess. as amended by section 1, chapter 145, Laws of 1979 ex. sess. and RCW 71.24.210; amending section 22, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.220; amending section 24, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.240; amending section 25, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.250; amending section 1, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.010; amending section 2, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.020; amending section 4, chapter 304,

Laws of 1971 ex. sess. and RCW 69.54.040; amending section 5, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.050; amending section 8, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.060; amending section 9, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.070; amending section 10, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.080; amending section 11, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.090; adding new sections to chapter 71.24 RCW; repealing section 1, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.010; repealing section 2, chapter 111, Laws of 1967 ex. sess., section 6, chapter 304, Laws of 1971 ex. sess. and RCW 71.24.020; repealing section 4, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.040; repealing section 5, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.050; repealing section 6, chapter 111, Laws of 1967 ex. sess., section 1, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.060; repealing section 7, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.070; repealing section 8, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.080; repealing section 9, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.090; repealing section 12, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.120; repealing section 13, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.130; repealing section 14, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.140; repealing section 1, chapter 61, Laws of 1969, section 141, chapter 141, Laws of 1979 and RCW 71.24.165; repealing section 19, chapter 111, Laws of 1967 ex. sess., section 165, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 71.24.190; repealing section 23, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.230; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4787, by Senators Talmadge, Charnley, McDermott, Bauer, Wojahn, Shinpoch, Moore, Vognild, Goltz, Williams, Gaspard, Ridder and Hughes:

AN ACT Relating to community mental health services; amending section 10, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.100; amending section 11, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.110; amending section 16, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.160; amending section 24, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.240; amending section 25, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.250; amending section 1, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.010; amending section 2, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.020; amending section 4, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.040; amending section 5, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.050; amending section 8, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.060; amending section 9, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.070; amending section 10, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.080; amending section 11, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.090; adding new sections to chapter 71.24 RCW; repealing section 1, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.010; repealing section 2, chapter 111, Laws of 1967 ex. sess., section 6, chapter 304, Laws of 1971 ex. sess. and RCW 71.24.020; repealing section 3, chapter 111, Laws of 1967 ex. sess., section 7, chapter 304, Laws of 1971 ex. sess., section 30, chapter 122, Laws of 1972 ex. sess., section 5, chapter 155, Laws of 1973 1st ex. sess. and RCW 71.24.030; repealing section 4, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.040; repealing section 5, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.050; repealing section 6, chapter 111, Laws of 1967 ex. sess., section 1, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.060; repealing section 7, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.070; repealing section 8, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.080; repealing section 9, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.090; repealing section 12, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.120; repealing section 13, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.130; repealing section 14, chapter 111, Laws of 1967 ex. sess. and

RCW 71.24.140; repealing section 15, chapter 111, Laws of 1967 ex. sess., section 2, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.150; repealing section 1, chapter 61, Laws of 1969, section 141, chapter 141, Laws of 1979 and RCW 71.24.165; repealing section 19, chapter 111, Laws of 1967 ex. sess., section 165, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 71.24.190; repealing section 21, chapter 111, Laws of 1967 ex. sess., section 1, chapter 145, Laws of 1979 ex. sess. and RCW 71.24.210; repealing section 22, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.220; repealing section 23, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.230; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4788, by Senators Peterson, Gallagher and Talley:

AN ACT Relating to sale of timber; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4789, by Senator Pullen:

AN ACT Relating to elected officials; creating a new chapter in Title 42 RCW; defining crimes; and providing penalties.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4790, by Senators Zimmerman and Wilson:

AN ACT Relating to local government.

Referred to Committee on Local Government.

SENATE BILL NO. 4791, by Senator Zimmerman:

AN ACT Relating to sewer districts.

Referred to Committee on Local Government.

SENATE BILL NO. 4792, by Senator Wilson:

AN ACT Relating to local government.

Referred to Committee on Local Government.

SENATE BILL NO. 4793, by Senator Zimmerman:

AN ACT Relating to tax increment obligations.

Referred to Committee on Local Government.

SENATE BILL NO. 4794, by Senators Zimmerman and Vognild:

AN ACT Relating to port district fire protection.

Referred to Committee on Local Government.

SENATE BILL NO. 4795, by Senator Gould:

AN ACT Relating to utility taxes.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4796, by Senator Newhouse:

AN ACT Relating to water resources.

Referred to Committee on Agriculture.

SENATE BILL NO. 4797, by Senator Newhouse:

AN ACT Relating to livestock.

Referred to Committee on Agriculture.

SENATE BILL NO. 4798, by Senators Clarke and Talmadge:

AN ACT Relating to modifying provisions to homesteads.

Referred to Judiciary Committee.

SENATE BILL NO. 4799, by Senators Williams and Bottiger:

AN ACT Relating to a fund to guarantee termination funds for nuclear plants.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4800, by Senator Moore:  
AN ACT Relating to the consolidation of Puget Sound port districts.  
Referred to Committee on Local Government.

SENATE BILL NO. 4801, by Senator Zimmerman:  
AN ACT Relating to special purpose districts.  
Referred to Committee on Local Government.

SENATE BILL NO. 4802, by Senator Zimmerman:  
AN ACT Relating to community redevelopment financing.  
Referred to Committee on Local Government.

SENATE BILL NO. 4803, by Senators Zimmerman and Lee:  
AN ACT Relating to investment pooling.  
Referred to Committee on Local Government.

SENATE BILL NO. 4804, by Senator Zimmerman:  
AN ACT Relating to local districts.  
Referred to Committee on Local Government.

SENATE BILL NO. 4805, by Senator Zimmerman:  
AN ACT Relating to water districts.  
Referred to Committee on Local Government.

SENATE BILL NO. 4806, by Senator Bottiger:  
AN ACT Relating to public utility district excise taxes.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4807, by Senators Williams and Bottiger:  
AN ACT Relating to utility taxes.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4808, by Senator Bottiger:  
AN ACT Relating to public utility district excise taxes.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4809, by Senators Williams and Bottiger:  
AN ACT Relating to utility taxes on the telephone business.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4810, by Senator Gould:  
AN ACT Relating to utility taxes.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4811, by Senators Williams and Bottiger:  
AN ACT Relating to utility taxes on the telephone business.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4812, by Senator Bottiger:  
AN ACT Relating to public utility district excise taxes.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4813, by Senator Bottiger:  
AN ACT Relating to utility taxes on the telephone business.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4814, by Senator Zimmerman:  
AN ACT Relating to the funding of municipal conference centers.  
Referred to Committee on Local Government.

SENATE BILL NO. 4815, by Senator Peterson:  
AN ACT Relating to oil sales.  
Referred to Committee on Natural Resources.

**SENATE BILL NO. 4816**, by Senators McCaslin, Hansen, Sellar, Deccio and Metcalf:

AN ACT Relating to property taxation; amending section 2, chapter 155, Laws of 1980 and RCW 84.40.030; amending section 84.12.270, chapter 15, Laws of 1961 as amended by section 165, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.12.270; amending section 84.12.310, chapter 15, Laws of 1961 as amended by section 167, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.12.310; amending section 84.12.330, chapter 15, Laws of 1961 as amended by section 168, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.12.330; amending section 84.12.350, chapter 15, Laws of 1961 as amended by section 17, chapter 26, Laws of 1967 ex. sess. and RCW 84.12.350; amending section 84.12.360, chapter 15, Laws of 1961 as amended by section 170, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.12.360; amending section 84.16.040, chapter 15, Laws of 1961 as amended by section 179, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.16.040; amending section 84.16.050; chapter 15, Laws of 1961 as amended by section 180, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.16.050; amending section 84.16.090, chapter 15, Laws of 1961 as amended by section 181, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.16.090; amending section 84.16.110, chapter 15, Laws of 1961 as amended by section 18, chapter 26, Laws of 1967 ex. sess. and RCW 84.16.110; amending section 84.16.120, chapter 15, Laws of 1961 and RCW 84.16.120; amending section 36.21.080, chapter 4, Laws of 1963 as last amended by section 3, chapter 274, Laws of 1981 and RCW 36.21.080; amending section 3, chapter 196, Laws of 1974 ex. sess. as last amended by section 1, chapter 274, Laws of 1981 and RCW 84.70.010; and creating a new section.

Referred to Committee on State Government.

**SENATE BILL NO. 4817**, by Senators Bottiger, Gaspard and Charnley:

AN ACT Relating to traffic infractions; amending section 8, chapter 136, Laws of 1979 ex. sess. as amended by section 1, chapter 128, Laws of 1980 and RCW 46.63.060; and amending section 9, chapter 136, Laws of 1979 ex. sess. as amended by section 2, chapter 128, Laws of 1980 and RCW 46.63.070.

Referred to Judiciary Committee.

**SENATE BILL NO. 4818**, by Senator Bottiger:

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 Energy and Utilities.

**SENATE BILL NO. 4819**, by Senators Hemstad, Wojahn, Gould, Haley, McCaslin, Fuller, Benitz and Sellar:

AN ACT Relating to traffic offenses; amending section 1, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.010; and amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 6, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.515.

Referred to Judiciary Committee.

**SENATE BILL NO. 4820**, by Senators Haley and Zimmerman:

AN ACT Relating to retirement of public employees; amending section 5, chapter 151, Laws of 1972 ex. sess. as amended by section 8, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.185; and amending section 20, chapter 274, Laws of 1947 as last amended by section 9, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.190.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4821, by Senators Haley and Wojahn:

AN ACT Relating to public facilities; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4822, by Senator Haley:

AN ACT Relating to institutional industries; and amending section 72.60.110, chapter 28, Laws of 1959 and RCW 72.60.110.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4823, by Senators Peterson, Gallagher, Metcalf, Talley and Conner:

AN ACT Relating to domestic wood products preference; and adding a new chapter to Title 39 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4824, by Senators Gallagher, Zimmerman and Peterson:

AN ACT Relating to aquatic lands; amending section 9, chapter 255, Laws of 1927 as amended by section 1, chapter 109, Laws of 1979 ex. sess. and RCW 79.01.036; amending section 1, chapter 257, Laws of 1959 and RCW 79.01.038; amending section 13, chapter 255, Laws of 1927 and RCW 79.01.052; amending section 21, chapter 255, Laws of 1927 as amended by section 2, chapter 257, Laws of 1959 and RCW 79.01.084; amending section 22, chapter 255, Laws of 1927 as last amended by section 2, chapter 109, Laws of 1979 ex. sess. and RCW 79.01.088; amending section 1, chapter 55, Laws of 1935 as amended by section 10, chapter 257, Laws of 1959 and RCW 79.01.116; amending section 30, chapter 255, Laws of 1927 as amended by section 11, chapter 257, Laws of 1959 and RCW 79.01.120; amending section 31, chapter 255, Laws of 1927 as last amended by section 12, chapter 257, Laws of 1959 and RCW 79.01.124; amending section 44, chapter 255, Laws of 1927 and RCW 79.01.176; amending section 46, chapter 255, Laws of 1927 as last amended by section 2, chapter 123, Laws of 1971 ex. sess. and RCW 79.01.184; amending section 47, chapter 255, Laws of 1927 as amended by section 19, chapter 257, Laws of 1959 and RCW 79.01.188; amending section 53, chapter 255, Laws of 1927 as amended by section 23, chapter 257, Laws of 1959 and RCW 79.01.212; amending section 54, chapter 255, Laws of 1927 as last amended by section 1, chapter 267, Laws of 1969 ex. sess. and RCW 79.01.216; amending section 55, chapter 255, Laws of 1927 as amended by section 25, chapter 257, Laws of 1959 and RCW 79.01.220; amending section 56, chapter 255, Laws of 1927 and RCW 79.01.224; amending section 57, chapter 255, Laws of 1927 as amended by section 26, chapter 257, Laws of 1959 and RCW 79.01.228; amending section 59, chapter 255, Laws of 1927 as last amended by section 8, chapter 109, Laws of 1979 ex. sess. and RCW 79.01.236; amending section 60, chapter 255, Laws of 1927 as amended by section 28, chapter 257, Laws of 1959 and RCW 79.01.240; amending section 73, chapter 255, Laws of 1927 and RCW 79.01.292; amending section 76, chapter 255, Laws of 1927 and RCW 79.01.304; amending section 78, chapter 255, Laws of 1927 and RCW 79.01.312; amending section 79, chapter 255, Laws of 1927 and RCW 79.01.316; amending section 80, chapter 255, Laws of 1927 and RCW 79.01.320; amending section 82, chapter 255, Laws of 1927 and RCW 79.01.328; amending section 85, chapter 255, Laws of 1927 as last amended by section 5, chapter 73, Laws of 1961 and RCW 79.01.340; amending section 96, chapter 255, Laws of 1927 as last amended by section 6, chapter 73, Laws of 1961 and RCW 79.01.384; amending section 99, chapter 255, Laws of 1927 as amended by section 4, chapter 147, Laws of 1945 and RCW 79.01.396; amending section 102, chapter 255, Laws of 1927 and RCW 79.01.408; amending section 12, chapter 73, Laws of 1961 and RCW 79.01.414; amending section 195, chapter 255, Laws of 1927 and RCW 79.01.740; amending section 1, chapter 164, Laws of 1919 as amended by section 2,

chapter 20, Laws of 1963 and RCW 79.44.010; decodifying RCW 79.01.521 and 79.01.525; creating new sections; adding new chapters to Title 79 RCW; repealing section 2, chapter 255, Laws of 1927 and RCW 79.01.008; repealing section 3, chapter 255, Laws of 1927 and RCW 79.01.012; repealing section 4, chapter 255, Laws of 1927 and RCW 79.01.016; repealing section 5, chapter 255, Laws of 1927 and RCW 79.01.020; repealing section 6, chapter 255, Laws of 1927 and RCW 79.01.024; repealing section 7, chapter 255, Laws of 1927 and RCW 79.01.028; repealing section 8, chapter 255, Laws of 1927 and RCW 79.01.032; repealing section 11, chapter 255, Laws of 1927 and RCW 79.01.044; repealing section 1, chapter 47, Laws of 1965, section 1, chapter 54, Laws of 1970 ex. sess., section 1, chapter 87, Laws of 1977 ex. sess. and RCW 79.01.178; repealing section 92, chapter 255, Laws of 1927 and RCW 79.01.368; repealing section 93, chapter 255, Laws of 1927 and RCW 79.01.372; repealing section 94, chapter 255, Laws of 1927 and RCW 79.01.376; repealing section 95, chapter 255, Laws of 1927 and RCW 79.01.380; repealing section 105, chapter 255, Laws of 1927 and RCW 79.01.420; repealing section 106, chapter 255, Laws of 1927 and RCW 79.01.424; repealing section 107, chapter 255, Laws of 1927 and RCW 79.01.428; repealing section 108, chapter 255, Laws of 1927 and RCW 79.01.432; repealing section 109, chapter 255, Laws of 1927 and RCW 79.01.436; repealing section 110, chapter 255, Laws of 1927 and RCW 79.01.440; repealing section 111, chapter 255, Laws of 1927 and RCW 79.01.444; repealing section 112, chapter 255, Laws of 1927, section 1, chapter 217, Laws of 1971 ex. sess. and RCW 79.01.448; repealing section 113, chapter 255, Laws of 1927, section 37, chapter 257, Laws of 1959 and RCW 79.01.452; repealing section 114, chapter 255, Laws of 1927 and RCW 79.01.456; repealing section 115, chapter 255, Laws of 1927 and RCW 79.01.460; repealing section 116, chapter 255, Laws of 1927 and RCW 79.01.464; repealing section 117, chapter 255, Laws of 1927 and RCW 79.01.468; repealing section 2, chapter 217, Laws of 1971 ex. sess., section 1, chapter 186, Laws of 1974 ex. sess. and RCW 79.01.470; repealing section 3, chapter 186, Laws of 1974 ex. sess. and RCW 79.01.471; repealing section 118, chapter 255, Laws of 1927, section 1, chapter 105, Laws of 1967 ex. sess. and RCW 79.01.472; repealing section 1, chapter 150, Laws of 1979 and RCW 79.01.474; repealing section 119, chapter 255, Laws of 1927 and RCW 79.01.476; repealing section 120, chapter 255, Laws of 1927 and RCW 79.01.480; repealing section 121, chapter 255, Laws of 1927, section 1, chapter 54, Laws of 1969 ex. sess. and RCW 79.01.484; repealing section 122, chapter 255, Laws of 1927 and RCW 79.01.488; repealing section 123, chapter 255, Laws of 1927 and RCW 79.01.492; repealing section 124, chapter 255, Laws of 1927 and RCW 79.01.496; repealing section 126, chapter 255, Laws of 1927 and RCW 79.01.504; repealing section 127, chapter 255, Laws of 1927 and RCW 79.01.508; repealing section 128, chapter 255, Laws of 1927, section 1, chapter 97, Laws of 1969 ex. sess. and RCW 79.01.512; repealing section 129, chapter 255, Laws of 1927, section 2, chapter 97, Laws of 1969 ex. sess. and RCW 79.01.516; repealing section 130, chapter 255, Laws of 1927, section 3, chapter 97, Laws of 1969 ex. sess., section 1, chapter 97, Laws of 1979 ex. sess. and RCW 79.01.520; repealing section 131, chapter 255, Laws of 1927 and RCW 79.01.524; repealing section 132, chapter 255, Laws of 1927 and RCW 79.01.528; repealing section 133, chapter 255, Laws of 1927 and RCW 79.01.532; repealing section 134, chapter 255, Laws of 1927 and RCW 79.01.536; repealing section 135, chapter 255, Laws of 1927 and RCW 79.01.540; repealing section 136, chapter 255, Laws of 1927 and RCW 79.01.544; repealing section 137, chapter 255, Laws of 1927 and RCW 79.01.548; repealing section 138, chapter 255, Laws of 1927 and RCW 79.01.552; repealing section 139, chapter 255, Laws of 1927 and RCW 79.01.556; repealing section 140, chapter 255, Laws of 1927 and RCW 79.01.560; repealing section 141, chapter 255, Laws of 1927 and RCW 79.01.564; repealing

section 142, chapter 255, Laws of 1927, section 39, chapter 271, Laws of 1951, section 9, chapter 73, Laws of 1961, section 1, chapter 79, Laws of 1963, section 1, chapter 228, Laws of 1967, section 1, chapter 123, Laws of 1979 ex. sess. and RCW 79.01.568; repealing section 8, chapter 141, Laws of 1979 ex. sess. and RCW 79.01.570; repealing section 143, chapter 255, Laws of 1927, section 5, chapter 163, Laws of 1967 and RCW 79.01.572; repealing section 144, chapter 255, Laws of 1927, section 40, chapter 271, Laws of 1951, section 3, chapter 228, Laws of 1967 and RCW 79.01.576; repealing section 41, chapter 271, Laws of 1951 and RCW 79.01.580; repealing section 146, chapter 255, Laws of 1927, section 4, chapter 228, Laws of 1967 and RCW 79.01.584; repealing section 148, chapter 255, Laws of 1927, section 5, chapter 228, Laws of 1967 and RCW 79.01.588; repealing section 149, chapter 255, Laws of 1927, section 6, chapter 228, Laws of 1967 and RCW 79.01.592; repealing section 150, chapter 255, Laws of 1927 and RCW 79.01.596; repealing section 151, chapter 255, Laws of 1927 and RCW 79.01.600; repealing section 152, chapter 255, Laws of 1927 and RCW 79.01.604; repealing section 153, chapter 255, Laws of 1927 and RCW 79.01.608; repealing section 189, chapter 255, Laws of 1927 and RCW 79.01.716; repealing section 1, chapter 275, Laws of 1981 and RCW 79.01.786; repealing section 2, chapter 275, Laws of 1981 and RCW 79.01.788; repealing section 1, chapter 54, Laws of 1935 and RCW 79.16.130; repealing section 2, chapter 54, Laws of 1935, section 1, chapter 168, Laws of 1959 and RCW 79.16.140; repealing section 3, chapter 54, Laws of 1935, section 2, chapter 168, Laws of 1959 and RCW 79.16.150; repealing section 1, chapter 105, Laws of 1901 and RCW 79.16.160; repealing section 2, chapter 105, Laws of 1901 and RCW 79.16.161; repealing section 1, chapter 110, Laws of 1901 and RCW 79.16.170; repealing section 2, chapter 110, Laws of 1901 and RCW 79.16.171; repealing section 1, chapter 212, Laws of 1963 and RCW 79.16.172; repealing section 2, chapter 212, Laws of 1963 and RCW 79.16.173; repealing section 1, chapter 387, Laws of 1955 and RCW 79.16.175; repealing section 2, chapter 387, Laws of 1955 and RCW 79.16.176; repealing section 1, chapter 170, Laws of 1913, section 1, chapter 115, Laws of 1937, section 2, chapter 105, Laws of 1967 ex. sess. and RCW 79.16.180; repealing section 1, chapter 168, Laws of 1913 and RCW 79.16.190; repealing section 1, chapter 199, Laws of 1955 and RCW 79.16.325; repealing section 2, chapter 199, Laws of 1955 and RCW 79.16.326; repealing section 1, chapter 186, Laws of 1957 and RCW 79.16.375; repealing section 2, chapter 186, Laws of 1957 and RCW 79.16.376; repealing section 1, chapter 183, Laws of 1913 and RCW 79.16.380; repealing section 2, chapter 183, Laws of 1913, section 17, chapter 30, Laws of 1979 ex. sess. and RCW 79.16.400; repealing section 1, chapter 150, Laws of 1917 and RCW 79.16.405; repealing section 2, chapter 150, Laws of 1917 and RCW 79.16.406; repealing section 1, chapter 70, Laws of 1931 and RCW 79.16.410; repealing section 1; chapter 99, Laws of 1893 and RCW 79.16.430; repealing section 2, chapter 99, Laws of 1893 and RCW 79.16.440; repealing section 3, chapter 99, Laws of 1893 and RCW 79.16.450; repealing section 4, chapter 99, Laws of 1893 and RCW 79.16.460; repealing section 5, chapter 99, Laws of 1893 and RCW 79.16.470; repealing section 6, chapter 99, Laws of 1893 and RCW 79.16.480; repealing section 7, chapter 99, Laws of 1893 and RCW 79.16.490; repealing section 8, chapter 99, Laws of 1893 and RCW 79.16.500; repealing section 9, chapter 99, Laws of 1893 and RCW 79.16.510; repealing section 10, chapter 99, Laws of 1893 and RCW 79.16.520; repealing section 1, chapter 164, Laws of 1953 and RCW 79.16.530; repealing section 2, chapter 164, Laws of 1953 and RCW 79.16.540; repealing section 3, chapter 164, Laws of 1953 and RCW 79.16.550; repealing section 4, chapter 164, Laws of 1953 and RCW 79.16.560; repealing section 1, chapter 386, Laws of 1955 and RCW 79.16.570; repealing section 2, chapter 386, Laws of 1955 and RCW 79.16.580; repealing section 3, chapter 386, Laws of 1955 and

RCW 79.16.590; repealing section 1, chapter 224, Laws of 1929 and RCW 79.20.090; repealing section 2, chapter 224, Laws of 1929 and RCW 79.20.100; repealing section 3, chapter 224, Laws of 1929, section 1, chapter 76, Laws of 1933 and RCW 79.20.110; repealing section 1, chapter 208, Laws of 1907 and RCW 79.20.150; repealing section 2, chapter 208, Laws of 1907 and RCW 79.20.160; repealing section 3, chapter 208, Laws of 1907 and RCW 79.20.170; and repealing section 4, chapter 208, Laws of 1907 and RCW 79.20.180.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4825, by Senators McDermott, Bottiger, Fleming, Bauer and Vognild:

AN ACT Relating to public depositaries; amending section 28A.58.440, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.440; amending section 1, chapter 6, Laws of 1951 and RCW 33.52.010; amending section 1, chapter 34, Laws of 1980 and RCW 35.39.041; amending section 1, chapter 193, Laws of 1969 ex. sess. as last amended by section 1, chapter 95, Laws of 1977 ex. sess. and RCW 39.58.010; amending section 2, chapter 193, Laws of 1969 ex. sess. as amended by section 10, chapter 126, Laws of 1973 and RCW 39.58.020; amending section 4, chapter 193, Laws of 1969 ex. sess. as amended by section 2, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.040; amending section 5, chapter 193, Laws of 1969 ex. sess. as last amended by section 3, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.050; amending section 6, chapter 193, Laws of 1969 ex. sess. as amended by section 12, chapter 126, Laws of 1973 and RCW 39.58.060; amending section 10, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.100; amending section 5, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.105; amending section 6, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.108; amending section 13, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.130; amending section 43.85.010, chapter 8, Laws of 1965 as last amended by section 7, chapter 77, Laws of 1975 1st ex. sess. and RCW 43.85.010; amending section 43.85.020, chapter 8, Laws of 1965 and RCW 43.85.020; amending section 43.85.210, chapter 8, Laws of 1965 and RCW 43.85.210; amending section 43.85.230, chapter 8, Laws of 1965 and RCW 43.85.230; amending section 1, chapter 230, Laws of 1969 ex. sess. and RCW 43.85.250; amending section 2, chapter 230, Laws of 1969 ex. sess. and RCW 43.85.260; amending section 1, chapter 123, Laws of 1973 and RCW 43.86A.010; amending section 15, chapter 103, Laws of 1959 as last amended by section 3, chapter 24, Laws of 1981 and RCW 56.16.160; amending section 16, chapter 108, Laws of 1959 as last amended by section 4, chapter 24, Laws of 1981 and RCW 57.20.160; adding a new section to chapter 39.58 RCW; repealing section 11, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.110; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4826, by Senators Patterson, Gallagher, Peterson and Hansen:

AN ACT Relating to law enforcement vehicles; and amending section 46.37-.190, chapter 12, Laws of 1961 as last amended by section 1, chapter 92, Laws of 1971 ex. sess. and RCW 46.37.190.

Referred to Committee on Transportation.

SENATE BILL NO. 4827, by Senators Sellar and Wojahn (by Department of General Administration request):

AN ACT Relating to credit unions; amending section 2, chapter 80, Laws of 1975 1st ex. sess. and RCW 31.12A.005; amending section 3, chapter 80, Laws of 1975 1st ex. sess. as amended by section 11, chapter 41, Laws of 1980 and RCW 31.12A.010; amending section 5, chapter 80, Laws of 1975 1st ex. sess. and RCW 31.12A.030; amending section 6, chapter 80, Laws of 1975 1st ex. sess. and RCW 31.12A.040; amending section 7, chapter 80, Laws of 1975 1st ex. sess. as amended

by section 12, chapter 41, Laws of 1980 and RCW 31.12A.050; amending section 8, chapter 80, Laws of 1975 1st ex. sess. and RCW 31.12A.060; and amending section 11, chapter 80, Laws of 1975 1st ex. sess. and RCW 31.12A.090.

Referred to Committee on Financial Institutions and Insurance.

**SENATE BILL NO. 4828**, by Senators Sellar and Wojahn (by Department of General Administration request):

AN ACT Relating to banks and trust companies; and amending section 30.04-.070, chapter 33, Laws of 1955 and RCW 30.04.070.

Referred to Committee on Financial Institutions and Insurance.

**SENATE BILL NO. 4829**, by Senators McDermott and Charnley:

AN ACT Relating to gasoline price posting; creating a new chapter in Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

**SENATE BILL NO. 4830**, by Senators Newhouse and Hansen:

AN ACT Relating to agricultural cooperative associations; amending section 15, chapter 115, Laws of 1921 as last amended by section 4, chapter 132, Laws of 1959 and RCW 24.32.210; and amending section 70, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.350.

Referred to Committee on Agriculture.

**SENATE BILL NO. 4831**, by Senators Jones, Bottiger, Vognild, Bauer, Quigg and Sellar:

AN ACT Relating to shoreline areas; amending section 2, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.020; amending section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 3, chapter 2, Laws of 1980 and RCW 90.58.030; amending section 9, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.090; amending section 14, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 358, Laws of 1977 ex. sess. and RCW 90.58.140; amending section 18, chapter 286, Laws of 1971 ex. sess. as last amended by section 2, chapter 51, Laws of 1975-'76 2nd ex. sess. and RCW 90.58.180; amending section 19, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.190; adding a new section to chapter 12, Laws of 1955 and to chapter 75.20 RCW; adding new sections to chapter 286, Laws of 1971 ex. sess. and to chapter 90.58 RCW; prescribing effective dates and expiration dates; and declaring an emergency.

Referred to Committee on Commerce and Labor.

**SENATE BILL NO. 4832**, by Senator Scott:

AN ACT Relating to the office of administrative hearings; amending section 2, chapter 67, Laws of 1981 and RCW 34.12.020; amending section 6, chapter 67, Laws of 1981 and RCW 34.12.060; amending section 5, chapter 141, Laws of 1967 as last amended by section 239, chapter 141, Laws of 1979 and RCW 72.33.670; amending section 25, chapter 183, Laws of 1973 1st ex. sess. as amended by section 12, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.055; adding new sections to chapter 34.12 RCW; making an appropriation; and providing an effective date.

Referred to Judiciary Committee.

**SENATE BILL NO. 4833**, by Senator Scott:

AN ACT Relating to the voter's pamphlet; amending section 29.81.030, chapter 9, Laws of 1965 as amended by section 3, chapter 143, Laws of 1973 1st ex. sess. and RCW 29.81.030; amending section 29.81.040, chapter 9, Laws of 1965 as last amended by section 4, chapter 143, Laws of 1973 1st ex. sess. and RCW 29.81.040; amending section 6, chapter 143, Laws of 1973 1st ex. sess. and RCW 29.81.042; amending section 7, chapter 143, Laws of 1973 1st ex. sess. and RCW 29.81.043; amending section 29.81.050, chapter 9, Laws of 1965 as amended by section 5, chapter 143, Laws of 1973 1st ex. sess. and RCW 29.81.050; amending section 8,

chapter 143, Laws of 1973 1st ex. sess. and RCW 29.81.052; amending section 9, chapter 143, Laws of 1973 1st ex. sess. and RCW 29.81.053; and amending section 29.81.090, chapter 9, Laws of 1965 as amended by section 5, chapter 57, Laws of 1979 ex. sess. and RCW 29.81.090.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4834, by Senators Bauer, Kiskaddon and Moore:

AN ACT Relating to marriage licenses; and amending section 4, chapter 204, Laws of 1939 as amended by section 7, chapter 26, Laws of 1967 and RCW 26.04-.160.

Referred to Judiciary Committee.

SENATE BILL NO. 4835, by Senators Bluechel, Williams, Fuller and Hughes:

AN ACT Relating to air pollution penalties; and amending section 53, chapter 168, Laws of 1969 ex. sess. as amended by section 2, chapter 176, Laws of 1973 1st ex. sess. and RCW 70.94.431.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4836, by Senator Bauer:

AN ACT Relating to common school funding.

Referred to Committee on Education.

SENATE BILL NO. 4837, by Senator Bauer:

AN ACT Relating to parental involvement in public schools.

Referred to Committee on Education.

SENATE BILL NO. 4838, by Senator Bauer:

AN ACT Relating to basic skills remediation.

Referred to Committee on Education.

SENATE BILL NO. 4839, by Senators Bauer and Charnley:

AN ACT Relating to special education.

Referred to Committee on Education.

SENATE BILL NO. 4840, by Senator Fuller:

AN ACT Relating to a privilege tax on city-owned utilities.

Referred to Committee on Local Government.

SENATE BILL NO. 4841, by Senator Bluechel:

AN ACT Relating to winter recreation.

Referred to Committee on Parks and Ecology.

SENATE JOINT MEMORIAL NO. 120, by Senators Fuller, Guess, Hurley, Bluechel, Hughes, Williams, Goltz, Hansen, Quigg and Zimmerman (by Intera-gency Committee for Outdoor Recreation request):

Requesting Congress to authorize apportionments from the Federal Land and Water Conservation Fund.

Referred to Committee on Parks and Ecology.

SENATE JOINT MEMORIAL NO. 121, by Senators Metcalf and Bauer:

Urging the President and Congress to repeal the Federal Reserve Act.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 144, by Senator Williams:

Authorizing legislature to permit current use valuation for property taxation of lands with water dependent uses.

Referred to Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION NO. 137, by Senators Deccio, Bottiger, Jones and Shinpoch:

Establishing a joint select committee on mandated health care benefits.

Referred to Committee on Social and Health Services.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 226, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representatives Ellis, Stratton and Rosbach):

Insuring the informed consent of a woman having an abortion.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 494, by Committee on Ethics, Law and Justice and Representative Wang:

Modifying procedures governing a defendant acquitted by reason of insanity.

Referred to Judiciary Committee.

HOUSE BILL NO. 841, by Committee on Natural Resources and Environmental Affairs and Representatives Rosbach, Johnson and Dawson (by Department of Fisheries request):

Extending the buy-back program for commercial salmon fishing vessels.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 855, by Committee on Local Government (originally sponsored by Representative Isaacson) (by State Auditor request):

Revising laws regulating audits of municipal corporations.

Referred to Committee on Local Government.

#### MOTION

At 12:32 p.m. on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Tuesday, February 2, 1982.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## TWENTY-THIRD DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, February 2, 1982.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Rasmussen. On motion of Senator Ridder, Senator Rasmussen was excused.

The Color Guard, consisting of Pages Shawna Buzard and Brian Turnball, presented the Colors. Reverend Arthur Rache, pastor of Amazing Grace Lutheran Church, Missouri Synod of Seattle, offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 1, 1982.

**SUBSTITUTE HOUSE BILL NO. 115**, implementing law relating to refund or cancellation of tuition and fees at institutions of higher education (reported by Committee on Higher Education):

**MAJORITY** recommendation: Do pass.

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

Passed to Committee on Rules for second reading.

February 1, 1982.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 784**, making miscellaneous changes in law relating to institutions of higher education (reported by Committee on Ways and Means):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Bluechel, Craswell, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

**MINORITY** recommendation: Do not pass.

Signed by: Senators Bauer, Gaspard, McDermott, Pullen, Ridder.

Passed to Committee on Rules for second reading

February 2, 1982.

**SUBSTITUTE HOUSE BILL NO. 787**, providing for congressional redistricting and reapportionment and establishing a redistricting commission (reported by Committee on State Government):

**MAJORITY** recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

February 2, 1982.

**HOUSE JOINT MEMORIAL NO. 15**, requesting that the U.S. postal service issue a stamp commemorating the eruption of Mount St. Helens (reported by Committee on State Government):

**MAJORITY** recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Moore, Quigg, Sellar.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 1, 1982.

DAVID H. PALMER, to the position of Member of the State Board of Pharmacy, appointed by the Governor on April 2, 1981 for the term ending January 21, 1985, succeeding George L. Bradley (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Rasmussen.

Passed to Committee on Rules.

January 20, 1982.

JACK H. ROGERS, to the position of Member of the State Investment Board, appointed by the Governor on April 8, 1981 for the term ending December 31, 1983 (reported by Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Deccio, Gaspard, Jones, Lee, McDermott, Ridder, Zimmerman.

Passed to Committee on Rules.

January 20, 1982.

DALE MITCHELL, to the position of Member of the State Investment Board, appointed by the Governor on January 1, 1981 for the term ending December 31, 1983 (reported by Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Craswell, Deccio, Gaspard, Jones, Lee, McDermott, Pullen, Ridder, Zimmerman.

Passed to Committee on Rules.

January 20, 1982.

ROBERT D. PANTHER, to the position of Member of the State Investment Board, appointed by the Governor on April 27, 1981 for the term ending December 31, 1982 (reported by Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Craswell, Deccio, Gaspard, Jones, Lee, McDermott, Pullen, Ridder, Zimmerman.

Passed to Committee on Rules.

February 1, 1982.

H. ROY YATES, to the position of Member of the Board of Trustees for Everett Community College District 5, appointed by the Governor on October 22, 1981 for the term ending September 30, 1986, succeeding George Hieber (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson, Shinpoch.

Passed to Committee on Rules.

February 1, 1982.

ELNA I. deVRIES, to the position of Member of the Board of Trustees for Skagit Community College District 4, appointed by the Governor on October 28, 1981 for the term ending September 30, 1986, succeeding Shirley D. B. Cobb (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

February 1, 1982.

DIANNE E. FRICHTL, to the position of Member of the Board of Trustees for Clark Community College District 14, appointed by the Governor on October 19, 1981 for the term ending September 30, 1986, succeeding James Caley (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

February 1, 1982.

BETTY BECKETT, to the position of Member of the Board of Trustees for Grays Harbor Community College District 2, appointed by the Governor on November 12, 1981 for the term ending September 30, 1986, succeeding Lawrence Weinstein (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

February 1, 1982.

H. DEAN LAXTON, to the position of Member of the Board of Trustees for Big Bend Community College District 18, appointed by the Governor on November 12, 1981 for the term ending September 30, 1982, succeeding David T. Moody (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

February 1, 1982.

RUDY JONES, to the position of Member of the Board of Trustees for Edmonds Community College District 23, appointed by the Governor on July 1, 1981 for the term ending September 30, 1986 (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson, Shinpoch.

Passed to Committee on Rules.

January 20, 1982.

GLORIA M. CHAMPEAUX, to the position of Member of the State Investment Board, reappointed by the Governor on January 15, 1982 for the term ending December 31, 1984 (reported by Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Craswell, Deccio, Gaspard, Jones, Lee, McDermott, Pullen, Ridder, Zimmerman.

Passed to Committee on Rules.

Office of the Governor, February 2, 1982.

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. Hannah appointed February 1, 1982, for a term ending January 15, 1991, succeeding Leroy Hittle as chairman of the Liquor Control Board.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Commerce and Labor.

MESSAGE FROM THE HOUSE

February 2, 1982.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 36, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

FIRST READING OF HOUSE RESOLUTION

HOUSE CONCURRENT RESOLUTION NO. 36, by Representative Nelson (G.):

Calling a joint session for distinguished Japanese.

MOTIONS

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

On motion of Senator Clarke, the rules were suspended and House Concurrent Resolution No. 36 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, Engrossed Senate Bill No. 3915 was ordered held for consideration on February 3, 1982.

SECOND READING

SENATE BILL NO. 3405, by Senators Jones, Gallagher, Hayner and Gould (by Department of Revenue request):

Establishing fact finding procedures under the educational employment relations act.

The bill was read the second time by sections.

Senator McDermott moved adoption of the following amendment:

On page 4, beginning on line 2 strike everything down to and including "and to" and insert "the two parties, by written notice to"

Debate ensued.

Senator Talmadge 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 McDermott.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Deccio, Fleming, Gaspard, Goltz, Gould, Hansen, Hemstad, Hughes, Hurley, Lysen, McCaslin, McDermott, Moore, Peterson, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gallagher, Guess, Haley, Hayner, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—20.

Excused: Senator Rasmussen—1.

Senator McDermott moved adoption of the following amendment:

On page 4, line 16, after "fact finder." strike the remainder of the subsection. Debate ensued.

#### POINT OF INQUIRY

Senator McDermott: "Senator Gould, my question is, do you think somebody else who works for the PERC commission could be the fact-finder, rather than a person who was the mediator?"

Senator Gould: "I do not have any feeling about that; I cannot . . ."

Senator McDermott: "If you are worried, we could write language. I would be willing to set the bill down and set language so that it could be somebody else who works for the PERC commission; but forcing the situation into the outside and to choose somebody, an attorney or somebody, to come down and work for \$125.00 an hour or whatever as a fact finder when you have people employed by the PERC commission, it seems to me is not a cost-effective way to spend public money. And that is why I would gladly set the bill down if there is a way to write an amendment that makes more sense."

Senator Gould: "Maybe that would be even more reason to defeat the amendment because it would force agreement at mediation level which I think is appropriate."

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

#### MOTION

Senator Wilson moved that Senate Bill No. 3405, as amended, be held for further consideration following the next three measures on the calendar.

Debate ensued.

The motion by Senator Wilson failed on a rising vote.

The President declared the question before the Senate to be the roll call on the amendment by Senator McDermott.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Lysen, McDermott, Moore, Peterson, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—27.

Excused: Senator Rasmussen—1.

President Pro Tempore Guess assumed the Chair.

There being no objection, on motion of Senator Vognild, an amendment by Senators Vognild and McDermott to page 5, line 11 was withdrawn.

Senator McDermott moved adoption of the following amendment:

On page 5, line 13, after "incurring them" and before "." insert "; PROVIDED, That if the employee bargaining unit contains thirty-five or fewer members, the cost of the fact finder's service shall be borne by the commission"

Debate ensued.

#### POINT OF INQUIRY

Senator Newhouse: "Senator Vognild, your remarks brought a question to my mind. Are you inferring that in a situation of a small district and its teachers being toward an impasse, that if we do not adopt this amendment, then the statewide organization might subsidize the local organization of teachers in financing this impasse procedure?"

Senator Vognild: "Yes, this was discussed on the floor before."

Senator Newhouse: "Thank you. I think this would indicate a good reason why we should not pass discriminatory legislation that would cost for some districts and the PERC commission does not have money for that."

Senator Ridder 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 Senator McDermott.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Deccio, Fleming, Gaspard, Goltz, Gould, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Metcalf, Moore, Patterson, Peterson, Pullen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—29.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gallagher, Guess, Haley, Hansen, Hayner, Jones, Lee, McCaslin, Newhouse, Quigg, Scott, Sellar, Talley, von Reichbauer—19.

Excused: Senator Rasmussen—1.

#### PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, on a motion to advance a bill to third reading, does it now require two-thirds vote or only 50%?"

#### REPLY BY PRESIDENT PRO TEMPORE

President Pro Tempore Guess: "Senator Bottiger, Rule 67 says 'Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule: PROVIDED, HOWEVER, That on and after the tenth day preceding adjournment sine die of any regular session this rule may be suspended by a majority vote ... ' We are on the twenty-third day. I would say that it would require two-thirds majority to suspend."

Senate bill No. 3405, as amended, was passed to third reading.

President Cherberg assumed the Chair.

At 11:24 a.m., the Senate retired to the House Chamber for the purpose of a Joint Session.

#### JOINT SESSION

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

The Speaker instructed the Sergeant at Arms to escort Lieutenant Governor Cherberg, President of the Senate, President Pro Tem Guess and Vice President Pro Tem Clarke to the rostrum.

The Speaker invited the members of the Senate to seats within the House Chamber.

The Speaker: "This Joint Session is called for the purpose of welcoming to our state a distinguished delegation of members of Hyogo Prefectural Assembly in Japan."

The Speaker presented the gavel to President Cherberg.

The Clerk of the Senate called the roll of the Senate and all members were present except Senator Rasmussen, who was excused.

The Clerk of the House called the roll of the House and all members were present except Representatives Fancher and Owen.

The President of the Senate appointed Senators Sellar, Rasmussen and Pullen and Representatives Burns, Isaacson, Eng and James to escort the State Elected Officials to seats within the House Chamber.

The President appointed Senators Patterson, Peterson, McCaslin, Lysen and Metcalf and Representatives Addison, Granlund, Bickham, Owen and Sprague to escort the distinguished Japanese dignitaries to the rostrum.

The President of the Senate appointed Senators Kiskaddon and Hansen and Representatives Schmidt and King (J) to escort Governor Spellman to the rostrum.

The President of the Senate appointed Senators Fuller and Gaspard and Representatives Sanders and O'Brien to escort the head of the Japanese delegation to the rostrum.

President Cherberg: "Mr. Speaker, Governor Spellman, elected state officials, ladies and gentlemen of the Legislature, I have the honor to present to you our distinguished guests from Japan: The Honorable Isami Hirazawa, Deputy Secretary-General; The Honorable Yoshio Yakubo, Board Member; The Honorable Yasutomo Inoue, The Honorable Tomio Sairyu, The Honorable Tadashi Kajimoto, The Honorable Masao Kokubo, The Honorable Kazuo Ishida, The Honorable Takeshi Ohta, The Honorable Kazushige Wada and Senior Foreign Affairs Specialist for the Hyogo Prefectural Government, The Honorable Yasutaro Takeuchi.

"Gentlemen, welcome to the State of Washington.

"The President should also like to present to you The Honorable Ichiji Ishii, Secretary General of the Japan-America Society and distinguished member of Hyogo Prefectural Assembly."

The President of the Senate introduced Governor John Spellman.

Governor Spellman: "Governor Cherberg, Speaker Polk, members of the Senate and House of Representatives, ladies and gentlemen: I discovered, when I went to Japan earlier this year, to speak in phrases and verse so that we may have the opportunity of translation. I'm giving our interpreter the opportunity to come forward to the microphone, and I will go somewhat slower than usual.

"It is a distinct pleasure for me to welcome our good friends of the Hyogo Prefectural Assembly and their goodwill delegation who honor us with their presence today under the auspices of the Japan-America Society of the Hyogo Prefectural Assembly. We regret that Speaker Nakabayashi was unable to be with us today, but we are very pleased Assemblyman Ishii, the Secretary General of the Japan-America Society was able to lead the delegation. The state of Washington and the Hyogo Prefecture have been sister-states for more than eighteen years. It is among the oldest of relationships we have, and I feel that it is, perhaps, most certainly the most active. We have sister-state relations between not only Hyogo, but also many of the cities within Hyogo Prefecture with the state of Washington.

"The visit we made—Senators Benitz and Quigg, Representatives Sanders, Smith and myself—to Kobe in June was a real eye-opener. We found that we are

very similar in climate (we were there in the rainy season), in the greenery and the natural evergreens rising from the ocean, and the view from the Portopia Hotel in Kobe showed us one of the world's most active ports—an active trading partner with the state of Washington. Awesome traffic—it was almost like an air-traffic control situation with the ships coming in and out of that very busy port. Ten thousand sea-going vessels a year in and out of the port.

"The Hyogo Prefecture and its port of Kobe is Japan's gateway to the world. We, in the state of Washington, hope with our ports to become the gateway to Japan and to the Pacific. Their manmade ports and the islands that attribute to being those ports are well worth observing. Portopia '81 was a remarkable demonstration of various technologies, and it was fitting that the state of Washington was the only state in the United States that participated with Japan and the the port of Kobe in that awesome display of modern technology.

"Let me speak briefly of the benefits of the sister-state relationship which we have. Certainly, it starts with the personal contacts between the governmental leaders and the people of our two states getting to know each other better. We found that many people here and many people there have mutual relatives, mutual businesses, which makes for a strong and warm friendship.

"There are twenty-two of the cities in the state of Washington that have a sister-city relationship with various cities in Japan. Seattle and Kobe is one of the oldest, which is twenty-five years in existence this year, and if you were to go to Kobe, you would find a totem pole in downtown Kobe as you would find a stone pagoda in Mount Baker Park. Relationships have been good for decades, but they have never been better. We have greeted numerous delegations from Hyogo here in the last year and the Prime Minister of Japan met with me within the last two months. Japan has great faith in Washington's future. That faith in Washington's future was demonstrated only yesterday in the signing of the articles of agreement between the giant Marubeni Corporation of Japan and the state of Washington. It was preceded earlier this year with a similar agreement with the largest and oldest trading corporation in Japan, Mitsui. Those growing economic ties from this relationship have been demonstrated in every part of this state in the last year, but we have only begun to tap the future of the Pacific Rim. The world is coming to an acknowledgement of the fact that this is the century of the Pacific. Both Hyogo Prefecture and the state of Washington are very much in the 'catbird seat'—I think that translates into a key position—in terms of world trade and the opportunities as traders in that Century of the Pacific.

"Members of the Prefectural Goodwill Delegation, please convey warm wishes of friendship to my good friend, Governor Sakai, to Speaker Nakabayashi and to the people of Hyogo Prefecture. During your stay, make yourselves at home in Washington, and let it be your home away from home. Thank you."

President Cherberg introduced Speaker Polk.

Speaker Polk: "Governor Spellman, Mr. President, fellow legislators, distinguished and honored guests: I am certainly pleased and honored to introduce to you, and to extend our heartfelt welcome, to a distinguished legislative colleague from our sister-state in Japan, the Hyogo Prefecture. Mr. Ichiji Ishii has served his third four-year term in the Hyogo Prefectural Assembly and is also the Secretary General of the Japan-America Society of the Assembly. His visit marks the eighteenth anniversary of the unique sister-state relationship between his prefecture and our state of Washington, which, indeed, has contributed so much to the bonds, not only between our nations, but also between the people of the regions and localities which share remarkably similar characteristics, common goals and concerns.

"It is notable that of the twenty-two sister-cities in Japan, eight are located in the hills of Hyogo Prefecture, including Seattle's sister-city of Kobe, which is also Mr. Ishii's birthplace. The strong commitment to effect a productive international

relation, which this reflects, is personified by our distinguished guest today. His involvement and achievement in furthering the excellent relationships we enjoy are impressive, indeed.

"In addition to his legislative responsibilities, Mr. Ishii is Executive Director of Kokusi-Shusho Company and Secretary of the Trade Committee of the Kobe Chamber of Commerce and Industry as well as a board member of Prefectural Mutual Aid Association. We note also that Mr. Ishii's ties to the Pacific Northwest extend beyond the Washington border to the south. He is a graduate of the University of Oregon with a Master's Degree in Business Administration.

"Ladies and gentlemen, will you please join me in welcoming this remarkable individual and in greeting our close relatives in the family of nations: Mr. Ichiji Ishii."

Mr. Ishii: "It is our greatest honor and pleasure to be able to visit our American sister-state, Washington, at this time. We would like to express our sincere appreciation to Governor John Spellman, Lieutenant Governor John Cherberg, Speaker of the House William Polk, Senators, Representatives and all others whose kind cooperation and understanding made this trip possible.

"Our sense of honor and pleasure at this historic Legislative Hall of the state of Washington is even more exalted when I realize that our goodwill delegation represents not only the Hyogo Prefectural Assembly, but also the five million, two hundred thousand people of Hyogo Prefecture.

"The friendship between the United States and Japan originates in the Treaty of Peace and Amity signed in 1854 by the two countries. Therefore, with the exception of the tragic Pacific War, the history of our relations is almost 130 years old.

"However, the most impressive aspect of our friendship is not the length of its history, but the common framework of democracy and freedom through which the two nations have vested mutual trust in each other. We must be aware that the same common framework is the sustaining and strengthening force underlying our sister-state affiliation.

"Our sister-state affiliation is only nineteen years young, but it is gratifying to know that the relations have been expanding enormously through economic and industrial cooperation, exchange of visits and many programs which transcend the geographical and cultural differences and barriers.

"A recent memorable event in our sister-state affiliation was the visit to the Portopia Fair in 1981 by Governor Spellman, Senators Benitz, and Quigg and Representatives Sanders and Smith. We are grateful to these people and the state of Washington for their support of the Fair.

"Currently we have eight pairs of sister-state affiliations among the cities of Washington and Hyogo. They are: Seattle and Kobe; Spokane and Nishinomiya; Kent and Kaibara; Auburn and Kasuga; Renton and Nishiwaki; Walla Walla and Sasayama; Edmonds and Himeji; and Olympia and Yashiro.

"I'm sure that various programs of exchange and friendship in these sister-city affiliations will contribute significantly to the development and maintenance of peace, understanding, tolerance and mutual trust between the people of Washington and our people and even between the two countries.

"Again, thank you for this opportunity, and we hope to see you in Japan in the near future. Thank you."

The President of the Senate requested the special committee to escort Mr. Ishii from the House Chamber.

The President of the Senate requested the committee to escort Governor Spellman from the House Chamber.

The President of the Senate requested the committee to escort the distinguished dignitaries of the Hyogo Prefectural Assembly from the House Chamber.

The President of the Senate requested the committee to escort the State Elected Officials from the House Chamber.

#### MOTION

On motion of Mr. Nelson (G), the Joint Session was dissolved.

President Cherberg returned the gavel to the Speaker.

The Speaker requested the Sergeants at Arms of the Senate and the House to escort President Cherberg, President Pro Tem Guess and Vice President Pro Tem Clarke and members of the Senate from the House Chamber.

The President called the Senate to order at 12:26 p.m.

#### MOTION

At 12:28 p.m., on motion of Senator Clarke, 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 Clarke, there being no objection, the following measures on the Introduction and First Reading Calendar were ordered referred as indicated on the list of the desk of each member with the exception of Senate Bills 4773, 4846 and 4888.

There being no objection, the rules were suspended and additional sponsors were permitted on all measures having more than three sponsors.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 4773, by Senators Newhouse and Sellar:

AN ACT Relating to industrial insurance; amending section 26, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.010; amending section 3, chapter 129, Laws of 1980 (uncodified); declaring an emergency; and providing an effective date.

SENATE BILL NO. 4842, by Senators Clarke and Talmadge:

AN ACT Relating to the criminal justice training commission; and amending section 3, chapter 17, Laws of 1975-'76 2nd ex. sess. and RCW 43.101.080.

Referred to Judiciary Committee.

SENATE BILL NO. 4843, by Senator Scott:

AN ACT Relating to certification of certain school district personnel; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.70 RCW; and prescribing penalties.

Referred to Committee on Education.

SENATE BILL NO. 4844, by Senators McDermott and Williams:

AN ACT Relating to energy; adding a new chapter to Title 43 RCW; repealing section 1, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.010; repealing section 1, chapter 295, Laws of 1981 and RCW 43.21F.015; repealing section 2, chapter 295, Laws of 1981 and RCW 43.21F.025; repealing section 3, chapter 295, Laws of 1981 and RCW 43.21F.035; repealing section 4, chapter 295, Laws of 1981 and RCW 43.21F.045; repealing section 5, chapter 295, Laws of 1981 and RCW 43.21F.055; repealing section 6, chapter 108, Laws of 1975-'76 2nd ex. sess., section 6, chapter 295, Laws of 1981 and RCW 43.21F.060; repealing section 8, chapter 295, Laws of 1981 and RCW 43.21F.065; repealing section 12, chapter 295, Laws of 1981 and RCW 43.21F.075; repealing section 7, chapter 295, Laws of 1981 and RCW 43.21F.085; repealing section 9, chapter 295, Laws of 1981 and

RCW 43.21F.900; repealing section 1, chapter 45, Laws of 1970 ex. sess., section 29, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.010; repealing section 2, chapter 45, Laws of 1970 ex. sess., section 30, chapter 108, Laws of 1975-'76 2nd ex. sess., section 2, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.020; repealing section 3, chapter 45, Laws of 1970 ex. sess., section 46, chapter 171, Laws of 1974 ex. sess., section 31, chapter 108, Laws of 1975-'76 2nd ex. sess., section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; repealing section 4, chapter 45, Laws of 1970 ex. sess., section 32, chapter 108, Laws of 1975-'76 2nd ex. sess., section 4, chapter 371, Laws of 1977 ex. sess., section 1, chapter 254, Laws of 1979 ex. sess. and RCW 80.50.040; repealing section 6, chapter 45, Laws of 1970 ex. sess., section 34, chapter 108, Laws of 1975-'76 2nd ex. sess., section 5, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.060; repealing section 16, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.071; repealing section 17, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.075; repealing section 8, chapter 45, Laws of 1970 ex. sess., section 6, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.080; repealing section 9, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.090; repealing section 10, chapter 45, Laws of 1970 ex. sess., section 36, chapter 108, Laws of 1975-'76 2nd ex. sess., section 8, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.100; repealing section 11, chapter 45, Laws of 1970 ex. sess., section 37, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.110; repealing section 12, chapter 45, Laws of 1970 ex. sess., section 38, chapter 108, Laws of 1975-'76 2nd ex. sess., section 10, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.120; repealing section 13, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.130; repealing section 14, chapter 45, Laws of 1970 ex. sess., section 11, chapter 371, Laws of 1977 ex. sess., section 3, chapter 64, Laws of 1981 and RCW 80.50.140; repealing section 15, chapter 45, Laws of 1970 ex. sess., section 12, chapter 371, Laws of 1977 ex. sess., section 1, chapter 41, Laws of 1979, section 2, chapter 254, Laws of 1979 ex. sess. and RCW 80.50.150; repealing section 16, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.160; repealing section 2, chapter 110, Laws of 1974 ex. sess., section 40, chapter 108, Laws of 1975-'76 2nd ex. sess., section 13, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.175; repealing section 14, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.180; repealing section 15, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.190; repealing section 42, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.800; repealing section 17, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.900; repealing section 3, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.901; repealing section 20, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.902; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4845, by Senators Pullen and Clarke:

AN ACT Relating to absentee voting; and amending section 29.36.010, chapter 9, Laws of 1965 as last amended by section 76, chapter 361, Laws of 1977 ex. sess. and RCW 29.36.010.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4846, by Senators Wilson, Newhouse and Hansen:

AN ACT Relating to water projects; adding a new section to chapter 43.21A RCW; and making an appropriation.

SENATE BILL NO. 4847, by Senator McDermott:

AN ACT Relating to the deinstitutionalization subsidy aid program; and adding new sections to chapter 72.33 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4848, by Senators Sellar and Haley:

AN ACT Relating to health care insurance; amending section 1, chapter 175, Laws of 1981 and RCW 48.44.290; and creating a new section.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4849, by Senator McDermott:

AN ACT Relating to state employees; and adding a new chapter to Title 41 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4850, by Senator Scott:

AN ACT Relating to lobbying; amending section 19, chapter 1, Laws of 1973 as last amended by section 1, chapter 265, Laws of 1979 ex. sess. and RCW 42.17-.190; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4851, by Senators McDermott, Deccio, Talmadge and Wojahn:

AN ACT Relating to children and families; and creating new sections.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4852, by Senators Hansen, Newhouse and Wilson:

AN ACT Relating to irrigation districts; and amending section 24, page 684, Laws of 1889-90 as last amended by section 1, chapter 209, Laws of 1981 and RCW 87.03.270.

Referred to Committee on Agriculture.

SENATE BILL NO. 4853, by Senator McDermott:

AN ACT Relating to consumer contracts; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4854, by Senator Conner:

AN ACT Relating to the creation and organization of a new county; amending section 6, chapter 125, Laws of 1951 as last amended by section 1, chapter 65, Laws of 1981 and RCW 2.08.064; amending section 2, chapter 221, Laws of 1969 ex. sess. as amended by section 1, chapter 49, Laws of 1977 ex. sess. and RCW 2.06.020; amending section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 153, Laws of 1975 1st ex. sess. and RCW 3.34.010; amending section 28B-.50.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 72, Laws of 1981 and RCW 28B.50.040; reenacting and amending section 1, page 472, Laws of 1854 as last amended by section 1, page 292, Laws of 1869 and by section 1, chapter 40, Laws of 1925 ex. sess. and RCW 36.04.050; reenacting and amending section 1, page 292, Laws of 1869 as last amended by section 1, page 406, Laws of 1877 (Hills Code Vol. 1 section 12) and by section 1, chapter 40, Laws of 1925 ex. sess. and RCW 36.04.160; amending section 36.17.020, chapter 4, Laws of 1963 as last amended by section 2, chapter 88, Laws of 1973 1st ex. sess. and RCW 36.17.020; amending section 34, chapter 288, Laws of 1981 and RCW 44.07B.240; amending section 11, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.050; amending section 1, chapter 168, Laws of 1945 and RCW 58.20.010; amending section 3, chapter 108, Laws of 1957 and RCW 75.12.210; and creating new sections.

Referred to Committee on Local Government.

SENATE BILL NO. 4855, by Senators McDermott, Goltz, Williams, Shinpoch, Ridder, Wojahn, Bauer and Fleming:

AN ACT Relating to the taxation of intangible personal property; amending section 84.04.080, chapter 15, Laws of 1961 and RCW 84.04.080; adding a new chapter to Title 84 RCW; and prescribing penalties.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4856, by Senators Goltz, Kiskaddon and Wilson:

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

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4857, by Senators McDermott, Ridder and Hughes:

AN ACT Relating to licensure of construction equipment operators; adding a new chapter to Title 18 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4858, by Senators Goltz and Guess:

AN ACT Relating to administrative rules; and adding a new chapter to Title 34 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 4859, by Senators Guess, McCaslin, Hurley and Moore:

AN ACT Relating to retail sales and use taxes imposed by counties, cities and metropolitan municipal corporations; and adding a new section to chapter 94, Laws of 1970 ex. sess. and to chapter 82.14 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4860, by Senators Benitz and Deccio:

AN ACT Relating to civil service commissions; and amending section 5, chapter 13, Laws of 1937 and RCW 41.12.040.

Referred to Committee on Local Government.

SENATE BILL NO. 4861, by Senator Scott:

AN ACT Relating to insurance; and adding a new section to chapter 48.17 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4862, by Senators McDermott, Vognild, Fleming, Hughes, Ridder, Wojahn, Shinpoch, Woody, Deccio, Metcalf, Rasmussen, Charnley, Peterson, Conner, Talley, Gaspard, Bottiger, Williams, Bauer, Hansen, Hurley, Lysen and Talmadge:

AN ACT Relating to unemployment compensation; amending section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 35, Laws of 1981 and RCW 50.20.120; amending section 2, chapter 1, Laws of 1971 as last amended by section 7, chapter 35, Laws of 1981 and RCW 50.22.010; amending section 89, chapter 35, Laws of 1945 as last amended by section 9, chapter 33, Laws of 1977 ex. sess. and RCW 50.24.010; amending section 10, chapter 2, Laws of 1970 ex. sess. as last amended by section 11, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.010; amending section 13, chapter 2, Laws of 1970 ex. sess. as amended by section 12, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.040; amending section 14, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.050; amending section 15, chapter 2, Laws of 1970 ex. sess. as amended by section 13, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.060; creating new sections; repealing section 18, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.140; declaring an emergency; and providing effective dates.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4863, by Senators Kiskaddon, Goltz, Shinpoch, Hemstad and Charnley:

AN ACT Relating to smoking; adding a new chapter to Title 43 RCW; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4864, by Senators Goltz and Kiskaddon:

AN ACT Relating to school districts purchasing school sites owned by the department of natural resources or leasing the sites at fair rental value.

Referred to Committee on Local Government.

SENATE BILL NO. 4865, by Senators Pullen, Bottiger, Bauer, Lysen, Haley, Moore, Wojahn, Hurley, Fuller, Kiskaddon, Hayner, McDermott, Charnley, Woody, Zimmerman, Conner, Vognild, Ridder, Talley, Peterson, Metcalf, Lee, Gallagher, Craswell, Goltz, Gaspard, Benitz and McCaslin:

AN ACT Relating to the Washington state patrol; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 4866, by Senator Guess:

AN ACT Relating to certain motor vehicle business practices; and amending section 3, chapter 11, Laws of 1979 as last amended by section 2, chapter 305, Laws of 1981 and RCW 46.70.011.

Referred to Committee on Transportation.

SENATE BILL NO. 4867, by Senators Hemstad and Clarke:

AN ACT Relating to property exempt from execution and forced sale; amending section 1, chapter ... (HB 884 or SB 4486), Laws of 1982 and RCW 6.12.100; amending section 11.52.016, chapter 145, Laws of 1965 as amended by section 1, chapter 80, Laws of 1972 ex. sess. and RCW 11.52.016; and amending section 11.52.024, chapter 145, Laws of 1965 as amended by section 2, chapter 80, Laws of 1972 ex. sess. and RCW 11.52.024.

Referred to Judiciary Committee.

SENATE BILL NO. 4868, by Senator Charnley:

AN ACT Relating to public transportation funding; amending section 8, chapter 255, Laws of 1969 ex. sess. as amended by section 2, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.273; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 4869, by Senators Gaspard and Goltz:

AN ACT Relating to a fair elections code; adding new sections to chapter 42.17 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4870, by Senators Gould and Newhouse:

AN ACT Relating to business and occupation tax credits; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4871, by Senators Bluechel and Newhouse:

AN ACT Relating to industrial insurance tax exemptions; and adding a new section to chapter 51.16 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4872, by Senators Rasmussen and Peterson:

AN ACT Relating to food fish and shellfish; amending section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 66, Laws of 1979 and RCW 75.28.300; and repealing section 3, chapter 40, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.377.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4873, by Senators Bottiger and Haley:

AN ACT Relating to emergency care; amending section 4, chapter 305, Laws of 1971 ex. sess. and RCW 18.71.220; and amending section 13, chapter 267, Laws of 1955 and RCW 70.41.130.

Referred to Judiciary Committee.

SENATE BILL NO. 4874, by Senators Moore, Hansen, Goltz, Bottiger, Woody, Conner, Vognild, Gaspard, Ridder, Wojahn, Bauer, Talley and Charnley:

AN ACT Relating to small businesses; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4875, by Senators Zimmerman, Vognild and Lee:

AN ACT Relating to fire protection; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4876, by Senators Moore, Hansen, Goltz, Ridder, Wojahn, Bauer, Woody, Charnley, Vognild, Conner, Talley, Gaspard and Bottiger:

AN ACT Relating to small businesses; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4877, by Senators Newhouse and Lee:

AN ACT Relating to waste disposal and management facilities; and amending section 5, chapter 159, Laws of 1980 (Referendum Bill No. 39) and RCW 43.99F-.050.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4878, by Senator Charnley:

AN ACT Relating to motor vehicle excise taxes and public transportation; amending section 7, chapter 270, Laws of 1975 1st ex. sess. as amended by section 1, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.2721; amending section 14, chapter 255, Laws of 1969 ex. sess. as amended by section 3, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.279; adding a new section to chapter 35.58 RCW; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 4879, by Senator Bauer:

AN ACT Relating to the issuance of revenue bonds and other revenue obligations by the state and political subdivisions and municipal corporations of the state.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4880, by Senator Scott:

AN ACT Relating to the capital budget.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4881, by Senators Guess, Hurley and McCaslin:

AN ACT Relating to public assistance.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4882, by Senator Rasmussen:

AN ACT Relating to metropolitan park districts.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4883, by Senator Gallagher:

AN ACT Relating to fisheries' economic recovery.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4884, by Senators Charnley and Kiskaddon:  
AN ACT Relating to referendum 26 bonds.  
Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4885, by Senator Scott:  
AN ACT Relating to revisions of the budget and accounting act.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4886, by Senator Bauer:  
AN ACT Relating to savings and loan associations.  
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4887, by Senator Scott:  
AN ACT Relating to excise taxes.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4888, by Senator Talmadge:  
AN ACT Relating to corrections.

SENATE BILL NO. 4889, by Senators Hemstad and Clarke:  
AN ACT Relating to pornography.  
Referred to Judiciary Committee.

SENATE BILL NO. 4890, by Senator Scott:  
AN ACT Relating to public works.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4891, by Senators Wilson, Patterson, Zimmerman and Vognild:

AN ACT Relating to equalizing county revenues.  
Referred to Committee on Local Government.

SENATE BILL NO. 4892, by Senators Talley and von Reichbauer:  
AN ACT Relating to pilotage.  
Referred to Committee on Transportation.

SENATE BILL NO. 4893, by Senator Scott:  
AN ACT Relating to transfers between state retirement systems.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4894, by Senator McCaslin:  
AN ACT Relating to real estate brokers and salesmen.  
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4895, by Senator Pullen:  
AN ACT Relating to campaign materials.  
Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4896, by Senator Pullen:  
AN ACT Relating to public disclosure.  
Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4897, by Senators Bottiger and Clarke:  
AN ACT Relating to leasing of personal property.  
Referred to Judiciary Committee.

SENATE BILL NO. 4898, by Senator Metcalf:  
AN ACT Relating to congressional reapportionment and redistricting and providing for a commission.  
Referred to Committee on State Government.

SENATE BILL NO. 4899, by Senator Metcalf:

AN ACT Relating to congressional reapportionment and redistricting.

Referred to Committee on State Government.

SENATE BILL NO. 4900, by Senator Metcalf:

AN ACT Relating to congressional reapportionment and redistricting and providing for a commission.

Referred to Committee on State Government.

SENATE BILL NO. 4901, by Senator Metcalf:

AN ACT Relating to congressional reapportionment and redistricting.

Referred to Committee on State Government.

SENATE BILL NO. 4902, by Senators Quigg and Vognild:

AN ACT Relating to manufactured homes; amending section 46.04.670, chapter 12, Laws of 1961 as amended by section 4, chapter 213, Laws of 1979 ex. sess. and RCW 46.04.670; amending section 3, chapter 11, Laws of 1979 as last amended by section 2, chapter 305, Laws of 1981 and RCW 46.70.011; amending section 46.70.070, chapter 12, Laws of 1961 as last amended by section 1, chapter 152, Laws of 1981 and RCW 46.70.070; amending section 9, chapter 132, Laws of 1973 1st ex. sess. as amended by section 3, chapter 152, Laws of 1981 and RCW 46.70.075; amending section 46.70.090, chapter 12, Laws of 1961 as last amended by section 4, chapter 152, Laws of 1981 and RCW 46.70.090; amending section 16, chapter 74, Laws of 1967 ex. sess. as last amended by section 6, chapter 152, Laws of 1981 and RCW 46.70.180; adding a new chapter to Title 19 RCW; creating new sections; repealing section 1, chapter 157, Laws of 1967, section 1, chapter 229, Laws of 1969 ex. sess., section 1, chapter 27, Laws of 1970 ex. sess. and RCW 43.22.340; repealing section 4, chapter 229, Laws of 1969 ex. sess. and RCW 43.22.345; repealing section 2, chapter 157, Laws of 1967, section 2, chapter 27, Laws of 1970 ex. sess., section 6, chapter 21, Laws of 1977 ex. sess. and RCW 43.22.350; repealing section 3, chapter 157, Laws of 1967, section 3, chapter 27, Laws of 1970 ex. sess. and RCW 43.22.360; repealing section 4, chapter 157, Laws of 1967, section 2, chapter 229, Laws of 1969 ex. sess., section 4, chapter 27, Laws of 1970 ex. sess. and RCW 43.22.370; repealing section 5, chapter 157, Laws of 1967, section 5, chapter 27, Laws of 1970 ex. sess. and RCW 43.22.380; repealing section 6, chapter 157, Laws of 1967, section 6, chapter 27, Laws of 1970 ex. sess. and RCW 43.22.390; repealing section 7, chapter 157, Laws of 1967, section 7, chapter 27, Laws of 1970 ex. sess. and RCW 43.22.400; repealing section 8, chapter 157, Laws of 1967, section 8, chapter 27, Laws of 1970 ex. sess. and RCW 43.22.410; repealing section 3, chapter 229, Laws of 1969 ex. sess., section 9, chapter 27, Laws of 1970 ex. sess., section 1, chapter 82, Laws of 1971 ex. sess., section 103, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.22.420; repealing section 10, chapter 27, Laws of 1970 ex. sess. and RCW 43.22.430; repealing section 1, chapter 21, Laws of 1977 ex. sess. and RCW 43.22.431; repealing section 2, chapter 21, Laws of 1977 ex. sess. and RCW 43.22.432; repealing section 3, chapter 21, Laws of 1977 ex. sess. and RCW 43.22.433; repealing section 5, chapter 21, Laws of 1977 ex. sess. and RCW 43.22.434; repealing section 1, chapter 153, Laws of 1980 and RCW 43.22.440; repealing section 2, chapter 153, Laws of 1980 and RCW 43.22.442; repealing section 1, chapter 44, Laws of 1970 ex. sess., section 1, chapter 22, Laws of 1973 1st ex. sess. and RCW 43.22.450; repealing section 2, chapter 44, Laws of 1970 ex. sess., section 2, chapter 22, Laws of 1973 1st ex. sess. and RCW 43.22.455; repealing section 3, chapter 44, Laws of 1970 ex. sess. and RCW 43.22.460; repealing section 4, chapter 44, Laws of 1970 ex. sess., section 3, chapter 22, Laws of 1973 1st ex. sess. and RCW 43.22.465; repealing section 5, chapter 44, Laws of 1970 ex. sess. and RCW 43.22.470; repealing section 6, chapter 44, Laws of 1970 ex. sess., section 4, chapter 22, Laws of 1973 1st ex. sess., section 104, chapter 34, Laws of 1975-'76

2nd ex. sess. and RCW 43.22.475; repealing section 7, chapter 44, Laws of 1970 ex. sess., section 5, chapter 22, Laws of 1973 1st ex. sess., section 2, chapter 76, Laws of 1979 ex. sess. and RCW 43.22.480; repealing section 8, chapter 44, Laws of 1970 ex. sess., section 6, chapter 22, Laws of 1973 1st ex. sess. and RCW 43.22.485; repealing section 9, chapter 44, Laws of 1970 ex. sess. and RCW 43.22.490; repealing section 36, chapter 304, Laws of 1981 and RCW 46.70.135; repealing section 23, chapter 231, Laws of 1971 ex. sess. and RCW 46.70.290; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4903, by Senator Gallagher:

AN ACT Relating to outdoor recreation; amending section 79, chapter 340, Laws of 1981 (uncodified); and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4904, by Senator Williams:

AN ACT Relating to public health and safety; adding new sections to chapter 19.27 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4905, by Senators Lee, Bauer and Wilson:

AN ACT Relating to special purpose districts; amending section 4, chapter 148, Laws of 1969 ex. sess. as amended by section 6, chapter 45, Laws of 1981 and RCW 56.36.040; amending section 4, chapter 28, Laws of 1961 as amended by section 6, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.040; and amending section 4, chapter 146, Laws of 1971 ex. sess. as amended by section 12, chapter 45, Laws of 1981 and RCW 57.40.130.

Referred to Committee on Local Government.

SENATE BILL NO. 4906, by Senator McCaslin:

AN ACT Relating to sewer line connections; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4907, by Senators Rasmussen, Jones and Deccio:

AN ACT Relating to garbage trucks; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 159, chapter 158, Laws of 1979 and RCW 46.44.095; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 4908, by Senators Gould, Bauer, Wojahn and Zimmerman:

AN ACT Relating to public retirement; and amending section 1, chapter 80, Laws of 1947 as last amended by section 5, chapter 256, Laws of 1981 and RCW 41.32.010.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4909, by Senator Fuller:

AN ACT Relating to solid waste management; and amending section 1, chapter 10, Laws of 1977 and RCW 70.95.040.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4910, by Senators Metcalf, Rasmussen, Peterson, Talley, Deccio and Gallagher:

AN ACT Relating to salmon resources; adding a new section to chapter 75.08 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4911, by Senators Kiskaddon and Gaspard:

AN ACT Relating to unsafe school buildings due to seismic hazard; 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. 4912, by Senators Metcalf and Vognild:

AN ACT Relating to recreation in school communities; providing for the establishment of and powers, duties and obligations of school community recreation districts and providing for the financing thereof by the issuance of bonds thereof and levying of taxes therefor; setting forth the interrelationship of school districts and their officials with school community recreation districts and their officials; declaring certain election expenses as for school district purposes; amending section 28A.57-.318, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.318; reenacting and amending section 4, chapter 268, Laws of 1961 as last amended by section 1, chapter 4, Laws of 1979 ex. sess. and by section 1, chapter 39, Laws of 1980 and RCW 42.23.030; amending section 84.52.052, chapter 15, laws of 1961 as last amended by section 20, chapter 210, Laws of 1981 and RCW 84.52.052; creating new sections; adding new sections to Title 36 RCW as a new chapter thereof; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 4913, by Senators Moore and Talmadge:

AN ACT Relating to developmentally disabled persons; adding a new section to chapter 74.09 RCW; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4914, by Senators Zimmerman, Talley and Bauer:

AN ACT Relating to the Columbia River Gorge; amending section 43.97.010, chapter 8, Laws of 1965 and RCW 43.97.010; amending section 43.97.040, chapter 8, Laws of 1965 as amended by section 3, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.040; amending section 5, chapter 48, Laws of 1975 1st ex. sess. as amended by section 124, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.97.060; adding new sections to chapter 43.97 RCW; creating new sections; repealing section 4, chapter 48, Laws of 1975 1st ex. sess., section 1, chapter 132, Laws of 1977 ex. sess. and RCW 43.97.005; repealing section 43.97.020, chapter 8, Laws of 1965, section 1, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.020; repealing section 43.97.030, chapter 8, Laws of 1965, section 2, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.030; repealing section 7, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.080; repealing section 1, chapter 226, Laws of 1981 and RCW 43.97A.010; repealing section 2, chapter 226, Laws of 1981 and RCW 43.97A.020; repealing section 3, chapter 226, Laws of 1981 and RCW 43.97A.030; repealing section 4, chapter 226, Laws of 1981 and RCW 43.97A.040; repealing section 5, chapter 226, Laws of 1981 and RCW 43.97A.050; and making an appropriation.

Referred to Committee on State Government.

SENATE BILL NO. 4915, by Senators Fleming, Ridder and McDermott:

AN ACT Relating to neighborhood assistance; and adding a new chapter to Title 43 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4916, by Senator Metcalf:

AN ACT Relating to local government; adding new sections to chapter 35.21 RCW; and adding new sections to chapter 36.01 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4917, by Senator Kiskaddon:

AN ACT Relating to the state board of education; amending section 28A.04-.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.090; amending section 28A.03.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 249, Laws of 1981 and RCW 28A.03.030; amending section 28A.04.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.100; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 4918, by Senators Zimmerman, Charnley and Fuller:

AN ACT Relating to chlorinated hydrocarbon pesticides; and adding a new section to chapter 17.21 RCW.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4919, by Senators Quigg, Hemstad and Fuller (by Department of Employment Security request):

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

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4920, by Senators Newhouse and Shipoch:

AN ACT Relating to the Washington public employees' retirement system; and amending section 1, chapter 23, Laws of 1973 and RCW 41.40.450.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4921, by Senators Williams and Lysen:

AN ACT Relating to residency for election purposes; amending section 29.01-.140, chapter 9, Laws of 1965 as amended by section 1, chapter 178, Laws of 1971 ex. sess. and RCW 29.01.140; and adding a new section to chapter 29.01 RCW.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4922, by Senators Zimmerman and Bauer:

AN ACT Relating to mineral rights; and adding a new section to Title 78 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4923, by Senators Williams and Charnley:

AN ACT Relating to firearms; amending section 1, chapter 172, Laws of 1935 as last amended by section 1, chapter 302, Laws of 1971 ex. sess. and RCW 9.41-.010; 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 7, chapter 172, Laws of 1935 as last amended by section 1, chapter 158, Laws of 1979 and RCW 9.41.070; amending section 8, chapter 172, Laws of 1935 and RCW 9.41.080; amending section 9, chapter 172, Laws of 1935 as last amended by section 1, chapter 227, Laws of 1969 ex. sess. and RCW 9.41.090; amending section 3, chapter 227, Laws of 1969 ex. sess. and RCW 9.41.095; amending section 11, chapter 172, Laws of 1935 as last amended by section 2, chapter 158, Laws of 1979 and RCW 9.41.110; amending section 16, chapter 172, Laws of 1935 as amended by section 12, chapter 124, Laws of 1961 and RCW 9.41.160; amending section 3, chapter 64, Laws of 1933 and RCW 9.41.210; adding new sections to chapter 9.41 RCW; defining crimes; providing penalties; and providing for a referendum to the voters.

Referred to Judiciary Committee.

SENATE BILL NO. 4924, by Senator Hayner:

AN ACT Relating to public employment.

Referred to Committee on State Government.

SENATE BILL NO. 4925, by Senator Hayner:

AN ACT Relating to industrial development districts.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4926, by Senator Hayner:  
AN ACT Relating to the teachers' retirement system.  
Referred to Committee on Education.

SENATE BILL NO. 4927, by Senator Newhouse:  
AN ACT Relating to water rights.  
Referred to Committee on Agriculture.

SENATE BILL NO. 4928, by Senator Newhouse:  
AN ACT Relating to irrigation.  
Referred to Committee on Agriculture.

SENATE BILL NO. 4929, by Senator Newhouse:  
AN ACT Relating to oil and gas.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4930, by Senators Zimmerman and Patterson:  
AN ACT Relating to the retail sales tax on food.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4931, by Senator Hayner:  
AN ACT Relating to compensation of public employees.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4932, by Senator Hayner:  
AN ACT Relating to the teachers' retirement system.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4933, by Senator Newhouse:  
AN ACT Relating to agricultural lands.  
Referred to Committee on Agriculture.

SENATE BILL NO. 4934, by Senator Vognild:  
AN ACT Relating to domestic processing of state timber.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 4935, by Senator Newhouse:  
AN ACT Relating to public pensions.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4936, by Senator Metcalf:  
AN ACT Relating to legislative reapportionment and redistricting.  
Referred to Committee on State Government.

SENATE BILL NO. 4937, by Senator Metcalf:  
AN ACT Relating to legislative reapportionment and redistricting.  
Referred to Committee on State Government.

SENATE BILL NO. 4938, by Senator Zimmerman:  
AN ACT Relating to the public employees' retirement system.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4939, by Senator Quigg:  
AN ACT Relating to mobile homes; and amending section 1, chapter 156,  
Laws of 1963 as last amended by section 34, chapter 304, Laws of 1981 and RCW  
64.32.010.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4940, by Senators Sellar and Quigg:  
AN ACT Relating to workers' compensation; amending section 16, chapter  
289, Laws of 1971 ex. sess. as last amended by section 4, chapter 129, Laws of 1980  
and RCW 51.16.035; and adding a new section to chapter 51.16 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4941, by Senators Quigg and Moore:

AN ACT Relating to mobile homes; amending section 6, chapter 279, Laws of 1977 ex. sess. as last amended by section 18, chapter 304, Laws of 1981 and RCW 59.20.060; amending section 1, chapter 156, Laws of 1963 as last amended by section 34, chapter 304, Laws of 1981 and RCW 64.32.010; and adding new sections to chapter 59.20 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 4942, by Senator Talmadge:

AN ACT Relating to insurance; 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 3, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.030; amending section 2, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.020; amending section 8, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.080; amending section 9, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.090; adding a new section to chapter 48.46 RCW; adding a new section to chapter 71.24 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 Financial Institutions and Insurance.

SENATE BILL NO. 4943, by Senator Newhouse:

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; and amending section 8, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.080.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4944, by Senators Gallagher, Zimmerman, Guess, Hansen, Peterson and Newhouse:

AN ACT Relating to oil and gas; amending section 3, chapter 146, Laws of 1951 and RCW 78.52.010; amending section 5, chapter 146, Laws of 1951 and RCW 78.52.025; amending section 10, chapter 146, Laws of 1951 and RCW 78.52.040; amending section 14, chapter 146, Laws of 1951 and RCW 78.52.120; amending section 22, chapter 146, Laws of 1951 and RCW 78.52.200; amending section 23, chapter 146, Laws of 1951 and RCW 78.52.210; amending section 24, chapter 146, Laws of 1951 and RCW 78.52.220; amending section 25, chapter 146, Laws of 1951 and RCW 78.52.230; amending section 26, chapter 146, Laws of 1951 and RCW 78.52.240; amending section 27, chapter 146, Laws of 1951 and RCW 78.52.250; amending section 50, chapter 148, Laws of 1951 and RCW 78.52.470; amending section 51, chapter 146, Laws of 1951 and RCW 78.52.480; adding new sections to chapter 146, Laws of 1951 and to chapter 78.52 RCW; repealing section 12, chapter 146, Laws of 1951 and RCW 78.52.070; repealing section 13, chapter 146, Laws of 1951 and RCW 78.52.100; repealing section 36, chapter 146, Laws of 1951 and RCW 78.52.340; repealing section 38, chapter 146, Laws of 1951 and RCW 78.52.350; repealing section 39, chapter 146, Laws of 1951 and RCW 78.52.360; repealing section 40, chapter 146, Laws of 1951 and RCW 78.52.370; repealing section 41, chapter 146, Laws of 1951 and RCW 78.52.380; repealing section 42, chapter 146, Laws of 1951 and RCW 78.52.390; repealing section 43, chapter 146, Laws of 1951 and RCW 78.52.400; repealing section 44, chapter 146, Laws of 1951 and RCW 78.52.410; repealing section 45, chapter 146, Laws of 1951 and RCW 78.52.420; repealing section 46, chapter 146, Laws of 1951 and RCW 78.52.430; repealing section 47, chapter 146, Laws of 1951 and RCW 78.52.440; repealing section 51, chapter 146, Laws of 1951 and RCW 78.52.480; repealing section 52, chapter 146, Laws of 1951 and RCW 78.52.490; repealing section 53, chapter 146, Laws of 1951, section 138, chapter 81, Laws of 1971 and RCW 78.52.500; repealing

section 54, chapter 146, Laws of 1951 and RCW 78.52.510; repealing section 55, chapter 146, Laws of 1951 and RCW 78.52.520; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4945, by Senators Gallagher, Talley, Zimmerman, Quigg and Peterson:

AN ACT Relating to sales of valuable materials from public lands; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4946, by Senators Quigg, Hemstad and Fuller (by Department of Employment Security request):

AN ACT Relating to employment security; amending section 8, chapter 35, Laws of 1945 as last amended by section 1, chapter 3, Laws of 1971 and RCW 50.04.070; amending section 8, chapter 266, Laws of 1959 as amended by section 3, chapter 3, Laws of 1971 and RCW 50.04.072; amending section 60, chapter 35, Laws of 1945 as last amended by section 1, chapter 142, Laws of 1980 and RCW 50.16.010; amending section 89, chapter 35, Laws of 1945 as last amended by section 9, chapter 33, Laws of 1977 ex. sess. and RCW 50.24.010; adding new sections to chapter 50.12 RCW to be designated RCW 50.12.192, 50.12.194, and 50.12.196; adding a new section to chapter 50.16 RCW; adding a new section to chapter 50.24 RCW; creating a new section; making an appropriation; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4947, by Senator Newhouse (by Board of Industrial Insurance Appeals request):

AN ACT Relating to industrial insurance; amending section 15, chapter 80, Laws of 1973 and RCW 49.17.150; amending section 3, chapter 14, Laws of 1980 and RCW 51.04.110; amending section 33, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.130; amending section 51.52.050, chapter 23, Laws of 1961 as last amended by section 75, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.050; 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 51.52.095, chapter 23, Laws of 1961 as last amended by section 78, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.095; 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 51.52.106, chapter 23, Laws of 1961 as last amended by section 4, chapter 58, Laws of 1975 1st ex. sess. and RCW 51.52.106; amending section 1, chapter 30, Laws of 1974 ex. sess. as last amended by section 11, chapter 171, Laws of 1979 ex. sess. and RCW 51.32.040; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4948, by Senators Quigg, Vognild and Talley:

AN ACT Relating to liens; and amending section 11, page 288, Laws of 1860 as last amended by section 1, chapter 144, Laws of 1927 and RCW 60.60.010.

Referred to Judiciary Committee.

SENATE BILL NO. 4949, by Senator Newhouse:

AN ACT Relating to the Washington public employees' retirement system; amending section 5, chapter 151, Laws of 1972 ex. sess. as amended by section 8, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.185; and amending section 20, chapter 274, Laws of 1947 as last amended by section 9, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.190.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4950, by Senators Quigg, Talley, McCaslin, Patterson, Zimmerman, Metcalf and Benitz:

AN ACT Relating to sales and use taxation; adding a new section to chapter 36.32 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Local Government.

SENATE BILL NO. 4951, by Senators Scott, Deccio and Lee:

AN ACT Relating to victims and witnesses of crime; adding a new chapter to Title 7 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4952, by Senator von Reichbauer:

AN ACT Relating to the authority of a metropolitan municipal corporation to charter an electric streetcar on rails operating within a city; and amending section 12, chapter 277, Laws of 1977 ex. sess. as amended by section 28, chapter 151, Laws of 1979 and RCW 35.58.020.

Referred to Committee on Transportation.

SENATE BILL NO. 4953, by Senators Pullen, Ridder, Talmadge, Vognild and Craswell:

AN ACT Relating to volunteer counselors for offenders; adding a new section to chapter 70.48 RCW; and adding new sections to chapter 72.01 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4954, by Senators Conner and Quigg:

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 18, chapter 311, Laws of 1981 and RCW 41.06.150; amending section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020; 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; amending section 9, chapter 108, Laws of 1967 ex. sess. as amended by section 20, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.090; amending section 4, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.58.020; amending section 7, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.58.050; adding a new section to chapter 41.58 RCW; repealing section 14, chapter 215, Laws of 1969 ex. sess., section 6, chapter 62, Laws of 1973 and RCW 28B.16.230; and repealing section 13, chapter 215, Laws of 1969 ex. sess. and RCW 41.06.340.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4955, by Senator Talmadge:

AN ACT Relating to revenue and taxation; amending section 47, chapter 26, Laws of 1967 ex. sess. and RCW 82.03.180; amending section 48, chapter 26, Laws of 1967 ex. sess. as last amended by section 50, chapter 209, Laws of 1979 ex. sess. and RCW 82.03.190; amending section 82.32.050, chapter 15, Laws of 1961 as last amended by section 16, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.050; amending section 82.32.060, chapter 15, Laws of 1961 as last amended by section 4, chapter 95, Laws of 1979 ex. sess. and RCW 82.32.060; amending section 82.32.100, chapter 15, Laws of 1961 as last amended by section 20, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.100; amending section 82.32.160, chapter 15, Laws of 1961 as last amended by section 4, chapter 158, Laws of 1975 1st ex. sess. and RCW 82.32.160; amending section 82.32.180, chapter 15, Laws of 1961 as last amended by section 148, chapter 81, Laws of 1971 and RCW 82.32.180; amending section 82.36.040, chapter 15, Laws of 1961 as amended by section 4, chapter 28, Laws of 1977 and RCW 82.36.040; amending section 82.48.090, chapter 15, Laws

of 1961 as amended by section 96, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.48.090; amending section 16, chapter 260, Laws of 1981 and RCW 82.50.170; amending section 84.24.070, chapter 15, Laws of 1961 and RCW 84.24.070; amending section 84.68.020, chapter 15, Laws of 1961 and RCW 84.68.020; amending section 84.68.030, chapter 15, Laws of 1961 and RCW 84.68.030; amending section 84.68.050, chapter 15, Laws of 1961 and RCW 84.68.050; amending section 84.68.060, chapter 15, Laws of 1961 and RCW 84.68.060; amending section 84.68.070, chapter 15, Laws of 1961 and RCW 84.68.070; amending section 84.68.140, chapter 15, Laws of 1961 as amended by section 210, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.68.140; amending section 84.69.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 228, Laws of 1981 and RCW 84.69.020; amending section 84.69.030, chapter 15, Laws of 1961 and RCW 84.69.030; amending section 84.69.100, chapter 15, Laws of 1961 as amended by section 4, chapter 5, Laws of 1973 2nd ex. sess. and RCW 84.69.100; amending section 84.69.120, chapter 15, Laws of 1961 as amended by section 2, chapter 228, Laws of 1981 and RCW 84.69.120; amending section 84.69.140, chapter 15, Laws of 1961 and RCW 84.69.140; adding a new section to chapter 84.48 RCW; providing effective dates; prescribing penalties; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4956, by Senators Williams, von Reichbauer, Charnley and Hansen:

AN ACT Relating to historic ferries; adding a new section to chapter 47.60 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 4957, by Senators Goltz and Guess:

AN ACT Relating to general tuition, operating and services and activities fees at institutions of higher education; amending section 2, chapter 257, Laws of 1981 and RCW 28B.15.067; amending section 7, chapter 322, Laws of 1977 ex. sess. as amended by section 3, chapter 257, Laws of 1981 and RCW 28B.15.070; and amending section 7, chapter 257, Laws of 1981 and RCW 28B.15.402.

Referred to Committee on Higher Education.

SENATE BILL NO. 4958, by Senator Talmadge:

AN ACT Relating to prison overcrowding; amending section 43.06.010, chapter 8, Laws of 1965 as last amended by section 4, chapter 53, Laws of 1979 ex. sess. and RCW 43.06.010; adding a new chapter to Title 9 RCW; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4959, by Senators von Reichbauer and Pullen:

AN ACT Relating to precincts; amending section 3, chapter 107, Laws of 1980 and RCW 29.04.040; amending section 29.04.055, chapter 9, Laws of 1965 as last amended by section 5, chapter 361, Laws of 1977 ex. sess. and RCW 29.04.055; and amending section 29.45.010, chapter 9, Laws of 1965 as amended by section 1, chapter 101, Laws of 1965 ex. sess. and RCW 29.45.010.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4960, by Senator Kiskaddon:

AN ACT Relating to delegation of authority by the superintendent of public instruction; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; and declaring emergency.

Referred to Committee on Education.

SENATE BILL NO. 4961, by Senators Quigg, Goltz, Metcalf, McCaslin and Benitz:

AN ACT Relating to sales and use taxation; and creating a new section.  
 Referred to Committee on Ways and Means.

SENATE BILL NO. 4962, by Senators Quigg and Guess:

AN ACT Relating to public assistance; amending section 2, chapter 269, Laws of 1961 as last amended by section 315, chapter 141, Laws of 1979 and RCW 74.04.390; amending section 4, chapter 15, Laws of 1969 and RCW 74.23.030; and adding a new section to chapter 74.22 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4963, by Senators von Reichbauer and Talley:

AN ACT Relating to port districts.

Referred to Committee on Transportation.

SENATE BILL NO. 4964, by Senator Talley:

AN ACT Relating to port districts.

Referred to Committee on Local Government.

SENATE BILL NO. 4965, by Senator Newhouse:

AN ACT Relating to public officials.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4966, by Senator Newhouse:

AN ACT Relating to public employee collective bargaining.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4967, by Senator Fuller:

AN ACT Relating to air pollution.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4968, by Senator Craswell:

AN ACT Relating to the state liquor control board.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4969, by Senator Craswell:

AN ACT Relating to property taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4970, by Senator Lee:

AN ACT Relating to protection for law enforcement officers.

AN ACT Relating to Committee on Local Government.

SENATE BILL NO. 4971, by Senator Zimmerman:

AN ACT Relating to cities.

Referred to Committee on Local Government.

SENATE BILL NO. 4972, by Senator Zimmerman:

AN ACT Relating to local government finance.

Referred to Committee on Local Government.

SENATE BILL NO. 4973, by Senator Zimmerman:

AN ACT Relating to local government.

Referred to Committee on Local Government.

SENATE BILL NO. 4974, by Senator Lee:

AN ACT Relating to course instruction in community colleges.

Referred to Committee on Higher Education.

SENATE BILL NO. 4975, by Senator Newhouse:

AN ACT Relating to public pensions.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4976, by Senator Quigg:  
AN ACT Relating to economic development.  
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4977, by Senator Zimmerman:  
AN ACT Relating to reincorporation of cities.  
Referred to Committee on Local Government.

SENATE BILL NO. 4978, by Senator Vognild:  
AN ACT Revising procedures for registering rebuilt motor vehicles.  
Referred to Committee on Transportation.

SENATE BILL NO. 4979, by Senator Quigg:  
AN ACT Relating to economic development.  
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4980, by Senators Vognild, Ridder, Talmadge, Williams and Fleming:

AN ACT Relating to certain financial assistance to small businesses and owner-occupied family housing.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4981, by Senators Moore and Quigg:  
AN ACT Relating to small power facilities.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4982, by Senator Talley:  
AN ACT Relating to interstate banking.  
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4983, by Senator Hayner:  
AN ACT Relating to property revaluation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 4984, by Senator Quigg:  
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4985, by Senators McDermott, Charnley, Goltz and Hansen:

AN ACT Relating to tuition and fees for institutions of higher education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 4986, by Senators Williams, Talmadge and Hurley:  
AN ACT Relating to the recovery of damages; and adding a new section to chapter 4.24 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 4987, by Senator Quigg:  
AN ACT Relating to public employees' collective bargaining; and amending section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 15, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.030.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4988, by Senator Talley:

AN ACT Relating to geographic names; amending section 2, chapter 178, Laws of 1973 1st ex. sess. as amended by section 1, chapter 26, Laws of 1975 1st ex. sess. and RCW 43.126.020; adding a new section to chapter 43.126 RCW; repealing section 12, chapter 99, Laws of 1979 and RCW 43.131.171; repealing section 54, chapter 99, Laws of 1979 and RCW 43.131.172; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 4989, by Senators Hayner, Conner, Pullen and McCaslin:  
AN ACT Relating to the award of costs of litigation in actions to challenge governmental regulation; adding a new section to chapter 4.84 RCW; creating a new section; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 4990, by Senators Fleming, Ridder and McDermott:  
AN ACT Relating to economic development; and adding a new chapter to Title 43 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4991, by Senator Zimmerman:

AN ACT Relating to deaths; amending section 1, chapter 56, Laws of 1907 as last amended by section 7, chapter 135, Laws of 1979 ex. sess. and RCW 2.36.150; amending section 5, chapter 48, Laws of 1891 and RCW 2.36.160; amending section 5, chapter 126, Laws of 1921 as last amended by section 3, chapter 19, Laws of 1975 1st ex. sess. and RCW 2.48.200; amending section 4, page 363, Laws of 1854 as last amended by section 1, chapter 127, Laws of 1937 and RCW 4.16.080; amending section 4, chapter 25, Laws of 1929 as amended by section 5, chapter 329, Laws of 1981 and RCW 6.04.040; amending section 36.16.030, chapter 4, Laws of 1963 and RCW 36.16.030; amending section 36.16.050, chapter 4, Laws of 1963 as last amended by section 1, chapter 71, Laws of 1971 and RCW 36.16.050; amending section 36.18.070, chapter 4, Laws of 1963 and RCW 36.18.070; amending section 36.28.040, chapter 4, Laws of 1963 and RCW 36.28.040; amending section 36.47.020, chapter 4, Laws of 1963 as amended by section 1, chapter 5, Laws of 1969 ex. sess. and RCW 36.47.020; amending section 46.04.040, chapter 12, Laws of 1961 and RCW 46.04.040; amending section 46.52.050, chapter 12, Laws of 1961 and RCW 46.52.050; amending section 3, chapter 58, Laws of 1903 and RCW 49.08.030; amending section 3, chapter 90, Laws of 1917 as last amended by section 1, chapter 178, Laws of 1963 and RCW 68.08.010; amending section 4, chapter 90, Laws of 1917 and RCW 68.08.020; amending section 6, chapter 90, Laws of 1917 and RCW 68.08.040; amending section 7, chapter 90, Laws of 1917 and RCW 68.08.050; amending section 2, chapter 123, Laws of 1891 as last amended by section 1, chapter 23, Laws of 1959 and RCW 68.08.070; amending section 237, chapter 249, Laws of 1909 as last amended by section 2, chapter 178, Laws of 1963 and RCW 68.08.100; amending section 6, chapter 188, Laws of 1953 and RCW 68.08.103; amending section 9, chapter 188, Laws of 1953 as amended by section 2, chapter 79, Laws of 1977 and RCW 68.08.105; amending section 10, chapter 188, Laws of 1953 as amended by section 1, chapter 28, Laws of 1975-'76 2nd ex. sess. and RCW 68.08.106; amending section 13, chapter 188, Laws of 1953 as last amended by section 1, chapter 84, Laws of 1975-'76 2nd ex. sess. and RCW 68.08.107; amending section 1, chapter 60, Laws of 1975-'76 2nd ex. sess. and RCW 68.08.300; amending section 2, chapter 60, Laws of 1975-'76 2nd ex. sess. and RCW 68.08.305; amending section 2, chapter 176, Laws of 1981 and RCW 68.08.320; amending section 2, chapter 90, Laws of 1917 and RCW 68.12.020; amending section 3, chapter 159, Laws of 1945 as last amended by section 14, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.180; amending section 1, chapter 176, Laws of 1981 and RCW 70.58.390; amending section 88, chapter 36, Laws of 1917 as amended by section 2, chapter 51, Laws of 1939 and RCW 78.40.351; adding a new chapter to Title 43 RCW; creating new sections; repealing section 36.18.030, chapter 4, Laws of 1963 and RCW 36.18.030; repealing section 36.24.010, chapter 4, Laws of 1963 and RCW 36.24.010; repealing section 36.24.020, chapter 4, Laws of 1963 and RCW 36.24.020; repealing section 36.24.030, chapter 4, Laws of 1963 and RCW 36.24.030; repealing section 36.24.040, chapter 4, Laws of 1963 and RCW 36.24.040; repealing section 36.24.050, chapter 4, Laws of 1963 and RCW 36.24.050; repealing section 36.24.060, chapter 4, Laws of 1963 and RCW 36.24.060;

repealing section 36.24.070, chapter 4, Laws of 1963 and RCW 36.24.070; repealing section 36.24.080, chapter 4, Laws of 1963 and RCW 36.24.080; repealing section 36.24.090, chapter 4, Laws of 1963 and RCW 36.24.090; repealing section 36.24.100, chapter 4, Laws of 1963 and RCW 36.24.100; repealing section 36.24.110, chapter 4, Laws of 1963 and RCW 36.24.110; repealing section 36.24.120, chapter 4, Laws of 1963 and RCW 36.24.120; repealing section 36.24.130, chapter 4, Laws of 1963 and RCW 36.24.130; repealing section 36.24.140, chapter 4, Laws of 1963 and RCW 36.24.140; repealing section 36.24.150, chapter 4, Laws of 1963 and RCW 36.24.150; repealing section 2, chapter 259, Laws of 1969 ex. sess. and RCW 36.24.155; repealing section 36.24.160, chapter 4, Laws of 1963 and RCW 36.24.160; repealing section 36.24.170, chapter 4, Laws of 1963 and RCW 36.24.170; repealing section 3, chapter 259, Laws of 1969 ex. sess. and RCW 36.24.175; repealing section 36.24.180, chapter 4, Laws of 1963 and RCW 36.24.180; repealing section 5, chapter 90, Laws of 1917 and RCW 68.08.030; repealing section 10, chapter 188, Laws of 1953, section 1, chapter 28, Laws of 1975-'76 2nd ex. sess. and RCW 68.08.106; repealing section 8, chapter 188, Laws of 1953 and RCW 68.08.108; repealing section 6, chapter 90, Laws of 1961 and RCW 68.08.290; repealing section 1, chapter 90, Laws of 1917 and RCW 68.12.010; repealing section 2, chapter 90, Laws of 1917 and RCW 68.12.020; repealing section 4, chapter 159, Laws of 1945 and RCW 70.58.190; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE JOINT MEMORIAL NO. 122, by Senators Lysen, Rasmussen, Moore, Goltz, Hughes, Hurley, Haley, McDermott, Talmadge and Williams:

Memorializing the federal government for a freeze on testing, production, and development of nuclear weapons.

Referred to Committee on State Government.

SENATE JOINT MEMORIAL NO. 123, by Senator Bottiger:

Requesting the federal government to give equal treatment to all parties in the regulation of fishing.

Referred to Committee on Natural Resources.

SENATE JOINT MEMORIAL NO. 124, by Senators Gould, Moore, Fuller, Woody, McCaslin, Wilson, Hurley and Hemstad:

Asking Congress to approve compact on nuclear waste.

Referred to Committee on Energy and Utilities.

SENATE JOINT MEMORIAL NO. 125, by Senator Bauer:

Memorializing Congress to recognize the importance of energy.

Referred to Committee on Energy and Utilities.

SENATE JOINT MEMORIAL NO. 126, by Senator Shinpoch:

Urging Congress to establish a federal severance tax trust fund.

Referred to Committee on Ways and Means.

SENATE JOINT MEMORIAL NO. 127, by Senator Quigg:

Asking Congress to recind the ban on shipment of red cedar logs.

Referred to Committee on Natural Resources.

SENATE JOINT MEMORIAL NO. 128, by Senator Quigg:

Requesting support of bill to encourage investment of pension funds in home mortgages.

Referred to Committee on Commerce and Labor.

SENATE JOINT MEMORIAL NO. 129, by Senators Moore, Hansen and Conner:

Requesting that Congress reconsider Indian treaty rights.

Referred to Committee on Natural Resources.

SENATE JOINT RESOLUTION NO. 145, by Senators Vognild, Williams, Ridder and Metcalf:

Requiring the Governor to take action when the legislature passes a bill.  
Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 146, by Senator Hayner:

Modifying the method by which property is revalued.  
Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 147, by Senator Craswell:

Authorizing the legislature to define the practice of law.  
Referred to Judiciary Committee.

SENATE CONCURRENT RESOLUTION NO. 138, by Senators Goltz, Jones and Quigg:

Establishing a Joint Select Committee on Expo '86.  
Referred to Committee on Commerce and Labor.

SENATE CONCURRENT RESOLUTION NO. 139, by Senator Guess:

Establishing a joint select committee on the State Building Code.  
Referred to Committee on State Government.

SENATE CONCURRENT RESOLUTION NO. 140, by Senators Gould and Williams:

Establishing a Joint Select Committee on Radioactive Waste.  
Referred to Committee on Energy and Utilities.

SENATE CONCURRENT RESOLUTION NO. 141, by Senators Gould and Hurley:

Recommending adoption of inverted electric rates.  
Referred to Committee on Energy and Utilities.

### MOTIONS

On motion of Senator Clarke, there being no objection, Senate Bill No. 4846 was referred to the Committee on Agriculture.

On motion of Senator Clarke, there being no objection, Senate Bill No. 4888 was referred to the Committee on Social and Health Services.

Senator Clarke moved that Senate Bill No. 4773 be referred to the Committee on Commerce and Labor.

Debate ensued.

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

### POINT OF INQUIRY

Senator Jones: "Mr. President, if you can indulge me, I was wondering if I could ask Senator Ridder if, in the past as chairman of labor, and looking around at all the rest on the Democratic side, if indeed this bill was not sent to the labor committee in the past? And I believe that is true."

Senator Ridder: "That was, Mr. President, it was the labor committee; however, it was not the commerce and labor committee and in recent years our financial institutions committee has developed an expertise which I think we should recognize."

The President declared the question before the Senate to be the roll call on the motion by Senator Clarke that Senate Bill No. 4773 be referred to the Committee on Commerce and Labor.

## ROLL CALL

The Secretary called the roll and the motion by Senator Clarke failed by the following vote: Yeas, 21; nays, 22; absent or not voting, 5; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—21.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Peterson, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Absent or not voting: Senators Deccio, Gallagher, Lee, McCaslin, Moore—5.

Excused: Senator Rasmussen—1.

## MOTION

On motion of Senator Bottiger, Senate Bill No. 4773 was referred to the Committee on Financial Institutions and Insurance.

## MOTION

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

Senator Lysen moved adoption of the following resolution:

## SENATE RESOLUTION 1982—167

By Senators Lysen, Shinpoch, Bottiger, Talley, Conner, Williams, McDermott, Metcalf, McCaslin, Goltz, and Vognild:

WHEREAS, The voters of the sovereign state of Washington overwhelmingly approved Initiative 394; and

WHEREAS, The Washington Public Power Supply System, which is limited by Initiative 394, is a municipal corporation of the sovereign state of Washington, and is subject to laws of this sovereign state; and

WHEREAS, WPPSS has failed to effectively manage and control construction costs of the five nuclear power plants; and

WHEREAS, Men at the Bonneville Power Administration, in the positions of responsibility and power, have neglected to effectively exercise authority for oversight of management and costs of the first three WPPSS nuclear plants; and

WHEREAS, The citizens of the state of Washington, in their wisdom and sovereignty, and in spite of over 1.2 million dollars spent to defeat their initiative, overwhelmingly chose Initiative 394 as the legal vehicle by which to protect their electricity costs, the state's credit rating, and our economic stability; and

WHEREAS, The Bonneville Power Administration is a federal agency which has contracted to purchase power from the utilities participating in the first three WPPSS plants, in contracts which explicitly recognize that WPPSS is a municipal corporation created and empowered by this legislature, and subject to all the laws of this legislature; and

WHEREAS, The bond fund trustees have filed a lawsuit naming the sovereign state of Washington as defendant, in an effort to have Initiative 394 declared invalid; and

WHEREAS, The Bonneville Power Administrator, Mr. Peter Johnson, has indicated his intention to allow the plaintiffs to charge the costs of their effort to overturn the law of the sovereign state of Washington to WPPSS, which would require that Washington state ratepayers pay the costs for the plaintiffs, at the same time they are funding the Attorney General in his effort to enforce the law of this sovereign state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that the efforts to charge the electric ratepayers for the costs of a lawsuit against this law enacted by the people of this sovereign state be declared contrary to the public policy of this sovereign state; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to each member of the Washington Congressional delegation, to the Bonneville Power Administrator, and to the Attorney General.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Lysen, the third 'Whereas,' I am wondering if that is essential to the resolution and I am concerned about a lawsuit started by Bonners Ferry municipality, alleging that they do not have any liability for their share of the cost of curtailment, using that 'Whereas' to add to the fuel of their lawsuit. Do you think it is essential or could we delete that to prevent us making a finding?"

Senator Lysen: "Well, it is not essential. I think it is true, however."

Senator Bottiger: "I can appreciate that and then call you as a witness. I think the turnaround in the management and I think they are doing a lot better job now, and I just do not want that brought up in a lawsuit as a finding of this senate."

Senator Lysen: "I think it was a finding of our committee, was it not, that . . ."

Senator Bottiger: "At that time, but the point is this now speaks at a later date when there has been a turnaround in the management ability. We also praised the new management and the corrections that were being made."

Senator Lysen: "Senator, I think that is an open question. The new management has presided over the disintegration of the last two plants. We now lost two plants and they were there for a year and a half and Mr. Squire was there for two years. So I certainly think that is certainly an open question. My preference would be to leave this in there and help the small communities that have been victimized by these people."

Senator Bottiger: "I hope you realize you end up paying for it if they get out."

Senator Bottiger moved adoption of the following amendment:

Delete the third paragraph.

Debate ensued.

#### POINT OF INQUIRY

Senator McDermott: "Senator Bottiger, does the legislative action of removing that question change the legal status of the fact?"

Senator Bottiger: "I do not think it changes anything. It just prevents us from making a finding that conceivably could be used by the Bonners Ferry group lawsuit as a declaration by the senate that they are currently mismanaging."

Senator McDermott: "Well, in the same logic couldn't the action that we are now proposing to take be used as an evidence in the other direction that, in fact, we are saying they had done a good job?"

Senator Bottiger: "I do not believe so, Senator McDermott. It is just a nothing. It is not a finding either way."

#### MOTION

Senator Gould moved that the Senate Resolution 1982-167 be referred to the Committee on Energy and Utilities with instructions.

Debate ensued.

## POINT OF ORDER

Senator Hayner: "I think that Senator Lysen is straying from the motion and if he wants to speak on the motion, fine, but I do not think we want to speak on the merits of the WPPSS and what they have done."

## RULING BY THE PRESIDENT

President Cherberg: "The motion before the senate is a motion by Senator Gould that the measure be referred to the senate committee on energy and utilities with instructions. The President believes that opens up the measure for full discussion."

## POINT OF INQUIRY

Senator Hurley: "Mr. President, I wonder if Senator Bottiger would yield to a question? Senator Bottiger, in relation to your request to delete the third 'Whereas,' I think I read in the paper, and on TV I have also seen that the board of WPPSS has admitted that they were not good managers, that they were not effective. And I have heard Bob Ferguson also say that he had hoped to turn it around, that in the past the management was not good, that they had made a lot of blunders, that their decision-making was not good; and in the face of all of those admissions, it just seems to me that just putting it down on paper does not make that much difference."

Senator Clarke moved the Senate adjourn.

## MOTION

At 2:04 p.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Wednesday, February 3, 1982.

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

## TWENTY-FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 3, 1982.

The Senate was called to order at 10:30 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 Hudlow and Andre' Hulet, presented the Colors. Reverend George Smith, pastor of Evergreen Christian Center of Olympia offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 2, 1982.

SENATE BILL NO. 4422, extending rule-making authority of public disclosure commission (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 4422 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

February 2, 1982.

SENATE BILL NO. 4481, revising review limitations of sewer or water district plans (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 4481 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

January 28, 1982.

SENATE BILL NO. 4494, establishing a uniform procedure for issuing and executing warrants for administrative inspections (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 4494 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 1, 1982.

SENATE BILL NO. 4558, modifying industrial insurance coverage for owner-operators of trucks (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Vognild, Williams.

Passed to Committee on Rules for second reading.

February 2, 1982.

SENATE BILL NO. 4565, authorizing fees for consulting services rendered by the office of archaeology and historic preservation (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Haley, Hansen, Hurley, Williams, Zimmerman.

Passed to Committee on Rules for second.

February 2, 1982.

SENATE BILL NO. 4602, modifying provisions relating to street lighting systems (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, Lee, McCaslin.

Passed to Committee on Rules for second reading.

February 2, 1982.

SENATE BILL NO. 4603, providing the means for the payment of public indebtedness on public improvements (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 4603 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Wilson.

Passed to Committee on Rules for second reading.

February 1, 1982.

SENATE BILL NO. 4690, recognizing current practices in county road administration (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice-Chairman; Benitz, Charnley, Conner, Gallagher, Hansen, Kiskaddon, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 1, 1982.

SENATE BILL NO. 4713, adjusting the distribution formula for the motor vehicle fund (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice-Chairman; Sellar, Vice-Chairman; Benitz, Gallagher, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Talley, Vognild.

MINORITY recommendation: Do not pass.

Signed by: Senator Conner.

Passed to Committee on Rules for second reading.

February 2, 1982.

SENATE BILL NO. 4845, restricting the use of absentee ballots to certain circumstances (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Clarke, Gould, Metcalf, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senators Conner, Ridder.

Passed to Committee on Rules for second reading.

February 2, 1982.

SENATE JOINT MEMORIAL NO. 120, requesting Congress to authorize apportionments from the Federal Land and Water Conservation Fund (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Fuller, Chairman; Bluechel, Goltz, Guess, Haley, Hansen, Hurley, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

February 2, 1982.

SENATE JOINT RESOLUTION NO. 139, amending the Constitution to facilitate reorganization of the executive branch (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 139 be substituted therefor, and the substitute resolution do pass.

Signed by: Senators Pullen, Chairman; Clarke, Gould, Metcalf.

MINORITY recommendation: That it not be substituted.

Signed by: Senators Ridder, Woody.

Passed to Committee on Rules for second reading.

February 1, 1982.

SENATE CONCURRENT RESOLUTION NO. 133, establishing 1982 as "Washington Works Year" (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

February 1, 1982.

SENATE CONCURRENT RESOLUTION NO. 135, establishing the policy of giving priority to ride-sharing programs and other transportation system techniques (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice-Chairman; Benitz, Charnley, Conner, Gallagher, Hansen, Kiskaddon, Peterson, Talley.

Passed to Committee on Rules for second reading.

February 3, 1982.

ENGROSSED HOUSE BILL NO. 46, protecting shellfish pots (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Patterson, Peterson, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

February 3, 1982.

SUBSTITUTE HOUSE BILL NO. 135, modifying provisions relating to forest protection (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gallagher, Chairman; Patterson, Peterson, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

Office of the Governor, November 5, 1981.

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

LADIES AND GENTLEMEN:

Jeff Domaskin has resigned his appointment as a member of the State Parks and Recreation Commission. I, therefore, withdraw my nomination and request for Senate confirmation of his appointment.

Sincerely,  
JOHN SPELLMAN  
Governor.

Office of the Governor, February 2, 1982.

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

LADIES AND GENTLEMEN:

Kenneth B. Rice has resigned his appointment as a member of the Board of Trustees for Community College District No. 5. I, therefore, withdraw my nomination and request for Senate confirmation of his appointment.

Sincerely,  
JOHN SPELLMAN  
Governor.

#### MESSAGES FROM THE HOUSE

February 2, 1982.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 40,  
SUBSTITUTE HOUSE BILL NO. 58,  
SUBSTITUTE HOUSE BILL NO. 259,  
SUBSTITUTE HOUSE BILL NO. 268,  
SUBSTITUTE HOUSE BILL NO. 293,  
HOUSE BILL NO. 401,  
SUBSTITUTE HOUSE BILL NO. 452, ,  
ENGROSSED HOUSE BILL NO. 554,  
ENGROSSED HOUSE BILL NO. 569,  
ENGROSSED HOUSE BILL NO. 660, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February, 2, 1982.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 822,  
ENGROSSED HOUSE BILL NO. 842, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 2, 1982.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 837,  
HOUSE BILL NO. 865,  
SUBSTITUTE HOUSE BILL NO. 878,  
HOUSE BILL NO. 942, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 2, 1982.

Mr. President: The Speaker has signed: HOUSE CONCURRENT RESOLUTION NO. 36, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

**SUBSTITUTE HOUSE BILL NO. 40**, by Committee on Ethics, Law and Justice (originally sponsored by Representatives Barr, Prince, Amen, Hastings and Berleen):

Exempting small local governments from the Public Disclosure Act.

Referred to Committee on Constitutions and Elections.

**SUBSTITUTE HOUSE BILL NO. 58**, by Committee on Local Government (originally sponsored by Representatives Owen, Nisbet, Brown, Berleen, Granlund, Hine and Garson):

Requiring only one copy of certain codes to be filed with local governments.

Referred to Committee on Local Government.

**SUBSTITUTE HOUSE BILL NO. 259**, by Committee on State Government (originally sponsored by Representatives Brekke, Addison, Wang, Hankins, Nelson (D), Burns, Valle, Kreidler, Monohon, Rust, Pruitt and Ellis):

Providing plans for conserving paper resources by governmental agencies.

Referred to Committee on State Government.

**SUBSTITUTE HOUSE BILL NO. 268**, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representatives Ellis, Hine, Burns and Rust):

Delaying vehicle license renewal until unpaid parking fines are paid.

Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 293**, by Committee on Ethics, Law and Justice (originally sponsored by Representatives Patrick, Brown, Barr and Stratton):

Making prostitution involving a minor a class C felony.

Referred to Judiciary Committee.

**HOUSE BILL NO. 401**, by Representatives Galloway, Vander Stoep, Bender and Heck:

Authorizing educational service districts to establish direct student service programs.

Referred to Committee on Education.

**SUBSTITUTE HOUSE BILL NO. 452**, by Committee on Transportation (originally sponsored by Committee on Transportation and Representatives Martinis, North and Garrett):

Providing for city council members as members of the urban arterial board.

Referred to Committee on Transportation.

**ENGROSSED HOUSE BILL NO. 554**, by Representatives Burns, Eng, Maxie, Bender, Tupper and Isaacson:

Allowing cities or towns to borrow on expected revenue from utility projects.

Referred to Committee on Local Government.

**ENGROSSED HOUSE BILL NO. 569**, by Representatives Nickell, Patrick, Clayton, Struthers, Ellis and Hastings:

Redefining habitual criminal status.

Referred to Judiciary Committee.

**ENGROSSED HOUSE BILL NO. 660**, by Committee on Labor and Economic Development and Representatives Sanders, Clayton, Barr and Smith:

Modifying labor dispute disqualification for unemployment benefits.

Referred to Committee on Commerce and Labor.

ENGROSSED HOUSE BILL NO. 822, by Committee on Appropriations—General Government and Representative Williams:

Modifying the filing officer's duties and filing fees for amendments under Article 9 of the UCC.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 837, by Committee on State Government (originally sponsored by Committee on State Government and Representatives Addison, Johnson, Brown, Hankins, James, Greengo, Sprague, Salatino, Tupper, Nisbet, Tilly and Garson):

Providing incentive pay for state employees.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 842, by Committee on Natural Resources and Environmental Affairs and Representative Rosbach (by Department of Fisheries request):

Modifying provisions relating to crab fishing.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 865, by Committee on Appropriations—General Government and Representatives Williams, North and Stratton:

Appropriating funds for the establishment of a boat moorage fee program at selected state parks.

Referred to Committee on Parks and Ecology.

SUBSTITUTE HOUSE BILL NO. 878, by Select Committee on Deregulation and Productivity (originally sponsored by Committee on Deregulation and Productivity and Representative Williams):

Expanding the business license program including creating the business license center.

Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 942, by Committee on Appropriations—General Government and Representatives Williams, Wang and Johnson:

Modifying the membership requirements on the commission on Asian—American affairs.

Referred to Committee on State Government.

#### SIGNED BY THE PRESIDENT

The President signed: HOUSE CONCURRENT RESOLUTION NO. 36.

#### MOTIONS

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

On motion of Senator Clarke, the Senate resumed consideration of Senate Resolution 1982—167 from February 2, 1982. At that time, Senator Gould had moved that the resolution be referred to the Committee on Energy and Utilities.

Debate ensued.

The motion by Senator Gould carried. Senate Resolution 1982—167 was referred to the Committee on Energy and Utilities.

#### MOTION

Senator Wojahn moved adoption of the following resolution:

## SENATE RESOLUTION 1982—169

By Senators Wojahn, Gallaghan, Rasmussen, Bauer, Bottiger, Goltz, Gaspard, Hughes and Haley:

WHEREAS, The State of Washington and the Tacoma Public Schools have suffered a significant loss in the recent death of L. H. (Vern) Bates, Mr. Vocational Education; and

WHEREAS, The citizens of the state were served with dedication, intelligence and effectiveness through his personal and professional contributions; and

WHEREAS, All persons fortunate enough to have had personal contact with Mr. Bates received a living example of personal and professional integrity that added materially to each individual; and

WHEREAS, The Legislature has looked to Mr. Bates for wise, practical and useful advice and counsel for many years in formulating its significant policy decisions relating to vocational education; and

WHEREAS, Mr. Bates served in significant public positions during his lifetime, including Administrative Director of Vocational Education for the Tacoma Public Schools, Commissioner of the State Department of Employment Security (September 1951 to September 1953), Director of the State Department of Labor and Industries (May 1955 to January 1957), and as special assistant to United States Department of Labor Secretary and was later appointed by Secretary of Labor Mitchell to the position of national director of the Bureau of Apprenticeship and Training; and

WHEREAS, Labor and management in Washington State have long recognized his contribution to both industry and people;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington gratefully acknowledges and appreciates the significant contributions of L. H. Bates and mourns his recent passing; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate certify this resolution and present a copy to Mr. Bates' daughter, Colleen Sterns, and The L. H. Bates Vocational-Technical Institute.

## REMARKS BY SENATOR WOJAHN

Senator Wojahn: "Mr. President, members of the Senate. L. H. Bates is a bona fide and genuine Washington product. Born in Spokane, he is as much a part of the history and the tradition of vocational education in the state of Washington as green-up time is to the farming community around Walla Walla.

"And just as the farmer harnesses the elements of nature and uses them to make things grow, Vern Bates creatively and with persistence gave substance to the work ethic by providing structured educational work programs. He is quoted once as having said 'We gave students work to do. Their projects were all productive. That is what made it work.'

"And he further quoted, stated: 'You can take any person and they can make an orange crate if you give them enough time. But you do it on a time schedule and to meet standards of industry, is where we come in, in vocational education.' And then after saying this he went on to prove exactly what he could do and what could be done.

"L. H. Bates Vocational Technical School now covers several square blocks in the heart of Tacoma, and stands as a monument to his efforts. It is a far cry from Tacoma's first vocational program authorized by the Tacoma school board and started by Mr. Bates, which had its beginning in early 1944 in rented buildings. And even then, in spite of the handicaps of finding placement and places to do projects, 17,000 workers were trained for war industries before World War II ended.

"Mr. Bates held state positions that included commissioner of the department of employment security, and director of the department of labor and industries

under the Langley administration, both times. Although he was an avowed Democrat, he did serve in Republican administrations; he served with much stature. He also served in the national administration during the Eisenhower administration as a special assistant to U. S. Secretary of Labor, and was later appointed to the newly established position of national director of the bureau of apprenticeship and training.

"Throughout his years of dedicated service, he maintained his balance and affection for working men and women with whom he related because he had his beginnings as a journeyman printer. He treated the smallest pea in the pod with the same respect as he treated the jolly green giant."

#### REMARKS BY SENATOR HALEY

Senator Haley: "Thank you, Mr. President; ladies and gentlemen of the senate.

"In spite of the fact that I was born and raised in Tacoma and took my education there, I did not know Mr. Bates. I was away doing my own 'thing.'

"And those were the years when, during the war and right afterwards, so many Tacomans were not in town but came back later to find out what a marvelous institution Bates Vocational Technical Institute has become. I think that thousands and thousands of people who have been trained there, are a living tribute to this man with this tremendous amount of foresight. I think that this resolution is very appropriate, but I think a far greater and a far more significant tribute to this man are all those people."

#### REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, members of the Senate.

"Unfortunately, of course, that all great people usually get their recognition after they are dead and gone; but in this case the results of this man's work, Mr. Bates, is going on; his successors in the job are doing the same thing, they are enabling the young people of the state to go ahead and get an education, be able to work with both their hands and their brains, and are doing a tremendous job.

"During the war and later, we have had a great demand from certain industries for skilled training of their workers and for additional crews. This is what the Bates Vocational School does. And you all recall the big fights that we have had in the past on the benefits of vocational training. Well, most certainly the history that this man has given us in what vocational training can do, has been very worthwhile to the state — a good example for the rest of the nation. I am only sorry that Mr. Bates could not be here today to listen to the remarks that we are able to make about him and the great work he has done both in the fight to get the vocational school built, and then to provide the necessary training in the school. And it was a battle but the people supported him and the people voted the bond issues, both for the school and for the equipment; and his work was recognized not alone in the state but also out of the state, and that he was working on the national level for the department of labor.

"I urge the support for this resolution."

The motion by Senator Wojahn carried and the resolution was unanimously adopted.

The President introduced the family and friends of Mr. Bates that were seated in the south gallery.

The Senate observed a moment of silence in memory of Mr. Bates.

#### MOTIONS

On motion of Senator Lee, the Committee on Energy and Utilities was relieved from further consideration of Senate Bill No. 4904.

On motion of Senator Lee, Senate Bill No. 4904 was rereferred to the Committee on Social and Health Services.

On motion of Senator Clarke, the Senate returned to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 4115.

## SECOND READING

SENATE BILL NO. 4115, by Senators Sellar and Wojahn:  
Revising laws relating to international banking facilities.

## MOTIONS

On motion of Senator Sellar, Substitute Senate Bill No. 4115 was substituted for Senate Bill No. 4115 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Sellar, the following amendment was adopted:

On page 3, line 28, beginning with "subsections" strike all material down to and including "section" on line 30, and insert "subsection (1) of this section"

On motion of Senator Sellar, the rules were suspended, Engrossed Substitute Senate Bill No. 4115 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 Sellar, I heard on a news broadcast and saw a brief item in the paper that the Pentagon and the federal government was very concerned with foreign corporations taking over the corporations in the United States and, principally some of the bigger corporations that are in defense. Will this encourage that, that the foreign banking will also take over all of the foreign banking, or take over the national banks here in the United States so we will be solely controlled by foreign governments? The reason I ask that, in most instances the foreign governments are the foreign banks and they operate as a branch of the government."

Senator Sellar: "I appreciate your concern, Senator, and I share your concern. However, I do not believe that this bill either helps or hurts that particular practice.

"We are talking about an international banking facility of an American bank. We are talking about Rainier or Seafirst or one of these banks having an international banking facility here in the state of Washington. It would deal only with accounts that come from citizens outside the state of Washington. Basically, they are operating these banks now, except they are operating them offshore, they are not in the state of Washington. California and Oregon have already authorized this. Some of the local banks have already set up their international banking facilities in those states and they are anxious to bring them here and we would like to have the employment of those folks being here.

"So I think directly it does not help nor does it hinder your concern."

Senator Rasmussen: "One further question, Senator Sellar. Does this also require reciprocity?"

Senator Sellar: "To the best of my knowledge does not."

Senator Rasmussen: "Why not?"

Senator Sellar: "Reciprocity with who?"

Senator Rasmussen: "So that if we grant banking interests in this country that we also get the same privileges in the other countries."

Senator Sellar: "No, that is not in this bill."

Debate ensued.

## POINT OF INQUIRY

Senator Shinpoch: "Senator Sellar, there are two portions of the bill and the portion of the bill that I am concerned about is that which provides tax exemption. Did you have testimony in your committee what the amount of tax exemption would be?"

Senator Sellar: "No, sir, we did not."

Senator Shinpoch: "I suppose it might be an appropriate question for the body to ask the chairman of the committee, 'Why not?'"

Senator Sellar: "Because this is a tax that we are currently not collecting because these facilities are offshore and bringing them onto shore, it gives no net tax loss, it is something that we are not collecting now, we are not going to be collecting when these facilities are here; the employees, which are not going to be a great number, I cannot stand here and tell you it is going to employ a hundred people or something like that. But we are going to employ maybe four, five, six, seven or eight people, who knows, whatever the banking might build up; but those people are going to be employed here rather than Tokyo and I think that is a plus. If we put the B&O tax on those assets, they simply will not come to the state of Washington, they will go to the state of Oregon, they will go to the state of California as they are now; so it is not a matter of a tax loss, it is a matter of not collecting a tax that we are not collecting now; therefore we did not deal with the amount that we are not collecting."

Senator Shinpoch: "If we used that same argument with Hewlett Packard when they wanted to come in here, well then I suppose we could have given them a tax exemption for all of theirs because they are not here now; and if they were not going to pay our taxes well then, the manner in which we should go about getting them in here is to not tax them. I don't mind if they stay in the Cayman Islands; I have heard no testimony that there is going to be a large number of people here. We are simply doing this for the convenience of the banks and I have no objection to that if you want to stand up and say that. We are simply doing this for the convenience of the bank. We have people that simply, that bank here, that do not want to pay the proper amount of taxes—they want to leave them in the Cayman Islands, that is fine with me. But if you used your argument that they are not here therefore we are not losing anything, we would use the same argument last year with Hewlett Packard, the same thing with Lockheed or any other company that wanted to locate here, that if we exempt them from all of our state taxes, we would not be losing anything because they are not located here now. I find that a difficult argument in which to find the logic."

Senator Lysen moved that Substitute Senate Bill No. 4115, as amended, be rereferred to the Committee on Ways and Means.

Senator McDermott 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 Lysen that Substitute Senate Bill No. 4115, as amended, be rereferred to the Committee on Ways and Means.

## ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 19; nays, 30.

Voting yea: Senators Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Woody—19.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallaghan, Gould, Guess, Haley, Hayner, Hemstad, Jones,

Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Wojahn, Zimmerman—30.

Further debate ensued.

#### MOTION

Senator Rasmussen moved that Substitute Senate Bill No. 4115, as amended, be held for consideration on February 4, 1982.

Debate ensued.

The motion by Senator Rasmussen failed.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4115.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4115 and the bill passed the Senate by the following vote: Yeas, 35; nays, 14.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Wojahn, Zimmerman.—35.

Voting nay: Senators Charnley, Hughes, Lysen, McDermott, Metcalf, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Woody—14.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4115, having received the 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. 4544, by Senators von Reichbauer, Vognild and Benitz:

Permitting the department of licensing to supply lists of vehicle owners for certain purposes.

#### REPORT OF STANDING COMMITTEE

January 20, 1982.

SENATE BILL NO. 4544, permitting the department of licensing to supply lists of vehicle owners for certain purposes (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 24, before "vehicles" insert "specific"

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Talley.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the committee amendment was adopted.

On motion of Senator Talmadge, the following amendments were considered and adopted simultaneously:

On page 1, line 16, after "(2)", strike "Authorized commercial agents or contractors of any" and insert "Any"

On page 1, line 18, after "used" and before "only" insert "by it or by its authorized commercial agents or contractors"

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Senate Bill No. 4544 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Talmadge: "Senator von Reichbauer, I wanted to get it nailed down explicitly in the record, is it intended that the list maintained by the department of licensing or by the department of motor vehicles' be distributed to any commercial enterprise for purposes of commercial solicitation of any kind?"

Senator von Reichbauer: "Senator Talmadge, that is not the intention of the bill."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4544 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Moore—1.

Absent or not voting: Senator Bottiger—1.

ENGROSSED SENATE BILL NO. 4544, having received the 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 Clarke, Senate Bill No. 4133 will be considered following Senate Bill No. 3328.

#### SECOND READING

SENATE BILL NO. 3328, by Senators Fleming, Jones, Bottiger, Hayner, Talley, Peterson, Sellar, Shinpoch and Clarke:

Creating the legislative facilities committee to provide legislative control over legislative buildings.

#### MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 3328 was substituted for Senate Bill No. 3328 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fleming, the rules were suspended, Substitute Senate Bill No. 3328 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 Fleming, we have over 200,000 people out of work in this state, and we have a lot of concern about that situation getting reversed. I just wondered if you might review for us the jobs impact we have here. I notice there is no fiscal note available. Is this going to cost the taxpayers any money? Those poor

folks who are already burdened up to the eyeballs? What benefit is there to be gained by passing a bill that is concerned about space when we are concerned about jobs?"

Senator Fleming: "Twofold, Senator, I am glad you asked. It will have a lot more to do than the bill you just voted through a few minutes ago.

"But let us look at it this way. I am a representative of the people. I am a representative of the people, and I think the people of this state would be very much more concerned about my overseeing or watching the purse string as it relates to this building. If you would check, and I can give you the information where it is, one of the things that brought this about was that we are spending more of the taxpayers' money for the space that we occupy than we should. And I think that, in itself, would be tax saving; I think that, in itself, is something that you, Senator, and other members on this floor, should be concerned about. Why should we be paying more than we are supposed to be paying? And that has been indicated up to now, so I think this is sort of a little savings and I think it will help our economy, at least in this legislative building."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3328 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Bluechel—1.

SUBSTITUTE SENATE BILL NO. 3328, having received the 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. 4133, by Senators Quigg, Ridder and Sellar (by Governor Spellman request):

Modifying adjustments in compensation or death benefits payable under industrial insurance system.

The bill was read the second time by sections.

On motion of Senator Bottiger, the following amendments were considered and adopted simultaneously:

On page 1, line 14, strike "1981" and insert "1982"

On page 1, line 16, strike "1981" and insert "1982"

On page 1, line 25, strike "1981" and insert "1982"

On page 1, line 28, strike "1982" and insert "1983"

On page 2, line 1, strike "1982" and insert "1983"

On page 2, line 9, strike "1982" and insert "1983"

On page 2, line 13, strike "1982" and insert "1983"

Senator Woody moved adoption of the following amendment by Senators Woody and Quigg:

On page 2, after line 9, insert the following:

"Sec. 2. 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 are each amended to read as follows:

(1) For the permanent partial disabilities here specifically described, the injured worker shall receive compensation as follows:

#### LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium) .....	\$36,000.00
Of leg at or above knee joint with functional stump .....	32,400.00
Of leg below knee joint .....	28,800.00
Of leg at ankle (Syme) .....	25,200.00
Of foot at mid-metatarsals .....	12,600.00
Of great toe with resection of metatarsal bone .....	7,560.00
Of great toe at metatarsophalangeal joint .....	4,536.00
Of great toe at interphalangeal joint .....	2,400.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone .....	2,760.00
Of lesser toe at metatarsophalangeal joint .....	1,344.00
Of lesser toe at proximal interphalangeal joint .....	996.00
Of lesser toe at distal interphalangeal joint .....	252.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder .....	36,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon .....	34,200.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand .....	32,400.00
Of all fingers except the thumb at metacarpophalangeal joints .....	19,440.00
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone .....	12,960.00
Of thumb at interphalangeal joint .....	6,480.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone .....	8,100.00
Of index finger at proximal interphalangeal joint .....	6,480.00
Of index finger at distal interphalangeal joint .....	3,564.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone .....	6,480.00
Of middle finger at proximal interphalangeal joint .....	5,184.00
Of middle finger at distal interphalangeal joint .....	2,916.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone .....	3,240.00
Of ring finger at proximal interphalangeal joint .....	2,592.00
Of ring finger at distal interphalangeal joint .....	1,620.00
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone .....	1,620.00
Of little finger at proximal interphalangeal joint .....	1,296.00
Of little finger at distal interphalangeal joint .....	648.00

#### MISCELLANEOUS

Loss of one eye by enucleation .....	14,400.00
Loss of central visual acuity in one eye .....	12,000.00
Complete loss of hearing in both ears .....	28,800.00
Complete loss of hearing in one ear .....	4,800.00

(2) Compensation for amputation of a member or part thereof at a site other than those above specified, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment: PROVIDED, That in order to reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments. For purposes of calculating monetary benefits, the amount payable for total bodily impairment shall be deemed to be sixty thousand dollars: PROVIDED, That compensation for unspecified permanent partial disabilities involving injuries to the back that do not have marked objective clinical findings to substantiate the disability shall be determined at an amount equal to seventy-five percent of the monetary value of such disability as related to total bodily impairment: PROVIDED FURTHER, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of sixty thousand dollars, except that the total compensation for all unspecified permanent partial disabilities involving injuries to the back that do not have marked objective clinical findings to substantiate the disability and resulting from the same injury shall not exceed the sum of forty-five thousand dollars: PROVIDED FURTHER, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured worker if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured worker and his or her monthly compensation payments shall be reduced accordingly.

(3) Should a worker receive an injury to a member or part of his or her body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such worker, his or her compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(4) When the compensation provided for in subsections (1) and (2) exceeds three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured worker in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate of six percent on the unpaid balance of such compensation commencing with the second monthly payment: PROVIDED, That upon application of the injured worker or survivor the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall

cease in whole or in part. Such conversion may be made only upon written application of the injured worker or survivor to the department and shall rest in the discretion of the department depending upon the merits of each individual application: **PROVIDED FURTHER**, That upon death of a worker all unpaid installments accrued (~~(, less interest,)~~) shall be paid ~~((in a lump sum amount))~~ according to the payment schedule established prior to the death of the worker to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title."

Renumber the sections consecutively.

#### POINT OF INQUIRY

Senator Pullen: "Senator Woody, I am certainly not unsympathetic to the intent of this amendment but I just wanted to clarify one point. Some widows may want to receive a lump sum and for their particular situation, that would be a desirable thing to receive.

"Now, what I want to know, is under what circumstances under the terms of your amendment, it would go as a lump sum and under what circumstances as a monthly payment? Is it solely the choice of the provider or . . .?"

Senator Woody: "I can answer that, Senator Pullen. On page 10, line 29, the change is made to include survivor in the provision which currently allows an injured worker to apply to the department for a lump sum payment, so a widow would have that same right to apply for a lump sum. This would simply stipulate that the payment would continue on a monthly schedule unless there is an application for lump sum."

Senator Vognild moved adoption of the following amendment to the amendment by Senators Woody and Quigg:

On page 10, line 25, strike "six" and insert "~~((six))~~ eight".

#### POINT OF INQUIRY

Senator Scott: "I believe the difference between six and eight would be coming out of the general fund, (a) do we have a fiscal note? (b) I would remind the members that people who are taking payments on a monthly basis have that option as opposed to getting lump sums. Do we have a fiscal note?"

Senator Vognild: "No; if we had a fiscal note on this, in my opinion, it would be one of those fiscal notes saying 'How much did we, we are losing this much' when in reality it should have shown us how much we were really gaining on the whole thing. We are gaining money when we hold it at investment at a higher rate than we later return to the people. We can make that kind of fiscal note up, I am sure, Senator, as you know. But I believe if the money was taken out to start with, how much would we lose? What we would lose is the profit we otherwise are making when we invest it at a higher interest rate, then we turn around and pay back to the people.

"I do not have a fiscal note. In my opinion the fiscal note would not be a factual note if we had it."

Senator Scott: "By the same logic then, the 12% lid should raised?"

Senator Vognild: "No, sir; by the same logic, the 12% lid should be 8%."

#### MOTION

Senator McDermott moved that Senate Bill No. 4133, as amended, and the pending amendment by Senators Woody and Quigg and the amendment to the amendment by Senator Vognild be held down two measures.

MOTION

At 12:09 p.m., on motion of Senator Clarke, the Senate adjourned until 10:00 a.m., Thursday, February 4, 1982.

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

## TWENTY-FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, February 4, 1982.

The Senate was called to order at 10:00 a.m. by President Cherberg.

The President declared the Senate be at ease.

The President called the Senate to order at 11:35 a.m.

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

### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of The Very Reverend John Leffler, Dean Emeritus of St. Mark's Episcopal Church of Seattle and appointed Senators Clarke, Jones, McDermott and Bottiger as a committee of honor to escort the honored guest to a seat on the rostrum.

The committee of honor was discharged.

The Color Guard, consisting of Pages Dawn Murphy and David Nghiem, presented the Colors.

The President introduced The Very Reverend Leffler.

With permission of the Senate, business was suspended to permit the honored guest to address the Senate.

The visiting minister offered the morning prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 4, 1982.

SENATE BILL NO. 4548, requiring children under five in their parents' vehicles to be secured in a child passenger restraint system (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 2, 1982.

SENATE BILL NO. 4623, authorizing increase in levies for school district maintenance and operation purposes (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Gaspard, Hemstad, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1982.

SENATE BILL NO. 4660, revising procedures for administrative rule-making notices and statements of purpose (reported by Judiciary Committee):

Recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.  
Passed to Committee on Rules for second reading.

February 4, 1982.

SENATE BILL NO. 4717, giving free copies of state statutes and rules to legislative committees (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Quigg, Rasmussen.

Passed to Committee on Rules for second reading.

February 4, 1982.

SENATE BILL NO. 4733, modifying certain methods of handling juvenile offenders (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen.

MINORITY recommendation: Do not pass.

Signed by: Senators Hughes, Talmadge.

Passed to Committee on Rules for second reading.

February 3, 1982.

THIRD SUBSTITUTE HOUSE BILL NO. 179, creating the council on child abuse and neglect (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1982.

HOUSE BILL NO. 357, modifying provisions on the preservation and destruction of public records (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

February 3, 1982.

HOUSE BILL NO. 461, authorizing educational reciprocity as to institutions of higher education with state of Idaho (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson, von Reichbauer.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

February 3, 1982.

MARY GATES, to the position of Member of the Board of Regents for the University of Washington, reappointed by the Governor on October 1, 1981 for the term ending September 30, 1987 (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Scott, von Reichbauer.

Passed to Committee on Rules.

February 3, 1982.

ROBERT B. McEACHERN, to the position of Member of the Board of Regents for Washington State University appointed by the Governor on October 6, 1981 for the term ending September 30, 1987, succeeding Edith D. Williams (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Scott, von Reichbauer.

Passed to Committee on Rules.

February 3, 1982.

KATE B. WEBSTER, to the position of Member of the Board of Regents for Washington State University, reappointed by the Governor on October 6, 1981 for the term ending September 30, 1987 (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Scott, von Reichbauer.

Passed to Committee on Rules.

#### MESSAGES FORM THE HOUSE

February 3, 1982.

Mr. President: The House has passed:

HOUSE BILL NO. 273,

HOUSE BILL NO. 832,

SUBSTITUTE HOUSE BILL NO. 835,

HOUSE BILL NO. 864,

SUBSTITUTE HOUSE BILL NO. 869,

SUBSTITUTE HOUSE BILL NO. 932, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 3, 1982.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 751, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### INTRODUCTIONS AND FIRST READING

HOUSE BILL NO. 273, by Committee on Natural Resources and Environmental Affairs and Representatives Rosbach, Garrett and North:

Authorizing increases in the compensation paid members of the youth development and conservation corps.

Referred to Committee on Parks and Ecology.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 751, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representatives Tupper and Monohon):

Increasing the maximum salaries for part-time justices of the peace.

Referred to Judiciary Committee.

HOUSE BILL NO. 832, by Committee on Agriculture and Representative Padden:

Authorizing energy conservation programs by irrigation districts.

Referred to Committee on Agriculture.

**SUBSTITUTE HOUSE BILL NO. 835**, by Committee on State Government (originally sponsored by Committee on State Government and Representatives Addison, Johnson, Nelson (G), Dickie, Brown, McGinnis, Eberle, Leonard, Hankins, Ellis, James, Greengo, King (J), Sprague, Salatino, Tupper, Nisbet, Garson, Barr and Armstrong.

Directing that statutes and administrative rules be written in simple, clear, and concise language.

Referred to Committee on State Government.

**HOUSE BILL NO. 864**, by Committee on Ethics, Law and Justice and Representative Ellis:

Establishing a task force on court congestion.

Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 869**, by Committee on Education (originally sponsored by Representative Dawson):

Authorizing school districts to issue bonds for purchase of pupil transportation vehicles.

Referred to Committee on Education.

**SUBSTITUTE HOUSE BILL NO. 932**, by Committee on Agriculture (originally sponsored by Committee on Agriculture and Representatives Hastings and Smith):

Deleting irrigation districts from application of certain laws relating to adverse possession.

Referred to Committee on Agriculture.

### MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Substitute House Bill No. 787.

### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 787**, by House Committee on Select Committee on Redistricting (originally sponsored by Representatives Eberle, Sanders and Prince):

Providing for congressional redistricting and reapportionment and establishing a redistricting commission.

The bill was read the second time by sections.

Senators Bottiger, Goltz and Rasmussen demanded a Call of the Senate.

Debate ensued.

The motion by Senator Bottiger failed and the Call of the Senate was not sustained.

Senator Vognild moved the following amendments by Senators Vognild, Gould, Woody and Charnley be considered and adopted simultaneously:

On page 5, after line 9, insert the following:

"T 901

T 902

T 903

T 904

T 905

T 906"

On page 5, after line 13, insert the following:

"T 911

T 912  
 T 913  
 T 914  
 T 915  
 T 916  
 T 917  
 T 918  
 T 919"

On page 5, line 15, strike "The city of Everett"

On page 5, beginning on line 30, strike all the material down to and including "Everett" on line 32 and insert the following "T 519.04 (Part: the part that is not in the forty-fourth legislative district)"

On page 5, line 33, after "T 520", strike all the material down to and including "148th St S.E. and" on line 34

On page 6, line 1, strike "extension thereof"

On page 6, line 2, after "T 521.02", strike "(Part: B 114-129)"

On page 6, line 17, strike all the material beginning on line 17 down to and including "districts" on line 18

On page 8, line 22, strike "T 918 (Part: BG 2)"

Debate ensued.

#### POINT OF INQUIRY

Senator Vognild: "Senator Metcalf, the Constitution requires that redistricting have several criteria, one of which is . . ."

Senator Metcalf: "No, Senator, I do not believe it does."

Senator Vognild: ". . . it does not require that the . . ."

Senator Metcalf: "No, that it is not constitutional; the only requirements are guidelines relative to splitting racial minorities. But there are no constitutional, in fact, the court once ruled that, essentially gerrymandering, drawing districts for political purposes, redistricting is a political process and that is, will pass court guidelines. It is not the kind of thing that I can, we would like but the court has said that."

Senator Vognild: "Senator, I made a mistake. I understand it is the court direction that has laid down criteria, one of which is the community of interest; and I wanted to ask you, if, in your opinion, leaving, putting Everett in the first district, removing it from the second, would be of community, the proper community interest for the city of Everett?"

Senator Metcalf: "Well, the community interest of Everett is with the second congressional district . . . there is no court guideline in anything I am aware of, and we have studied this deeply. Community of interest is not a court concept."

Further 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 amendments by Senators Vognild, Gould, Woody and Charnley.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Craswell, Fleming, Gaspard, Goltz, Gould, Hansen, Hurley, Lysen, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore,

Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Hughes—1.

Senator Haley moved the following amendments by Senators Haley and Craswell be considered and adopted simultaneously:

On page 6, line 23, after "County" insert "not in the Sixth congressional district"

Beginning on page 6, after line 27, insert the following:

"These additional areas in Grays Harbor County:

Cosmopolis City

Elma Division

Hoquiam City

McCleary Division

Malone-Porter Division

Moon Island

Oakville Division

BNA 9909

ED 658 (part: The part in the Thirty-fifth legislative district)

ED 661A (part: The part south of Township 19N)

ED 666 (part: The part south of Township 19N)

ED 667

ED 668

ED 669 (part: The part in the Thirty-fifth legislative district)

ED 689"

On page 6, beginning on line 28, strike all the material down to and including "T 731.02" on line 32

On page 7, line 1, strike "T 732"

On page 8, beginning on line 7, strike all the material down to and including "T 918 (part: BG 2)" on line 22

On page 8, after line 23, insert "All of Lewis County east of the Willamette Meridian"

On page 8, line 32, strike "ED 421" and insert "Shelton Division"

On page 8, after line 33, insert "T 701 (part: ED 254)"

On page 9, beginning on line 3, after "T 714.01" strike all the material down to and including "918, 927-929)" on line 4

On page 9, after line 8, insert "T 730"

On page 9, after line 9, insert the following:

"T 731.02

T 732"

On page 10, line 17, strike "Third and Sixth congressional districts" and insert "Sixth congressional district"

Debate ensued.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Moore served notice that he would, at the proper time, move to reconsider the vote by which the amendments by Senators Vognild, Gould, Woody and Charnley were not adopted.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Clarke moved that the Senate immediately reconsider the vote by which the amendments by Senators Vognild, Gould, Woody and Charnley were not adopted.

Senator Bottiger 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 Clarke that the Senate immediately reconsider the vote by which the amendments by Senators Vognild, Gould, Woody and Charnley were not adopted.

#### ROLL CALL ON IMMEDIATE RECONSIDERATION

The Secretary called the roll and the motion to immediately reconsider carried by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Hughes—1.

Absent or not voting: Senator Bauer—1.

The President declared the question before the Senate to be the motion by Senator Moore that the Senate reconsider the vote by which the amendments by Senators Vognild, Gould, Woody and Charnley were not adopted.

#### MOTION

Senator Clarke moved the Senate be at ease.

#### MOTION

At 12:41 p.m., Senator Shinpoch moved the Senate adjourn until 10:30 a.m., February 5, 1982.

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

#### PERSONAL PRIVILEGE

Senator Talmadge: "Mr. President, I think this is a personal matter. As a member of the Senate, I think I have to say that if anybody had any idea that the whole process of redistricting was anything other than the legislature at its worst, I think what we have seen this morning so far, simply confirms that fact."

The President declared the question before the Senate to be the roll call on the motion by Senator Shinpoch that the Senate adjourn until 10:30 a.m., February 5, 1982.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Wilson, Wojahn, Zimmerman—27.

The motion by Senator Clarke carried and the Senate was declared to be at ease at 12:46 p.m.

The President called the Senate to order at 1:15 p.m.

MOTION

At 1:17 p.m., on motion of Senator Clarke, the Senate adjourned until 10:00 a.m., Friday, February 5, 1982.

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

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**TWENTY-SIXTH DAY**


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**MORNING SESSION**


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Senate Chamber, Olympia, Friday, February 5, 1982.

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 Hughes.

The Color Guard, consisting of Pages Kelly Noren and Jeff Allen, presented the Colors. Reverend Leo Charles Brown Jr., pastor of True Vine Community Church of Tacoma offered the prayer.

Reverend Brown was the guest of Senator Fleming.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 4, 1982.

**SENATE BILL NO. 4460**, revising bicycle laws (reported by Committee on Transportation):

**MAJORITY recommendation:** That Substitute Senate Bill No. 4460 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 2, 1982.

**SENATE BILL NO. 4480**, modifying distribution procedures of federal forest funds (reported by Committee on Ways and Means):

**MAJORITY recommendation:** That Substitute Senate Bill No. 4480 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bauer, Deccio, Jones, Lee, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 1, 1982.

**SENATE BILL NO. 4501**, modifying requirements for posting of prevailing wage statements by certain contractors (reported by Committee on Commerce and Labor):

**MAJORITY recommendation:** That Substitute Senate Bill No. 4501 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Vognild, Williams.

Passed to Committee on Rules for second reading.

February 2, 1982.

**SENATE BILL NO. 4507**, extending the state treasurer's authority to invest treasury surplus (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended and be referred to Committee on Financial Institutions and Insurance.

Signed by: Senators Scott, Chairman; Bauer, Craswell, Deccio, Hughes, Lee, McDermott, Ridder, Zimmerman.

Passed to Committee on Financial Institutions and Insurance.

February 4, 1982.

SENATE BILL NO. 4551, revising laws relating to the state commission on equipment (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Guess, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 3, 1982.

SENATE BILL NO. 4566, modifying requirements for audits of agriculture marketing funds (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute 'Senate Bill No. 4566 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Newhouse, Chairman; Benitz, Hansen, Wilson.

Passed to Committee on Rules for second reading.

February 3, 1982.

SENATE BILL NO. 4569, implementing the law relating to investments as assets of domestic insurers (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1982.

SENATE BILL NO. 4625, updating procedural terminology regarding court review of initiative and referendum signature sufficiency (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Clarke, Gould, Ridder.

Passed to Committee on Rules for second reading.

January 27, 1982.

SENATE BILL NO. 4629, revising boiler laws (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

February 3, 1982.

SENATE BILL NO. 4684, authorizing the director of agriculture to take emergency measures against plant pests and diseases (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 4684 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Newhouse, Chairman; Benitz, Hansen, Wilson.

Passed to Committee on Rules for second reading.

February 4, 1982.

SENATE BILL NO. 4692, implementing a program of motorcycle operator training and safety education (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 4692 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 4, 1982.

SENATE BILL NO. 4697, authorizing payroll deductions for IRA's (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 4697 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

February 2, 1982.

SENATE BILL NO. 4707, making miscellaneous changes in school code including removal of obsolete sections (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 4707 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Gaspard, Hemstad, Scott, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1982.

SENATE BILL NO. 4743, providing for the investment of surplus public funds (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, Lee, McCaslin, Talley.

Passed to Committee on Rules for second reading.

February 4, 1982.

SENATE BILL NO. 4898, relating to congressional reapportionment and redistricting and providing for a commission (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

February 4, 1982.

SENATE BILL NO. 4899, relating to congressional reapportionment and redistricting (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

February 1, 1982.

SUBSTITUTE HOUSE BILL NO. 174, modifying licensing requirements for podiatrists (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Vognild, Williams.

Passed to Committee on Rules for second reading.

February 3, 1982.

**SUBSTITUTE HOUSE BILL NO. 449**, modifying the supervisor of water resources responsibilities in determining water rights (reported by Committee on Agriculture):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Newhouse, Chairman; Benitz, Hansen, Wilson.

Passed to Committee on Rules for second reading.

The President introduced King County Executive Randy Revelle who was seated on the Senate rostrum.

The President introduced the family and friends of Reverend Leo Charles Brown, Jr. who were seated in the south gallery of the Senate Chamber.

### MOTION

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

### MOTION

Senator Wojahn moved adoption of the following resolution:

#### SENATE RESOLUTION 1982—170

By Senators Wojahn, Bottiger, Gaspard, Fleming, Haley, Rasmussen, Gallagher, McDermott, Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Marilyn Brachtenbach, Deputy Secretary of the Senate; and Fred Hildebrand, Sergeant at Arms:

**WHEREAS**, The Reverend Leo Charles Brown, Jr., a truly outstanding citizen of Tacoma, has provided distinguished service to the people of his community, county, and state; and

**WHEREAS**, For almost twenty years, he has worked diligently as a church leader with keen perception, imagination, and resourcefulness to assist minorities, the underprivileged, and the elderly in need of shelter, assistance, and inspiration; and

**WHEREAS**, The Reverend Brown's work in helping men and women in prison and after release from prison to overcome their problems and find a better life has been particularly noteworthy and of great value to the individuals concerned and to society, in general; and

**WHEREAS**, The man and his service to his fellow man more than justify the highest accolade this Senate may give;

**NOW, THEREFORE, BE IT RESOLVED**, That on this 5th day of February, 1982, We, the members of the Senate, with pride and deep appreciation, designate February 6, 1982, as "THE REVEREND LEO CHARLES BROWN, JR. DAY" to denote for the people of this state recognition of the great service of this man; and

**BE IT FURTHER RESOLVED**, That copies of this resolution be transmitted by the Secretary of the Senate to the Honorable Governor John D. Spellman and to the Reverend Leo Charles Brown, Jr.

Remarks were made by Senators Wojahn, Fleming, Sellar, Rasmussen and McDermott commending Reverend Brown.

On motion of Senator Sellar, the rules were suspended and all members were permitted as additional sponsors to Senate Resolution 1982—170

The motion by Senator Wojahn carried and the resolution was unanimously adopted.

### MOTIONS

On motion of Senator Clarke, the Senate returned to the sixth order of business.

On motion of Senator Clarke, the Senate resumed consideration of Substitute House Bill No. 787.

### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 787**, by House Committee on Select Committee on Redistricting (originally sponsored by Representatives Eberle, Sanders and Prince):

Providing for congressional redistricting and reapportionment and establishing a redistricting commission.

The Senate resumed consideration of Substitute House Bill No. 787 on second reading. On February 4, 1982, amendments proposed by Senators Vognild, Gould, Woody and Charnley were not adopted on a roll call vote. Senator Moore gave notice of reconsideration on those amendments. On motion of Senator Clarke, the Senate moved to immediately reconsider the vote by which the amendments were not adopted. An amendment by Senators Haley and Craswell was pending at the time of adjournment on that day.

The President declared the question before the Senate to be the motion by Senator Moore that the Senate reconsider the vote by which the amendments by Senators Vognild, Gould, Woody and Charnley were not adopted on February 4, 1982.

### POINT OF ORDER

Senator Talmadge: "Mr. President, I would raise the point of order, under Article II, Sec. 30 of the State Constitution, it states ' . . . A member who has a private interest in any bill or measure proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.'

"Similarly, Rule 21 of the Senate provides 'No senator shall be allowed to vote . . . upon any way question upon which he or she is in any personally or directly interested. . . .'

"Mr. President, there have been at least eleven members of the legislature, I would suggest Senator Quigg, Senator Bluechel, Senator Hemstad, Representative Chandler, Representative Hastings, Representative Houchen, Representative Taylor, Senator Craswell, Representative Eberle, Senator von Reichbauer, and Senator Haley who have indicated at one point or another, an interest in running for Congressional seat. And in particular Senator Quigg and Representative Eberle have, in fact, filed committees to run for Congress.

"Now, Senator Haley out here on the floor of the Senate yesterday, disclosed to the members of the Senate his personal interest in the issue of Congressional redistricting because he is, in fact, going to be a candidate for Congress.

"I would submit that under Article II, sec. 30 of the state Constitution, the next step is for those members who have indicated an intent to run for Congress, or those members who have in fact filed a Congressional election committee, that they would be disqualified from voting on this issue."

## REMARKS BY SENATOR CRASWELL

Senator Craswell: "Thank you, Mr. President. For the record I would like to make a correction to the statement that was just made. I have never, ever indicated an interest in running for the United States Congress. Thank you."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, I would merely remark that if the point raised by Senator Talmadge should be sustained, the legislature could never vote on a legislative redistricting bill."

## REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Speaking in support of the point raised by Senator Talmadge, the individuals that have filed their declaration to raise sixty to eighty thousand dollars worth of money, or sixty to eighty thousand dollars in campaign contributions, they have absolutely declared their interest. And I think it's a valid point that Senator Talmadge has raised. Now in the case of Senator Craswell, she said 'No' but I know in the case of Senator Haley, he has made no secret of it that he has some thousands of dollars and an office set-up for Congress, and of course it is a great place to advertise, for when you advertise that you are running for Congress, you should also take it upon yourself the duty of obeying the Constitution and declare yourself out of the voting. I would agree with Senator Talmadge."

At 10:38 a.m., there being no objection, the Senate was declared to be at ease. The President called the Senate to order at 10:49 a.m.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order presented by Senator Talmadge, the President believes that Rule 21 applies to each Senator equally. The redistricting measure joins with such legislation as general tax measures and legislative pay raises, and thus is not an interest private to an individual Senator. The point is not well taken."

Debate ensued.

Senator Bottiger 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 Moore that the Senate reconsider the vote by which the amendments by Senators Vognild, Gould, Woody and Charnley were not adopted on February 4, 1982.

## ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Craswell, Fleming, Gaspard, Goltz, Gould, Hansen, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—23.

Absent or not voting: Senator Hughes—1.

The President declared the question before the Senate to be reconsideration of the following amendments by Senators Vognild, Gould, Woody and Charnley:

On page 5, after line 9, insert the following:

"T 901

T 902

T 903

T 904

T 905

T 906"

On page 5, after line 13, insert the following:

"T 911

T 912

T 913

T 914

T 915

T 916

T 917

T 918

T 919"

On page 5, line 15, strike "The city of Everett"

On page 5, beginning on line 30, strike all the material down to and including "Everett)" on line 32 and insert the following "T 519.04 (Part: the part that is not in the forty-fourth legislative district"

On page 5, line 33, after "T 520", strike all the material down to and including "148th St S.E. and" on line 34

On page 6, line 1, strike "extension thereof"

On page 6, line 2, after "T 521.02", strike "(Part: B 114-129)"

On page 6, line 17, strike all the material beginning on line 17 down to and including "districts" on line 18

On page 8, line 22, strike "T 918 (Part: BG 2)"

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

The President declared the question before the Senate to be the roll call, on reconsideration, of the amendments by Senators Vognild, Gould, Woody and Charnley.

## ROLL CALL

The Secretary called the roll and the amendment was adopted, on reconsideration, by the following vote: Yea, 24; nay, 24; absent or not voting, 1; the President voted "aye"

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Craswell, Fleming, Gaspard, Goltz, Gould, Hansen, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—24.

Absent or not voting: Senator Hughes—1.

## MOTIONS

Senators Clarke, Gould and Benitz demanded a Call of the Senate.

Senator Clarke moved the Senate be at ease for purpose of a caucus.

Senator Rasmussen objected.

Senator Bottiger moved the rules be suspended and Senator Hughes be excused.

POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, can you tell us where Senator Hughes is?"

Senator Bottiger: "Senator Hughes is in Spokane. I told your leadership that he was there for personal business, and to make a speech."

Senator Newhouse: "Has he been excused . . ."

Senator Bottiger: "No, unfortunately . . ."

Senator Newhouse: "Did he take himself off of per diem?"

Senator Bottiger: "Unfortunately, the motion was not, we did not have an opportunity to ask to excuse him."

Senator Newhouse: "Some of the rest of us have personal business too, you know."

Senator Bottiger: "I am sure we do; we have all missed a day or two at one time or another. I have."

Senator Newhouse: "I would like to ask Senator Bottiger a further question. When you made some remarks about someone 'taking a walk' yesterday, is this what you had reference to?"

Senator Bottiger: "It was not the same individual at that time, but . . ."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, for the edification of the body, Senator Hughes' wife is more than nine months pregnant. I think that constitutes 'personal business.'"

PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, speaking on a point of personal privilege, I think it is personal to me as well as anyone else, that, if some personal reason, illness in the family or what have you, that the Senate do accord the courtesy of accepting the excuse of that person being absent. We have done it this session because there has been illness in other people's families because of a death or what have you. And we would hope that the majority would go along with that."

The motion by Senator Bottiger carried and Senator Hughes was excused on a voice vote.

MOTION

On motion of Senator Clarke, the Senate dispensed with the Call of the Senate.

There being no objection, on motion of Senator Haley, the amendments by Senators Haley and Craswell that had been moved for adoption on February 4, 1982, were withdrawn.

Senator Woody moved adoption of the following amendment:

Beginning on page 11, after line 12 strike all the material down to and including "RCW." on page 21, line 15 and insert the following:

"**NEW SECTION.** Sec. 18. This act may be cited as the 1982 Reapportionment and Redistricting Act.

**NEW SECTION.** Sec. 19. The definitions set forth in this section apply throughout this chapter, unless the context requires otherwise.

(1) "Chief election officer" means the secretary of state.

(2) "Federal census" means the decennial census required by federal law to be prepared by the United States bureau of the census in each year ending in zero.

(3) "Lobbyist" means an individual required to register with the Washington public disclosure commission pursuant to RCW 42.17.150.

(4) "Plan" means a plan for legislative redistricting.

**NEW SECTION.** Sec. 20. After each decennial census made by authority of the United States after the effective date of this act, and thereafter in July of each year ending in one, a legislative redistricting commission shall be established to assist the legislature in accomplishing state legislative redistricting. The five-member commission shall be appointed as follows:

(1) Each leader of the two largest political parties in each house of the legislature shall appoint one member to the commission by July 1st of each year ending in one. If there are more than two political parties in a house, then the leader of the second largest party has no power of appointment, and the members of the political parties, excluding the party with the largest share of legislators, shall elect a legislator who shall appoint a member of the commission.

(2) The four legislators appointing commission members pursuant to this section shall certify their appointments to the chief election officer. If an appointing legislator does not certify an appointment by July 1st of each year ending in one, the appointing legislator of the same party in the other house shall certify a second appointment to the chief election officer within ten days.

(3) Within thirty days of their appointment and no later than July 31st of the year of their selection, the four appointed members, by an affirmative vote of at least three, shall appoint and certify to the chief election officer the fifth member who shall be a nonvoting member of the commission and act as its chairman. A vacancy on the commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the vacancy occurs.

**NEW SECTION.** Sec. 21. No person may be appointed to the commission who:

- (1) Is not a registered voter of the state at the time of selection; or
- (2) Is or has within one year prior to selection been a registered lobbyist.

**NEW SECTION.** Sec. 22. No member of the commission may:

- (1) Hold or campaign for public or political party office while a member of the commission;
- (2) Actively participate in or contribute to any political campaign of any candidate for state or federal elective office while a member of the commission; or
- (3) Hold or campaign for a seat in the state house of representatives or the state senate, for two years after the effective date of the plan.

**NEW SECTION.** Sec. 23. (1) The commission shall prepare a plan dividing the state into legislative districts.

(2) The commission may employ the services of experts, consultants, and support staff, including attorneys not employed by the attorney general, as necessary to carry out its duties pursuant to this chapter. The chief election officer, the treasurer, and the attorney general shall make available to the commission such personnel, facilities, and other assistance as the commission may reasonably request.

(3) The commission, upon written request by a witness and subject to rules promulgated by the commission, may reimburse witnesses for their necessary expenses incurred in appearing before the commission.

(4) The legislature shall appropriate funds to enable the commission to carry out its duties. Members shall receive one hundred dollars of compensation for each day spent in the performance of their duties and reimbursement for actual and necessary expenses. Employee's compensation and reimbursement for actual and necessary expenses shall be determined by the commission.

**NEW SECTION.** Sec. 24. In addition to other duties prescribed by law, the commission shall:

- (1) Adopt rules pursuant to the Administrative Procedure Act, chapter 34.04 RCW, to carry out the provisions of Article II, section 3 of the state Constitution

and of this chapter, which rules shall provide that three voting members of the commission constitute a quorum to do business, and that the votes of three of the four voting members are required for any official action of the commission;

(2) The commission shall act as the legislature's recipient of redistricting data and maps from the United States Bureau of the Census. Upon receipt of the data and maps, the commission shall promptly provide copies to the secretary of the senate and chief clerk of the house of representatives.

(3) Preserve all information filed with and developed by the commission pursuant to public records statutes, chapter 42.17 RCW;

(4) Hold open meetings pursuant to the Open Public Meetings Act, chapter 42.30 RCW;

(5) Prepare and maintain minutes pursuant to RCW 42.32.030;

(6) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the cost incurred by the counties for adjusting precinct boundaries.

NEW SECTION. Sec. 25. In the plan:

(1) Districts shall have a population as nearly equal as is practicable, excluding nonresident military personnel, based on the population reported in the federal decennial census.

(2) To the extent consistent with other criteria of this section, district lines shall be drawn so as to coincide with the boundaries of local political subdivisions. The number of counties and municipalities divided among more than one district shall be as small as possible.

(3) Districts shall be composed of convenient, contiguous, and compact territory. Land areas are deemed contiguous if they share a common land border or are connected by a highway, bridge, or tunnel. Areas separated by unbridged water are deemed contiguous to the nearest land area only where necessary to comply with the other criteria enumerated in the Constitution and this section. Areas which only share common borders at the points of adjoining corners may not be deemed contiguous. Areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be deemed contiguous.

(4) No district may be drawn for the purpose of diluting the voting strength of any language or racial minority group.

(5) The commission shall provide, whenever practicable, that a precinct shall be wholly within a single legislative district.

The commission shall exercise its powers to provide fair and effective representation and to encourage electoral competition.

NEW SECTION. Sec. 26. (1) Upon approval of a redistricting plan by three of the four voting members of the commission, and not later than December 1st of the year ending in one, the commission shall submit the plan to the legislature.

(2) After submission of the plan by the commission, the legislature shall have the next thirty days during any regular or special session to amend the commission's plan. If the legislature amends the commission's plan the legislature's amendment must be approved by an affirmative vote in each house of two-thirds of the members elected or appointed thereto, and may not affect more than five percent of the population of any legislative district contained in the commission's plan.

(3) The plan approved by the commission, with any amendment approved by the legislature, shall be final upon approval of such amendment or after expiration of

the time provided for legislative amendment by subsection (2) of this section which ever occurs first, and shall constitute the districting and apportionment law applicable to this state for legislative elections, beginning with the next elections held in an even-numbered year. This plan shall be in force until the effective date of the plan based upon the next succeeding federal decennial census.

(4) If three of the four voting members of the commission fail to approve and submit a plan within the time limitations provided in subsection (2) of this section, the supreme court shall adopt a plan by January 1st of the year ending in two. The supreme court shall direct the commission to immediately approve and submit this plan to the legislature for amendment in accordance with subsections (2) and (3) of this section.

**NEW SECTION. Sec. 27.** (1) Following the period provided by section 26(1) of this act for the commission's adoption of a plan, the commission shall take all necessary steps to conclude its business and cease operations. The commission shall prepare a financial statement disclosing all expenditures made by the commission. The official record shall contain all relevant information developed by the commission pursuant to carrying out its duties under this chapter, data collected, minutes of meetings, written communications, and other information of a similar nature. The commission shall provide for the permanent preservation of this official record. Once the commission ceases to exist any budget surplus shall revert to the state general fund.

(2) The commission shall cease to exist ninety days after the date established by section 26 of this act for submission of a plan unless the legislature extends the commission's term by law.

**NEW SECTION. Sec. 28.** After the plan takes effect as provided in section 26 of this act, any registered voter may file a petition with the supreme court challenging the plan. The court may consolidate any or all petitions and shall give all such petitions precedence over all other matters.

**NEW SECTION. Sec. 29.** Sections 18 through 28 of this act shall constitute a new chapter in Title 44 RCW."

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

Senator Bottiger moved adoption of the following amendment to the amendment by Senator Woody:

On page 6, line 5 of the amendment after "25." strike all the material down to and including "competition." on page 7, line 13 of the amendment and insert:

"(1) In the plan the districts shall be:

(a) Contiguous;

(b) Geographically compact and convenient, as nearly as practicable;

(c) Drawn so as to use existing natural or artificial boundaries whenever possible;

(d) Of equal population, excluding nonresident military personnel and their dependents, as nearly as practicable.

(2) In order to minimize electoral confusion and to facilitate communication within state legislative and congressional districts, the commission shall provide, whenever practicable, that:

(a) A precinct shall be wholly included within a single state representative district;

(b) A state representative district shall be wholly included within a single state senate district; and

(c) A state senate district shall be wholly included within a single congressional district.

(3) The commission shall exercise its powers to provide fair and effective representation and to encourage electoral competition."

## POINT OF ORDER

Senator Clarke: "If I understood the Senator correctly, this brings in the question of legislative redistricting and I raise the point of order that it is beyond the scope and object because this is a Congressional redistricting bill; and if I understood the Senator correctly, he would involve the commission in legislative redistricting."

## REMARKS BY SENATOR McDERMOTT

Senator McDermott: "I would point out to Senator Clarke that on page 15, it says 'The commission shall adopt state legislative and Congressional plans in accordance with rulemaking procedures, chapter 34.04.' So it does not expand the scope and object of this bill; this is a commission designed to do both legislative and Congressional redistricting."

There being no objection, at 11:21 a.m., the Senate was declared to be at ease.

The President called the Senate to order at 11:25 a.m.

There being no objection, on motion of Senator Clarke, the Point of Order was withdrawn.

The President declared the question before the Senate to be the amendment by Senator Bottiger to the amendment by Senator Woody.

Senator Bluechel 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 Bottiger to the amendment by Senator Woody.

## ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senator Hughes—1.

There being no objection, on motion of Senator Woody, the amendment was withdrawn.

## MOTION

Senator Vognild moved the rules be suspended, Substitute House Bill No. 787, as amended by the Senate, be advanced to third reading, the second reading be considered the third and the bill placed on final passage.

Senator Hayner objected.

Senator Bottiger 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 Vognild that the rules be suspended and Substitute House Bill No. 787, as amended by the Senate, be advanced to third reading and final passage.

## ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 24; nays, 24; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Hansen, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—24.

Excused: Senator Hughes—1.

Substitute House Bill No. 787, as amended by the Senate, was passed to third reading.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, I raise the point of parliamentary inquiry and I do not want to be accused of delaying the Senate or doing it later, but there is a bill on the calendar, Senate Bill 4469 pertaining to interstate highway construction. And we have had a dispute as to whether it takes a majority vote or a 60% vote to vote for this bond issue. So I would submit to the President a memorandum on that, on the question that I have received and be able to give the President time at his convenience to consider that."

MOTION

On motion of Senator Clarke, the Senate resumed consideration of Senate Bill No. 4133.

SECOND READING

SENATE BILL NO. 4133, by Senators Quigg, Ridder and Sellar (by Governor Spellman request):

Modifying adjustments in compensation or death benefits payable under industrial insurance system.

The Senate resumed consideration of Senate Bill No. 4133 as amended on February 3, 1982. At that time, the amendments by Senator Bottiger were adopted. Senator Woody had moved adoption of the following amendment by Senators Woody and Quigg and an amendment by Senator Vognild to that amendment had been moved for adoption.

On page 2, after line 9, insert the following:

"Sec. 2. 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 are each amended to read as follows:

(1) For the permanent partial disabilities here specifically described, the injured worker shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium) .....	\$36,000.00
Of leg at or above knee joint with functional stump .....	32,400.00
Of leg below knee joint .....	28,800.00
Of leg at ankle (Syme) .....	25,200.00
Of foot at mid-metatarsals .....	12,600.00
Of great toe with resection of metatarsal bone .....	7,560.00
Of great toe at metatarsophalangeal joint .....	4,536.00
Of great toe at interphalangeal joint .....	2,400.00

Of lesser toe (2nd to 5th) with resection of metatarsal bone .....	2,760.00
Of lesser toe at metatarsophalangeal joint .....	1,344.00
Of lesser toe at proximal interphalangeal joint .....	996.00
Of lesser toe at distal interphalangeal joint .....	252.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder .....	36,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon .....	34,200.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand .....	32,400.00
Of all fingers except the thumb at metacarpophalangeal joints .....	19,440.00
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone .....	12,960.00
Of thumb at interphalangeal joint .....	6,480.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone .....	8,100.00
Of index finger at proximal interphalangeal joint .....	6,480.00
Of index finger at distal interphalangeal joint .....	3,564.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone .....	6,480.00
Of middle finger at proximal interphalangeal joint .....	5,184.00
Of middle finger at distal interphalangeal joint .....	2,916.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone .....	3,240.00
Of ring finger at proximal interphalangeal joint .....	2,592.00
Of ring finger at distal interphalangeal joint .....	1,620.00
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone .....	1,620.00
Of little finger at proximal interphalangeal joint .....	1,296.00
Of little finger at distal interphalangeal joint .....	648.00

MISCELLANEOUS

Loss of one eye by enucleation .....	14,400.00
Loss of central visual acuity in one eye .....	12,000.00
Complete loss of hearing in both ears .....	28,800.00
Complete loss of hearing in one ear .....	4,800.00

(2) Compensation for amputation of a member or part thereof at a site other than those above specified, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment: PROVIDED, That in order to reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules,

the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments. For purposes of calculating monetary benefits, the amount payable for total bodily impairment shall be deemed to be sixty thousand dollars: PROVIDED, That compensation for unspecified permanent partial disabilities involving injuries to the back that do not have marked objective clinical findings to substantiate the disability shall be determined at an amount equal to seventy-five percent of the monetary value of such disability as related to total bodily impairment: PROVIDED FURTHER, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of sixty thousand dollars, except that the total compensation for all unspecified permanent partial disabilities involving injuries to the back that do not have marked objective clinical findings to substantiate the disability and resulting from the same injury shall not exceed the sum of forty-five thousand dollars: PROVIDED FURTHER, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured worker if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured worker and his or her monthly compensation payments shall be reduced accordingly.

(3) Should a worker receive an injury to a member or part of his or her body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such worker, his or her compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(4) When the compensation provided for in subsections (1) and (2) exceeds three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured worker in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate of six percent on the unpaid balance of such compensation commencing with the second monthly payment: PROVIDED, That upon application of the injured worker or survivor the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured worker or survivor to the department and shall rest in the discretion of the department depending upon the merits of each individual application: PROVIDED FURTHER, That upon death of a worker all unpaid installments accrued(~~(-less interest,))~~ shall be paid (~~(in a lump sum amount))~~ according to the payment schedule established prior to the death of the worker to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title."

Renumber the sections consecutively.

The following amendment by Senator Vognild to the amendment by Senators Woody and Quigg was adopted:

On page 10, line 25, strike "six" and insert "~~(six)~~ eight".

The motion by Senator Woody carried and the amendment, as amended, was adopted.

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

On page 1, line 4 of the title, after "51.32.075;" insert "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;"

### MOTION

Senator Rasmussen moved the rules be suspended and Engrossed Senate Bill No. 4133 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator Quigg objected.

Senator Bottiger 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 Rasmussen that the rules be suspended and Engrossed Senate Bill No. 4133 be advanced to third reading and final passage.

### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senator Hughes—1.

Engrossed Senate Bill 4133 was passed to third reading.

### SECOND READING

SENATE BILL NO. 4477, by Senators Fuller and Zimmerman:  
Modifying provisions relating to volunteer work on state park lands.

### REPORT OF STANDING COMMITTEE

January 19, 1982.

SENATE BILL NO. 4477, modifying provisions relating to volunteer work on state park lands (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 7, after "good" strike "repute" and insert "((repute)) standing"

Signed by: Senators Fuller, Chairman; Bluechel, Guess, Haley, Hansen, Quigg, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Fuller, the committee amendment was adopted.

Senator Hurley moved adoption of the following amendment:

On page 1, line 14, after "improve" strike "((; without expense to the state;))" and insert "; without substantial expense to the state,"

Debate ensued.

The motion by Senator Hurley failed and the amendment was not adopted.

Senator Goltz moved adoption of the following amendment:

On page 1, line 17, after "chapter." insert "These improvements shall not interfere with access to or use of such public lands by the general public and shall be a benefit to all members of the general public."

## POINT OF INQUIRY

Senator Fuller: "Senator Goltz, as you interpret this proposed amendment, do you see 'general public' to mean that this would have to be usable by the entire general public, toddlers, elderly people, handicapped people or what is the meaning of this?"

Senator Goltz: "It would have to be available to the general public all on the same basis, that is to say you could not exclude from use, all of the public except those that had a membership let us say, in a bridge club or a boating club or something of this kind. It is designed to mean that all of the public could use it and when you put toddlers and seniors all in the same group, if toddlers of one group can use it, toddlers of another group can use it."

Senator Fuller: "Thank you, Senator Goltz. With that explanation, I have no opposition to this amendment."

Senator Bluechel moved adoption of the following amendment to the amendment by Senator Goltz:

On the third line of the amendment, strike "a benefit" and insert "available"

## POINT OF INQUIRY

Senator Guess: "Senator Goltz, in the case of a park that is adjacent to Spokane, the Explorer Scouts built a hut out there for their weekend activities and it was adjacent to the range that the federal government maintained for survival.

"As I see this, this would prohibit the state permitting the Explorer group to build their hut on the state property."

Senator Goltz: "If I understand the question correctly, if they built a hut that is available for survival, they certainly wouldn't turn non boy scouts away if they need the benefit of the hut. So I am assuming that it is available to all members under this language."

Senator Guess: "Senator Goltz, since they stored their equipment there, it was not open for all groups and if you say that it shall be available to the general public, then you defeat the purpose of the troupe to keep their equipment out there and not have to bring it out on trucks every time they came out for an exercise."

Senator Goltz: "I guess under this language that kind of thing probably would be prohibited."

Debate ensued.

## POINT OF INQUIRY

Senator Wilson: "Senator Goltz, my question is whether the phrase 'such public land' is intended to also relate to water that is adjacent to a state park?"

Senator Goltz: "Yes, it . . ."

Senator Wilson: ". . . and if that is the intention, do you feel that that needs to be clarified in the wording of the amendment?"

Senator Goltz: "I don't feel that it needs to be clarified because it really refers here to structures and I suppose that any structure that would be built, would be built on public land even though it would be called 'tideland.' Those are not built on the water, they are really built on tidelands and that is public land.

"The only thing this refers to is the building of structures or improvements upon public land, and I know of no situation where you could build on anything but land."

Senator Wilson: "You do not feel then, that, for example, the construction of docks might get involved in this situation and that they might be designed primarily to serve a particular special interest group to the detriment of the general public?"

Senator Goltz: "I think a dock might very well be the subject of such a program but it would be built on land, not on water. It would be built over the water on public tideland."

Further debate ensued.

The motion by Senator Bluechel carried and the amendment to the amendment by Senator Goltz was adopted on a rising vote.

The President declared the question before the Senate to be the amendment by Senator Goltz as amended by Senator Bluechel.

Debate ensued.

### POINT OF INQUIRY

Senator Haley: "Senator Fuller, is it the intent of the legislature to deny to the general public, significant portions of state parks?"

Senator Fuller: "Senator Haley, it certainly is not the legislative intent to accomplish such a thing at all. I think Senator Zimmerman very well expressed the purpose of the bill, is to bring up-to-date an archaic statute that has not been substantially changed since 1929, and in this age, when I know the Governor and the Governor's wife are both promoting volunteerism, we are trying to assist that effort, make as much use as possible of it. We have no intention of giving special privileges to special groups or giving away access to any public land in the name of 'volunteerism'—quite the contrary."

Further debate ensued.

Senator Ridder 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 Goltz as amended by Senator Bluechel.

### ROLL CALL

The Secretary called the roll and the amendment, as amended, was adopted by the following vote: Yeas, 24; nays, 23; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hurley, Lysen, McDermott, Moore, Peterson, Pullen, Rasmussen, Ridder, Scott, Shinoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, Zimmerman—23.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senator Hughes—1.

Senator Goltz moved adopted of the following amendment:

On page 1, line 17, after "chapter." insert "Prior to granting such a permit, the commission shall conduct at least one public hearing for the purpose of soliciting public testimony and comments on a proposed improvement: PROVIDED, That no additional public hearing shall be required for minor nonconstruction improvements or any construction project which requires a public hearing during the applicable government permit process."

Debate ensued.

### MOTION

On motion of Senator Clarke, Senate Bill No. 4477, as amended, together with the pending amendment by Senator Goltz, was ordered to hold its place on the second reading calendar for February 8, 1982.

## MOTION

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

## MOTIONS

On motion of Senator Lee, the Committee on Parks and Ecology was relieved from further consideration of House Bill No. 865.

On motion of Senator Lee, House Bill No. 865 was rereferred to the Committee on Ways and Means.

On motion of Senator Lee, the Committee on Education was relieved from further consideration of Senate Bill No. 4061.

On motion of Senator Lee, Senate Bill No. 4061 was rereferred to the Committee on Higher Education.

## MOTION

Senator Bottiger moved that the Committee on Transportation be relieved from further consideration of Senate Bill No. 4609 and that Senate Bill No. 4609 be rereferred to the Committee on Commerce and Labor.

## MOTION

At 12:25 p.m., Senator Clarke moved the Senate adjourn.

## PARLIAMENTARY INQUIRY

Senator Fleming: "Point of order, Mr. President. Recognizing that the motion to adjourn is nondebatable and that it is of higher rank, when we come into session on Monday, will we have to go back to the eighth order of business to the motion that was before the body before we adjourned would be considered? And if, in fact, we do, whenever we go to the eighth order of business, will that motion be before us?"

## REPLY BY THE PRESIDENT

President Cherberg: "The motion is pending, Senator, upon the eighth order of business.

The motion by Senator Clarke carried and at 12:30 p.m., the Senate adjourned until Monday, February 8, 1982.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**TWENTY-NINTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, February 8, 1982.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Hayner, Rasmussen and Ridder. On motion of Senator Wilson, Senators Rasmussen and Ridder were excused.

The Color Guard, consisting of Pages Michelle Smith and Tracy Lamping, presented the Colors. Reverend John Drummond, pastor of Richmond Beach Congregational Church of Seattle, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

**SENATE BILL NO. 4461**, modifying time limits and evidence rules in actions involving the sexual abuse of children (reported by Judiciary Committee):

**MAJORITY recommendation:** That Substitute Senate Bill No. 4461 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Woody.

Passed to Committee on Rules for second reading.

February 4, 1982.

**SENATE BILL NO. 4616**, requiring inverted electric rate structures (reported by Committee on Energy and Utilities):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Gould, Chairman; Hemstad, Hurley, Moore, Williams, Woody.

Passed to Committee on Rules for second reading.

February 3, 1982.

**SENATE BILL NO. 4628**, establishing an occupational information service (reported by Committee on Commerce and Labor):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 27, 1982.

**SENATE BILL NO. 4630**, revising elevator laws (reported by Committee on Commerce and Labor):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

February 3, 1982.

SENATE BILL NO. 4701, requiring health maintenance organizations to contribute to a reserve fund to cover insolvency (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

February 3, 1982.

SENATE BILL NO. 4718, revising laws regulating veterinarians (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Newhouse, Chairman; Benitz, Gaspard, Hansen.

Passed to Committee on Rules for second reading.

February 3, 1982.

SENATE BILL NO. 4748, permitting breweries and wineries to conduct courses in beer and wine (reported by Committee on Commerce and Labor):

Recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild, Williams.

Passed to Committee on Rules for second reading.

February 4, 1982.

ENGROSSED HOUSE BILL NO. 183, establishing the 1989 Washington state centennial commission (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Haley, Hansen, Hughes, Hurley, Quigg, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

February 5, 1982

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 P. Bishop, appointed October 28, 1981, for a term ending September 30, 1985, succeeding Barbara Manor as a member of the Board of Trustees for Community College District No. 4.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

#### MESSAGES FROM THE HOUSE

February 5, 1982.

Mr. President: The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 658,

SUBSTITUTE HOUSE BILL NO. 868,

SUBSTITUTE HOUSE BILL NO. 874,

SUBSTITUTE HOUSE BILL NO. 888,

SUBSTITUTE HOUSE BILL NO. 920,

SUBSTITUTE HOUSE BILL NO. 946,  
 HOUSE BILL NO. 1013,  
 HOUSE CONCURRENT RESOLUTION NO. 37, and the same are here-  
 with transmitted.

VITO T. CHIECHI, Chief Clerk.

February 5, 1982.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 454,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 820,  
 ENGROSSED HOUSE BILL NO. 986, and the same are herewith  
 transmitted.

VITO T. CHIECHI, Chief Clerk.

February 5, 1982

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE  
 BILL NO. 857, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 454, by Representatives Clayton, King  
 (R), McGinnis, Lux and Sanders:

Enacting the Workers' Compensation Vocational Rehabilitation Reform Act of  
 1981.

Referred to Committee on Commerce and Labor.

SECOND SUBSTITUTE HOUSE BILL NO. 658, by Committee on Energy  
 and Utilities (originally sponsored by Committee on Energy and Utilities and Rep-  
 resentatives Cantu, Nelson (D) and Wang):

Providing energy conservation procedures for state buildings.

Referred to Committee on Energy and Utilities.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 820, by Committee on  
 Human Services (originally sponsored by Representatives Mitchell and Stratton):

Defining crimes concerning imitation controlled substances.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 857, by Committee on  
 State Government (originally sponsored by Representatives Vander Stoep, Fiske,  
 Chamberlain, Addison, Johnson, Tupper, Garson, Berleen, Nickell, Nelson (G),  
 Rosbach, Hastings, James, Williams, Taylor, Winsley and Barr):

Permitting audits by private accounting firms.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 868, by Committee on Appropriations-  
 Education (originally sponsored by Representatives Chamberlain, Heck, Maxie,  
 Galloway and McDonald):

Modifying distribution procedures of federal forest funds.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 874, by Committee on Institutions (origi-  
 nally sponsored by Representatives Houchen, Struthers and Wang):

Modifying provisions relating to the sentencing of criminal offenders.

Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 888**, by Committee on State Government (originally sponsored by Representatives Nickell, Houchen and Granlund) (by Secretary of State request):

Making general election ballots uniform.

Referred to Committee on Constitutions and Elections.

**SUBSTITUTE HOUSE BILL NO. 920**, by Committee on State Government (originally sponsored by Representatives Hankins, Walk and Addison) (by Governor Spellman request):

Establishing an occupational information service.

Referred to Committee on Commerce and Labor.

**SUBSTITUTE HOUSE BILL NO. 946**, by Committee on Transportation (originally sponsored by Representatives Patrick, Walk and Lundquist) (by Governor Spellman request):

Modifying provisions relating to the traffic safety commission.

Referred to Committee on Transportation.

**ENGROSSED HOUSE BILL NO. 986**, by Committee on Appropriations—General Government and Representatives Williams, Wang, McDonald, Ellis and James:

Modifying provisions relating to retirement from public service.

Referred to Committee on Ways and Means.

**HOUSE BILL NO. 1013**, by Committee on Labor and Economic Development and Representatives Nelson (G), Sanders, King (J), Patrick, Cole, Barr, Lux and Johnson:

Establishing a limited small business innovators' opportunity program.

Referred to Committee on Commerce and Labor.

#### FIRST READING OF HOUSE RESOLUTION

**HOUSE CONCURRENT RESOLUTION NO. 37**, by Representatives Williams, Dawson, Galloway, Greengo, Tilly, King (J), Hine, Salatino, Armstrong, Stratton, Rosbach, Brown, Fiske, Wang, Eberle and Sanders:

Urging the state investment board to make investments to stimulate the state's economy.

#### MOTIONS

On motion of Senator Clarke, the rules were suspended and House Concurrent Resolution No. 37 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, the rules were suspended, House Concurrent Resolution No. 37 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

On motion of Senator Clarke, House Concurrent Resolution No. 37 was ordered held on the calendar on final passage.

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, Senate Bill No. 4477 was ordered held for consideration on February 9, 1982.

#### SECOND READING

**SENATE BILL NO. 4488**, by Senators Zimmerman and Charnley:

Revising payment procedures of assessments for local improvements.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Senate Bill No. 4488 was advanced to third reading, the second 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. 4488, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Hayner—1.

Excused: Senators Rasmussen, Ridder—2.

SENATE BILL NO. 4488, having received the 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. 3847, by Senators Lee, Haley and Woody:

Revising laws relating to uniform allowance of organized militia.

The bill was read the second time by sections.

On motion of Senator Lee, the rules were suspended, Senate Bill No. 3847 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. 3847, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Rasmussen, Ridder—2.

SENATE BILL NO. 3847, having received the 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. 4464, by Senators Gallagher, Peterson, Sellar and Conner (by Department of Fisheries request):

Modifying provisions relating to crab fishing.

## REPORT OF STANDING COMMITTEE

January 20, 1982.

SENATE BILL NO. 4464, modifying provisions relating to crab fishing (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 33, after "unchanged." insert "Upon request of a vessel owner, the director may issue a temporary permit to allow the vessel owner to use the license endorsement on a leased or rented vessel."

Signed by: Senators Gallagher, Chairman; Patterson, Peterson, Vognild, von Reichbauer, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Gallagher, the committee amendment was adopted.

On motion of Senator Gallagher, the rules were suspended, Engrossed Senate Bill No. 4464 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 Gallagher, this is a conservation measure, I take it?"

Senator Gallagher: "It is that."

Senator Rasmussen: "It is meant to be a conservation measure?"

Senator Gallagher: "It is that."

Senator Rasmussen: "So you are going to require every crab fisherman to take at least a thousand pounds?"

Senator Gallagher: "No, in order to retain it. . ."

Senator Rasmussen: ". . . in order to retain his license, that is the kind of conserving I like. Does this also, Senator Gallagher, only allow the transfer of license in the family from a father to the son?"

Senator Gallagher: "That is correct."

Senator Rasmussen: "So that nobody other than those families that now have a license would ever have a chance of getting a license?"

Senator Gallagher: "That is not true."

Senator Rasmussen: "Well, if you only allow the transfer within the families

Senator Gallagher: "When it goes below the 200 mark, the director would be allowed to issue more licenses to keep it within the 200 vessels that were allowed to fish in that fishery."

Senator Rasmussen: "So it is like the old feudal system, handed down from family to family, no outsiders can get in."

Senator Gallagher: "That is not true."

Senator Rasmussen: "Thank you, Senator Gallagher."

Debate ensued.

## POINT OF INQUIRY

Senator Talmadge: "Senator Gallagher, in the event we are not able to reduce the number of licenses to 200, what happens then? Either 215 licensees out there by virtue of the landing requirement, they all land 1000 pounds of crab."

Senator Gallagher: "I rather doubt that that will occur; you know, if, the department is determined that in order to have a sustained yield on that fishery without any enhancement or any interference, it would take a reduction. This is the figure they have arrived at, the 1000 pounds, would probably, more than likely, not occur in that many, more than 200 licenses."

Senator Talmadge: "Thank you."

Further debate ensued.

### POINT OF INQUIRY

Senator Charnley: "Senator Gallagher, you have heard the discussion here and the alternative proposed by Senator Talmadge. My concern is, if we had unlimited licenses but limited days, it would not be economical, say 300, 400 people who wanted to fish or wanted to crab rather, that it would prove to be uneconomical for anybody to crab. And I am wondering if that might not be the reason why, going this route, either way is going to be punitive, either way is going to have some effect on the industry, but this route at least guarantees that those that will be crabbing will be able to make a living doing it. Could you respond to this?"

Senator Gallagher: "I am still trying to catch up with what your question is, Senator."

Senator Charnley: "The question was: if we went the route Senator Talmadge suggested, would that not result in just nobody being able to make a living crabbing, and we wouldn't have people crabbing?"

Senator Gallagher: "If they cannot catch 1000 pounds, they ought not to be in there. A lot of speculation exists too, as you well know, in other fisheries where you have an overcapitalization of boats or licenses; and I can just foresee other little problems along the line.

"This was requested and worked out by the fishermen themselves in order to protect that fishery. If the method of reducing the number to sustain the yield of that resource and protect that resource from overcapitalization, where everyone is only catching five or six crab, it would be worthless to anyone then. If that were the case, then there would be no licenses."

Senator Charnley: "Thank you, Senator Gallagher."

Further debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4464, and the bill passed the Senate by the following vote: Yeas, 31; nays 18.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Woody, Zimmerman—31.

Voting nay: Senators Bauer, Fleming, Gaspard, Goltz, Hemstad, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn—18.

ENGROSSED SENATE BILL NO. 4464, having received the 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 Clarke, Engrossed Senate Bill No. 3946 was ordered placed at the end of the second reading calendar.

### SECOND READING

SENATE BILL NO. 4491, by Senators Clarke, Talmadge, Newhouse and Wojahn (by Judicial Council request):

Permitting state appeals court judges to serve as judges pro tempore of the state supreme court.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 4491 was advanced to third reading, the second 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. 4491 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Gallagher—1.

SENATE BILL NO. 4491, having received the 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. 4471, by Senators Pullen and Woody:

Making general election ballot formats uniform.

The bill was read the second time by sections.

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 4471 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Bluechel, Senator Zimmerman was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4471, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Woody—45.

Voting nay: Senators Wilson, Wojahn—2.

Absent or not voting: Senator Deccio—1.

Excused: Senator Zimmerman—1.

SENATE BILL NO. 4471, having received the 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 Clarke, Senate Bill No. 3581 was returned to the Committee on Rules.

On motion of Senator Clarke, Senate Bill No. 4469 will be considered on February 9, 1982.

## SECOND READING

SENATE BILL NO. 4510, by Senators Quigg, Talley, Guess, Zimmerman, Fuller and Sellar:

Providing for recovery operations from Mt. St. Helens eruption.

## MOTIONS

On motion of Senator Quigg, Substitute Senate Bill No. 4510 was substituted for Senate Bill No. 4510 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Quigg, the rules were suspended, Substitute Senate Bill No. 4510 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 Quigg, does this bill contain the \$1,000,000 appropriation?"

Senator Quigg: "This bill contains the \$1,000,000".

Senator Rasmussen: "I notice the department of transportation is going to purchase the land?"

Senator Quigg: "That is correct."

Senator Rasmussen: "And is this money coming out of the gas tax funds, or where is the money coming from?"

Senator Quigg: "Money is coming from the general fund, Senator."

Senator Rasmussen: "From the general fund for the department of transportation?"

Senator Quigg: "That is correct."

Senator Rasmussen: "You have any idea how many acres they are proposing to buy for \$1,000,000?"

Senator Quigg: "The acreage is presently not determined because the Corps of Engineers is doing a survey of the area to determine which acreage is best suited and how much acreage would be required."

Senator Rasmussen: "Then, do you have any idea how much of that land already belongs to the department of natural resources?"

Senator Quigg: "In the area that is being studied, Senator, the very small part is owned by the department of natural resources."

Senator Rasmussen: "Once the land has been purchased by the department of transportation, who will hold title and what will they do with the land after it has been used for fill?"

Senator Quigg: "The disposition of that land after it has been filled, will be left to the legislature to decide, the way the bill is written. That is why we have a committee reporting back here on a regular basis. The question of whether or not it would be better for recreational land or for a light commercial industrial site, are the two that have been put forth at this stage. It appears as though the property most suited for the spoils' disposal site is that property southeast of the intersection of the Interstate 5 freeway and the Toutle river. And that is the southeast quad and it is an area, of course, that is served by the old 99 highway and probably could have both recreational as well as some commercial/residential use."

Senator Rasmussen: "No intention of constructing roads on top of the dike?"

Senator Quigg: "On this site, Senator Rasmussen, if you can picture that area, there really isn't a suitable road connection to be made through that area. The freeway serves that part of the Cowlitz county area about as well as any road could and it would be rather redundant to build a road alongside of it."

Senator Rasmussen: "That was my question, are we going to spend \$1,000,000 general fund money . . . the department of transportation, where are you going to provide public access and you certainly need a road for public access?"

Senator Quigg: "The old Highway 99, Senator, runs right into this area. I think if you will recall the I-5 cuts across the old 99 grade right at that intersection of the Toutle and the Interstate 5 on the south bank of the Toutle river."

#### POINT OF INQUIRY

Senator McDermott: "Senator Quigg, I see in this bill a principle that we have not done before, and we are two years after the emergency yet we are giving emergency powers to the Cowlitz county commissioners to avoid shoreline management act, the state environmental policy act, department of ecology, department of game, department of fisheries. Fairly broad powers.

"My question is, what is the anticipated area to which these powers are limited? My concern is that we do not say anything about the area, they could take these spoils and dump them in Pierce county for landfill as far as I can tell from this bill. And I would like to at least know from you what you think the area is that you are affecting by this. It does have a sunset clause of June 30, 1984; but I am reluctant to turn the entire Columbia river loose for the next two years."

Senator Quigg: "You are not the one that turned Mount St. Helens loose, are you Senator?"

Senator McDermott: "Well, it did come in handy."

Senator Quigg: "Senator, Mount St. Helens recovery operations are the ones that are specifically mentioned in the bill and those recovery operations are going to be carried out through the greatest extent, by the Corps of Engineers, and the Corps of Engineers funding is such that the cost of moving material is going to be a very extreme limiter on the impact these materials can have any place else and very close to those recovery operation sites themselves.

"The material is determined to be of very little value to anyone; and because it is such a low value it is being treated as a dredge spoil and as a spoil the cost-per-ton mile of moving of it, goes up dramatically as you begin to move it any more than a few hundred yards away from the river site. So I do not think you are going to be seeing the dredge spoils sent out across the state of Washington, it is just simply not financially feasible. They are going to want to move that material as short a distance as possible, that is why the Corps of Engineers is working to identify the most suitable price to have as little environmental impact as well as as little economic cost as possible to relieve that community of the risk of a 350,000,000 cubic-yard/ten-year problem."

Senator McDermott: "Do you have any concerns over the fish hatchery on the Cowlitz and what this does in exempting the county commissioners from taking into consideration what happens in that fish hatchery?"

Senator Quigg: "Senator, I do have concerns about that; the county commissioners have sent up a statement from their operations, saying just exactly how they were going to implement this recovery operation authority, and evidently it has not been circulated as yet, but the clerk has it. Those people are equally, and probably even more concerned with the successful operation of the Cowlitz fish hatchery because as you know, that is where the folks from Cowlitz county do a lot of fishing, both commercially and sport. So I think the question of the Cowlitz hatchery is one that is going to be addressed, should there be recovery operations undertaken, but also by the department of fisheries.

"We are talking here about recovery operations to mitigate an impending disaster. As you heard in the ways and means committee, even so much time as a few hours for a phone call when the river is high and rising, can mean the difference between saving a million dollar state bridge or not, or a state fish hatchery, or not. And I think it is important that we have the folks that are closest to those valuable state assets able to respond effectively and quickly to see that they are not lost."

Debate ensued.

#### REMARKS BY SENATOR TALLEY

Senator Talley: "We did not ask for the powers of eminent domain. In that emergency first year they had eleven dredges on that Cowlitz river. They used every site owned by the department of natural resources and fisheries and things like that. They filled them up. Now we have to find additional sites to do any more dredging. This is an emergency situation and it has to be done.

"We did not ask for eminent domain. We had some thoughts about that, too."  
Further debate ensued.

#### POINT OF INQUIRY

Senator Wilson: "Senator Quigg, are there specific examples where adherence to any of these environmental programs from which exemptions are granted, has resulted in delays or is there a strong indication that adherence to these programs will result in delays?"

Senator Quigg: "Senator Wilson, Senator McDermott asked a similar question when this bill was before the ways and means committee and Commissioner Van Youngquist from Cowlitz county recounted that only that day or just very recently before that day of the hearing, the county had taken action without a hydraulic permit to save a bridge because of high water flows, and just went out and did it, didn't call up, just went out and saved the bridge because they just didn't have the time to go through the calling and the liaison with the various state agencies that would otherwise be required, even in an emergency situation, to sign off because as you know, an emergency in governmental time is a much different matter of days than an emergency in the real world time which can be hours and minutes.

"So I think that the handout that I think you now have on your desk, sets out some of the problems that the commission and the folks from Cowlitz county have had just in getting timely response from state agencies in light of the quick response required to handle an emergency the size and the magnitude of Mount St. Helens."

#### POINT OF INQUIRY

Senator Goltz: "Senator Quigg, it is my impression, I have been responsible for distributing the handout or the letter of concern by the Washington Environmental Council just so that all the members would have that before you, and the second paragraph of this refers to emergency procedures which are already in the law.

"And the question is, why are not these emergency procedures adequate?"

"Senator Quigg, I was asking the same question that is asked in the Washington Environmental Council handout which I have been responsible for distributing, where they referred to the emergency procedures which are already in the existing laws, and the WACs referenced here; and they say that there has been cooperation, that these emergency procedures are already in place.

"And I wonder why those emergency procedures are not adequate?"

Senator Quigg: "Senator Goltz, for two reasons (1), the one I mentioned in the discussion with Senator Wilson recounting Commissioner Youngquist's testimony, that time is much different in an emergency situation than it is in agency time; so timeliness is important.

"Also, and once again in this handout since then distributed, there are examples of Salmon Creek and Arkansas Creek where the problems that the recovery team faced with state agencies, exacerbated and compounded the problems of the recovery operation. And I think that when you realize that this is a county government that is very close to the voter who is close to the fishery resource and to all the other environmental concerns that we all share, they are not going to be running roughshod over the fishery resource, the water resource, or air, or aesthetics or anything else. It is just that they happen to be closest to a very, very big problem.

"I suspect that had Mount St. Helens blown a little more northerly and filled up Lake Washington, we would see King county down here turning handsprings. I guess maybe because it's, you know, on the far end of things down on the Columbia river we may not feel quite as much compassion for some of those folks. But I will tell you, they have to be able to move and move quickly, and I think that is the real first reason; the second one is that they have had problems with these resource agencies and those problems, just a couple are set out right here in the handout you have."

Further debate ensued.

#### POINT OF INQUIRY

Senator Woody: "Senator Quigg, would you yield to another question? Senator Quigg, I am very supportive of efforts to restore the damage to the environment caused by Mount St. Helens' eruption. But I remember Senator McDermott's question of ten minutes or so ago, and the question essentially was 'Why is it necessary to exempt this recovery operation from the shoreline management act and the state environmental policy act?' and we talked about several other related issues, but I have heard no specific answer to that question.

"And I notice in the bill, sections 4 and 5, do exempt the recovery operations from these two acts. I am wondering why that is necessary at this time? I have read the emergency exemption procedures in the handout that you have distributed and I do not see an explanation of those two exemptions in that handout."

Senator Quigg: "Senator Woody would you mind if Senator Guess replied?"

Senator Guess: "Mr. President, having been in the Cowlitz area on three different occasions, and having gone over the problems that the Corps of Engineers faces because of Public Law 99, it became completely apparent to me as an individual and as a legislator and as an engineer, that to follow the normal procedures of going through all of the permits securing, introduced a question of doubt in the minds of the Corps as to whether or not the state was really interested in the Corps coming in and spending the multi-millions of dollars to do the job. And the last meeting we had down there just before the legislative session, it appeared to us that the best show of concern and the actual 'putting your money where your mouth was' was to assure the Corps of Engineers that the state was going to do its very best to make sure that the recovery was not held up.

"There will be a period of time, some ten-to-twelve years, perhaps, where over 300,000,000 cubic yards of material is yet to come out of the tributary system. Now, this is for a period of only up to 1984. I assure you we are going to have to be back down here because the local agencies do not have the capability of meeting all of the costs that are necessary. This next two years is the most critical of the years that we face. If we do not take action there could be a loss of lives beyond which I would not even want to speculate. We could have damage in excess of \$3,000,000,000 if this thing is not taken care of in an orderly way. The county commissioners pointed out to us the problems that they have had with the agencies, and so we wrote the law in order that we get this first two years, and I took the amendment, not wanting to, really, but we wrote the law so that we do have a two-year look at it and then if the thing is going to be needed, we'll come back down here.

"I think that this is the least that we can do."

### MOTION

Senator Talmadge moved the rules be suspended and Substitute Senate Bill No. 4510 be returned to second reading.

The motion by Senator Talmadge failed on a voice vote.

### POINT OF ORDER

Senator Rasmussen: "Senator Guess, as I recall that appropriation that Senator Magnuson made for the relief down there was some \$900,000,000, and that they only spent a small portion of it; there was an article in the paper a while back said it was vastly overestimated, the cost. Do you recall what that figure was?"

Senator Guess: "No, I do not."

Senator Rasmussen: "A lot of that money reverted back."  
(Inaudible response).

### POINT OF INQUIRY

Senator Woody: "Senator Guess, you attempted to answer my question about why the exemption from the shoreline management act and the state environmental policy act, and I certainly can understand your response about the need not to hold up the recovery. And as a legislator from a district which has periodic and very serious flooding problems, I am very sympathetic to the intent of the bill.

"But I guess what I am looking for in the effort to understand what the exemptions will affect, is an example of what the result of the exemptions will be. I understand the purpose but the in the absence of an example of what we are talking about, it is difficult.

"Also in section 6, I notice that there is a further exemption from the requirements related to diking and drainage under the department of ecology. What kind of an exemption would this affect for the dredging operation?"

Senator Guess: "Senator, when someone wants to improve or to put a dredge spoil on an area, they have to go in and they first obtain the permission of the shorelines protection act to put any material out there. That approval can take up to a year, or a year-and-a-half, if anybody protests it. If the height of the fill, for instance, has, because of the limited area, has, in some places, gone up to 300 feet in height somebody could object because they didn't like that, although they have mountains all around there, they would object to that.

"So this is the kind of thing we want to be able to do. There is a very, very limited area on which we can put the dredge spoil and there is not much choice. Now, since there isn't choice, then why go through all of the myriad of forms to fill out and all of the costing? As Senator Quigg said, the cost of moving fill is something in the neighborhood of fifty cents a yard a mile, and they are not about to move the material any farther than they absolutely have to.

"So the Corps and the county cannot afford to wait, and so this is the reason for the exclusion."

Senator Woody: "Then, Senator Guess, what you are saying is that the elected county officials in the affected counties in conjunction with the Corps of Engineers, will be the decision-makers? They will be making the decisions in this case. And the elected officials are responsible to their electorate. Thank you."

Senator Guess: "Yes."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4510 and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Vognild, von Reichbauer, Wojahn, Woody—39.

Voting nay: Senators Charnley, Goltz, Hughes, Hurley, Moore, Shinpoch, Talmadge, Williams, Wilson, Zimmerman—10.

SUBSTITUTE SENATE BILL NO. 4510, having received the 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 Clarke, Senate Bill No. 4641 was returned to the Committee on Rules.

## MOTION

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

## THIRD READING

ENGROSSED SENATE BILL NO. 3405, by Senators Jones, Gallagher, Hayner and Gould (by Department of Revenue request):

Establishing fact finding procedures under the Educational Employment Relations Act.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3405.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3405 and the bill passed the Senate by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—29.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

ENGROSSED 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.

## MOTION

At 12:03 p.m., on motion of Senator Clarke, the Senate adjourned until 10:00 a.m., Tuesday, February 9, 1982.

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

## THIRTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, February 9, 1982.

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 Deccio, Rasmussen and Wilson.

The Color Guard, consisting of Pages Doug Lewis and Gaylynn Edgbert, presented the Colors. Reverend Richard Hart, pastor of First Baptist Church of Olympia, offered the prayer.

### MOTION

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

### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Newhouse, Hemstad, Gaspard and Wojahn as a committee of honor to escort the Washington State Dairy Princess and her court to the Senate rostrum.

With permission of the Senate, business was suspended to permit Princess Gayla Schorno of Yelm, Washington to address the Senate.

The President introduced Princess Gayla also Princess Julie Youngquist of Cowlitz County; Princess Christie Henrickson of Thurston County; and Princess Connie Cook of Lewis County.

The committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

### REPORTS OF STANDING COMMITTEES

February 4, 1982.

SENATE BILL NO. 3366, creating a fraud and arson bureau (reported by Committee on Local Government):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3366 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, Lee, McCaslin, Talley.

Passed to Committee on Rules for second reading.

February 8, 1982.

SENATE BILL NO. 4485, appropriating funds for the establishing of a boat moorage fee at selected state parks (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Gaspard, Haley, Lee, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 2, 1982.

SENATE BILL NO. 4615, prohibiting state employees and officials from receiving a salary higher than the governor's (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Quigg.

Passed to Committee on Rules for second reading.

February 9, 1982.

SENATE BILL NO. 4626, providing for review of certain agencies under the Sunset Act (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Moore, Sellar.

Passed to Committee on Rules for second reading.

February 9, 1982.

SENATE BILL NO. 4680, requiring the sheriff's civil service commission to schedule hearings and issue written opinions within certain time periods (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

February 8, 1982.

SENATE BILL NO. 4681, appropriating funds to the department of natural resources (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Gaspard, Lee, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1982.

SENATE BILL NO. 4694, restoring reciprocity fees with British Columbia for students attending certain institutions of higher education subject to further negotiations with province of British Columbia (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended and refer to the Senate Committee on Ways and Means.

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

Passed to Committee on Ways and Means.

February 9, 1982.

SENATE BILL NO. 4905, modifying provisions relating to the governing bodies of merged special purpose districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

February 8, 1982.

SENATE BILL NO. 4907, increasing additional tonnage for garbage trucks (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Conner, Gallagher, Hansen, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 8, 1982.

SENATE BILL NO. 4952, authorizing a metropolitan municipal corporation to charter an electric streetcar on rails operating within a city (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Hansen, Peterson, Talley.

Passed to Committee on Rules for second reading.

February 8, 1982.

SENATE BILL NO. 4963, relating to port districts (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 4963 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Conner, Gallagher, Hansen, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 4, 1982.

SENATE CONCURRENT RESOLUTION NO. 140, establishing a Joint Select Committee on Radioactive Waste (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gould, Chairman; Fuller, Hemstad, Hurley, Williams, Woody.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

February 8, 1982.

REVEREND SAMUEL B. MCKINNEY, to the position of Member of the Commission for Vocational Education, reappointed by the Governor on July 22, 1981 for the term ending July 1, 1986 (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

February 8, 1982.

THE HONORABLE ROBERT E. DIXON, to the position of Member of the Juvenile Disposition Standards Commission, appointed by the Governor November 3, 1981 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Moore, Rasmussen, Talmadge.

Passed to Committee on Rules.

February 8, 1982.

THE HONORABLE L. EUGENE HANSON, to the position of Member of the Juvenile Disposition Standards Commission, appointed by the Governor on November 3, 1981 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Moore, Rasmussen, Talmadge.

Passed to Committee on Rules.

February 8, 1982.

JILL M. KINNEY, to the position of Member of the Juvenile Disposition Standards Commission, appointed by the Governor on November 3, 1981 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; McCaslin, Metcalf, Moore, Rasmussen, Talmadge.

Passed to Committee on Rules.

February 8, 1982.

JAY A. REICH, to the position of Member of the Juvenile Disposition Standards Commission, appointed by the Governor on November 3, 1981 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Moore, Rasmussen, Talmadge.

Passed to Committee on Rules.

February 8, 1982.

BERT SHABER, to the position of Member of the Board of Trustees for Eastern Washington University, appointed by the Governor on October 23, 1981 for the term ending September 30, 1987, succeeding Mary Wilson (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

February 8, 1982.

PAUL W. PETERSON, to the position of Member of the Juvenile Disposition Standards Commission, appointed by the Governor on November 3, 1981 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Moore, Rasmussen, Talmadge.

Passed to Committee on Rules.

February 8, 1982.

H. M. VANDIVER, to the position of Member of the Juvenile Disposition Standards Commission, appointed by the Governor on November 3, 1981 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Chairman, Craswell, McCaslin, Metcalf, Moore, Rasmussen, Talmadge.

Passed to Committee on Rules.

February 8, 1982.

N. CLIFFORD PETERSEN, to the position of Member of the Juvenile Disposition Standards Commission, appointed by the Governor on November 3, 1981 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Moore, Rasmussen, Talmadge.

Passed to Committee on Rules.

## MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, Senate Bill No. 4477 was ordered held for consideration on February 10, 1982.

## SECOND READING

SENATE BILL NO. 4469, by Senators von Reichbauer, Patterson, Hansen and Vognild:

Advancing construction of interstate highways.

## MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 4469 was substituted for Senate Bill No. 4469 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator von Reichbauer, Substitute Senate Bill No. 4469 will be considered following Senate Bill No. 4635.

## MOTION

On motion of Senator Clarke, Senate Bill No. 4898 and Senate Bill No. 4899 were ordered held for consideration on February 10, 1982.

## SECOND READING

SENATE BILL NO. 4468, by Senator Scott:

Revising laws concerning authorized deductions of retirement pay.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Senate Bill No. 4468 was advanced to third reading, the second 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. 4468 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Rasmussen, Sellar, Wilson—3.

SENATE BILL NO. 4468, having received the 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. 4635, by Senators Bluechel and Gaspard (by Department of Retirement Systems request):

Revising laws relating to LEOFF.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Senate Bill No. 4635 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Ridder, Senator Wilson was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4635 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—44.

Voting nay: Senator Shinpoch—1.

Absent or not voting: Senators Deccio, Rasmussen, Sellar—3.

Excused: Senator Wilson—1.

SENATE BILL NO. 4635, having received the 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 Bluechel, Senator Sellar was excused.

On motion of Senator von Reichbauer, Senate Bill No. 4469 will be considered following Senate Bill No. 4638.

#### SECOND READING

SENATE BILL NO. 4636, by Senators Bluechel, Gaspard and Zimmerman (by Department of Retirement Systems request):

Revising laws relating to correction of errors made under retirement systems.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Senate Bill No. 4636 was advanced to third reading, the second 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. 4636 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senators Deccio, Rasmussen—2.

Excused: Senators Sellar, Wilson—2.

SENATE BILL NO. 4636, having received the 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. 4638, by Senators Scott, Craswell, Bluechel and Zimmerman (by Department of Retirement Systems request):  
Providing for lump sum payments of retirement benefits.

### REPORT OF STANDING COMMITTEE

January 28, 1982.

SENATE BILL NO. 4638, providing for lump sum payments of retirement benefits (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 15, after "contributions" insert: "plus accrued interest"

On page 2, line 23, after "contributions" insert: "plus accrued interest"

On page 3, line 25, after "contributions" insert: "plus accrued interest"

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Craswell, Deccio, Fleming, Haley, Hughes, Lee, McDermott, Pullen, Wojahn, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Scott, the committee amendments were considered and adopted simultaneously.

On motion of Senator Scott, the rules were suspended, Engrossed Senate Bill No. 4638 was advanced to third reading, the second 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. 4638 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Rasmussen—1.

Excused: Senators Sellar, Wilson—1.

ENGROSSED SENATE BILL NO. 4638, having received the 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. 4469, by Committee on Transportation (originally sponsored by Senators von Reichbauer, Patterson, Hansen and Vognild):  
Advancing construction of interstate highways.

### POINT OF INQUIRY

Senator von Reichbauer: "Senator Bottiger, this measure dealing with advancing of construction of interstate highways first came out of the transportation committee on January 18 and knowing that you well know that Pierce county, in fact,

Pierce county management, consultants, Pierce county businesses and Pierce county labor's building trades people appeared before the committee concerned about completion of the Tacoma spur and other projects in Pierce county as well as other areas around the state. Do you want to delay this another day, Senator, or would you want to do it today?"

Senator Bottiger: "Senator von Reichbauer, I am sure all of those people have talked to you as well as me and they are very interested in those projects. I am sure they also don't want us to do anything irresponsible in view of news that keeps coming out of Washington, D.C. as to the status of President Reagan's proposal from these areas.

"This bill, in a sense, adds to our debt another \$120,000,000 to be paid in five years to a debt service that is already 10% of all highway income funds and to add that amount of debt service without some assurance that the federal money will be there, could very well be irresponsible."

Senator von Reichbauer: "Senator, as you know, this bill takes 60% of the floor to support it. Do you wish this bill held over another day, or are you willing to have it brought up for today's action?"

Senator Bottiger: "Senator, I asked you if you would hold it over for one more day so that we can check this out. It does take 60%."

#### MOTION

On motion of Senator von Reichbauer, Substitute Senate Bill No. 4469 was ordered placed at the beginning of the second reading calendar for February 10, 1982.

#### SECOND READING

SENATE BILL NO. 4640, by Senators Scott, Zimmerman and Gaspard (by Department of Retirement Systems request):

Revising laws relating to retirement from public service.

#### REPORT OF STANDING COMMITTEE

January 28, 1982.

SENATE BILL NO. 4640, revising laws relating to retirement from public service (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 17, line 36, after "~~RCW 41.32.499~~")" insert: "except that any accrued interest shall be credited at least annually to the individual members accounts"

On page 18, line 32, after "~~years:))~~" insert: "Regular interest shall be credited to each member's account at least annually."

On page 46, add a new section as follows:

"NEW SECTION, Sec. 39. This act shall take effect July 1, 1982."

On page 3, line 12, of the title, after "RCW 43.43.266;" delete "and"

On page 3, line 13 of the title, after the period insert "; and providing an effective date"

Signed by: Senators Scott, Chairman; Bluechel, Craswell, Gaspard, Lee, McDermott, Ridder, Wojahn, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Scott, the committee amendments were adopted.

On motion of Senator Scott, the committee amendments to the title were adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Senate Bill No. 4640 was advanced to third reading, the second 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. 4640 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Rasmussen—1.

Excused: Senators Sellar, Wilson—2.

ENGROSSED SENATE BILL NO. 4640, having received the 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. 4706, by Senators Talley, Quigg and Gallagher:

Renaming SR 504 the Spirit Lake Memorial Highway and correcting its route description.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 4706 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Ridder, Senator Rasmussen was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4706 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senator Deccio—1.

Excused: Senators Rasmussen, Sellar, Wilson—3.

SENATE BILL NO. 4706, having received the 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. 4512, by Senators Clarke, Talmadge, Hemstad and Hughes:

Modifying liability of railroad company employees.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 4512 was advanced to third reading, the second 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. 4512 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—46.

Excused: Senators Rasmussen, Sellar, Wilson—3.

SENATE BILL NO. 4512, having received the 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. 4136, by Senator Sellar:

Establishing procedures by which certain property owners may withdraw from irrigation districts.

### MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 4136 was substituted for Senate Bill No. 4136 and the substitute bill was placed on second reading and read the second time in full.

The motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 4136 was advanced to third reading, the second 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. 4136 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—46.

Excused: Senators Rasmussen, Sellar, Wilson—3.

SUBSTITUTE SENATE BILL NO. 4136, having received the 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. 3495, by Senators Wilson, Moore and Sellar:

Extending validity of certificates of emergency medical technicians.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Senate Bill No. 3495 was advanced to third reading, the second 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. 3495 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—46.

Excused: Senators Rasmussen, Sellar, Wilson—3.

SENATE BILL NO. 3495, having received the 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 Clarke, Senate Bill No. 4476 will be considered following Senate Bill No. 4655.

### SECOND READING

SENATE BILL NO. 4113, by Senators Quigg, Gaspard and Conner:  
Updating references to the state building codes.

### REPORT OF STANDING COMMITTEE

March 24, 1981.

SENATE BILL NO. 4113, updating references to the state building codes (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 25, before "published" insert "with 1980 amendments,"

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Quigg.

The bill was read the second time by sections.

On motion of Senator Quigg, the committee amendment was adopted.

Senator Bottiger moved adoption of the following amendment:

On page 2, strike everything after line 5 and insert "(6) ((The thermal performance and design standards for dwellings as set forth in RCW 19.27.210 through 19.27.200 through 19.27.290. This subsection shall be of no further force and effect when RCW 19.27.200 through 19.27.290 expire as provided in RCW 19.27.300.)) The rules adopted by the state building code advisory council establishing energy-efficient thermal and lighting standards for commercial and residential buildings under RCW 19.27.075.

In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.

Sec. 2. Section 3, chapter 76, Laws of 1979 ex. sess. and RCW 19.27.075 are each amended to read as follows:

The state building code advisory council shall have authority to promulgate rules, pursuant to chapter 34.04 RCW, for the purpose of adopting a state-wide thermal efficiency and lighting code to the extent necessary to comply with Title 10, Code of Federal Regulations, section ((420.35)) 420.7. Such code shall take into

account regional climatic conditions; shall take effect prior to June 30, 1980; and shall be presented to the senate and house committees on energy and utilities at the time it is proposed as a draft rule.

**NEW SECTION.** Sec. 3. The following acts or parts of acts are each repealed.

(1) Sections I through 10, chapter 14, Laws of 1977 ex. sess. and RCW 19.27-.200 through 19.27.290;

(2) Section 14, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.300;

(3) Section 16, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.310; and

(4) Section 17, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.905."

Debate ensued.

### POINT OF INQUIRY

Senator Guess: "Senator Bottiger, we are dealing with an act relating to the building code, not the energy code. Do you have any hesitancy in putting an energy bill into the building code? I think it would put the bill into jeopardy, purely and simply because it violates the Constitution on 'one bill, one subject.'"

Senator Bottiger: "Well, Senator, if that were true, then, the entire bill as written which has the fire code, the plumbing code, the electric code, the mechanical code, the thermal performance and design code, on page 4, are already in there. If you look on page 2, subparagraph 6, all we are doing is updating that one from the 1971 Act, and bringing it up to the current one, the same as you are doing with all the other numbers."

### PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President, Senator Gould's name was on this amendment. I had prepared two amendments, I had my name typed on them, and I can only presume that somebody wrote Senator Gould's name on it. It is not mine, and she is suggesting that it was there without her authority and I would have no objection to removing it. As you can see, there were two that were passed out and apparently had it done twice and I don't know who put her name on the other one."

### MOTIONS

On motion of Senator Clarke, Senate Bill No. 4113, together with the adopted committee amendment and the pending amendment by Senator Bottiger, was ordered held for consideration on February 10, 1982.

On motion of Senator Clarke, Senate Bill No. 4675 was ordered held for consideration on February 10, 1982.

### SECOND READING

**SENATE BILL NO. 4655**, by Senators Kiskaddon, Gaspard, Gould and Hemstad:

Making changes in the learning objectives and basic education school law.

### MOTION

On motion of Senator Kiskaddon, Substitute Senate Bill No. 4655 was substituted for Senate Bill No. 4655 and the substitute bill was placed on second reading and read the second time in full.

### MOTION

On motion of Senator Clarke, Substitute Senate Bill No. 4655 will be considered following Senate Bill No. 4585.

## SECOND READING

SENATE BILL NO. 4476, by Senators Jones and Moore:

Authorizing public agencies to contract with collection agencies.

The bill was read the second time by sections.

Senator McDermott moved adoption of the following amendment:

On page 1, line 20, add "(4) No collection agency may be used in any case where the collection involves correcting a departmental error in payment or assessment"

Debate ensued.

The motion by Senator McDermott failed and the amendment was not adopted.

Senator Gaspard moved adoption of the following amendment:

On page 1, line 10, after "person" insert ": PROVIDED, That each such contract shall limit collection agency fees to no more than twenty-five percent"

On motion of Senator Gaspard, the following amendment to the amendment was adopted:

Following the last word of the amendment, insert "of any debt collected"

The President declared the question before the Senate to be the amendment by Senator Gaspard, as amended.

Debate ensued.

The motion by Senator Gaspard failed and the amendment, as amended, was not adopted.

Senator McDermott moved adoption of the following amendment:

On page 1, line 20, insert "(4) When the state collects an overpayment, the issue may be turned over to a collection agency by the injured party"

Debate ensued.

The motion by Senator McDermott failed and the amendment was not adopted.

On motion of Senator Jones, the rules were suspended, Senate Bill No. 4476 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## PERSONAL PRIVILEGE

Senator Kiskaddon: "I heard my name being mentioned as being quoted on something, I said nothing, and it was nothing."

Further debate ensued.

## POINT OF INQUIRY

Senator Ridder: "Thank you, Mr. President. Would Senator Deccio yield? All right then if you choose not to answer a question to something that you put very positively, I will tell you that, based on your remarks, it is my assumption that there will never be a collection agency used to collect arrears based on the parental pay bill, 759, and further, by extension, there will be none used for the collection of fees or assessments based on the juvenile rehabilitation act.

"That is the assumption that you have given on your remarks in the last few minutes."

(Senator Deccio declined to yield.)

Further debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4476 and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Talley, Vognil, von Reichbauer, Zimmerman—29.

Voting nay: Senators Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Peterson, Ridder, Shinpoch, Talmadge, Williams, Wojahn, Woody—17.

Excused: Senators Rasmussen, Sellar, Wilson—3.

SENATE BILL NO. 4476, having received the 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. 4505, by Senators Sellar and Talley:

Deleting minimum charge for county treasurer investment service.

## MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 4505 was substituted for Senate Bill No. 4505 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Charnley, the following amendment by Senators Charnley and Wilson was adopted:

On page 2, line 19, after "body" insert "PROVIDED FURTHER, That if such investment service fee amounts to five dollars or less the county treasurer or other municipal corporation treasurer may waive such fee"

On motion of Senator Zimmerman, the rules were suspended, Engrossed Substitute Senate Bill No. 4505 was advanced to third reading, the second 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. 4505 and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senators Conner, Gould—2.

Excused: Senators Rasmussen, Sellar, Wilson—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4505, having received the 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 Talmadge: "Mr. President, I wonder if Senator Hayner would yield to a question; and I will frame the question first because I know the partisan concern. Senator, this is not meant to be a partisan question in any fashion or form, but personally I guess I am just a little bit exasperated with Roosevelt elk or Roosevelt geoducks, or collection agencies or whatever; and I was wondering if you could give an indication to us when, if ever, we are going to get the issues of making jobs for

people in the state of Washington, and dealing with the fiscal problems that we are facing in the state? I guess I am craving a little substance and would like to know what we are going to be doing."

Senator Hayner: "Mr. President, ladies and gentlemen. I think we will get too them a lot faster if there weren't a lot of frivolous amendments. You know as well as I do that many of those bills are in the mill, they are on the schedule, a matrix to be considered, and they will be considered and the more time we waste here, the more evenings and weekends we will be spending on the floor."

### SECOND READING

SENATE BILL NO. 4584, by Senators Hemstad, Hansen, Benitz and Quigg:  
Putting Arabian horse racing under parimutuel betting system.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the following amendment:

On page 1, in line 22 strike "or" and insert "((or))" and in line 23 before "where" insert "or any exhibition authorized by the commission"

On page 2, after line 8 insert "The Commission shall determine by rule, pursuant to chapter 34.04 RCW, the requirements of any other horses participating in a race meet."

On page 2, after line 26 add a new section to read as follows:

"NEW SECTION. Sec. 5. There is added to chapter 67.16 RCW a new section to read as follows: The commission may promulgate rules, pursuant to chapter 34.04 RCW, for establishing race meets for any other breed or classification of horses that the commission deems appropriate and in the public interest. Such rule shall include the percentages kept and given the state, the number of dates and any other requirement the commission feels prudent and necessary." and renumber the remaining section accordingly."

### POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, this would appear to be, even though it wouldn't discriminate against Clydesdales or Percherons, it might discriminate against dogs. Would you want to include them, too, or trotting horses, would those be involved?"

Senator Bottiger: "I think you could, a trotting horse, if the commission wants to designate a harness horse event, they could, under this amendment; Clydesdales, if they wanted to — I wouldn't suggest they would because they are not a racing horse. But I am just trying to relieve the load and make it unnecessary to go through the motion."

Debate ensued.

The motion by Senator Bottiger failed and the amendment was not adopted on a rising vote.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 4584 was advanced to third reading, the second reading considered the third, and the bill as placed on final passage.

### MOTION

On motion of Senator Bluechel, Senator Gould was excused.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4584 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 1; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—43.

Voting nay: Senator Moore—1.

Absent or not voting: Senator Conner—1.

Excused: Senators Gould, Rasmussen, Sellar, Wilson—4.

SENATE BILL NO. 4584, having received the 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. 4655, by Committee on Education (originally sponsored by Senators Kiskaddon, Gaspard, Gould and Hemstad):

Making changes in the learning objectives and basic education school law.

The Senate resumed consideration of Substitute Senate Bill No. 4655 from earlier today.

Senator Kiskaddon moved adoption of the following amendment by Senators Kiskaddon, Bottiger and Wojahn:

On page 6 following section 3 add new sections to read as follows and renumber the remaining section consecutively:

"Sec. 4. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 173, Laws of 1979 ex. sess. and RCW 28A.01.120 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(3) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Accredit, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.02.201, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine

through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(7) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

~~(9) ((Prepare courses of instruction in physical education, and direct and enforce such instruction throughout the state, with the assistance of the school officials, educational service district superintendents and the boards of directors of the common schools.~~

~~((+0)))~~ Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

~~((++))~~ (10) By rule or regulation promulgated upon the advice of the state fire marshal, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

~~((+2))~~ (11) Hear and decide appeals as otherwise provided by law.

NEW SECTION. Sec. 5. The following acts or parts of acts are each hereby repealed:

(1) Section 28A.87.100, chapter 223, Laws of 1969 ex. sess., section 151, chapter 176, Laws of 1969 ex. sess., section 144, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.100; and

(2) Section 28A.87.110, chapter 223, Laws of 1969 ex. sess., section 152, chapter 176, Laws of 1969 ex. sess., section 145, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.110.

Sec. 6. Section 6, chapter 92, Laws of 1974 ex. sess. and RCW 28A.02.250<sup>1</sup> are each amended to read as follows:

The superintendent of public instruction is hereby directed to appoint a private school advisory committee that is broadly representative of educators, legislators, and various private school groups in the state of Washington. ~~((By July 1 of 1975, after consultation with the advisory committee herein created, the superintendent of public instruction shall make recommendations to the legislature concerning how the approval and accreditation processes for private schools can be improved.))~~

NEW SECTION. Sec. 7. Section 12, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.122 are each hereby repealed.

Sec. 8. Section 2, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.102 are each amended to read as follows:

As used in RCW 28A.31.100 through ~~((28A.31.122))~~ 28A.31.120:

(1) "Chief administrator" shall mean the person with the authority and responsibility for the immediate supervision of the operation of a school or day care center as defined in this section or, in the alternative, such other person as may hereafter be

designated in writing for the purposes of RCW 28A.31.100 through ~~((28A.31.122))~~ 28A.31.120 by the statutory or corporate board of directors of the school district, school, or day care center or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district, school or day care center.

(2) "Full immunization" shall mean immunization against certain vaccine-preventable diseases in accordance with schedules and with immunizing agents approved by the state board of health.

(3) "Local health department" shall mean the city, town, county, district or combined city-county health department, board of health, or health officer which provides public health services.

(4) "School" shall mean and include each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.04.120(4) and 28A.02.201 through 28A.02.260, each as now or hereafter amended.

(5) "Day care center" shall mean an agency which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

Sec. 9. Section 4, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.106 are each amended to read as follows:

Any child shall be exempt in whole or in part from the immunization measures required by RCW 28A.31.100 through ~~((28A.31.122))~~ 28A.31.120 upon the presentation of any one or more of the following, on a form prescribed by the department of social and health services:

(1) A written certification signed by any physician licensed to practice medicine pursuant to chapter 18.71 or 18.57 RCW that a particular vaccine required by rule of the state board of health is, in his or her judgment, not advisable for the child: **PROVIDED**, That when it is determined that this particular vaccine is no longer contraindicated, the child will be required to have the vaccine;

(2) A written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child that the religious beliefs of the signator are contrary to the required immunization measures; and

(3) A written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child that the signator has either a philosophical or personal objection to the immunization of the child.

Sec. 10. Section 5, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.108 are each amended to read as follows:

The requirements of RCW 28A.31.100 through ~~((28A.31.122))~~ 28A.31.120 shall not apply to any person eighteen years of age or older, nor shall they apply to any female person twelve years of age or older with respect to immunization for rubella.

Sec. 11. Section 6, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.110 are each amended to read as follows:

The immunizations required by RCW 28A.31.100 through ~~((28A.31.122))~~ 28A.31.120 may be obtained from any private or public source desired: **PROVIDED**, That the immunization is administered and records are made in accordance with the regulations of the state board of health. Any person or organization administering immunizations shall furnish each person immunized, or his or her parent or legal guardian, or any adult in loco parentis to the child, with a written record of immunization given in a form prescribed by the state board of health.

Sec. 12. Section 8, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.114 are each amended to read as follows:

Upon notification by the local health department, it shall be the duty of the chief administrator of every public and private school and day care center to prohibit the further presence at the school or day care center for any and all purposes of each child for whom proof of immunization, certification of exemption, or proof of compliance with an approved schedule of immunization has not been provided in accordance with RCW 28A.31.104 and to continue to prohibit the child's presence until such proof of immunization, certification of exemption, or approved schedule has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the state board of education. The exclusion of a child from a day care center shall be accomplished in accordance with rules of the department of social and health services. Prior to the exclusion of a child from a school or day care center each local health department shall provide written notice to the parent(s) or legal guardian(s) of each child or to the adult(s) in loco parentis to each child, who is not in compliance with the requirements of RCW 28A.31.104. The notice shall fully inform such person(s) of the following: (1) The requirements established by and pursuant to RCW 28A.31.100 through ~~((28A.31.122))~~ 28A.31.120; (2) the fact that the child will be prohibited from further attendance at the school unless RCW 28A.31.104 is complied with; (3) such procedural due process rights as are hereafter established pursuant to RCW 28A.31.118 and/or 28A.31.120, as appropriate; and (4) the immunization services that are available from or through the local health department and other public agencies.

Sec. 13. Section 9, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.116 are each amended to read as follows:

The state board of health shall adopt and is hereby empowered to adopt rules pursuant to chapter 34.04 RCW which establish the procedural and substantive requirements for full immunization and the form and substance of the proof thereof, to be required pursuant to RCW 28A.31.100 through ~~((28A.31.122))~~ 28A.31.120.

Sec. 14. Section 1, chapter 47, Laws of 1975 and RCW 28A.58.430 are each amended to read as follows:

Any common school district board of directors is empowered to direct and authorize, and to delegate authority to an employee or agent of the common school district or the educational service district to direct and authorize, the county treasurer to invest funds described in RCW 28A.58.435 and 28A.58.440 and funds from state and federal sources as are then or thereafter received by the educational service district, and such funds from county sources as are then or thereafter received by the county treasurer, for distribution to the common school districts. Funds from state, county and federal sources which are so invested may be invested only for the period the funds are not required for the immediate necessities of the common school district as determined by the school district board of directors or its delegate, and shall be invested in behalf of the common school district pursuant to the terms of RCW 28A.58.435 or 28A.58.440, as now or hereafter amended, as the nature of the funds shall dictate. A grant of authority by a common school district pursuant to this section shall be by resolution of the board of directors and shall specify the duration and extent of the authority so granted. Any authority delegated to an educational service district pursuant to this section may be redelegated pursuant to RCW 28A.21.095, as now or hereafter amended.

Sec. 15. Section 1, chapter 41, Laws of 1975 1st ex. sess. and RCW 28A.60.350 are each amended to read as follows:

Notwithstanding any other provision of law, any second ~~((or third))~~ class school district with an enrollment of three hundred students or less may provide housing for the superintendent of the school district, or any person acting in the capacity of superintendent, by such means and with such moneys as the school district shall

determine: PROVIDED, That any second (~~(or third)~~) class school district presently providing such housing may continue to provide the same: PROVIDED FURTHER, That if such housing is exempt from real property taxation by virtue of school district ownership, the school district shall charge for such housing, rent at least equal to the amount of real property tax for which such housing would be liable were it not so owned.

Sec. 16. Section 2, chapter 41, Laws of 1975 1st ex. sess. and RCW 28A.60-.352 are each amended to read as follows:

Any contracts heretofore entered into by the board of directors of any second (~~(or third)~~) class school district relating to the providing of housing for the superintendent of the school district, or any person acting in the capacity of superintendent, and any indebtedness in any amount heretofore contracted by the board of directors of any second or third class school district for providing such housing, are hereby validated.

NEW SECTION. Sec. 17. Section 23, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.036 are each hereby repealed.

NEW SECTION. Sec. 18. Section 16, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.756 are each hereby repealed.

NEW SECTION. Sec. 19. Section 2, chapter 60, Laws of 1975 1st ex. sess. and RCW 28A.03.051 are each hereby repealed.

NEW SECTION. Sec. 20. Section 20, chapter 118, Laws of 1975-'76 2nd ex. sess., section 1, chapter 124, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.495 are each hereby repealed.

NEW SECTION. Sec. 21. The following acts or parts thereof are each hereby repealed:

(1) Section 28A.47.130, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.130;

(2) Section 28A.47.140, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.140;

(3) Section 28A.47.170, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.170;

(4) Section 28A.47.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.180;

(5) Section 28A.47.210, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.210;

(6) Section 28A.47.220, chapter 223, Laws of 1969 ex. sess. and RCW 28A-.47.220; and

(7) Section 28A.47.230, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.230.

NEW SECTION. Sec. 22. The following acts or parts of acts are each hereby repealed:

(1) Section 28A.47.420, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.420;

(2) Section 28A.47.435, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.435;

(3) Section 28A.47.440, chapter 223, Laws of 1969 ex. sess., section 1, chapter 70, Laws of 1971 ex. sess., section 1, chapter 157, Laws of 1972 ex. sess. and RCW 28A.47.440;

(4) Section 28A.47.445, chapter 223, Laws of 1969 ex. sess. and RCW 28A-.47.445; and

(5) Section 28A.47.450, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.450.

Sec. 23. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 6, chapter 172, Laws of 1981 and RCW 82.24.020 are each amended to read as follows:

There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eight and one-half mills per cigarette. For purposes of this chapter (~~and RCW 28A.47.440~~), "possession" shall mean both (1) physical possession by the purchaser and, (2) when cigarettes are being transported to or held for the purchaser or his designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 24. Section 7, chapter 157, Laws of 1972 ex. sess. as amended by section 1, chapter 22, Laws of 1975 1st ex. sess. and RCW 82.24.260 are each amended to read as follows:

Any retailer who sells or otherwise disposes of any unstamped cigarettes other than (1) a federal instrumentality with respect to sales to authorized military personnel and (2) a federally recognized Indian tribal organization with respect to sales to enrolled members of the tribe shall collect from the buyer or transferee thereof the tax imposed on such buyer or transferee by RCW 82.24.020, (~~28A.47.440, and 73.32.130~~;) and remit the same to the department after deducting from the tax collected the compensation he would have been entitled to under the provisions of this chapter (~~RCW 28A.47.440 and 73.32.130~~;) if he had affixed stamps to the unstamped cigarettes. Such remittance shall be made at the same time and manner as remittances of the retail sales tax as required under chapters 82.08 and 82.32 RCW. In the event the retailer fails to collect the tax from the buyer or transferee, or fails to remit the same, the retailer shall be personally liable therefor, and shall be subject to the administrative provisions of RCW 82.24.230 with respect to the collection thereof by the department. The provisions of this section shall not relieve the buyer or possessor of unstamped cigarettes from personal liability for the tax imposed by RCW 82.24.020 (~~RCW 28A.47.440 and 73.32.130~~).

Nothing in this section shall relieve a wholesaler or a retailer from the requirements of affixing stamps pursuant to RCW 82.24.040 and 82.24.050.

NEW SECTION. Sec. 25. The following acts or parts of acts are each hereby repealed:

(1) Section 28A.47.460, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.460;

(2) Section 28A.47.470, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.470;

(3) Section 28A.47.480, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.480;

(4) Section 28A.47.490, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.490;

(5) Section 28A.47.500, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.500;

(6) Section 28A.47.510, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.510;

(7) Section 28A.47.520, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.520;

(8) Section 28A.47.530, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.530;

(9) Section 28A.47.540, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.540; and

(10) Section 28A.47.560, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.560.

NEW SECTION. Sec. 26. The following acts or parts thereof are each hereby repealed:

(1) Section 28A.47.570, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.570;

(2) Section 28A.47.580, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.580;

(3) Section 28A.47.590, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.590;

(4) Section 28A.47.600, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.600;

(5) Section 28A.47.610, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.610;

(6) Section 28A.47.620, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.620;

(7) Section 28A.47.630, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.630;

(8) Section 28A.47.640, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.640;

(9) Section 28A.47.650, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.650;

(10) Section 28A.47.660, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.660;

(11) Section 28A.47.680, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.680;

(12) Section 28A.47.690, chapter 223, Laws of 1969 ex. sess., section 37, chapter 141, Laws of 1979 and RCW 28A.47.690;

(13) Section 28A.47.700, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.700; and

(14) Section 28A.47.710, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.710.

NEW SECTION. Sec. 27. The following acts or parts thereof are each hereby repealed:

(1) Section 28A.47.720, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.720;

(2) Section 28A.47.722, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.722;

(3) Section 28A.47.724, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.724;

(4) Section 28A.47.726, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.726;

(5) Section 28A.47.728, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.728;

(6) Section 28A.47.730, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.730;

(7) Section 28A.47.732, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.732;

(8) Section 28A.47.734, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.734;

(9) Section 28A.47.736, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.736;

(10) Section 28A.47.738, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.738;

(11) Section 28A.47.742, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.742;

(12) Section 28A.47.744, chapter 223, Laws of 1969 ex. sess., section 38, chapter 141, Laws of 1979 and RCW 28A.47.744;

(13) Section 28A.47.746, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.746;

(14) Section 28A.47.748, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.748; and

(15) Section 28A.47.750, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.750."

#### MOTION

On motion of Senator Clarke, Substitute Senate Bill No. 4655 together with the pending amendment by Senators Kiskaddon, Bottiger and Wojahn, was ordered held for consideration on February 10, 1982.

#### MOTIONS

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

On motion of Senator Lee, the Committee on Social and Health Services was relieved from further consideration of Senate Bill No. 4305.

On motion of Senator Lee, Senate Bill No. 4305 was rereferred to the Committee on State Government.

On motion of Senator Lee, the Committee on Energy and Utilities was relieved from further consideration of Senate Bill No. 4818.

On motion of Senator Lee, Senate Bill No. 4818 was rereferred to the Committee on Commerce and Labor.

On motion of Senator Lee, the Judiciary Committee was relieved from further consideration of Senate Bill No. 4897.

On motion of Senator Lee, Senate Bill No. 4897 was rereferred to the Committee on Financial Institutions and Insurance.

#### PERMISSION GRANTED TO USE SENATE CHAMBER

At the request of Senator Quigg, the Committee on Commerce and Labor with the permission of the Senate, will hold a hearing in the Senate Chamber on February 9, 1982 commencing at 7:30 p.m.

#### MOTION

At 12:32 p.m., on motion of Senator Clarke, the Senate adjourned until 10:00 a.m., Wednesday, February 10, 1982.

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

### THIRTY-FIRST DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 10, 1982.

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 Hughes and McDermott. On motion of Senator Ridder, Senators Hughes and McDermott were excused.

The Color Guard, consisting of Pages Lisa Hathcliff and Mike O'Neil, presented the Colors. Reverend Richard Hart, pastor of the First Baptist Church of Olympia offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 10, 1982.

SENATE BILL NO. 3679, relating to financial institutions (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: That Substitute Senate Bill No. 3679 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

February 9, 1982.

SENATE BILL NO. 3775, regulating real estate time-sharing (reported by Judiciary Committee):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3775 be substitute therefor, and the second substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Shinpoch, Woody.

Passed to Committee on Rules for second reading.

February 9, 1982.

SENATE BILL NO. 4449, increasing the number of judges in Clallam and Jefferson counties (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 4449 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 9, 1982.

SENATE BILL NO. 4648, allowing school districts and educational districts to be self-insurers under industrial insurance provisions (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 4648 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Lee, Scott, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

January 27, 1982.

SENATE BILL NO. 4661, Modifying provisions relating to unemployment compensation (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

February 9, 1982.

SENATE BILL NO. 4683, authorizing exemption from public disclosure for files listing names of users of library materials (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 4683 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

February 9, 1982.

SENATE BILL NO. 4749, repealing voter qualifications previously found unconstitutional (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

February 8, 1982.

SENATE BILL NO. 4826, modifying provisions relating to lights on law enforcement vehicles (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 4826 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Charnley, Guess, Hansen, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 9, 1982.

SENATE BILL NO. 4909, modifying provisions relating to the solid waste advisory committee (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Fuller, Chairman; Bluechel, Goltz, Haley, Hansen, Hughes, Hurley, Zimmerman.

Passed to Committee on Rules for second reading.

February 9, 1982.

SENATE BILL NO. 4959, revising references to precincts (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder.

Passed to Committee on Rules for second reading.

February 9, 1982.

SENATE BILL NO. 4960, authorizing superintendent of public instruction to delegate powers and duties (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

February 9, 1982.

SENATE JOINT RESOLUTION NO. 143, providing the means for the payment of indebtedness on public improvements (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 143 be substituted therefor, and the substitute resolution do pass.

Signed by: Senators Pullen, Chairman; Conner, Gould, Ridder.

Passed to Committee on Rules for second reading.

February 9, 1982.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 11, requiring information on bond measures to be disclosed in the voters' pamphlet (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Clarke, Gould, Metcalf.

MINORITY recommendation: Do not pass.

Signed by: Senators Ridder, Woody.

Passed to Committee on Rules for second reading.

### MOTION

At 10:16 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 11:23 a.m.

### MOTIONS

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

On motion of Senator Clarke, the Committee on Rules was relieved from further consideration of Substitute House Bill No. 787, as amended by the Senate.

On motion of Senator Clarke, Substitute House Bill No. 787, as amended by the Senate, was placed on the third reading calendar for immediate consideration.

### THIRD READING

SUBSTITUTE HOUSE BILL NO. 787, by House Committee on Select Committee on Redistricting (originally sponsored by Representatives Eberle, Sanders and Prince):

Providing for congressional redistricting and reapportionment and establishing a redistricting commission.

On February 5, 1982, the bill was amended by Senators Vognild, Gould, Woody and Charnley and passed to third reading.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 787, as amended by the Senate.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 787, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent or not voting, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen,

Quigg, Rasmussen, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—35.

Voting nay: Senators Bauer, Fleming, Gaspard, Hurley, Lysen, Moore, Ridder, Talley, Talmadge, Williams, Wilson—11.

Absent or not voting: Senator Charnley—1.

Excused: Senators Hughes, McDermott—2.

SUBSTITUTE HOUSE BILL NO. 787, 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 Clarke, Substitute House Bill No. 787, as amended by the Senate, was ordered immediately transmitted to the House.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Hayner, we received a copy of a House-Senate Republican caucus resolution establishing cutoff dates; and I am wondering why the custom and procedure of the Senate to have a joint floor resolution hasn't been followed, and why just one party is deciding cutoff dates for consideration of matters by this body."

Senator Hayner: "The cutoff dates are somewhat tentative and soft. We are just trying to have some kind of direction. As you know, the House doesn't really want to have any cutoffs at all but I think that, in order to conclude this session in an orderly manner, we have to have some direction; so they are not hard and fast rules."

Senator Bottiger: "Well, Senator Hayner, then thirteen people now are deciding what we will consider and what will be the agenda for the legislature. I think that this is a very sad mistake and a very large error and I would hope that even the majority can understand that. A very small group now is deciding what we will consider and what we won't consider."

#### MOTIONS

On motion of Senator Clarke, the Senate returned to the sixth order of business.

On motion of Senator Clarke, the Senate resumed consideration of Substitute Senate Bill No. 4469.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 4469, by Committee on Transportation (originally sponsored by Senators von Reichbauer, Patterson, Hansen and Vognild):

Advancing construction of interstate highways.

The Senate resumed consideration of Substitute Senate Bill No. 4469. On February 9, 1982, the substitute bill was substituted for the original bill and on motion of Senator von Reichbauer held for consideration today.

#### MOTION

On motion of Senator von Reichbauer, the rules were suspended and Substitute Senate Bill No. 4469 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 Goltz: "Senator von Reichbauer, what is the bond rating on the bonds that are anticipated to be sold under provisions of this act?"

Senator von Reichbauer: "These will be short-term bonds."

Senator Goltz: "Are they rated by a national rating bureau? That is, do they have double A, A, A minus, or what?"

Senator von Reichbauer: "I am not aware of that, but maybe someone would like to assist me. I am not aware of any particular rating. They are short-term loans; I don't believe that bond loans have that particular rating."

Senator Goltz: "I am sorry, I didn't hear it. Are they general-obligation backed also?"

(Senator Guess replied to Senator Goltz without standing or using his microphone "No")

## POINT OF INQUIRY

Senator Wojahn: "Senator von Reichbauer, I am a little provincial and so I would like to know exactly how much of this \$120,000,000 will be used on 705 which is the Tacoma project?"

Senator von Reichbauer: "Senator Wojahn, I cannot give you the exact figures; all I know is that the phase of 705, the Tacoma spur, will be completed, including the off ramps into the new Tacoma dome, and that is why the downtown association from Tacoma, the building and trade unions from Tacoma, and others, came to testify. I do not know the exact dollar figures, only that phase that has already been approved by the department of transportation in conjunction with people from Pierce county and the city of Tacoma."

Senator Wojahn: "Yes, I am not through; thank you, Mr. President. Well, I am really curious because I am reading from the handout that was given us by the department of transportation and they refer to this as 'the Tacoma spur;' but, it actually is not the Tacoma spur, from what I understand; it is just a little, maybe eight or ten block area of concrete that is going to be poured to lead into the Tacoma dome, and the rest of it, there will be nothing done except for some acquisition of right-of-way, but nothing as far as building."

"And that is the reason I wanted to know exactly how much is being spent there, how much is being spent on I-82 and 182, and also I-90 which I understand will get 60% of the \$120,000,000."

## POINT OF INQUIRY

Senator Talley: "Senator von Reichbauer, if the federal money comes through, the jobs will go ahead. If it doesn't come through, they won't. We need this legislation in case they do, right?"

Senator von Reichbauer: "Yes, Senator. And to answer you Senator Wojahn, included in this is also some purchase of property for that phase of the Tacoma spur. It is an integral part. It is the opening phase of the Tacoma spur and in fact, should be called the beginning of the Tacoma spur. They are planning to buy buildings that are presently located down there, I think near Eighth Street, or in that area for the access to Tacoma. Tacoma, as you well know, is the only city in the state, in fact, not only the city in the state, but it is the only major city in the nation that does not have a major access to interstate. And that is why it is so critical to the Tacoma area."

"And as long as I am on the floor, if you, additional question? As long as I am also speaking, Mr. President . . ."

President Cherberg: "What is it, Senator von Reichbauer?"

Senator von Reichbauer: "May I go beyond the question of Senator Wojahn?"

President Cherberg: "Yes."

Senator von Reichbauer: "It was mentioned earlier, regarding Senator Jackson's comments and I would point out that when Senator Jackson was asked that question, I was advised that he thought they were talking about additional planning of interstates beyond what had already been planned in conjunction with the national department of transportation and the state.

"I would further point out that advance construction interstate in conjunction with the Jackson remark that plan was developed by the Washington state DOT and is not predicated on either increase in the federal gas tax or a renewal of obligation controlled on available federal aid highway funds before 1984.

"And if I can refer to some other remarks about a bet. It is. This is a good bet, though. This is a bet on the working men and women of this state who believe in this, who know that this is an answer to the problems that beset us both economically as well as safety-wise on our state highways. There are people who are 'chicken little' to say 'the sky is falling,' and there are others would rather look up and say 'The sky is the limit.' I would rather be with the working men and women of the state who believe the sky is the limit.

"As Bob Dilger, who is head of the building trades, said before our committee, 'I am here today to try and convince you to expedite this action as soon as you can to get our people back on a paying basis where they can go to work in the morning, where they can make a living for their families, where they can pay their taxes, where they can put some food and groceries on the table and start to build back in society and get us back on the road of economic recovery.' That is why the unions of the state wants it, that is why the builders of the state want it, and that is why republicans and democrats are working together to get this plan going, and to get Washington state working again. Washington works."

President Cherberg: "Was Senator von Reichbauer responding to your question, Senator Wojahn?"

#### REMARKS BY SENATOR WOJAHN

Senator Wojahn: "Thank you, Mr. President. Members of the Senate, Mr. President.

"I have been voting for the Tacoma spur for 10 years now, first it was the variable gas tax and I voted for it. And then there was another variable gas tax; to date we have nothing to show for it — nothing — except promises. Well, I have watched empty promises now for about eight sessions of the legislature.

"Today we are being told, 'We will give you an inch, give you an inch.' You need about ten miles in order to produce the effect that you really want. We are still not going to get entry into the city of Tacoma. You know what we are going to get? We are going to get a couple of inches into a dome, a domed stadium. It is not going to take care of the problems of downtown; it is not going to take care of anything but the jocks that want to go to the stadium. And I am not so sure that this is going to be a good vote; you know, here I am, caught between a rock and a hard place — if you don't you are in trouble, if you do you are in trouble.

"And I guess my decision, which I haven't really made yet, is going to be based upon what really happened as far as the bond rating, how much is it going to cost and maybe I am going to hear this before the debate is over; how much Tacoma is going to get for that one inch. And I would like to know what the dollar amount, and I need to know that.

"And I also need a firm promise that 'Yes, you are going to get something at last that will mean something to the citizens of Tacoma and the twenty-seventh district.' I understand Senator von Reichbauer has the answer. Thank you."

## REMARKS BY SENATOR von REICHBAUER

Senator von Reichbauer: "Senator Wojahn, when you speak, the department of transportation listens. I was just advised by the secretary of transportation that if this ACI plan is completed and voted on today favorably, I-705, the Tacoma spur, will receive over \$130,000,000 between now and 1988. This is not just one phase, one inch; this is the completion."

Further debate ensued.

## MOTION

At 12:06 p.m. on motion of Senator Wojahn, the Senate was declared to be at ease.

The President called the Senate to order at 12:14 p.m.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 4469.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4469 and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Vognilid, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—37.

Voting nay: Senators Charnley, Fleming, Goltz, Hughes, Hurley, Moore, Ridder, Shinpoch, Talmadge, Williams—10.

Absent or not voting: Senator Lysen—1.

Excused: Senator McDermott—1.

SUBSTITUTE SENATE BILL NO. 4469, having received the constitutional majority, sixty percent 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 LYSEN

Senator Lysen: "Thank you, Mr. President; ladies and gentlemen of the Senate.

"I have some deep concerns about this program, basically the \$120,000,000 that is supposed to be forthcoming from the federal government, may not come. Now what does that mean? That means we will have to pay out approximately \$400,000,000 in interest on these bonds; and these bonds, although they are revenue bonds, are ultimately backed up by the GO, general obligation bonds or backed up by the general fund.

"So we may be faced with another massive increase in our total indebtedness. Right now, we are up against our 7% statutory ceiling, and our bond rating has been lowered because of that. We are paying \$6,000 an hour in interest right now on \$400,000,000 loan which we do not have in place a way of repaying.

"So I think we have to start being fiscally much more conservative. In exchange for a few, high-paid, temporary jobs, we are putting the general fund of the state of Washington on the line. And I do not think it is worth the gamble. We have already made the gamble and we are in trouble because of it. In fact, I feel rather funny having to stand up here and carry essentially the conservative banner, fiscal responsibility. The party of fiscal responsibility is in power, yet they are not living up to the mandate of the people, in my judgment. This is not fiscal responsibility, even though the temptation of the reward is quite encouraging, and I can certainly sympathize

with that aspect of it, Senator von Reichbauer. But I think the risk is too great, the price is too high, and the reward benefits too few. We need a much broader base to get our economy going again and this does not do that job."

(These remarks were included in the Journal at the request of the Secretary of the Senate to substantiate the Statement for the Journal by Senator Lysen in which he was recorded as having not voted which was due to a clerical error)

### STATEMENT FOR THE JOURNAL

Due to a clerical error, I was not recorded as having voted on Substitute Senate Bill No. 4469 when, in fact, I voted "No".

SIGNED: Senator King Lysen

### MOTION

On motion of Senator Clarke, the Senate commenced consideration of Engrossed Senate Bill No. 3946.

### SECOND READING

ENGROSSED SENATE BILL NO. 3946, by Senator Talley:  
Modifying the aircraft fuel excise tax.

### MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 3946 was substituted for Engrossed Senate Bill No. 3946 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. 3946 was advanced to third reading, the second 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. 3946 and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; absent or not voting, 4.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Clarke, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McDermott, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—36.

Voting nay: Senators Bluechel, Craswell, Hughes, McCaslin, Metcalf, Pullen, Shinpoch, Woody, Zimmerman—9.

Absent or not voting: Senators Conner, Hansen, Lysen, Moore—4.

SUBSTITUTE SENATE BILL NO. 3946, having received the 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 Clarke, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

February 10, 1982.

Mr. President: The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 787, and asks the Senate to recede therefrom and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION

Senator Clarke moved the Senate recede from its amendment to Substitute House Bill No. 787, as amended by the Senate.

Debate ensued.

## MOTION

On motion of Senator Ridder, Senator Hughes was excused.

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

Senators Bottiger, Wilson and Woody demanded a Call of the Senate.

Senator Bottiger demanded a roll call on the demand for the Call of the Senate and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger for a Call of the Senate.

## ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 20; nays, 26; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hurley, Lysen, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Absent or not voting: Senators Conner, Hansen—2.

Excused: Senator Hughes—1.

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 Substitute House Bill No. 787, as amended by the Senate.

Senator Ridder had previously demanded a roll call and the demand was sustained.

## ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried by the following vote: Yeas, 25; nays, 21; absent or not voting, 2; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Williams, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Craswell, Fleming, Gaspard, Goltz, Gould, Hurley, Lysen, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Wilson, Wojahn, Woody—21.

Absent or not voting: Senators Conner, Hansen—2.

Excused: Senator Hughes—1.

The Senate receded from its amendment to Substitute House Bill No. 787.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 787 without the Senate amendment.

#### ROLL CALL

The Secretary called the roll and the bill passed the Senate without the Senate amendment, by the following vote: Yeas, 25; nays, 21; absent or not voting, 2; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Williams, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Craswell, Fleming, Gaspard, Goltz, Gould, Hurley, Lysen, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Wilson, Wojahn, Woody—21.

Absent or not voting: Senators Conner, Hansen—2.

Excused: Senator Hughes—1.

SUBSTITUTE HOUSE BILL NO. 787, having received the 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 12:43 p.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Thursday, February 11, 1982.

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

## THIRTY-SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, February 11, 1982.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Lysen. On motion of Senator Ridder, Senator Lysen was excused.

The Color Guard, consisting of Pages Claudia Huseman and Karen Harris, presented the Colors. Reverend Richard Hart, pastor of The First Baptist Church of Olympia, offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 9, 1982.

**SUBSTITUTE SENATE BILL NO. 3025**, modifying taxation of historic properties (reported by Committee on Parks and Ecology):

Majority recommendation: That Second Substitute Senate Bill No. 3025 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Fuller, Chairman; Goltz, Haley, Hansen, Hughes, Hurley, Williams.

Passed to Committee on Rules for second reading.

February 9, 1982.

**SENATE BILL NO. 3921**, extending the scope of the legislative ethics law and establishing a statute of limitations for complaints thereunder (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Fleming, Gallagher, McDermott, Quigg, Sellar.

Passed to Committee on Rules for second reading.

February 11, 1982.

**SENATE BILL NO. 4038**, exempting certain transactions from the deed conveyance tax (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen, Shinpoch.

Passed to Committee on Rules for second reading.

February 9, 1982.

**SENATE BILL NO. 4366**, modifying penalties for unlawful issuance of checks or drafts (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hayner, Hughes, Newhouse, Pullen.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4516, modifying provisions relating to garnishment (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4557, modifying the landlords' rights and responsibilities when a tenancy is abandoned (reported by Judiciary Committee):

Recommendation: Do Pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 10, 1982.

SENATE BILL NO. 4603, providing the means for the payment of public indebtedness on public improvements (reported by Committee on Rules):

Recommendation: That the bill be referred to Committee on Ways and Means.

Signed by: Lt. Governor Cherberg, Chairman; Senators Bluechel, Bottiger, Fleming, Goltz, Guess, Haley, Hayner, Hemstad, Jones, Lee, Newhouse, Patterson, Peterson, Shinpoch, Talley.

Passed to Committee on Ways and Means.

February 8, 1982.

SENATE BILL NO. 4617, modifying the interest used in calculating the tax imposed upon removal of certain lands from current use classification (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4617 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Craswell, Gaspard, Haley, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 9, 1982.

SENATE BILL NO. 4644, establishing the state investment board commingled trust fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Craswell, Deccio, Haley, Lee, Ridder, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1982.

SENATE BILL NO. 4659, modifying provisions relating to the election of judges (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senator Clarke, Chairman; Hemstad, Vice Chairman; Shinpoch, Talmadge, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senators Hughes, Pullen.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4691, making technical corrections in the law of comparative fault and contribution among tortfeasors (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 9, 1982.

SENATE BILL NO. 4708, implementing laws relating to horse racing (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4708 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bauer, Craswell, Hughes, Jones, Lee, McDermott, Ridder, Zimmerman.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4736, prohibiting the abuse of substances containing toxic vapors or fumes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4757, designating a portion of a state-employed chaplain's salary as rental value for a home (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Moore, Quigg.

Passed to Committee on Rules for second reading.

February 10, 1982.

SENATE BILL NO. 4830, applying the marketing contract provisions to foreign agricultural cooperative associations (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 4830 be substituted therefore, and the substitute bill do pass.

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

Passed to Committee on Rules for second reading.

February 10, 1982.

SENATE BILL NO. 4846, authorizing the department of ecology to acquire and operate the Lake Osoyoos International Water Control Structure (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 4846 be substituted therefor, and the substitute bill do pass.

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

Passed to Committee on Rules for second reading.

February 10, 1982.

SENATE BILL NO. 4852, modifying provisions on delinquent irrigation district assessments (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 4852 be substituted therefor, and the substitute bill do pass.

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

Passed to Committee on Rules for second reading.

February 10, 1982.

SENATE JOINT RESOLUTION NO. 143, providing the means for the payment of indebtedness on public improvements (reported by Committee on Rules):

Recommendation: That the bill be referred to Committee on Ways and Means.

Signed by: Lt. Governor Cherberg, Chairman; Senators Bluechel, Bottiger, Fleming, Goltz, Guess, Haley, Hayner, Hemstad, Jones, Lee, Newhouse, Patterson, Peterson, Shinpoch, Talley.

Passed to Committee on Ways and Means.

### GUBERNATORIAL APPOINTMENTS

February 10, 1982.

ROBERT W. PRINCE, to the position of Member of the Board of Trustees for Wenatchee Community College District 15, appointed by the Governor on April 27, 1981 for the term ending September 30, 1985, succeeding Harold M. Schroeder (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

February 10, 1982.

RAYMOND L. ELMGREN, to the position of Member of the Board of Trustees for Columbia Basin Community College District 19, appointed by the Governor on October 21, 1981 for a term ending September 30, 1986, succeeding Norman R. Miller (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

February 10, 1982.

ANTHONY WASHINES, to the position of Member of the Board of Trustees for Yakima Community College District 16, reappointed by the Governor on October 26, 1981 for the term ending September 30, 1986 (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

February 10, 1982.

GIRARD CLARK, to the position of Member of the Board of Trustees for Spokane Community College District 17, appointed by the Governor on November 20, 1981 for the term ending September 30, 1986, succeeding Elaine Y. Zakarison (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

February 10, 1982.

FREDERICK B. ROSMOND, to the position of Member of the Board of Trustees for Peninsula Community College District 1, reappointed by the Governor on November 20, 1981 for the term ending September 30, 1986 (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

February 10, 1982.

ELOISE ALVAREZ, to the position of Member of the Board of Trustees for Big Bend Community College District 18, reappointed by the Governor on November 12, 1981 for the term ending September 30, 1986 (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Charnley, Goltz, Patterson, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

### MOTIONS

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

Senator McDermott moved the Committee on Transportation be relieved from further consideration of Senate Bill No. 4609.

Debate ensued.

Senator Ridder 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 Committee on Transportation be relieved from further consideration of Senate Bill No. 4609.

### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—27.

Excused: Senator Lysen—1.

### MOTIONS

On motion of Senator Lee, the Committee on State Government was relieved from further consideration of Senate Bill No. 4775.

On motion of Senator Lee, Senate Bill No. 4775 was rereferred to the Judiciary Committee.

Senator Lee moved the Committee on Natural Resources be relieved from further consideration of Senate Bill No. 4944.

Senator Peterson objected.

With an explanation by Senator Lee, Senator Peterson's objection was withdrawn.

The Committee on Natural Resources was relieved from further consideration of Senate Bill No. 4944.

On motion of Senator Lee, Senate Bill No. 4944 was rereferred to the Committee on Ways and Means.

On motion of Senator Clarke, the Senate returned to the third order of business.

Office of the Governor, February 10, 1982.

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:

Chester A. Richmond reappointed February 1, 1982, for a term ending December 26, 1985, as a member of the Board of Pilotage Commissioners.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to the Committee on Transportation.

## MESSAGES FROM THE HOUSE

February 10, 1982.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 956,  
SUBSTITUTE HOUSE BILL NO., 1024, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 10, 1982.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 17,  
ENGROSSED HOUSE BILL NO. 22,  
HOUSE BILL NO. 319,  
ENGROSSED HOUSE BILL NO. 519,  
ENGROSSED HOUSE BILL NO. 527,  
SUBSTITUTE HOUSE BILL NO. 593,  
SUBSTITUTE HOUSE BILL NO. 634,  
ENGROSSED HOUSE BILL NO. 641,  
SUBSTITUTE HOUSE BILL NO. 849,  
HOUSE BILL NO. 968,  
HOUSE BILL NO. 1017,  
HOUSE BILL NO. 1036, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 10, 1982.

Mr. President: The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 875,  
ENGROSSED HOUSE BILL NO. 955,  
ENGROSSED HOUSE BILL NO. 999,  
ENGROSSED HOUSE BILL NO. 1058,  
ENGROSSED HOUSE BILL NO. 1066, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 17, by Committee on Revenue (originally sponsored by Representative Sprague):

Modifying the 106% limit.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 22, by Representative Sprague:

Making it unlawful to sell, give, dispose, or deliver explosives to persons under eighteen.

Referred to Judiciary Committee.

HOUSE BILL NO. 319, by Committee on Human Services and Representative Mitchell:

Revising laws relating to life sustaining procedures.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 519, by Committee on Local Government and Representative Isaacson:

Modifying procedures for forming and financing local improvement districts.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 527, by Committee on State Government and Representatives Rosbach and North:

Continuing the state board of geographic names.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 593, by Committee on State Government (originally sponsored by Committee on State Government and Representatives Addison, Berleen, Garson, Pruitt, Walk, Wang, Ellis, Patrick, Burns, Rust and Brown):

Protecting state employees who report improper governmental action.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 634, by Committee on State Government (originally sponsored by Representatives Van Dyken, Brown, Isaacson and Addison):

Modifying environmental coordination procedures.

Referred to Committee on Parks and Ecology.

ENGROSSED HOUSE BILL NO. 641, by Representative Nickell:

Requiring that county auditors record plats of public land surveys.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 849, by Committee on Education (originally sponsored by Representatives Taylor, Galloway, Chandler, Johnson, Wilson, Lundquist, Mitchell, James, Nisbet, Padden, Tilly, Barnes, Kreidler, Amen and Barr):

Making miscellaneous changes in laws relating to education.

Referred to Committee on Education.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 875, by Committee on State Government (originally sponsored by Representatives Lundquist, Walk and Addison) (by Governor Spellman request):

Providing for review of certain agencies under the Sunset Act.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 955, by Committee on Human Services and Representative Mitchell:

Revising laws regulating public hospital districts.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 956, by Committee on Local Government (originally sponsored by Committee on Local Government and Representative Isaacson):

Modifying provisions on port districts.

Referred to Committee on Local Government.

HOUSE BILL NO. 968, by Committee on Institutions and Representatives Houchen, Owen and Struthers (by Department of Corrections request):

Defining correctional institutions that contain prisoners sentenced from other jurisdictions.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 999, by Representatives Fiske, Lundquist and McDonald:

Authorizing island library districts.

Referred to Committee on Local Government.

HOUSE BILL NO. 1017, by Representatives Barrett, Granlund, Bickham, King (J), Schmidt, Kreidler, Sanders, Brekke, Johnson, Kaiser, Houchen, Cole, Prince, Lux, Owen, Stratton, Smith, Chamberlain, Ehlers, Heck, McGinnis and Struthers:

Modifying the law on camping clubs.

Referred to Committee on Commerce and Labor.

SUBSTITUTE HOUSE BILL NO. 1024, by Select Committee on Deregulation and Productivity (originally sponsored by Representatives McGinnis, Brown, Johnson, Stratton, Lewis, Leonard, Sanders and Granlund):

Requiring the use of sheltered workshops for printing services for state agencies and departments under certain circumstances.

Referred to Committee on State Government.

HOUSE BILL NO. 1036, by Committee on Higher Education and Representative Teutsch:

Implementing law relating to vendor payments by treasurer for state board for community college education.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 1058, by Committee on Labor and Economic Development and Representatives Sanders, Clayton, King (J) and Warnke (by Department of Labor and Industries and Legislative Budget Committee requests):

Modifying provisions relating to the department of labor and industries.

Referred to Committee on Commerce and Labor.

ENGROSSED HOUSE BILL NO. 1066, by Committee on Institutions and Representative Houchen:

Modifying provisions relating to the criminal justice training commission.

Referred to Judiciary Committee.

## SECOND READING

SENATE BILL NO. 4477, by Senators Fuller and Zimmerman:

Modifying provisions relating to volunteer work on state park lands.

The Senate resumed consideration of Senate Bill No. 4477. On February 5, 1982, the committee amendment was adopted. An amendment by Senator Hurley on page 1, line 14 was not adopted and an amendment by Senator Goltz, as amended by Senator Bluechel was not adopted. The following amendment by Senator Goltz had been moved for adoption on that day:

On page 1, line 17, after "chapter." insert: "Prior to granting such a permit, the commission shall conduct at least one public hearing for the purpose of soliciting public testimony and comments on a proposed improvement: PROVIDED, That no additional public hearing shall be required for minor nonconstruction improvements or any construction project which requires a public hearing during the applicable government permit process."

Debate ensued.

Senator Hurley 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 Goltz.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 26; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Absent or not voting: Senators Conner, Shinpoch—2.

Excused: Senator Lysen—1.

Senator Hurley moved adoption of the following amendment:

On page 1, line 24, after "improvement" insert "and the name and general purpose of the individual, group, organization, agency, club or association, and the name and place of residence of chief officer, if applicable"

Debate ensued.

Senator Hughes 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 Hurley.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 25; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Deccio, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Fleming, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Shinpoch—1.

Excused: Senator Lysen—1.

Senator Hughes moved adoption of the following amendment:

On page 2, beginning on line 20, strike "If the commission determines it necessary" and insert "Before any permit shall be granted"

Debate ensued.

Senator Gaspard 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 Hughes.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 26; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee,

McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, Zimmerman—26.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senator Lysen—1.

Senator Hurley moved adoption of the following amendment:

On page 2, line 27, after "and" insert "will pay all cost of the improvement and the claims of all laborers and materialmen employed in making or furnishing material for such improvement, and"

Debate ensued.

Senator Hughes 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 Hurley.

### ROLL CALL

Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 27; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—27.

Absent or not voting: Senator Moore—1.

Excused: Senator Lysen—1.

Senator Williams moved adoption of the following amendment:

On page 2, following line 35, insert a new section as follows:

"NEW SECTION. Sec. 5. There is added to chapter 8, Laws of 1965 and to chapter 43.51 a new section to read as follows:

The parks and recreation commission shall make an annual report to the appropriate committees of the legislature on or before January 15, concerning applications for and permits granted to individuals, groups, organizations, agencies, clubs, or associations for improvements in any state park or parkway, or on any lands belonging to the state. The report shall include the names and addresses of all applicants, description of lands proposed to be improved, the nature of the proposed improvement, actions by the commission regarding applications, and current status of improvements undertaken."

### POINT OF INQUIRY

Senator Guess: "Senator Williams, because of the tenses that are used in the grammar here, I am a little bit in the dark as to, 'the report shall include the names and address of all applicants, description of land proposed to be improved.' Now this would imply to me that the legislature is going to have to receive it before the land can be improved."

Senator Williams: "No, that is not the intent of it at all. In this particular situation, in other words, during the one-year period prior to the submission of the report, there obviously would be proposals that had not been either acted on or completed. So however you read it, you know, perhaps you could find a technical way that, the situation you suggest, applies; however, I do not see that nor is it the intention in any way to have the legislature, in this amendment, to be involved in any approval process."

Senator Guess: "Well, Senator, I am afraid that that is what would result. If you were to say very simply that 'the parks and recreation commission shall make an

annual report to the appropriate committees of the legislature,' and leave it go at that, then I think that would be all right. But to say that the description of the land 'proposed to be improved' would make a total block, and would mean they would have to accumulate all the proposals and then after the legislature met; but it doesn't say what the legislature does with it after we get through with it. After it is received by us, so what?"

Senator Williams: "What happens, simply, we are a public body and it's a reporting, rather than posting it for public consumption or whatever, it brings it to the appropriate legislative body, the representatives of the people, to see what, in fact, that agency has done. I think the legislative committees are an appropriate body to report to."

Debate ensued.

Senators Hayner, Clarke and Goltz demanded the previous question and the demand was sustained.

Senator Williams 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 Williams.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senator Lysen—1.

Senator Goltz moved adoption of the following amendment:

On page 1, line 17, after "chapter" insert "Prior to granting such a permit, the commission shall give public notice in the community where the project is to take place."

On motion of Senator Wilson, the following amendment to the amendment by Senator Goltz was adopted:

Following the last word of the amendment, delete the period and add "by posting such notice on the largest oak tree in town."

The motion by Senator Goltz failed and the amendment, as amended, was not adopted.

Senator Goltz moved adoption of the following amendment:

On page 1, line 17, after "chapter." insert "The permit process herein shall be as prescribed in chapter 42.30, the Open Public Meetings Act."

Debate ensued.

### POINT OF INQUIRY

Senator Bottiger: "Senator Fuller, are you suggesting the parks commission will not adopt these permits and things in a public meeting?"

Senator Fuller: "I am saying in some instances there will be no reason to have a commission meeting. When you are dealing with a very small project, I should think the park supervisor or ranger could grant permission to a small group to, Boy Scouts is an example, or whatever. I do not see why we have to wait a period of months to go to a commission meeting and then make application at that point."

Senator Bottiger 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 Goltz.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senator Lysen—1.

Senator Pullen moved adoption of the following amendment by Senators Pullen and Guess:

On page 1, beginning on line 11, strike all of section 1 and insert the following: "The state parks and recreation commission may grant permits to ((improvement)) individuals, groups, churches, charities, organizations, agencies, clubs, or ((voluntary)) associations ((, or committees representing such clubs or associations,)) to improve ((, without expense to the state,)) any state park or parkway, or any lands belonging to the state and withdrawn from sale under the provisions of this chapter. Any expenses borne by the state shall be limited to premiums or assessments for the insurance of volunteers by the department of labor and industries, compensation of staff who assist volunteers, natural resources contained within such public lands, paint, incidental materials, and equipment used to assist volunteers. These improvements shall not interfere with access to or use of such public lands by the general public and shall benefit the public in terms of safety, recreation, aesthetics, or wildlife or natural area preservation."

Senator Hurley moved adoption of the following amendment to the amendment by Senator Pullen:

On line 13 of the Pullen amendment, after "volunteer," insert "minimal use of"

The motion by Senator Hurley carried and the amendment to the amendment by Senators Pullen and Guess was adopted.

The motion by Senator Pullen carried and the amendment, as amended, was adopted.

On motion of Senator Pullen, there being no objection, an amendment to page 2, line 35 on the desk of the Secretary of the Senate, was withdrawn.

Senator Williams moved adoption of the following amendment to the title:

On page 1, line 1 of the title, after "to" strike "volunteer work on state park lands" and insert "private use and development of public park lands"

Senator Guess moved the title amendment be laid upon the table.

Senator Guess demand 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 Guess that the amendment to the title by Senator Williams be laid upon the table.

### ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee,

McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognil, Williams, Wilson, Wojahn, Woody—22.

Excused: Senator Lysen—1.

The amendment to the title was laid upon the table.

On motion of Senator Fuller, the rules were suspended, Engrossed Senate Bill No. 4477 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### PARLIAMENTARY INQUIRY

Senator Bauer: "Mr. President, as I have understood it, when a amendment was tabled, it took the main issue with it? Will the President rule?"

### REPLY BY THE PRESIDENT

President Cherberg: "Not to the President's knowledge, Senator."

### POINT OF INQUIRY

Senator Ridder: "Senator Fuller, earlier you made some reference to the granting of permits by individual rangers or campground managers? Is that correct? Is that what the bill allows? In reading it, I see only the reference to the commission."

Senator Fuller: "I believe it, I know it refers only to the commission. A further particular instance, in Spokane, there is a couple who returns there year after year, voluntarily work in the park and act as guides and so forth. I would think that in time, it would not be necessary for them to go to the commission and get a permit that they could do it, handle it through rules and regulations and the ranger would know them and recognize them and let them do it without going through some sort of an involved formal process."

Senator Ridder: "Is there a place in the bill that allows for the development of rules and regulations?"

Senator Fuller: "I do not think it is necessary to have such a provision because as an agency the commission is required to have rules and regulations. They have to set up their WACs."

Senator Ridder: "I see. In effect then we don't really need the bill. If these people that you refer to are already doing this. . ."

Senator Fuller: "I think the commission likes it much better when it is spelled out in exact detail, where their limits are and what their authority is."

Senator Ridder: "Okay. But the bill itself does not spell out that individual campground personnel may grant those permits?"

Senator Fuller: "It does not, no."

Senator Ridder: "Thank you."

Debate ensued.

### POINT OF INQUIRY

Senator Shinpoch: "Senator Bluechel, just so that we have it on the record in case we ever get down to that, I understood you to say that this bill, in your judgment, deals with volunteers and volunteers only; does not open up the utilization of parkland to building marinas by a boat club or anything of that nature; or building a ski cabin or anything of that nature that was not open to all the public, irrespective. Do I understand you correctly in your statement that that is your belief of the intent of the bill?"

Senator Bluechel: "To use my own words, Senator Shinpoch, as to what the bill does, it is simply to allow the park commission to make common sense judgment as to what is and what isn't in the best interest of the state; and to allow volunteers at all levels to encourage, not just to allow, but the key word is 'encourage' volunteers at all levels to enhance the parks of this state for the benefit of all."

Senator Shinpoch: "I am not sure, if you answered my question, I missed it. Would it be, in your judgment, is it possible under this bill, for a group of people to build a marina on park land and call it 'volunteer labor?'"

Senator Bluechel: "If the marina is for use of everybody, I do not know; I cannot answer that question. I think that the parks commission would be the people who would decide that and they are the ones who should decide it. I cannot directly answer the question because I cannot envision something like this happening. I think you can invent a list of horrors which are absolutely ridiculous from a standpoint of usage. This simply gives the park commission more freedom to encourage people to help and takes away red tape and that is all the bill does."

Further debate ensued.

Senators Jones, Guess and Clarke demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4477.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4477 and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—28.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Goltz, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Excused: Senator Lysen—1.

ENGROSSED SENATE BILL NO. 4477, having received the 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 GUEST

The President introduced The Honorable Representative Richard Randolph, a member of the Alaska Legislature who was a guest of the President and seated on the rostrum.

#### MOTIONS

On motion of Senator Clarke, Senate Bill No. 4898 and Senate Bill No. 4899 were rereferred to the Committee on Rules.

On motion of Senator Clarke, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

February 10, 1982.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 787, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE HOUSE BILL NO. 787.

## MOTION

At 12:48 p.m., on motion of Senator Clarke, the Senate recessed until 7:30 p.m.

## EVENING SESSION

President Pro Tempore Guess called the Senate to order at 7:30 p.m.

## MOTIONS

On motion of Senator Ridder, Senator Gaspard was excused.

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

## REPORTS OF STANDING COMMITTEES

February 11, 1982.

SENATE BILL NO. 4153, relating to crimes and punishments (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 4153 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hayner, Hughes, Pullen, Shipoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4484, establishing commercial zones and terminal areas for trucks (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Conner, Hansen, Kiskaddon, Metcalf, Peterson, Talley.

MINORITY recommendation: Do not pass as amended.

Signed by: Senator Vognild.

Passed to Committee on Rules for second reading.

February 10, 1982.

SENATE BILL NO. 4507, extending the state treasurer's authority to invest treasury surplus (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended by the Committee on Ways and Means.

Signed by: Senators Sellar, Chairman; Bluechel, Bottiger, Clarke, Haley, Wojahn.

MINORITY recommendation: Do not pass as amended by the Committee on Ways and Means.

Signed by: Senator Pullen.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4546, modifying provisions relating to financial interests in alcoholic beverages businesses (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 4546 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Hurley, Sellar, Vognild, Williams.

Passed to Committee on Rules for second reading.

February 10, 1982.

SENATE BILL NO. 4583, regulating certain blood banking practices (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 4583 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Deccio, Chairman; Craswell, Metcalf, Moore, Talmadge.

MINORITY recommendation: Do not pass.

Signed by: Senators Kiskaddon, McCaslin, Rasmussen, Ridder.

Passed to Committee on Rules for second reading.

February 3, 1982.

SENATE BILL NO. 4621, creating a state center for voluntary action (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 4621 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Williams.

Passed to Committee on Rules for second reading.

February 3, 1982.

SENATE BILL NO. 4622, creating the community economic revitalization board (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

MINORITY recommendation: Do not pass as amended.

Signed by: Senators Vognild, Williams.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4686, providing for energy conservation through the recycling of used oil (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fuller, Chairman; Bluechel, Goltz, Guess, Hurley, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4716, revising filing procedures, fee schedules, and requirements for laws administered by the secretary of state (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 4716 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 10, 1982.

SENATE BILL NO. 4728, authorizing the issuance of short-term obligations by municipal corporations (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: That Substitute Senate Bill No. 4728 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1982.

SENATE BILL NO. 4729, implementing law relating to financial interests by banks, savings and loan associations and institutional investors in licensed retail business dealing with alcoholic beverages (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

February 8, 1982.

SENATE BILL NO. 4745, authorizing payment of shared work unemployment insurance benefits (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Vognild.

Passed to Committee on Rules for second reading.

February 8, 1982.

SENATE BILL NO. 4759, implementing law relating to the control of gambling (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 4759 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4819, clarifying the laws regulating driving offenses including drunk driving (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 4819 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Pullen, Shipoch, Talmadge.

MINORITY recommendation: Do not pass.

Signed by: Senator Woody.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4831, designating shorelines of state-wide economic significance (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

MINORITY recommendation: Do not pass as amended.

Signed by: Senator Williams.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4865, providing for the continuation of individually-assigned Washington State Patrol vehicles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Benitz, Charnley, Conner, Kiskaddon, Metcalf, Peterson, Talley.

MINORITY recommendation: Do not pass as amended.

Signed by: Senators Patterson, Vice Chairman; Guess, Hansen.

Passed to Committee on Rules for second reading.

February 8, 1982.

SENATE BILL NO. 4919, making an appropriation to the employment security department (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hürley, Jones, Newhouse.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4956, regulating the disposition of historic ferries (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Conner, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Talley.

Passed to Committee on Rules for second reading.

February 9, 1982.

SENATE JOINT MEMORIAL NO. 124, asking Congress to approve compact on nuclear waste (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 124 be substituted therefor, and the substitute memorial do pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Hemstad, Hurley, Quigg, Wilson, Woody.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 4163, by Senator Gallagher:

Relating to natural resources.

#### MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 4163 was substituted for Senate Bill No. 4163 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Zimmerman, the rules were suspended, Substitute Senate Bill No. 4163 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Newhouse, the question I have, you are extending the lease period for an additional thirty years. What requirements are there now in the statute that require that the lease be for something approaching fair market value?"

Senator Newhouse: "The department has required in leases, and I am not sure of the statutory requirement to answer your direct question. But the department has required that at the end of the lease period, the department could take over the land. In many cases we are talking about land, the raw value of which is \$50 to \$150 an acre. The investment of the lessor required to bring this land into production, can be ten or more times that, so that a longer term is required and at the end of the lease period the land would belong to the state with all the improvements that have been put on the land by the lessor."

Senator Talmadge: "But you know of no specific requirement that the lease, the average monthly rent or annual rental be for something of substantial value?"

Senator Newhouse: "It is of substantial value but I do not know the statutory requirements. As a matter of fact, for a period of a few years while there is no return, the lessor is required to put all the investment in. The department puts in none other than the possibility of the department putting in a well if it is land that requires a well for irrigation. And then in the terms of the lease, during the later years of the lease while the land is productive, then there is a percentage of the crop that goes to the lessee, which is the state trustlands.

"And let me assure you that the department of natural resources is a good representative of the owners of the land who are the people of the state."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Newhouse, this makes no change in the 5-year reevaluation of all the leases, does it?"

Senator Newhouse: "I am not sure I know what you are referring to in a five-year lease."

Senator Rasmussen: "Well, we used to lease land for an indeterminate period of time, up to 55 years; and they never revalued the leases. And then we changed the law so that the department has to revalue the leases every five years and change the lease terms in accord with the growth of the, whatever the crop is."

Senator Newhouse: "Senator Rasmussen, I am reminded of what you are speaking. You are speaking in that case of a grazing lease in which there is no improvement to the land. This is an improvement lease in which the lessor must improve the land, actually increase the value. So not only does the state, the trustlands, get rental from the share of the crops which are sold, but they also get the increased value of the land."

Senator Rasmussen: "Well, I see you are including agricultural, grazing in this; this is part of the new material. . ."

Senator Newhouse: "The 55-year lease is only granted in cases of permanent crops which require quite a few years to come to maturity."

#### MOTION

On motion of Senator Talmadge, Senator Vognild was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4163 and the bill passed the Senate by the following vote: Yeas, 35; nays, 9; absent or not voting, 2; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fuller, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, von Reichbauer, Wilson, Woody, Zimmerman—35.

Voting nay: Senators Fleming, Hughes, Hurley, McDermott, Moore, Ridder, Talmadge, Williams, Wojahn—9.

Absent or not voting: Senators Deccio, Gallagher—2.

Excused: Senators Gaspard, Lysen, Vognild—3.

SUBSTITUTE SENATE BILL NO. 4163, having received the 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 7:49 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

President Pro Tempore Guess called the Senate to order at 8:30 p.m.

## MOTION

On motion of Senator Clarke, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

February 11, 1982.

Mr. President: The House has passed:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 833,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 922,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 923,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 957, and the same are  
 herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 142, by Senator Guess:  
 State comprehensive emergency management program.  
 Referred to Committee on Rules.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 833, by Committee on  
 Financial Institutions and Insurance (originally sponsored by Committee on Financial  
 Institutions and Insurance and Representatives Dawson, Johnson, Rosbach,  
 McGinnis and Lux):

Modifying provisions relating to savings and loan associations.  
 Referred to Committee on Financial Institutions and Insurance.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 923, by Committee on  
 State Government (originally sponsored by Representatives Addison, Fiske,  
 Salatino, Garson, Walk, Johnson, Nelson (D), Nickell, Kaiser, Hankins, Nelson (G.  
 A.), Greengo, Nisbet, Barr, Teutsch, Ellis, Sanders, Houchen, Hastings, Chandler,  
 Bickham, McDonald, Mitchell, Tilly, Amen, Barnes, Barrett, Stratton, Hine and  
 O'Brien)(by Governor Spellman request):

Creating a state center for voluntary action.  
 Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 957, by Committee on  
 Local Government (originally sponsored by Committee on Local Government and  
 Representative Isaacson):

Modifying provisions on competitive bidding for counties.  
 Referred to Committee on Local Government.

## MOTION

On motion of Senator Pullen, Engrossed Substitute House Bill No. 922 was  
 held for introduction until February 12, 1982.

## SECOND READING

SENATE BILL NO. 4113, by Senators Quigg, Gaspard and Conner:  
 Updating references to the state building codes.

The Senate resumed consideration of Senate Bill No. 4113 from February 9, 1982. At that time, the committee amendment was adopted. An amendment by Senator Bottiger had been moved for adoption.

On motion of Senator Bottiger, there being no objection, the amendment was withdrawn.

Senator Bottiger moved adoption of the following amendment:

On page 2, line 6, following "(6)" strike all material through "300" and insert "~~((The thermal performance and design standards for dwellings as set forth in RCW 19.27.210 through 19.27.290. This subsection shall be of no further force and effect when RCW 19.27.200 through 19.27.290 expire as provided in RCW 19.27.300))~~ The rules adopted by the state building code advisory council establishing energy-efficient thermal and lighting standards for commercial and residential buildings under RCW 19.27.075" and following line 12, insert:

"Sec. 2. Section 3, chapter 76, Laws of 1979 ex. sess. and RCW 19.27.075 are each amended to read as follows:

The state building code advisory council shall have authority to promulgate rules, pursuant to chapter 34.04 RCW, for the purpose of adopting a state-wide thermal efficiency and lighting code to the extent necessary to comply with Title 10, Code of Federal Regulations, section ~~((420-35))~~ 420.7. Such code shall take into account regional climatic conditions; shall take effect prior to June 30, 1980; and shall be presented to the senate and house committees on energy and utilities at the time it is proposed as a draft rule.

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

- (1) Sections 1 through 10, chapter 14, Laws of 1977 ex. sess. and RCW 19.27-.200 through 19.27.290;
- (2) Section 14, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.300;
- (3) Section 16, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.310;
- (4) Section 17, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.905."

Debate ensued.

The motion by Senator Bottiger carried and the amendment was adopted.

Senator Bluechel moved the following amendments by Senators Bluechel, Bottiger and Guess be considered and adopted simultaneously:

On page 1, line 12 after "edition" insert "as hereafter amended or its successor"

On page 1, line 14, after "edition" insert "as hereafter amended or its successor"

On page 1, line 19, after "edition" insert "as hereafter amended or its successor"

On page 1, line 24, after "edition" insert "as hereafter amended or its successor"

On page 1, line 26, after "code" insert ", as hereafter amended or its successor,"

Debate ensued.

The motion by Senator Bluechel failed and the amendments were not adopted.

On motion of Senator Bluechel, there being no objection, an amendment to page 2, following line 12 inserting a new section by Senators Bluechel, Bottiger, Guess and Quigg, on the desk of the Secretary of the Senate, was withdrawn.

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

On page 1, line 3 of the title, following "030" insert "amending section 3, chapter 76, Laws of 1979 ex. sess. and RCW 19.27.075; repealing sections 1 through 10, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.200 through 19.27.290; repealing section 14, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.300;

repealing section 16, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.310; and repealing section 17, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.905"

On motion of Senator Bluechel, the rules were suspended, Engrossed Senate Bill No. 4113 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. 4113 and the bill passed the Senate by the following vote: Yeas, 32; nays, 12; absent or not voting, 2; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Fleming, Fuller, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, Metcalf, Moore, Newhouse, Patterson, Ridder, Scott, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wojahn, Woody—32.

Voting nay: Senators Conner, Craswell, Deccio, Goltz, Hansen, McCaslin, Peterson, Pullen, Rasmussen, Sellar, Wilson, Zimmerman—12.

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

Excused: Senators Gaspard, Lysen, Vognild—3.

ENGROSSED SENATE BILL NO. 4113, having received the 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 Clarke, Senate Bill No. 4675 was ordered held for consideration on February 12, 1982.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 4655, by Committee on Education (originally sponsored by Senators Kiskaddon, Gaspard, Gould and Hemstad):

Making changes in learning objectives and basic education school law.

The Senate resumed consideration of Substitute Senate Bill No. 4655 from February 9, 1982. At that time, the original Senate bill had been substituted and an amendment by Senators Kiskaddon, Bottiger and Wojahn had been moved for adoption.

On motion of Senator Bottiger, there being no objection, the amendment was withdrawn.

Senator Pullen moved the following amendments by Senators Pullen and Shinpoch be considered and adopted simultaneously:

On page 3, Section 2, Subsection (2)(b), line 18, after "hours.", strike "~~((A minimum of ninety-five percent of the total))~~ Program" and insert "A minimum of ninety-five percent of the total program"

On line 20, after "shall" strike "~~((be in))~~ emphasize and give priority to" and insert "be in"

On line 23, after "health" delete "~~((and)),~~" and insert "and,"

On line 23, after "education" strike "~~((The remaining five percent of the total program hour offerings may include))~~" and insert "The remaining five percent of the total program hour offerings may include"

On line 24, delete "and may also include"

Debate ensued.

Senators Hayner, Gould and Newhouse demanded the previous question and the demand was sustained.

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

The President declared the question before the Senate to be the roll call on the amendments by Senators Pullen and Shinpoch.

### ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Bauer, Bluechel, Conner, Fleming, Goltz, Guess, Hansen, Hughes, Hurley, McDermott, Moore, Patterson, Peterson, Pullen, Rasmussen, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Woody, Zimmerman—25.

Voting nay: Senators Benitz, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Quigg, Ridder, Scott, Wojahn—22.

Excused: Senators Gaspard, Lysen—2.

### MOTION

At 9:32 p.m., Senator Vognild moved the Senate adjourn until 10:00 a.m., Friday, February 12, 1982.

The motion by Senator Vognild failed on a voice vote.

On motion of Senator Pullen, the following amendments by Senators Pullen and Shinpoch were considered and adopted simultaneously:

On page 3, Section 2, Subsection (2)(c), on line 30, after "hours." strike "~~((A minimum of ninety-percent of the total))~~ Program" and insert "A minimum of ninety percent of the total program"

On line 32, after "shall" strike "~~((be in))~~ emphasize and give priority to" and insert "be in"

On line 35, after "health" strike "~~((and)),~~" and insert "and"

On line 35, after "education" strike "~~((The remaining ten percent of the total program hour offerings may include))~~ and insert ". The remaining ten percent of the total program hour offerings may include"

On page 3, line 36, after "~~include))~~" strike "and may also include"

On motion of Senator Pullen, the following amendments by Senator Pullen and Shinpoch were considered and adopted simultaneously:

On page 4, section 2, subsection (2)(d), line 6, after "hours." strike "~~((A minimum of eighty-five percent of the total))~~ Program" and insert "A minimum of eighty-five percent of the total program"

On page 4, line 8, after "shall" strike "~~((be in))~~ emphasize and give priority to" and insert "be in"

On line 11, after "education" strike "~~((A minimum of ten percent of the total program hour offerings shall be in the area of))~~ and to" and insert ". A minimum of the percent of the total program hour offerings shall be in the area of"

On line 13, after "skills" strike "~~((The remaining five percent of the total program hour offerings may include));~~ and may also include" and insert ". The remaining five percent of the total program hour offerings may include"

On page 4, section 2, subsection (2)(e), line 20, after "hours." strike "~~((A minimum of sixty percent of the total))~~ Program" and insert "A minimum of sixty percent of the total program"

On line 22, after "shall" strike "~~((be in))~~ emphasize and give priority to" and insert "be in"

On line 24, after "education" strike "~~((A minimum of twenty percent of the total program offerings shall be in the area of))~~ and to work skills" and insert ". A minimum of twenty percent of the total program offerings shall be in the area of work skills"

On line 26, after "skills" strike "~~((The remaining twenty percent of the total program hour offerings may include traffic safety or))~~; and may also include" and insert ". The remaining twenty percent of the total program hour offerings may include traffic safety or"

On line 31, after "grades" strike "~~((, with not less than one-half thereof in basic skills and/or work skills))~~;" and insert ", with not less than one-half thereof in basic skills and/or work skills:"

On page 5, section 2, subsection (3), line 3, after "(3)" strike "~~((In order to provide flexibility to the local school districts in the setting of their curricula, and in order to maintain the intent of this legislation, which is to stress the instruction of basic skills and work skills, any local school district may establish minimum course mix percentages that deviate by up to five percentage points above or below those minimums required by subsection (2) of this section, so long as the total program hour requirement is still met:))~~" and insert "In order to provide flexibility to the local school districts in the setting of their curricula, and in order to maintain the intent of this legislation, which is to stress the instruction of basic skills and work skills, any local school district may establish minimum course mix percentages that deviate by up to five percentage points above or below those minimums required by subsection (2) of this section, so long as the total program hour requirement is still met."

#### MOTIONS

On motion of Senator Wojahn, an amendment by Senators Bottiger and Wojahn to page 6, on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Kiskaddon, the rules were suspended, Engrossed Substitute Senate Bill No. 4655 was advanced to third reading, the second 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. 4655 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Woody, Zimmerman—44.

Voting nay: Senators Wilson, Wojahn—2.

Absent or not voting: Senator Talley—1.

Excused: Senators Gaspard, Lysen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4655, having received the 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. 3557, by Committee on Natural Resources (originally sponsored by Senators Peterson, Talley and Gallagher):  
Requiring a salmon management plan.

## REPORT OF STANDING COMMITTEE

January 27, 1982.

SUBSTITUTE SENATE BILL NO. 3557, requiring a salmon management plan (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after line 15, insert the following new subsection:

"(3) The plan shall be prepared with existing departmental resources."

Renumber the remaining subsection accordingly.

On page 1, line 17, after "by" strike "January" and insert "December"

On page 1, line 18, after "by" strike "January" and insert "December"

Signed by: Senators Gallagher, Chairman; Patterson, Peterson, Rasmussen, Vognild.

The bill was read the second time by sections.

On motion of Senator Gallagher, the committee amendments were adopted.

## POINT OF INQUIRY

Senator Talley: "Senator Gallagher, is there anything in this that provides fishing time for fishermen or has this anything to do with area fishing?"

Senator Gallagher: "No, Senator Talley, it only requires the department to submit to this legislature a plan of their management plan every year. This will tell you, then, what that plan is now and in the future and update it every year. We do not now have a plan that is submitted to the legislature, that is the whole intent of the bill. We want to know what they are doing, how they are doing it, and where they are proceeding in the future. That is the whole bill, Senator Talley."

Senator Talley: "There is nothing to do with harvesting, then?"

Senator Gallagher: "They will have to tell us the harvest-management scheme and the plan; that is the plan."

On motion of Senator Gallagher, the rules were suspended, Engrossed Substitute Senate Bill No. 3557 was advanced to third reading, the second 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. 3557 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Gaspard, Lysen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3557, having received the 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 Clarke, Senate Bill No. 4425 was ordered held for consideration on February 12, 1982.

## SECOND READING

SENATE BILL NO. 4733, by Senator Hayner:  
Modifying certain methods of handling juvenile offenders.

## REPORT OF STANDING COMMITTEE

February 4, 1982.

SENATE BILL NO. 4733, modifying certain methods of handling juvenile offenders (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 6, line 32, after "than" strike "fifty" and insert "((fifty)) one hundred"

On page 7, line 27, after "hour" strike "for" and insert "of"

On page 12, line 6, after "hour" strike "for" and insert "of"

On page 17, line 15, strike all of the material down to and including "immediately." on line 18.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen.

The bill was read the second time by sections.

On motion of Senator Hayner, the committee amendments were considered and adopted simultaneously.

Senator Talmadge moved adoption of the following amendment:

On page 3, line 9, following "used" strike "for juvenile services" and insert "exclusively for costs and expenses of juvenile diversion programs: PROVIDED, That fines and monetary penalties authorized and assessed pursuant to this chapter shall not be considered or credited to any moneys appropriated by the legislature to fund juvenile diversion programs"

Debate ensued.

The motion by Senator Talmadge failed and the amendment was not adopted.

On motion of Senator Hayner, the following amendment was adopted:

On page 3, line 33, after "and" insert " /or"

Senator Talmadge moved adoption of the following amendment:

On page 4, line 1, after "pay" insert ": PROVIDED, That such fine shall not be assessed unless, at the time the agreement is entered, the youth is employed and reasonably can be expected to pay the fine out of his or her earnings"

Debate ensued.

The motion by Senator Talmadge failed and the amendment was not adopted.

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

On page 7, line 18, strike all of new subsection (13) and insert:

"(13) When a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the divertee and the appropriate person representing the diversion unit."

On page 11, line 34, strike all of new subsection (4) and insert:

"(4) When a respondent has been ordered to pay a fine and due to a change in circumstances cannot reasonably comply with such order, the court, upon motion of the respondent, may order that the unpaid portions be converted to community service. Any moneys collected shall be deposited into the county general fund and shall be used exclusively for juvenile services. A failure to comply with an order issued pursuant to this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section."

Debate ensued.

The motion by Senator Talmadge failed and the amendments were not adopted on a rising vote.

On motion of Senator Hayner, the rules were suspended, Engrossed Senate Bill No. 4733 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. 4733 and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, von Reichbauer, Zimmerman—27.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Goltz, Hughes, Hurley, McDermott, Moore, Peterson, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Excused: Senators Gaspard, Lysen—2.

ENGROSSED SENATE BILL NO. 4733, having received the 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. 4548, by Senators Haley, Charnley, Hemstad and Bluechel:

Requiring children under five in their parents' vehicles to be secured in a child passenger restraint system.

### REPORT OF STANDING COMMITTEE

February 4, 1982.

SENATE BILL NO. 4548, requiring children under five in their parents' vehicles to be secured in a child passenger restraint system (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 3, strike "purchase" and insert "acquisition"

On page 2, line 6, after "of" strike "purchase" and insert "acquisition"

On page 2, line 10, after "negligence" insert "per se"

On page 2, line 11, after "guardian" strike all of the material down to and including "action" on line 12.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendments were considered and adopted simultaneously.

On motion of Senator Hemstad, the rules were suspended, Engrossed Senate Bill No. 4548 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 Hansen: "Senator Haley, it says here 'Failure to use a child restraint system, however, may be admissible in civil action.' Now let us take that court, or the case of this mother carrying her child home and somebody rear-ended her and killed her child. And so they turn around and sued the guy that rear-ended them; is this going to lessen their chances to collect because they did not have the child in a restraint?"

(Senator Haley deferred to Senator Clarke)

Senator Clarke: "Senator, that was a matter that was discussed and was the cause of one of the judiciary committee amendments, and legal terminology, but as amended it says that the failure shall not be considered negligence per se. The law is that any violation of a law, all you have to do is to prove that the law was violated and that, of itself, constitutes negligence.

"So if it was a part of the proximate cause of the injury, why, it forms the basis for recovery.

"The bill as amended says that it is not negligence per se but it does permit the introduction of evidence for the consideration by the jury as to whether or not, under all of the circumstances, the jury feels that is should or should not have been done. In other words, we had your point in mind and I think we tried to adopt the most reasonable solution for it."

Further debate ensued.

## POINT OF INQUIRY

Senator Deccio: "Senator Haley, as the prime sponsor. If a mother is nursing a child in the car and there is an accident, then this law would apply? She would be guilty of a, not a misdemeanor, but liable for civil action, is that right?"

Senator Haley: "I would like to defer to that question again, to the attorneys present. The courts would probably not prosecute in that situation, I would think."

Senator Deccio: "But the way I read this thing, they could. Also if the parents borrow your car or someone else's car, the title says, the summary says, 'Requiring children . . . in their parent's vehicle to be secured.' If they are driving someone else's car, does that mean that they are not liable under the law?"

Senator Haley: "Well, let's see, I . . . 'His or her own motor vehicle' is the only place where this applies according to the bill; the legal guardian or the parent . . ."

Senator Deccio: ". . . so if they borrow grandpa's car . . .?"

Senator Haley: ". . . 'his or her own motor vehicle.'"

Senator Deccio: ". . . so if they borrow grandpa's car and get into a wreck, then they are not liable under the law?"

Senator Haley: "Not liable."

Senator Deccio: "If grandpa or grandma is carrying the child in their car, then the law does not apply?"

Senator Haley: "It does not apply under those circumstances."

Senator Deccio: "Who wrote this dumb bill?"

## POINT OF INQUIRY

Senator Peterson: "Senator Haley, this bill has been before the transportation committee for the last two sessions of the legislature. It is my recollection, I think the last count I had, there are seven states that have passed this type of legislation throughout the United States. That was the last count that I had. Are there any specifics that would indicate that this has, in fact, done anything to prevent the deaths in the states that have already passed similar, not identical because I am sure this is a conglomerate of other legislation. But are there any facts to back up that it has done anything?"

Senator Haley: "Senator Peterson, there are eight states that have passed this law. They are Tennessee, Rhode Island, West Virginia, Kansas, Michigan, Minnesota, New York and North Carolina. Our own experience tells us, I do not have any facts and figures from these other states, but our own experience tells us and I think you have on your desk a copy of this abstract from the journal of pediatric. Our own experience tells us that if the child is in a seat-restraining device and there are an accident, there are about fourteen less chances of fourteen times less chances that child being killed. I think those are pretty compelling figures, and they are gathered from our own state's experience."

Further debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4548 and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; excused, 2.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Fuller, Gallagher, Goltz, Guess, Haley, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McDermott, Moore, Newhouse, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—32.

Voting nay: Senators Benitz, Craswell, Deccio, Gould, Hansen, Hayner, Lee, McCaslin, Metcalf, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar—15.

Excused: Senators Gaspard, Lysen—2.

ENGROSSED SENATE BILL NO. 4548, having received the 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 Clarke, Senate Bill No. 4697 was ordered held for consideration on February 12, 1982.

### SECOND READING

SENATE BILL NO. 4436, by Senators Hansen and Goltz:

Providing for no implied warranty that livestock are free from disease or breedable.

The bill was read the second time by sections.

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 4436 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### MOTION

On motion of Senator Ridder, Senator Hurley was excused.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4436 and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—39.

Voting nay: Senators Bottiger, Fleming, Hughes, McDermott, Moore, Talmadge, Williams—7.

Excused: Senators Gaspard, Hurley, Lysen—3.

SENATE BILL NO. 4436, having received the 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. 4483, by Senators Hemstad, Talmadge and Wojahn: Prescribing penalties for assaults on transit drivers.

### REPORT OF STANDING COMMITTEE

January 21, 1982.

SENATE BILL NO. 4483, prescribing penalties for assaults on transit drivers (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 22, after "owned" insert "or operated"

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendment was considered and adopted simultaneously.

On motion of Senator Hemstad, the rules were suspended, Engrossed Senate Bill No. 4483 was advanced to 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. 4483 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Gaspard, Hurley, Lysen—3.

ENGROSSED SENATE BILL NO. 4483, having received the 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 Clarke, the Senate advanced to the eighth order of business.

On motion of Senator Clarke, the Committee on Rules was relieved from further consideration of the following measures and the measures were placed on a Consent Calendar for consideration at a later time:

Bill No.	Short Title	Bill No.	Short Title
SB 3027	Historic properties	SB 4494	Warrants, admin. inspections
SB 3112	Civil Actions Expenses	SB 4516	Garnishments provisions
SB 3541	Oral Medication, Schools	SB 4517	Satisfaction of Mortgages

Bill No.	Short Title	Bill No.	Short Title
SB 3587	Kindergartens	SB 4546	Alcoholic beverage business
SB 3679	Financial Institutions t.o.	SB 4547	Horseless carriage plates
SB 3775	Real estate time sharing reg.	SB 4551	Commission on equipment
SB 3921	Leg. ethics law, limitations	SB 4554	Public disclosure required
SB 4112	Natural Resources Acct.	SB 4557	Tenancy is abandoned
SB 4119	Tax increment obligations	SB 4558	Truck owners—operators
SB 4329	Mun. corps. credit lines	SB 4559	Forms management prog.
SB 4354	City/county health dept.	SB 4561	Professional and other fees
SB 4437	Commission merchants	SB 4565	Archeology/historic prevention
SB 4438	Commission merchants	SB 4566	Audits/ag marketing funds
SB 4439	Maximum cattle assessments	SB 4569	Assets of domestic insurers
SB 4449	Judges, Clallam-Jefferson	SB 4570	Municipalities/officers
SB 4460	Revising bicycle laws	SB 4599	Mosquito control dist. tax
SB 4466	Wildlife, business inspect.	SB 4602	Street lighting systems
SB 4473	PDC Uniform penalties	SB 4607	Cogeneration tax credit
SB 4474	Witnesses, criminal proceed.	SB 4619	Veterans/health problems
SB 4481	Sewer/water districts/plans	SB 4628	Occupational info. service
SB 4489	City police courts	SB 4630	Elevator laws revised
SB 4492	Parking offenses	SB 4728	Municipal corp. and short term obligation
SB 4644	Commingled trust fund	SB 4736	Toxic vapors/fumes substance
SB 4647	Losses/1st class school dist.	SB 4748	Beer and wine courses
SB 4648	School district/ESD/self insure.	SB 4749	Repealing obsolete statutes/voter qualifications
SB 4660	Admin. rule-making notices	SB 4830	Foreign ag. coop assns.
SB 4680	Sheriff's civil serv. comm.	SB 4852	Irrigation dist/delinq. assess.
SB 4681	Natural Resources/approp.	SB 4905	Merged special purpose dist.
SB 4683	Library Records	SB 4956	Historic ferries disposition
SB 4690	County Road Adm.	SCR 140	Radioactive waste select committee
SB 4691	Tech. corr/comparative fault	SJM 115	Opposing user fees, navigat.
SB 4692	Motorcycle operator training	SJM 120	Fed. land/water conservation fund
SB 4707	School code misc. changes	SJM 124	Compact on nuclear waste
SB 4717	Free RCW/WAC for committees	SJR 113	Tax revenue restrictions
		SJR 142	Removing obsolete provisions
		SFR 1981	
			-45 Pacific Northwest Trail

## MOTION

On motion of Senator Shinpoch, there being no objection, Senate Bill No. 4728 was included in the list.

MOTION

At 10:57 p.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Friday, February 12, 1982.

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

## THIRTY-THIRD DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, February 12, 1982.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Guess and Scott.

The Color Guard, consisting of Pages Colin Grossruck and Paula Deck, presented the Colors, Reverend Richard Hart, pastor of The First Baptist Church of Olympia, offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 11, 1982.

SENATE BILL NO. 3755, modifying definition of activities covered by industrial insurance (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vogndild.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4200, modifying provisions relating to public works (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 4200 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Fleming, Gallagher, McDermott, Moore, Rasmussen.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4386, requiring a court to require plaintiffs in an action brought under SEPA to post security upon petition of the defendant (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen.

MINORITY recommendation: Do not pass.

Signed by: Senators Hughes, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4472, permitting indigent candidates to file petitions of candidacy in lieu of paying the filing fee (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 4472 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Pullen, Chairman; Clarke, Gould, Woody.  
Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4560, including operating agencies under the public disclosure and open meeting laws (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 4560 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Pullen, Chairman; Gould, Ridder, Woody.  
Passed to Committee on Rules for second reading.

February 10, 1982.

SENATE BILL NO. 4597, modifying the state fireworks law (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 4597 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

MINORITY recommendation: That it not be substituted.

Signed by: Senators Hurley, Williams.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4734, protecting the privacy of applicants for public employment (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 4734 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Pullen, Chairman; Gould, Ridder, Woody.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4775, expanding the duties of the state patrol section in identification (reported by Judiciary Committee):

Recommendation: That Substitute Senate Bill No. 4775 be substitute therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4789, restricting the ability of elected public officials to mail campaign materials at public expense (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 4789 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Pullen, Chairman; Gould, Ridder, Woody.

Passed to Committee on Rules for second reading.

February 10, 1982.

HOUSE BILL NO. 385, enacting the Regulatory Fairness Act (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Sellar, Williams.

Passed to Committee on Rules for second reading.

February 10, 1982.

ENGROSSED HOUSE BILL NO. 844, authorizing public agencies to contract with collection agencies (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

MINORITY recommendation: Do not pass.

Signed by: Senator Williams.

Passed to Committee on Rules for second reading.

February 10, 1982.

ENGROSSED HOUSE JOINT MEMORIAL NO. 14, requesting mutually beneficial foreign trade agreements (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Williams.

Passed to Committee on Rules for second reading.

### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 922, by Committee on Institutions (originally sponsored by Representatives Amen, Williams, Sommers, Greengo, Nelson (G), Struthers, Houchen, Thompson and Becker) (by Legislative Budget Committee request):

Authorizing the parole board to reduce prison overcrowding.

Referred to Committee on Social and Health Services.

### MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business to consider the Consent Calendar.

### SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3027, by Committee on Parks and Ecology (originally sponsored by Senators Williams and Fuller)(by Committee on Ecology request):

Restricting destruction of historic properties.

### MOTIONS

On motion of Senator Fuller, Second Substitute Senate Bill No. 3027 was substituted for Engrossed Substituted Senate Bill No. 3027 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fuller, the rules were suspended, Second Substitute Senate Bill No. 3027 was advanced to third reading, the second 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. 3027 and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 4.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators McCaslin, Pullen—2.

Absent or not voting: Senators Benitz, Guess, Hayner, Scott—4.

SECOND SUBSTITUTE SENATE BILL NO. 3027, having received the 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 SENATE BILL NO 3112, by Senators Talmadge, Hemstad, Shinpoch, Vognild and Deccio:

Providing for award of expenses to prevailing parties in civil actions.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Engrossed Senate Bill No. 3112 was advanced to third reading, the second 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. 3112 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senators Guess, Scott—2.

ENGROSSED SENATE BILL NO. 3112, having received the 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 Bluechel, Senators Guess and Scott were excused.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 3541, by Committee on Education (originally sponsored by Senators Gaspard, Gould, Talmadge and Kiskaddon):

Authorizing administration of oral medication by common school and private school personnel.

### MOTIONS

On motion of Senator Kiskaddon, Second Substitute Senate Bill No. 3541 was substituted for Substitute Senate Bill No. 3541 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Kiskaddon, the rules were suspended, Second Substitute Senate Bill No. 3541 was advanced to third reading, the second 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. 3541 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley,

Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Charnley—1.

Excused: Senators Guess, Scott—2.

SECOND SUBSTITUTE SENATE BILL NO. 3541, having received the 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. 3587, by Senator Gaspard:  
Implementing law relating to kindergarten.

### REPORT OF STANDING COMMITTEE

January 19, 1982.

SENATE BILL NO. 3587, implementing law relating to kindergartens (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 8, line 4, strike "1981" and insert "1982"

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Talmadge, Wojahn.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the committee amendment was adopted.

On motion of Senator Kiskaddon, the rules were suspended, Engrossed Senate Bill No. 3587 was advanced to third reading, the second 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. 3587 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senator Benitz—1.

Absent or not voting: Senator Zimmerman—1.

Excused: Senators Guess, Scott—2.

ENGROSSED SENATE BILL NO. 3587, having received the 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. 3679, by Senator Sellar:

Permitting savings banks to pay interest and dividends from their guaranty funds under certain conditions.

## MOTIONS

On motion of Senator Sellar, Substitute Senate Bill No. 3679 was substituted for Senate Bill No. 3679 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Sellar, the rules were suspended, Substitute Senate Bill No. 3679 was advanced to third reading, the second 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. 3679 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Pullen—1.

Excused: Senators Guess, Scott—2.

SUBSTITUTE SENATE BILL NO. 3679, having received the 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. 3775, by Senators Talmadge, Clarke, and Moore (by Department of Licensing request):

Regulating real estate time-sharing.

## MOTIONS

On motion of Senator Hemstad, Second Substitute Senate Bill No. 3775 was substituted for Senate Bill No. 3775 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hemstad, the rules were suspended, Second Substitute Senate Bill No. 3775 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 Second Substitute Senate Bill No. 3775 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Gaspard, Pullen—2.

Excused: Senators Guess, Scott—2.

SECOND SUBSTITUTE SENATE BILL NO. 3775, having received the 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

February 12, 1982.

I strongly support Substitute Senate Bill 3775, but voted "no" to increase my chances of being appointed to any possible Conference Committees which may deal with this bill later in the session.

Signed: Senator Kent Pullen

### MOTION

On motion of Senator Clarke, Senate Bill No. 3921 was ordered placed at the end of today's consent calendar.

### SECOND READING

SENATE BILL NO. 4112, by Senator Craswell (by Office of Financial Management request):

Creating the natural resources account.

The bill was read the second time by sections.

On motion of Senator Craswell, the rules were suspended, Senate Bill No. 4112 was advanced to third reading, the second 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. 4112 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senators Fleming, Jones—2.

Excused: Senators Guess, Scott—2.

SENATE BILL NO. 4112, having received the 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 Clarke, Senate Bill No. 4119 was ordered placed at the end of today's consent calendar.

### SECOND READING

SENATE BILL NO. 4329, by Senators Clarke and Zimmerman:

Authorizing municipal corporations to establish lines of credit.

The bill was read the second time by sections.

On motion of Senator Lee, the rules were suspended, Senate Bill No. 4329 was advanced to third reading, the second 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. 4329 and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Hughes, Hurley, Pullen—3.

Absent or not voting: Senators Craswell, Haley—2.

Excused: Senators Guess, Scott—2.

SENATE BILL NO. 4329, having received the 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 Clarke, Senate Bill No. 4354 was ordered placed at the end of today's consent calendar.

## SECOND READING

SENATE BILL NO. 4437, by Senators Hansen and Goltz:

Modifying laws governing commission merchants and dealers of agricultural products.

## MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 4437 was substituted for Senate Bill No. 4437 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 4437 was advanced to third reading, the second 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. 4437 and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Hughes, Hurley, McDermott, Moore, Williams—5.

Excused: Senators Guess, Scott—2.

SUBSTITUTE SENATE BILL NO. 4437, having received the 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. 4438, by Senator Hansen:  
Modifying laws governing commission merchants.

## MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 4438 was substituted for Senate Bill No. 4438 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 4438 was advanced to third reading, the second 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. 4438 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators McDermott, Moore—2.

Excused: Senators Guess, Scott—2.

SENATE BILL NO. 4438, having received the 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. 4439, by Senator Hansen:  
Changing maximum cattle assessments.

## MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 4439 was substituted for Senate Bill No. 4439 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 4439 was advanced to third reading, the second 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. 4439 and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Hughes, Hurley, Moore, Williams—4.

Absent or not voting: Senator Fleming—1.

Excused: Senators Guess, Scott—2.

SUBSTITUTE SENATE BILL NO. 4439, having received the 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. 4449, by Senator Conner:

Increasing the number of judges in Clallam and Jefferson counties.

### MOTIONS

On motion of Senator Hemstad, Substitute Senate Bill No. 4449 was substituted for Senate Bill No. 4449 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hemstad, the rules were suspended, Substitute Senate Bill No. 4449 was advanced to third reading, the second 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. 4449 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Guess, Scott—2.

SUBSTITUTE SENATE BILL NO. 4449, having received the 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. 4460, by Senators Guess and Charnley:  
Revising bicycle laws.

### MOTIONS

On motion of Senator Charnley, Substitute Senate Bill No. 4460 was substituted for Senate Bill No. 4460 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Charnley, the rules were suspended, Substitute Senate Bill No. 4460 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 Charnley, on page 1, 'Bicycle facilities constructed or modified after the effective date of this act, shall meet or exceed the standards of the state department of transportation.' Would you tell me what those standards are? Let me express my concern, that if I am a city or county official then I would like to enlarge on the bicycle transportation; I just might want to run a little foot trail through there that the bicycles could get through. Do you have any idea what the standards are, the department of transportation?"

Senator Charnley: "I am sorry, Senator Rasmussen, I cannot give you that because they are in the midst, right now, of getting them reorganized with the aid and assistance of the bicycle and local government entities. I can tell you that they will, they are direct and they understand they are not to be restrictive, but they are simply to make standard and unified so a bicyclist, coming from one community into another, won't have to, suddenly, face a new set of conditions.

"The most serious condition in towns was the fact that painting a bicycle path on one side of a roadway and requiring bicycles traveling both directions to use it, so that some bicycles were facing oncoming traffic. And this is one of biggest concerns that the bicyclers have had on this.

"But I can assure you that I feel very confident that these regulations will be the standard regulations and will not inhibit nor hinder your or other local governments from developing the kind of paths and kind of facilities you wish."

Debate ensued.

### POINT OF INQUIRY

Senator Patterson: "Senator Charnley, the part of this bill that bothers me is where it makes it mandatory that on limited access highway, that if it is limited, then it requires the department to provide for these new standards for use, I presume alongside of the limited access or freeway, if it does not currently accommodate bicycles in a safe way.

"I am concerned about the potential cost of it, and whether or not we are mandating something to the department at a time when they do have limited resources. And I just want the body to understand, as best they can understand, what requirements the department would have in this case?"

Senator Charnley: "Very briefly. The department has supported this legislation in both their experiences and some places around the state where they had to allow bicycles because there was no other way for bicycles to get through, such as between here and Fort Lewis. There experience there on the passes and other places, and also in limited freeways around the country, they found the safest places to operate a bicycle when you are traveling across country, is on the shoulders of freeways, because the freeways have very wide shoulders and you are definitely going on the right side, and with the direction of traffic. The experience, Senator Patterson, is that this is safe and proper and the department already has made rules allowing bicycles to use that. That has already been passed by the commission. It does clarify that they may forbid it in areas where there might be serious concern, such as urban areas."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4460 and the bill passed the Senate by the following vote: Yeas, 44; nays, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Hurley, McCaslin, Peterson, Rasmussen, Wilson—5.

SUBSTITUTE SENATE BILL NO. 4460, 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. 4466, by Senator Gallagher (by Department of Game request):

Revising law on inspecting businesses that sell or handle wildlife.

The bill was read the second time by sections.

On motion of Senator Gallagher, the rules were suspended, Senate Bill No. 4466 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 Gallagher, I wish I had asked you a minute earlier, I would just like to get that statement on record, if I may, and ask you if the sole effect of this bill is to extend these provisions to a steelhead operation?"

Senator Gallagher: "That is correct; the other thing in the bill that you read there, is already the present law that they already have that authority. The only thing it does is extend it to the steelhead buyers of state." (sic)

Senator Wilson: "Thank you."

## POINT OF INQUIRY

Senator Talmadge: "Senator Gallagher, I have a colleague in my law firm who raises game birds. Does this bill apply to game birds? Would this authorize warrantless inspections of a farm where game birds were raised?"

Senator Gallagher: "That is already the law, Senator Talmadge, yes. That is the law now, existing law. All this does is extend it to the steelhead operation. The department has that authority presently."

Senator Talmadge: "This bill itself specifically does not apply to game birds?"

Senator Gallagher: "It does not change the present law."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4466 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognilid, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Pullen, Wilson—2.

Absent or not voting: Senators Hayner, Sellar—2.

SENATE BILL NO. 4466, having received the 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. 4473, by Senators Pullen and Rasmussen:

Applying penalties for violations of public disclosure law to all persons uniformly.

The bill was read the second time by sections.

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 4473 was advanced to third reading, the second 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. 4473 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Hayner, Lee, Sellar—3.

SENATE BILL NO. 4473, having received the 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. 4474, by Senators Vognild, Gould, Talmadge, Woody and Metcalf:

Modifying provisions relating to witnesses in criminal proceedings.

### REPORT OF STANDING COMMITTEE

January 21, 1982.

SENATE BILL NO. 4474, modifying provisions relating to witnesses in criminal proceedings (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 17, after "other," insert "nor to criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant."

On page 1, line 23, after the period strike all of the material down to and including the period on line 26.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendments were considered and adopted simultaneously.

On motion of Senator Hemstad, the rules were suspended, Engrossed Senate Bill No. 4474 was advanced to third reading, the second 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. 4474 and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senators Hurley, Lysen—2.

ENGROSSED SENATE BILL NO. 4474, having received the 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 Newhouse, Senator Clarke was excused.

#### SECOND READING

SENATE BILL NO. 4481, by Senators Sellar and Talley:  
Revising review limitations of sewer or water district plans.

#### MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 4481 was substituted for Senate Bill No. 4481 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Zimmerman, the rules were suspended, Substitute Senate Bill No. 4481 was advanced to third reading, the second 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. 4481 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Craswell, Talmadge—2.

Excused: Senator Clarke—1.

SENATE BILL NO. 4481, having received the 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 Newhouse, Senate Bill No. 4489 was ordered held on the consent calendar for February 15, 1982.

#### SECOND READING

SENATE BILL NO. 4492, by Senators Clarke, Newhouse, Wojahn and Zimmerman (by Judicial Council request):

Excluding all parking offenses from additional penalty assessments.

#### REPORT OF STANDING COMMITTEE

January 21, 1982.

SENATE BILL NO. 4492, excluding all parking offenses from additional penalty assessments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 21, after the period strike all of the material down to and including "offense)." on line 27 and insert "~~((The monetary penalty for failure to respond to a notice of a traffic infraction relating to overtime parking as defined by local law, ordinance, regulation, or resolution shall be set by the local legislative body which originally enacted the local law, ordinance, regulation, or resolution creating the parking offense.))~~ A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution."

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendment was adopted.

On motion of Senator Hemstad, the rules were suspended, Engrossed Senate Bill No. 4492 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 Hemstad, is it possible for the municipal government under this provision of the law, to charge an additional amount for collection?"

Senator Hemstad: "This amount in addition to the penalty itself, you mean?"

Senator McDermott: "If the fine is \$25, can they charge an extra \$12 for collection and then turn it over to a collection agency?"

Senator Hemstad: "I am a little bit uncomfortable in giving an answer to that because I am not certain but I would suspect that the statute says \$25, you would have to look at some other statute to see if they are entitled to make an additional assessment for collection purposes."

### REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President. I believe the answer to Senator McDermott's question is 'No,' you are not entitled to have an additional cost for collection. The fine is the fine."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4492 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vogndild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Conner, Hurley, Metcalf—3.

Absent or not voting: Senator Bluechel—1.

Excused: Senator Clarke—1.

ENGROSSED SENATE BILL NO. 4492, having received the 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 Newhouse, Senate Bill No. 4494 was ordered held for consideration on February 15, 1982.

## SECOND READING

SENATE BILL NO. 4516, by Senators Talmadge and Hemstad:  
Modifying provisions relating to garnishment.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 4516 was advanced to third reading, the second 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. 4516 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Woody, Zimmerman—45.

Voting nay: Senators Wilson, Wojahn—2.

Absent or not voting: Senator Deccio—1.

Excused: Senator Clarke—1.

SENATE BILL NO. 4516, having received the 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 Newhouse, the Senate advanced to the eighth order of business.

On motion of Senator Newhouse, the Senate commenced consideration of Senate Resolution 1982—176.

On motion of Senator Guess, the rules were suspended and all members were permitted as sponsors to Senate Resolution 1982—176.

Senator Guess moved adoption of the following resolution:

## SENATE RESOLUTION 1982—176

By Senators Guess, Hayner, Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman:

WHEREAS, One Hundred Seventy-three years ago today in a Hardin County, Kentucky log cabin, there was born in the midst of poverty an individual who would one day become the sixteenth President of the United States; and

WHEREAS, This man has attained a special place in the history of our country and in the hearts of its people; and

WHEREAS, This country lawyer, veteran of the Black Hawk Wars, postmaster, state representative, federal congressman and President, paid the ultimate sacrifice as a result of his dedication to a united and free Republic; and

WHEREAS, His second Inaugural Address calling for malice toward none and a lasting peace, and his famous Emancipation Proclamation on the issue of involuntary servitude rank as two of the greatest pronouncements ever by any public figure; and

WHEREAS, Many historians and political scholars have ranked this President as the best this country has ever had; and

WHEREAS, His philosophy of the proper relationship between the people and their government has been revived, and his words of December 3, 1861, in which he said:

"It is as much the duty of government to render prompt justice against itself, in favor of citizens, as it is to administer the same between private individuals."

correctly echo the sentiment of our people today as we seek to maintain our government in its proper role as a responsive arm of the people;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington does this day pay homage to Abraham Lincoln and to the standards and ideals by which he lived.

Senator Williams moved adoption of the following amendment:

On line 23 of the resolution, strike "return" and insert "Maintain" and on line 24, before "government" insert "our" and strike "to" and insert "in"

Debate ensued.

On motion of Senator Pullen, the following amendment to the amendment by Senator Williams was adopted:

In the Williams amendment, before "maintain" insert "seek to"

The motion by Senator Williams carried and the amendment, as amended, was adopted.

On motion of Senator Gaspard, after the fifth "WHEREAS" and before "historians" insert "Many"

The motion by Senator Guess carried and the resolution, as amended, was adopted.

On motion of Senator Guess, the Senate observed a moment of silence in memory of Abraham Lincoln.

## MOTIONS

On motion of Senator Newhouse, the Senate returned to the sixth order of business.

On motion of Senator Newhouse, the Senate will consider Third Substitute House Bill No. 179 followed by Senate Bill No. 4461. Both of the measures were from the Regular Second Reading Calendar.

## SECOND READING

THIRD SUBSTITUTE HOUSE BILL NO. 179, by House Committee on Appropriations - Human Services (originally sponsored by House Committee on Human Services and Representatives Mitchell, Winsley, Houchen, Brekke, Wang, Patrick, Rinehard and Brown):

Creating council on child abuse and neglect.

## REPORT OF STANDING COMMITTEE

February 3, 1982.

THIRD SUBSTITUTE HOUSE BILL NO. 179, creating the council on child abuse and neglect (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Section 1. The legislature recognizes that child abuse and neglect is a threat to the family unit and imposes major expenses on society. The legislature further declares that there is a need to assist private and public agencies in identifying and establishing community based educational and service programs for the prevention of child abuse and neglect. It is the intent of the legislature that an increase in prevention programs will help reduce the breakdown in families and thus reduce the need for state intervention and state expense. It is further the intent of the legislature that prevention of child abuse and child neglect programs are partnerships between communities, citizens, and the state.

**NEW SECTION.** Sec. 2. (1) There is established in the executive office of the governor a council on child abuse and neglect subject to the jurisdiction of the governor. As used in this chapter, "council" means the council on child abuse and neglect.

(2) The council shall be composed of the chairperson and ten other members as follows:

(a) The chairperson and four other members shall be appointed by the governor and shall be selected for their interest and expertise in the prevention of child abuse. A minimum of four designees by the governor shall not be affiliated with governmental agencies. A minimum of two of the designees shall reside east of the Cascade mountain range. Members appointed by the governor shall serve for two-year terms, except that the chairperson and two other members designated by the governor shall initially serve for three years. Vacancies shall be filled for any unexpired term by appointment in the same manner as the original appointments were made.

(b) The secretary of social and health services or the secretary's designee and the superintendent of public instruction or the superintendent's designee shall serve as voting members of the council.

(c) In addition to the members of the council, four members of the legislature shall serve as nonvoting, ex officio members of the council, one from each political caucus of the house of representatives to be appointed by the speaker of the house of representatives and one from each political caucus of the senate to be appointed by the president of the senate.

**NEW SECTION.** Sec. 3. Council members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended. Attendance at meetings of the council shall be deemed performance by a member of the duties of a member's employment.

**NEW SECTION.** Sec. 4. The governor may employ an executive director who shall be exempt from the provisions of chapter 41.06 RCW, and such other staff as are necessary to carry out the purposes of this chapter. The salary of the executive director shall be fixed by the governor pursuant to RCW 43.03.040.

**NEW SECTION.** Sec. 5. To carry out the purposes of this chapter, the council on child abuse and neglect may:

(1) Contract with public or private nonprofit organizations, agencies, schools, or with qualified individuals for the establishment of community-based educational and service programs designed to reduce the occurrence of child abuse and neglect. Each contract entered into by the council shall contain a provision for the evaluation of services provided under the contract. Contracts for services to prevent child abuse and child neglect shall be awarded as demonstration projects with continuation based upon goal attainment. Contracts for services to prevent child abuse and child neglect shall be awarded on the basis of probability of success based in part upon sound research data.

(2) Facilitate the exchange of information between groups concerned with families and children.

(3) Consult with applicable state agencies, commissions, and boards to help determine the probable effectiveness, fiscal soundness, and need for proposed educational and service programs for the prevention of child abuse and neglect.

(4) Establish fee schedules to provide for the recipients of services to reimburse the state general fund for the cost of services received.

(5) Adopt its own bylaws.

(6) Adopt rules under chapter 34.04 RCW as necessary to carry out the purposes of this chapter.

**NEW SECTION.** Sec. 6. Programs contracted for under this chapter are intended to provide primary child abuse and neglect prevention services. Such programs may include, but are not limited to:

(1) Community-based educational programs on prenatal care, perinatal bonding, child development, basic child care, care of children with special needs, and coping with family stress; and

(2) Community-based programs relating to crisis care, aid to parents, child-abuse counseling, support groups for abusive or potentially abusive parents and their children, and early identification of families where the potential for child abuse and neglect exists.

The council shall develop policies to determine whether programs will be demonstration or will receive continuous funding. Nothing in this chapter requires continued funding by the state.

**NEW SECTION.** Sec. 7. In awarding contracts under section 6 of this act, consideration shall be given to factors such as need, diversity of geographic locations, coordination with or enhancement of existing services, and the extensive use of volunteers in the program. Further consideration shall be given to the extent to which contract proposals are based on prior research that indicates a probability of goal achievement.

**NEW SECTION.** Sec. 8. Twenty-five percent of the funding for programs under this chapter shall be provided by the organization administering the program. Contributions of materials, supplies, or physical facilities may be considered as all or part of the funding provided by the organization.

**NEW SECTION.** Sec. 9. The council shall report before the regular session of the legislature in 1983 to the governor and to the legislature concerning the council's activities and the effectiveness of those activities in fostering the prevention of child abuse and neglect.

**NEW SECTION.** Sec. 10. The council may accept contributions, grants, or gifts in cash or otherwise from persons, associations, or corporations. All moneys received by the council or any employee thereof from contributions, grants, or gifts and not through appropriation by the legislature shall be deposited in a depository approved by the state treasurer. Disbursements of such funds shall be on the authorization of the council or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control, such funds shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditure of such funds.

**NEW SECTION.** Sec. 11. This chapter shall expire June 30, 1984.

Sec. 12. 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 are each amended to read as follows:

County auditors shall collect the following fees for their official services: For filing each chattel mortgage, renewal affidavit, or conditional sale contract, and entering same as required by law, two dollars; for each assignment, modification, transfer, correction, or release of chattel mortgage, conditional sale contract, or miscellaneous instrument, two dollars;

For filing a release of chattel mortgage, conditional sale contract, or miscellaneous instrument, two dollars: PROVIDED, That said fee shall be paid at the time of filing the chattel mortgage, conditional sale contract, or miscellaneous instrument, and no charge shall be made when the release of any of the above instruments is filed;

For recording instruments, for the first page, legal size (eight and one-half by thirteen inches or less), three dollars; for each additional legal size page, one dollar; for indexing each name over two, fifty cents;

For marginal release of mortgage or lien, one dollar;

For preparing and certifying copies, for the first legal size page, two dollars; for each additional legal size page, one dollar;

For preparing noncertified copies, for each legal size page, fifty cents;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund, which five-dollar fee shall expire June 30, 1984;

For searching records per hour, four dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For filing of miscellaneous records, not listed above, three dollars;

For making marginal notations on original recording when blanket assignment or release of instrument is filed for record, each notation, fifty cents;

For recording of miscellaneous records, not listed above, for first legal size page, three dollars; for each additional legal size page, one dollar.

NEW SECTION. Sec. 1. Sections 1 through 11 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 2. There is appropriated from the general fund to the office of the governor for the fiscal year ending June 30, 1983, the sum of one hundred fifty thousand dollars, and for the fiscal year ending June 30, 1984, the sum of one hundred fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "neglect;" strike the remainder of the title and insert "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 43 RCW; making appropriations; and providing an expiration date."

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

The bill was read the second time by sections.

On motion of Senator Deccio, the committee amendment was adopted.

On motion of Senator Deccio, the committee amendment to the title was adopted.

On motion of Senator Deccio, the rules were suspended, Third Substitute House Bill No. 179, 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 Bottiger: "Mr. President, would Senator von Reichbauer yield to a question? Well Senator von Reichbauer, you are the only one on that I know of on the body of the floor that is even contemplating paying the \$5 tax and I wanted to find out if you had any objection to it?"

(no reply by Senator von Reichbauer)

#### POINT OF INQUIRY

Senator Pullen: "Senator Deccio, my understanding of this bill is that it allows the council on child abuse and neglect to have rulemaking authority. Could you tell me what kind of rules and regulations the council on child abuse and neglect is likely to make?"

Senator Deccio: "Well Senator Pullen, I think that is a little difficult to say at this point but they would certainly be in keeping with dealing with the issue of child abuse, and I think that these rules would have the same scrutiny by the legislature as a department of state government as those rules would be reviewed by the rules review committee so that we would be able to monitor them to see that they stayed within legislative intent. But I really cannot answer your question in detail because the council hasn't been formed yet."

#### REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, I think in answer to your question, Senator Pullen, if you look at the bill, it is 299 in the book, you look at new section 5, you will see 'To carry out the purposes of this chapter, the council . . . may: Contract with public or private nonprofit organizations . . . for . . . programs . . .'; they can 'Facilitate the exchange of information . . .'; they can 'Consult with . . . state agencies, . . .'; and then finally they can 'Establish fee schedules to provide for the recipients of services to reimburse the state general fund . . .'. And the last provision of that section says they can 'Adopt rules . . .' with respect to those issues only. They are not going to be deciding court rules or something beyond merely the things which are in that section of the bill."

Debate ensued.

#### POINT OF INQUIRY

Senator Vognild: "Senator Deccio, I note that the appropriation here is \$300,000, the anticipated revenue is \$470,000. I detect a surplus there of about \$170,000. Can you give me an idea where that money will be going?"

Senator Deccio: "Well, I would suspect, Senator, that it would be the same way with any other appropriation. If there has been generated too much out of that, the rest would go back into the general fund; that would be the determination of the legislature."

Further debate ensued.

## POINT OF INQUIRY

Senator Talmadge: "Senator Deccio, is it the intent of the bill to have all of the money derived from the marital fee increase go to the council on child abuse and not to go to the general fund for any other purpose?"

Senator Deccio: "Senator Talmadge, my understanding during the hearing that the amount of money that was needed was around \$320,000. It was at that time that any monies that were generated in excess of that would go into the general fund."

Senator Talmadge: "Senator, my understanding was different because section 14 of the bill provides that 'There is appropriated from the general fund to the office of the governor for the fiscal year ending June 30, . . . the sum of one hundred fifty thousand dollars, and for the fiscal year . . . , the sum of one hundred fifty thousand dollars also. My understanding had been there would be no money going to the general fund, but it was rather going to pay for the cost of the council for the time period ending in 1984 also, the understanding being that the money would be there and available for the council in 1984.'"

Further debate ensued.

## POINT OF INQUIRY

Senator Fleming: "Senator Deccio, from your comments a few minutes ago, I am somewhat reluctant to speak on this measure although I am in support of it. Do you have a script that we should know about, because I would not want any of the members of this side to say anything out of line, about, you know, rotation, something of that nature because I have never seen that happen on this floor where we are told we cannot censure anything. So I you have a script that we ought to see so we can be able to follow along with you, because I wouldn't want to get out of line, Senator."

Senator Deccio: "Well, I wouldn't want you to get out of line, Senator. You never have so far, so I wouldn't want you to set a precedent. No, I do not have a script."

## MOTION

On motion of Senator Newhouse, Third Substitute House Bill No. 179, as amended by the Senate, was ordered held on third reading following consideration of Senate Bill No. 4461.

## SECOND READING

SENATE BILL NO. 4461, by Senators Bluechel, Deccio, Charnley, Benitz, Fuller, Gallagher, Gould, Guess, Haley, Jones, Lee, Patterson, Quigg, Sellar, von Reichbauer and Hemstad:

Modifying time limits and evidence rules in actions involving sexual abuse of children.

## MOTIONS

On motion of Senator Bluechel, Substitute Senate Bill No. 4461 was substituted for Senate Bill No. 4461 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bluechel, the rules were suspended, Substitute Senate Bill No. 4461 was advanced to third reading, the second 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. 4461 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Clarke—1.

SUBSTITUTE SENATE BILL NO. 4461, having received the 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

THIRD SUBSTITUTE HOUSE BILL NO. 179, by House Committee on Appropriations - Human Services (originally sponsored by House Committee on Human Services and Representatives Mitchell, Winsley, Houchen, Brekke, Wang, Patrick, Rinehart and Brown):

Creating the council on child abuse and neglect.

The Senate resumed consideration of Third Substitute House Bill No. 179, as amended by the Senate, from earlier today.

Debate ensued.

## MOTIONS

On motion of Senator Ridder, Senator Hurley was excused.

On motion of Senator Bluechel, Senator Gould was excused.

The President declared the question before the Senate to be the roll call on final passage of Third Substitute House Bill No. 179, as amended by the Senate.

## POINT OF INQUIRY

Senator Talmadge: "Senator Deccio, what is the intention with respect to the appropriation of the five dollars, the monies derived from the five dollar marital fee?"

Senator Deccio: "Senator Talmadge, the first \$300,000 of the additional five dollars would go to finance the council for the first two years. Any monies in excess of that would go into the general fund to be reappropriated by the legislature."

Senator Talmadge: "So it is the intention to reappropriate these monies to the council on child abuse in the next biennium?"

Senator Deccio: "That would be up to the discretion of the legislature; but the monies would go back into the general fund."

## ROLL CALL

The Secretary called the roll on the final passage of Third Substitute House Bill No. 179, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wojahn, Zimmerman—39.

Voting nay: Senators Craswell, Goltz, Lysen, Pullen, Vognild, Wilson, Woody—7.

Excused: Senators Clarke, Gould, Hurley—3.

THIRD SUBSTITUTE HOUSE BILL NO. 179, 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 Deccio: "We just had this bill setting up a council for sexual abuses of children. Whether it works or not is something that no one knows and that can be determined and further disposition made by the legislature.

"I guess the thing that I did want to do today was to point out one thing that very rarely ever happens around these halls. I haven't known this lady very long but I was impressed by the fact that she has been working on this project as a volunteer, didn't ask for any federal grants or any of those kinds of things in order to accomplish a goal that she thought was necessary.

"At this time I would like to have Senator McDermott stand and join me in introducing Bonnie Riach who has made this bill possible after about five years' work. Bonnie."

#### REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, I will now tell Alex a secret. I was on the child abuse council for a couple of years, and I worked with Mrs. Riach, and when she said 'We ought to put a bill into the legislature — would you introduce it?' I said 'No, I don't think this is the year for me to introduce bills. Why don't you go over to the Republicans and see if somebody won't sponsor your bill?' And it worked, Bonnie. Congratulations."

#### MOTION

At 1:05 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, February 15, 1982.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

### THIRTY-SIXTH DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Monday, February 15, 1982.

The Senate was called to order at 10:00 a.m. by President Cherberg. The President declared the Senate to be at ease. The President called the Senate to order at 10:20 a.m. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Jeff MacLean and Vicky Prongay, presented the Colors. Reverend Paul J. Beeman, pastor of First United Methodist Church of Olympia, offered the prayer.

#### MOTION

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

#### MOTION

On motion of Senator Lysen, business was suspended to permit the Secretary of the Senate to read aloud the Declaration of Independence.

#### REPORT OF STANDING COMMITTEE

February 12, 1982.

SENATE BILL NO. 3944, modifying the labor dispute disqualification for unemployment benefits (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

#### POINT OF INFORMATION

Senator Vognild: "Thank you, Mr. President. I would like to inquire of the chair if Senate Bill 3944 is properly before this body? Senate Bill 3944 was reported out of commerce and labor at approximately 10:35 on a day when the senate convened at 10:30. I believe the tapes will show that Senator Williams indicated that the senate was in session, subject to rule 48 of the senate rules. I do not believe that the committee was properly in session and I therefore believe that reporting the bill out was an act that should not stand, and 3944 committee report should be refused."

#### REPLY BY THE PRESIDENT

President Cherberg: "The report of the standing committee is in order. The committee meeting was properly called. The President raises another question as to whether the senate actually had a quorum at approximately 10:35. Without a quorum, the senate was not in session, in the mind of the President.

"The President thinks this is a highly technical question and as long as the bill does have four signatures of the seven-person committee, it strikes the President that whereas the rule clearly states that no committee shall be in session, I think

that is a little too technical for the President to rule the bill as being not properly before the senate.

"The President rules that the bill is properly before the senate. Passed to second reading."

### REPORTS OF STANDING COMMITTEES

February 11, 1982.

SENATE BILL NO. 4238, relating to education (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 4238 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Lee, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

February 10, 1982.

SENATE BILL NO. 4526, permitting breweries, wineries, or wholesalers to offer instruction on beer or wine to licensees (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 4526 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Williams.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4610, prohibiting clauses which restrict the beneficiary's right to assign health care insurance payments (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 4610 be substituted therefor, and the substituted bill do pass.

Signed by: Senators Hurley, Sellar, Vognild, Williams.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4693, developing an education enrichment block grant program from single source fund (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 4693 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Lee, Scott, Talmadge, Wojahn.

MINORITY recommendation: Do not pass as substituted.

Signed by: Senator Gaspard.

Passed to Committee on Rules for second reading.

February 10, 1982.

SENATE BILL NO. 4703, modifying provisions relating to class K liquor licenses (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Vognild, Williams.

Passed to Committee on Rules for second reading.

February 10, 1982.

SENATE BILL NO. 4747, enlarging scope of a domestic winery license (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 4747 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

February 12, 1982.

SENATE BILL NO. 4755, authorizing domestic wineries to serve wine at special occasion class J license events (reported by Committee on Commerce and Labor):

Recommendation: That Substitute Senate Bill No. 4755 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild, Williams.

Passed to Committee on Rules for second reading.

February 10, 1982.

SENATE BILL NO. 4769, requiring higher education personnel's and state employees' salaries to be adjusted to achieve comparable worth (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Bauer, Craswell, Gaspard, Lee, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 12, 1982.

SENATE BILL NO. 4902, revising manufactured home laws (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

MINORITY recommendation: Do not pass as amended.

Signed by: Senators Hurley, Williams.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE BILL NO. 4917, redefining superintendent of public instruction position on state board of education (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 4917 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Hemstad, Lee, Scott.

MINORITY recommendation: That it not be substituted.

Signed by: Senators Gaspard, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

February 12, 1982.

SENATE BILL NO. 4947, revising procedures for appeals regarding industrial insurance (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

February 11, 1982.

SENATE CONCURRENT RESOLUTION NO. 134, urging the adoption of abuse prevention programs in Washington schools (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 134 be substituted therefor, and the substitute resolution do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Hemstad, Lee, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

## POINT OF INQUIRY

Senator Bottiger: "Senator Jones, we have this house/senate republican caucus resolution that supposedly is the cutoff date and I have been trying to put these bills that are coming in, being read in today, that are in violation of this Republican house/senate caucus resolution; and I am wondering, is there a new copy, has it been amended, are we changing . . .?"

Senator Jones: "Not that I am aware of; there has been no change."

Senator Bottiger: "Well, this says that on 'Friday, February 12, shall be the final day to read in committee reports of senate bills, memorials, joint resolutions, in the senate,' and I presume the same thing is happening in the house and yet here it is Monday, the 15th, and we are still doing it."

Senator Jones: "I am not aware of this being an absolute rule at this moment, is it, Senator Bottiger, wasn't that your. . .?"

Senator Bottiger: "No, Senator, it is obvious it is not. It is not even a rule in your own caucus. I am just wondering if there has been an amendment?"

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, responding, it has always been the prerogative of the majority to make determinations with respect to what it desires or does not desire to consider. It is certainly something that has been done by your side when it was in control and the fact that we have established what might be referred to as 'tentative goals' in order to endeavor to help us expedite the work of the session, should not be regarded as, nor do we suggest they be regarded as any type of mandated rule."

## REPORTS OF STANDING COMMITTEES

February 9, 1982.

HOUSE BILL NO. 4, designating the Roosevelt Elk as the state animal (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

February 10, 1982.

HOUSE BILL NO. 1013, establishing a limited small business innovators' opportunity program (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Hurley, Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

## MESSAGES FROM THE HOUSE

February 12, 1982.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 936, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 12, 1982.

Mr. President: The House has passed:

HOUSE BILL NO. 410,

REENGROSSED HOUSE BILL NO. 457,

SUBSTITUTE HOUSE BILL NO. 462,

ENGROSSED HOUSE BILL NO. 470,

SUBSTITUTE HOUSE BILL NO. 663,  
 ENGROSSED HOUSE BILL NO. 947,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1011,  
 SUBSTITUTE HOUSE BILL NO. 1014,  
 HOUSE BILL NO. 1033,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1063,  
 HOUSE BILL NO. 1119, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 12, 1982.

Mr. President: The House has passed: SUBSTITUTE HOUSE BILL NO. 840,  
 and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 12, 1982.

Mr. President: The House has passed:  
 SUBSTITUTE HOUSE BILL NO. 810,  
 HOUSE BILL NO. 854,  
 SUBSTITUTE HOUSE BILL NO. 898,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 905,  
 HOUSE BILL NO. 907,  
 HOUSE BILL NO. 934,  
 HOUSE BILL NO. 935,  
 SUBSTITUTE HOUSE BILL NO. 961,  
 HOUSE BILL NO. 964,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 987,  
 HOUSE BILL NO. 1084,  
 SUBSTITUTE HOUSE BILL NO. 1125, and the same are herewith  
 transmitted.

VITO T. CHIECHI, Chief Clerk.

February 12, 1982.

Mr. President: The House has passed:  
 HOUSE BILL NO. 623,  
 HOUSE BILL NO. 826,  
 SUBSTITUTE HOUSE BILL NO. 834,  
 SUBSTITUTE HOUSE BILL NO. 893,  
 SUBSTITUTE HOUSE BILL NO. 931,  
 HOUSE BILL NO. 960,  
 SUBSTITUTE HOUSE BILL NO. 1048,  
 HOUSE BILL NO. 1129, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### INTRODUCTION AND FIRST READING

HOUSE BILL NO. 410, by Committee on Human Services and Representa-  
 tives Mitchell and Hine (by Department of Social and Health Services request):  
 Modifying provisions relating to county alcoholism and drug abuse programs.  
 Referred to Committee on Social and Health Services.

REENGROSSED HOUSE BILL NO. 457, by Committee on Transportation  
 and Representative Garson:  
 Revising common carrier requirements.  
 Referred to Committee on Transportation.

**SUBSTITUTE HOUSE BILL NO. 462**, by Committee on Education (originally sponsored by Representatives Erickson, Taylor, Winsley, Ellis, Van Dyken, Tupper, Walk, Hine and Brown):

Implementing law relating to the injury or defacement of school property and liability therefor.

Referred to Committee on Education.

**ENGROSSED HOUSE BILL NO. 470**, by Select Committee on Vietnam Era Veterans and Representatives Tupper, Bender, Van Dyken, Scott, Dawson, Brown, Pruitt, Winsley, Johnson and Sanders:

Appropriating funds for training of mental health professionals.

Referred to Committee on Social and Health Services.

**HOUSE BILL NO. 623**, by Committee on State Government and Representatives Addison, Walk, Owen and North:

Modifying eligibility requirements for veterans' free license plates.

Referred to Committee on State Government.

**SUBSTITUTE HOUSE BILL NO. 663**, by Committee on State Government (originally sponsored by Representatives Greengo and Tupper):

Modernizing initiative and referendum petition requirements.

Referred to Committee on Constitutions and Elections.

**SUBSTITUTE HOUSE BILL NO. 810**, by Committee on Appropriations—General Government (originally sponsored by Committee on Appropriations—General Government and Representative Williams):

Expanding the authority of the department of general administration as it pertains to state facilities.

Referred to Committee on State Government.

**HOUSE BILL NO. 826**, by Representatives Ellis, Bickham and Armstrong:

Establishing the Washington law revision commission.

Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 834**, by Committee on Natural Resources and Environmental Affairs (originally sponsored by Representatives Garson, Johnson, Addison, Ellis, Williams, Tilly, Kreidler, Nickell and Barr):

Modifying penalties for violations of game laws.

Referred to Committee on Natural Resources.

**SUBSTITUTE HOUSE BILL NO. 840**, by Committee on Revenue (originally sponsored by Representatives Struthers, Chamberlain, Hastings and Hankins):

Increasing the sales tax exemption permit fee.

Referred to Committee on Ways and Means.

**HOUSE BILL NO. 854**, by Committee on Transportation and Representative Wilson (by Department of Transportation request):

Permitting motor fuel distributors to omit gas tax from the selling price.

Referred to Committee on Transportation.

**SUBSTITUTE HOUSE BILL NO. 893**, by Committee on Agriculture (originally sponsored by Representatives Sommers and Smith):

Eliminating portion of liquor tax imposed for wine research.

Referred to Committee on Agriculture.

**SUBSTITUTE HOUSE BILL NO. 898**, by Committee on Ethics, Law and Justice (originally sponsored by Representatives Brown, Ellis, Salatino, Patrick, Schmidt, Wang, Tilly, Pruitt, Winsley, Heck, Stratton, Sommers, Grimm, Kaiser, Walk, Burns, Leonard, Addison, Houchen, Johnson, Armstrong, Ehlers, Sherman,

Galloway, McCormick, Garson, Vander Stoep, Granlund, Hastings, Sanders, Owen, Greengo and Barr):

Prohibiting carrying firearms or dangerous weapons onto school premises.  
Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 905, by Committee on Ethics, Law and Justice (originally sponsored by Representatives Wang, Ellis, Armstrong, Owen, Patrick, Tupper, Becker, King (J), Winsley, Brown, Berleen, Granlund, Mitchell, Vander Stoep, Salatino, Lewis, Hankins, Johnson, Sherman and Teutsch):

Providing for joint child custody.  
Referred to Judiciary Committee.

HOUSE BILL NO. 907, by Committee on Ethics, Law and Justice and Representative Ellis:

Modifying the laws governing the office of administrative hearings.  
Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 931, by Select Committee on Deregulation and Productivity (originally sponsored by Select Committee on Deregulation and Productivity and Representative Williams):

Modifying the handling of reserved funds for public contracts.  
Referred to Committee on State Government.

HOUSE BILL NO. 934, by Committee on Financial Institutions and Insurance and Representative Dawson (by Department of General Administration request):

Revising laws relating to credit unions.  
Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 935, by Committee on Financial Institutions and Insurance and Representative Dawson (by Department of General Administration request):

Revising fees for bank examinations.  
Referred to Committee on Financial Institutions and Insurance.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 936, by Committee on Financial Institutions and Insurance (originally sponsored by Committee on Financial Institutions and Insurance and Representative Dawson) (by Department of General Administration request):

Providing for reorganization to form a bank holding company.  
Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 947, by Representatives Fancher and Smith:

Changing maximum cattle assessments.  
Referred to Committee on Agriculture.

HOUSE BILL NO. 960, by Committee on State Government and Representative Addison (by Office of Archaeology and Historic Preservation request):

Authorizing fees for consulting services rendered by the office of archaeology and historic preservation.  
Referred to Committee on Parks and Ecology.

SUBSTITUTE HOUSE BILL NO. 961, by Committee on Revenue (originally sponsored by Committee on Revenue and Representative Greengo):

Modifying provisions on property tax exemptions.  
Referred to Committee on Ways and Means.

HOUSE BILL NO. 964, by Committee on Revenue and Representative Greengo:

Modifying provisions on real estate excise taxation.

Referred to Committee on Ways and Means.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 987, by Committee on Appropriations—General Government (originally sponsored by Committee on Appropriations—General Government and Representatives Williams, Wang, McDonald, Ellis and James):

Placing limitations on certain payments to school employees.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1011, by Committee on Local Government (originally sponsored by Committee on Local Government and Representatives Isaacson and Martinis):

Defining and limiting the appearance of fairness doctrine.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 1014, by Select Committee on Deregulation and Productivity (originally sponsored by Representatives Eberle, King (R), Hastings, Owen, Nelson (G), Stratton and Sanders):

Delineating restrictions on taxing powers of counties, cities, and towns.

Referred to Committee on Local Government.

HOUSE BILL NO. 1033, by Committee on Labor and Economic Development and Representatives Sanders and Clayton:

Modifying provisions relating to unemployment compensation.

Referred to Committee on Commerce and Labor.

SUBSTITUTE HOUSE BILL NO. 1048, by Select Committee on Child Abuse (originally sponsored by Select Committee on Child Abuse and Representatives Berleen, Galloway, Brown, Salatino and Lewis):

Modifying provisions relating to child abuse and family offenses.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1063, by Committee on Labor and Economic Development (originally sponsored by Committee on Labor and Economic Development and Representatives Sanders and Schmidt):

Modifying provisions relating to alcoholic beverages.

Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 1084, by Committee on Education and Representative Taylor (by State Board of Education request):

Clarifying law relating to terms and qualifications of state board of education members.

Referred to Committee on Education.

HOUSE BILL NO. 1119, by Committee on Ethics, Law and Justice and Representatives Tupper, Granlund, Ellis and Salatino:

Requiring shifts in campaign funds to be reported on a separate page of the public disclosure report.

Referred to Committee on Constitutions and Elections.

SUBSTITUTE HOUSE BILL NO. 1125, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representatives Tupper, Granlund, Ellis, Salatino and Wang):

Limiting fund raising activities during legislative sessions.

Referred to Committee on Constitutions and Elections.

HOUSE BILL NO. 1129, by Committee on Education and Representatives Amen, Armstrong, Taylor and Johnson (by State Board of Education request):

Redefining relationship of the superintendent of public instruction to the state board of education.

Referred to Committee on Education.

### MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, Senate Bill No. 4675 was ordered held for consideration on February 16, 1982.

### SECOND READING

SENATE BILL NO. 4425, by Senators Wojahn, Haley, Gaspard and Bottiger:

Revising requirement for certain port district elections on issue of increasing number of commissioners to five.

### REPORT OF STANDING COMMITTEE

January 28, 1982.

SENATE BILL NO. 4425, revising the requirement for certain port district elections on the issue of increasing the number of commissioners to five (reported by Committee on Local Government):

Recommendation: Do pass with the following amendments:

On page 1, line 11, after "official" insert "state"

On page 1, line 11, after "estimate" strike "of the office of financial management"

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the committee amendments were considered and adopted simultaneously.

On motion of Senator Wojahn, the rules were suspended, Engrossed Senate Bill No. 4425 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. 4425 and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; absent or not voting, 2.

Voting yea: Senators Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—35.

Voting nay: Senators Benitz, Craswell, Deccio, Fuller, Guess, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Zimmerman—12.

Absent or not voting: Senators Bauer, Hayner—2.

ENGROSSED SENATE BILL NO. 4425, having received the 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. 4697, by Senators Quigg, Bluechel, Hemstad, Deccio, Craswell, Metcalf, McCaslin, Patterson, Talmadge, Moore, Woody, McDermott, Jones, Gallagher, von Reichbauer, Benitz, Hayner, Zimmerman, Hurley, Gould, Fuller, Lee, Kiskaddon, Goltz and Wojahn:

Authorizing payroll deductions for IRA's.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 4697 was substituted for Senate Bill No. 4697 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 4697 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 Quigg, I intend to vote for this bill because it simply is an option for people to exercise which it should be available to everyone, a convenient way of doing it.

"But I do have a question as to the effect of putting money into IRA accounts. You have made it appear like this is going to be part of a Jobs Now program and I wonder if there is any justification for expecting that money in IRA accounts will actually do any good whatsoever in the state of Washington, when it is so easy to transfer the money from the IRA account to some other state or some other place where it could form the capital for some other good purpose?"

Senator Quigg: "Senator Goltz, in response to your question, I, too, considered limiting this to investments only in Washington state investment vehicles. But the problem we have in our state stems from a national problem of a shortage of savings. We save at about one-fifth the rate of other industrialized nations. And so the question of where these funds were to be saved, I felt should be best left to that state or municipal employee to decide, and should they choose to put it in a state employee credit union or a local savings and loan, or even a money market fund back East, I think the key is instead of, the individual's decision as to where that money will go. And I think we will find that when the state and municipal employees realize that the tax base of this state depends on a vigorous state economy, we are probably going to find them deciding to keep that money at home. But I think that is a choice for that individual and not necessarily for the legislature.

"And just to follow up. This is a national problem. The increase in savings that occurs in this country is going to help forest products economy based states. So whether we do it or whether somebody else does it, the key thing is that folks be allowed to keep more of what they earn and save more of what they earn should they choose to do so."

Debate ensued.

## POINT OF INQUIRY

Senator Deccio: "Senator Quigg, I want to ask the same question I asked Mr. Masten in committee, as to whether or not the state of Washington is legally obligated for the guarantee or the production of any particular rate of interest on the part of that person who invests in an IRA?"

Senator Quigg: "Senator Deccio, the state of Washington would not be liable for any rate of return on an individual retirement account simply because it is an account that the individual has with a financial institution or investment house. This

bill simply authorizes a state or municipal agency to facilitate deposits on behalf of the employee by a payroll deduction and that is the extent of it. There is nothing here that would put the state or any of its municipal corporations in any position of liability for the funds invested in an individual retirement account any more than it would now if the state employee, without payroll deductions, went in an deposited some funds."

Senator Deccio: "Further, Senator Quigg, that would apply to any type of investment whether it is money market certificates, IRA, or any other form of investment where a payroll deduction is concerned?"

Senator Quigg: "That is correct, Senator Deccio.

Further debate ensued.

### MOTION

On motion of Senator Bluechel, Senator Hayner was excused.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4697 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, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Fleming—1.

Absent or not voting: Senator Bauer—1.

Excused: Senator Hayner—1.

SUBSTITUTE SENATE BILL NO. 4697, having received the 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. 4545, by Senators von Reichbauer, Gaspard, Benitz, Talley, Quigg and Gallagher:

Exempting from motor vehicle excise tax, vehicles used exclusively for elderly or handicapped ride-sharing.

### MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 4545 was substituted for Senate Bill No. 4545 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Kiskaddon, the following amendment was adopted:

On page 1, line 11, after "driver" and before the semicolon, insert:

" , or fewer than five persons including the driver, when at least three of those persons are confined to wheelchairs when riding"

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Substitute Senate Bill No. 4545 was advanced to third reading, the second 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. 4545 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Deccio—1.

Excused: Senator Hayner—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4545, having received the 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. 3617, by Senator Metcalf:

Implementing law relating to use of associated student body funds.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 3617 was substituted for Senate Bill No. 3617 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 3617 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 Metcalf, on line 18, in the new language, it says that 'Nothing in this section shall prevent moneys. . . ' and so on 'purposes as the appropriate governing body representing the associated student body shall determine. . . ' and I wonder whether the determination made by the associated student body in the new language is subject to the same approval as is required elsewhere in the section, having to do on line 4 and 5 with ' . . . subject to the approval by the board of directors of the school district. . . .'"

Senator Metcalf: "I am certain it would be subject to their approval; now whether or not they can authorize the associated student body, governing body, to go ahead with them having an oversight capability or not or whether they have to approve every budget item. I think this is to get away from them having to approve every budget item and that they still have the overriding authority, in my view."

Senator Goltz: "Well, the original language, Senator Metcalf, says that they may spend this money for a variety of purposes and they can budget, they are responsible for budgeting it, but that final approval rests with the school board of directors. And I think it is important that the new language still retained the approval of the board of directors of the school district, even though the language clarifies purposes for which the money can be budgeted by the associated student body."

Senator Metcalf: "Okay; in answer to this, my question would be, 'Are you asking whether the school board of directors for the Everett school district has to approve the . . .'"

Senator Goltz: "Charitable use?"

Senator Metcalf: ". . . charitable use; for example, if the students of the school have a fund raiser to raise some money for a family that has burned out; this is what brought it to the attention of the people in Everett. A family had a home fire, they were burned out, and the students raised a bunch of money to help them, but they could not do that by their own authority, they had to go to the school board. And it is my opinion that this would allow, and I will defer to the committee chairman or others that were at the committee hearing, it is my opinion that this would allow them to do things like that with the board having oversight rather than to have to take each expenditure to the school board.

"Senator Bluechel or Senator Kiskaddon or Senator Hemstad may want to comment on this."

Senator Goltz: "I think it is very important that the school boards retain final approval of such expenditures, and if that is what this bill does, removes the school board from all of the scholarship, student exchange, and charitable purposes, that virtually, you know, that is a big loophole for associated students to drive through."

Senator Metcalf: "Anyone care to answer that further? It is my opinion that this would give them the oversight capability but not every specific, they don't have to take their school board meetings with every budget item."

Debate ensued.

#### POINT OF INQUIRY

Senator Pullen: "Senator Metcalf, you are highly regarded as one of the outstanding senators who knows the Constitution and believes in adhering to the Constitution. And I am a little bit worried about this particular bill in that it specifies that these associated student body funds as not being public moneys and it seems to me that in the past they have been considered public moneys and my question for you is, how you can rationalize the constitutionality of this bill?"

Senator Metcalf: "Thank you, Senator Pullen. The constitutionality to me is clear in that the intent originally was to allow to happen exactly what this bill would allow to happen. Then an attorney general's ruling or a court ruling, and I think it was a court ruling, came along and botched up what was a workable system. And so we are trying to reestablish what is a workable system in the schools.

"If you are interested I would be very happy to go into detail relative to some of the problems that we now have. But I feel that this is not in any way in conflict with the Constitution — it's in conflict with a particular ruling, the particular ruling which caused the problem."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3617 and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Quigg, Ridder, Scott, Sellar, Talley, Talmadge, Vogtild, von Reichbauer, Williams, Wilson—32.

Voting nay: Senators Bauer, Bottiger, Conner, Fleming, Gaspard, Goltz, McDermott, Patterson, Peterson, Pullen, Rasmussen, Shinpoeh, Wojahn, Woody, Zimmerman—15.

Absent or not voting: Senator Lysen—1.

Excused: Senator Hayner—1.

SUBSTITUTE SENATE BILL NO. 3617, having received the 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. 4713, by Senators Patterson, Hansen, Zimmerman and Bottiger:

Adjusting distribution formula for motor vehicle fund.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 4713 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Talmadge: "Senator Patterson, you said there were some winners and some losers. How does King county or any of the other larger counties do under this proposed measure?"

Senator Patterson: "King county is a winner. That probably, I guess that is what you were looking for. Some of the smaller counties in the state are going to be losers under it but there is a proviso in here where no one will lose more than 5% and obviously no one gains more than 5% under this formula."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4713 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognilid, von Reichbauer, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Conner, Lysen, Williams, Wilson—4.

Absent or not voting: Senator Talley—1.

SENATE BILL NO. 4713, having received the 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. 4743, by Senator Lee:  
Providing for investment of surplus public funds.

## REPORT OF STANDING COMMITTEE

February 4, 1982.

SENATE BILL NO. 4743, providing for the investment of surplus public funds (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 14, strike "fund"

On page 5, line 20, strike "trust"

On page 5, line 21, strike "fund"

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, Lee, McCaslin, Talley.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the committee amendments were considered and adopted simultaneously.

Senator Bottiger moved adoption of the following amendment by Senators Bottiger and Wojahn:

On page 7, after line 18, insert a new section to read as follows:

"Sec. 18. Section 1, chapter 47, Laws of 1975 and RCW 28A.58.430 are each amended to read as follows:

Any common school district board of directors is empowered to direct and authorize, and to delegate authority to an employee or agent of the common school district or the educational service district to direct and authorize, the county treasurer to invest funds described in RCW 28A.58.435 and 28A.58.440 and funds from state and federal sources as are then or thereafter received by the educational service district, and such funds from county sources are then or thereafter received by the county treasurer, for distribution to the common school districts. Funds from state, county and federal sources which are so invested may be invested only for the period the funds are not required for the immediate necessities of the common school district as determined by the school district board of directors or its delegatee, and shall be invested in behalf of the common school district pursuant to the terms of RCW 28A.58.435 or 28A.58.440, as now or hereafter amended, as the nature of the funds shall dictate. A grant of authority by a common school district pursuant to this section shall be by resolution of the board of directors and shall specify the duration and extent of the authority so granted. Any authority delegated to an educational service district pursuant to this section may be redelegated pursuant to RCW 28A.21.095, as now or hereafter amended.", and renumber the remaining sections accordingly.

Debate ensued.

The motion by Senator Bottiger carried and the amendment was adopted.

On motion of Senator Zimmerman, the following amendment by Senator Bottiger to the title was adopted:

On page 1, in line 2 of the title after "RCW;" insert: "amending section 1, chapter 47, Laws of 1975 and RCW 28A.58.430;"

On motion of Senator Zimmerman, the rules were suspended, Engrossed Senate Bill No. 4743 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. 4743 and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; absent or not voting, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Fleming, Fuller, Gaspard, Goltz, Gould, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—35.

Voting nay: Senators Bauer, Conner, Craswell, Deccio, Gallagher, Guess, Hansen, Hurley, Lysen, Moore, Quigg, Williams—12.

Absent or not voting: Senators Talley, Wilson—2.

ENGROSSED SENATE BILL NO. 4743, having received the 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 Clarke, Senate Bill No. 4522 will be considered following Senate Bill No. 3913.

## MOTION

On motion of Senator Clarke, Senate Bill No. 3552 was rereferred to the Committee on Rules.

## SECOND READING

SENATE BILL NO. 4571, by Senators Bluechel, Moore and Talley:

Revising procedures for sale of property by port districts.

The bill was read the second time by sections.

On motion of Senator Bluechel, the rules were suspended, Senate Bill No. 4571 was advanced to third reading, the second 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. 4571 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vogniid, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Pullen—1.

Absent or not voting: Senator Talley—1.

SENATE BILL NO. 4571, having received the 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. 3913, by Senators Talmadge, Hemstad and Williams (by Attorney General request):

Authorizing presuit depositions and interrogatories in investigation of unfair business practices.

## MOTIONS

On motion of Senator Hemstad, Substitute Senate Bill No. 3913 was substituted for Senate Bill No. 3913 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hemstad, the rules were suspended, Substitute Senate Bill No. 3913 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Bluechel, Senator McCaslin was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3913 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Talley—1.

Excused: Senator McCaslin—1.

SUBSTITUTE SENATE BILL NO. 3913, having received the 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. 4522, by Senators Gallagher, Conner and Fuller:

Modifying provisions relating to salmon fishing.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the following amendment:

On page 2, after line 9, insert the following:

"Sec. 2. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 66, Laws of 1979 and RCW 75.28.300 are each amended to read as follows:

A wholesale fish dealer's license is required for:

(1) Any business in the state engaged in the freezing, salting, smoking, kippering, preserving in ice or any processing or curing of any food fish or shellfish, or the shucking or cleaning of shellfish for commercial purposes.

(2) Any business in the state engaged in the wholesale selling, buying or brokering of food fish or shellfish except those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Any commercial fisherman or clam or oyster farmer who lands his catch or his shellfish harvest in the state of Washington and sells his catch or his shellfish harvest directly to the consumer or to anyone other than a licensed wholesale dealer within or outside the state of Washington.

(4) Any business in the state engaged in the canning of food fish or shellfish, for commercial purposes, in hermetically sealed containers which are processed by exposure to heat for pasteurization or sterilization.

(5) Any person or business engaged in custom canning shellfish or food fish taken by others for their personal use. The words "personal use only—not for sale" shall be embossed in a permanent and legible manner on the lid or cover of each can or container used in canning or preserving fish or shellfish caught for personal use. It is unlawful to commingle fish or shellfish caught for personal use with commercially caught fish or shellfish at any time prior to or during the canning or processing.

(6) Any business in the state engaged in the manufacture or preparation for commercial purposes of fertilizer, oil, meal, caviar, fish bait, or other byproducts from fish or shellfish.

The fee for the license is thirty-seven dollars and fifty cents per annum. This section shall not apply to persons buying or selling oyster seed for transplant.

NEW SECTION. Sec. 3. Section 3, chapter 40, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.377 are each repealed."

## POINT OF ORDER

Senator Gallagher: "Mr. President, I believe that this amendment is expanding the scope and object of this bill and I would like the ruling of the chair on this, please."

## MOTION

On motion of Senator Clarke, Senate Bill No. 4522, together with pending amending by Senator Rasmussen and the Point of Order by Senator Gallagher, was ordered held for a Ruling by the President on February 16, 1982.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 133, by Senators Quigg, Jones, Bluechel, Lee, Kiskaddon, Haley, Deccio, Gould, Clarke, Gallagher, Patterson, Newhouse, Fuller, Hemstad, Benitz, Zimmerman, Hayner, Vognild, Metcalf and Guess:

Establishing 1982 as "Washington Works Year".

The bill was read the second time by sections.

Senator Bottiger moved adoption of the following amendment by Senators Bottiger, McDermott, Fleming, Goltz, Ridder, Gaspard, Conner, Wojahn, Shinpoch, Lysen, Charnley, Hughes and Moore:

On page 1, line 2, after "workers" insert ", the plight of the 215,000 unemployed in Washington"

## MOTION

On motion of Senator Clarke, Senate Concurrent Resolution No. 133, together with the pending amendment by Senator Bottiger and others, was ordered held for consideration on February 16, 1982.

## MOTION

On motion of Senator Clarke, the Senate commenced consideration of measures on the Consent Calendar.

## SECOND READING

SENATE BILL NO. 4517, by Senators Talmadge and Hemstad:

Modifying provisions relating to satisfaction of mortgages,

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 4517 was advanced to third reading, the second 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. 4517 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Talley—1.

Excused: Senator McCaslin—1.

SENATE BILL NO. 4517, having received the 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. 4546, by Senators Newhouse, Charnley and Benitz:

Modifying provisions relating to financial interests in alcoholic beverages businesses.

## MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 4546 was substituted for Senate Bill No. 4546 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 4546 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Bottiger: "Senator Newhouse, there wouldn't be any tax impact on doing this, would there?"

Senator Newhouse: "There is none."

Senator Bottiger: "So what we are doing is allowing that small winery in your district and mine to go to the local Safeway store and maybe one or two stores could take their whole production and they wouldn't have to go through a distributor and pay the extra costs?"

Senator Newhouse: "They could act as their own wholesaler/distributor."

## MOTION

On motion of Senator Bluechel, Senator Sellar was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4546 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Talley—1.

Excused: Senators McCaslin, Sellar—2.

SUBSTITUTE SENATE BILL NO. 4546, having received the 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. 4547, by Senators von Reichbauer, Vognild and Quigg:  
Permitting horseless carriage plates to be issued to pre-1941 vehicles.

## REPORT OF STANDING COMMITTEE

January 20, 1982.

SENATE BILL NO. 4547, permitting horseless carriage plates to be issued to pre-1941 vehicles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 10, after "(;)" strike all the material down to and including "1941" on line 11 and insert "~~(manufactured during or prior to the year 1931;)~~ which is not less than 40 years old"

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Talley.

The bill was read the second time by sections.

On motion of Senator Charnley, the committee amendment was adopted.

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Senate Bill No. 4547 was advanced to third reading, the second 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. 4547 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senator Moore—1.

Absent or not voting: Senator Talley—1.

Excused: Senators McCaslin, Sellar—2.

ENGROSSED SENATE BILL NO. 4547, having received the 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. 4551, by Senators von Reichbauer, Hansen and Patterson:

Revising laws relating to state commission on equipment.

### REPORT OF STANDING COMMITTEE

February 4, 1982:

SENATE BILL NO. 4551, revising laws relating to the state commission on equipment (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 13, after "transportation," strike "or their duly designated representatives" and insert: "or, when duly designated, their respective deputy director, deputy chief, deputy or assistant secretary."

On page 1, line 28, strike all of the material through page 2, line 15.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Guess, Peterson, Talley, Vognild.

The bill was read the second time by sections.

On motion of Senator Patterson, the committee amendments were adopted.

On motion of Senator Patterson, the rules were suspended, Engrossed Senate Bill No. 4551 was advanced to third reading, the second 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. 4551 and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hemstad, Hurley, Jones, Kiskaddon, Lee, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Goltz, Hughes, Lysen—3.

Absent or not voting: Senators Hayner, Talley—2.

Excused: Senators McCaslin, Sellar—2.

ENGROSSED SENATE BILL NO. 4551, having received the 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. 4554, by Senator Pullen:

Authorizing modification of requirements of public disclosure act.

## REPORT OF STANDING COMMITTEE

January 26, 1982.

SENATE BILL NO. 4554, authorizing modification of the requirements of the public disclosure act (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 6, beginning with "Section" strike all of the material down to and including "affairs." on page 4, line 9, and insert the following:

"NEW SECTION. Section 1. There is added to chapter 42.17 RCW a new section to read as follows:

(1) During the period between the effective date of this 1982 act, and January 1, 1986, the report provisions of this chapter are suspended as they pertain to candidates, elected officials, and agencies in jurisdictions with less than one thousand registered voters as of the date of the most recent general election in the jurisdiction. The suspension also applies to political committees formed to support or oppose ballot propositions in such jurisdictions, and to persons making independent expenditures in support of or opposition to such ballot propositions.

(2) The suspension shall not apply in any jurisdiction from which a "petition for disclosure" containing the valid signatures of five percent of the number of registered voters, as of the date of the most recent general election in the jurisdiction, is filed with the commission. The commission shall by rule prescribe the form of the petition. After the signatures are gathered, the petition shall be presented to the auditor or elections officer of the county, or counties, in which the jurisdiction is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no less than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every incumbent elected official and candidate in the jurisdiction to file the required statement and reports within thirty days of the date of the order.

(3) The suspension shall not apply in any jurisdiction which by ordinance, resolution, or other official action has petitioned the commission to void the suspension with respect to elected officials and candidates of the jurisdiction. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall

issue an order voiding the suspension for that jurisdiction. The commission, upon approval of the action, shall order every incumbent elected official and candidate in the jurisdiction to file the required statement and reports within thirty days of the date of the order.

(4) Any person exempted from reporting by the suspension under this section may at his or her option file the statement and reports."

On page 1, line 1 of the title, after "disclosure;" strike all the material down to and including "42.17.370;" on line 3 and insert "adding a new section to chapter 42.17 RCW;"

Signed by: Senators Pullen, Chairman; Clárke, Conner, Gould, Metcalf.

The bill was read the second time by sections.

Senator Pullen moved adoption of the committee amendment.

### POINT OF INQUIRY

Senator Ridder: "Senator Pullen, the digest gives a slightly different impression than you did, and without trying to quickly look at the bill, I just wanted to verify. The digest says a thousand registered voters which would mean that the entity would be somewhat larger."

Senator Pullen: "That is correct. I hope I didn't leave that impression. It is a thousand registered voters."

Senator Ridder: "Right. Thank you."

The motion by Senator Pullen carried and the committee amendment was adopted.

On motion of Senator Pullen, the committee amendment to the title was adopted.

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill No. 4554 was advanced to third reading, the second 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. 4554 and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; absent or not voting, 2; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Jones, Kiskaddon, Lee, McDermott, Metcalf, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Vognild, von Reichbauer, Woody, Zimmerman—33.

Voting nay: Senators Bauer, Charnley, Fleming, Hughes, Hurley, Lysen, Moore, Patterson, Talmadge, Williams, Wilson, Wojahn—12.

Absent or not voting: Senators Hayner, Talley—2.

Excused: Senators McCaslin, Sellar—2.

ENGROSSED SENATE BILL NO. 4554, having received the 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. 4557, by Senators Deccio and Hughes:

Modifying landlords' rights and responsibilities when tenancy is abandoned.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 4557 was advanced to third reading, the second 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. 4557 and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senators Conner, Hayner, Talley—3.

Excused: Senators McCaslin, Sellar—2.

SENATE BILL NO. 4557, having received the 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 Clarke, Senate Bill No. 4558 was ordered held for consideration on February 16, 1982.

## SECOND READING

SENATE BILL NO. 4559, by Senators Lee, Rasmussen and Metcalf (by Department of General Administration request):

Modifying state forms management program.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen, Lee and Metcalf was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 43.19 RCW a new section to read as follows:

All state agencies shall:

(1) Use cost-effective control procedures to prevent the undue creation and reproduction of state forms; and

(2) Use appropriate procurement techniques to take advantage of competitive bidding, consolidated orders, and contract procurement of forms, and to promote more efficient, economical, and timely procurement, receipt, storage, and distribution of state forms.

Sec. 2. Section 1, chapter 13, Laws of 1973 as amended by section 3, chapter 32, Laws of 1981 and RCW 43.19.510 are each amended to read as follows:

The director of the department of general administration (~~shall~~) may establish and staff an activity within the department to be known as the "forms management center" for the coordination, orderly design, implementation, and maintenance of a state-wide forms management program.

At such time as funding is available, the director of general administration, through the forms management center, shall:

(1) Coordinate a forms management program for all state agencies and provide assistance in establishing internal forms management capabilities;

(2) Study, develop, coordinate, and initiate forms of interagency and common administrative usage that will be cost-effective, and establish basic state design and specification criteria to effect the standardization of state forms when cost-effective;

(3) Provide assistance, training, and instruction in forms management techniques to state agencies including but not limited to economical forms design and forms composition;

(4) Encourage state agency use of cost-effective control procedures to prevent the undue creation and reproduction of state forms;

(5) Establish and maintain such cross indices and functional files of state forms as are cost-effective and will facilitate the standardization of forms, eliminate redundant forms, and provide forms usage and availability information;

(6) Encourage use of appropriate procurement techniques to take advantage of competitive bidding, consolidated orders and contract procurement of forms, and promote more efficient, economical, and timely procurement, receipt, storage, and distribution of state forms;

(7) Conduct periodic evaluations of the effectiveness of the overall forms management program and the forms management practices of individual state agencies;

(8) Develop and promulgate rules and standards to implement the overall purposes of this section; and

(9) Maintain such records of the costs and benefits of the overall forms management program as may be necessary for executive and legislative program review and evaluation.

The governor, acting through the director of general administration, may delegate or assign program implementation responsibility under mutually developed agreements with various state agencies when such action will contribute to the economical, efficient, and effective accomplishment of the objectives of the overall state forms management program.

All state agencies shall cooperate with and support the development and implementation of the state-wide forms management program. To assist in the coordination and implementation of the forms management program, each state agency shall appoint at least one forms management representative who within three months of appointment shall have completed a forms management training course approved by the forms management center.

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 motion of Senator Rasmussen, the following amendment to the title was adopted:

On page 1, beginning on line 1 of the title, after "forms management;" strike the remainder of the title and insert "amending section 1, chapter 13, Laws of 1973 as amended by section 3, chapter 32, Laws of 1981 and RCW 43.19.510; adding a new section to chapter 43.19 RCW; and declaring an emergency."

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No. 4559 was advanced to third reading, the second reading considered the third, the second 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. 4559 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senators Conner, Talley—2.

Excused: Senators McCaslin, Sellar—2.

ENGROSSED SENATE BILL NO. 4559, having received the 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 12:44 p.m., on motion of Senator Clarke, the Senate adjourned until 10:00 a.m., Tuesday, February 16, 1982.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate..

## THIRTY-SEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, February 16, 1982.

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 Charnley, Fleming, Hansen, Hayner, Hemstad, Pullen, Rasmussen, Scott, Vognild and Woody.

The Color Guard, consisting of Pages Hilary Williams and Elizabeth Pease, presented the Colors. Reverend Paul Beeman, pastor of First United Methodist Church of Olympia, offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 15, 1982.

**SENATE BILL NO. 4418**, relating to financial responsibility for all services and licensing activities of the department of social and health services (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** That Substitute Senate Bill No. 4418 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf.

**MINORITY recommendation:** Do not pass.

Signed by: Senators Moore, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 12, 1982.

**SENATE BILL NO. 4550**, revising requirements to facilitate checking compliance with game laws (reported by Committee on Natural Resources):

**MAJORITY recommendation:** That Substitute Senate Bill No. 4550 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

February 16, 1982.

**SENATE BILL NO. 4586**, reorganizing various agencies of state government (reported by Committee on State Government):

**MAJORITY recommendation:** That Substitute Senate Bill No. 4586 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Fleming, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

February 11, 1982.

**SENATE BILL NO. 4649**, revising laws relating to industrial insurance (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Sellar, Vognild, Williams.

Passed to Committee on Rules for second reading.

February 12, 1982.

SENATE BILL NO. 4726, modifying provisions relating to game licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

February 12, 1982.

SENATE BILL NO. 4750, authorizing the department of licensing to enter into the nonresident violators compact (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 4750 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Sellar, Vice Chairman; Benitz, Conner, Gallagher, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 12, 1982.

SENATE BILL NO. 4824, providing separate chapters of laws of aquatic lands (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 4824 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

February 15, 1982.

SENATE BILL NO. 4877, authorizing the expenditure of certain bond moneys for new sewer lines (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse.

Passed to Committee on Rules for second reading.

February 12, 1982.

HOUSE BILL NO. 131, changing minimum value requirement and method of payment for sales of public land and materials (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

February 16, 1982.

SUBSTITUTE HOUSE BILL NO. 259, providing plans for conserving paper resources by governmental agencies (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

February 16, 1982.

SUBSTITUTE HOUSE BILL NO. 268, delaying vehicle license renewal until unpaid parking fines are paid (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 16, 1982.

ENGROSSED HOUSE BILL NO. 289, granting civil immunity to officers using police dogs and making it a felony to harm a police dog (reported by Judiciary Committee):

Recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Shipoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 15, 1982.

HOUSE BILL NO. 330, requiring notification to the secretary of transportation about plats of subdivisions near public airports (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Gallagher, Guess, Hansen, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 15, 1982.

SUBSTITUTE HOUSE BILL NO. 452, providing for city council members as members of the urban arterial board (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Gallagher, Guess, Hansen, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 16, 1982.

HOUSE BILL NO. 494, modifying procedures governing a defendant acquitted by reason of insanity (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Shipoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 16, 1982.

HOUSE BILL NO. 500, adopting a rule of statutory construction that a reference includes any amendments to the referenced statute (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shipoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 15, 1982.

HOUSE BILL NO. 576, qualifying state authority for the 55 speed limit (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Gallagher, Guess, Hansen, Peterson, Talley, Vognild.

MINORITY recommendation: Do not pass.

Signed by: Senators Charnley, Conner.

Passed to Committee on Rules for second reading.

February 16, 1982.

HOUSE BILL NO. 720, modifying persons authorized to become donees of gifts of human remains (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 16, 1982.

ENGROSSED HOUSE BILL NO. 745, penalizing threats against the governor and successors to the office of governor (reported by Judiciary Committee):

Recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 16, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 751, increasing the maximum salaries for part time justices of the peace (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 16, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 762, reorganizing commissions, boards, and councils (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Moore, Quigg, Sellar.

Passed to Committee on Rules for second reading.

February 16, 1982.

SUBSTITUTE HOUSE BILL NO. 835, directing that statutes and administrative rules be written in simple, clear, and concise language (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

February 16, 1982.

SUBSTITUTE HOUSE BILL NO. 837, providing incentive pay for state employees (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Gallagher, Moore, Quigg, Sellar.

Passed to Committee on Rules for second reading.

February 16, 1982.

HOUSE BILL NO. 897, providing for jurisdiction in arbitration cases (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Talmadge.

Passed to Committee on Rules for second reading.

February 15, 1982.

**SUBSTITUTE HOUSE BILL NO. 920**, establishing an occupational information service (reported by Committee on Commerce and Labor):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

February 16, 1982.

**HOUSE BILL NO. 942**, modifying the membership requirements on the commission on Asian-American affairs (reported by Committee on State Government):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

February 15, 1982.

**SUBSTITUTE HOUSE BILL NO. 946**, modifying provisions relating to the traffic safety commission (reported by Committee on Transportation):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Hansen, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 15, 1982.

**HOUSE BILL NO. 1036**, implementing law relating to vendor payments by treasurer for state board for community college education (reported by Committee on Higher Education):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson, von Reichbauer.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

February 15, 1982.

**PHILIP A. PETER**, to the position of Member of the State Commission for the Blind, appointed by the Governor on January 26, 1981 for the term ending September 30, 1983, succeeding Luddy Martinson (reported by Committee on Social and Health Services):

**MAJORITY recommends** that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Ridder, Talmadge.

Passed to Committee on Rules.

February 15, 1982.

**ROBERT D. HANNAH**, to the position of Chairman of the Liquor Control Board, appointed by the Governor on February 1, 1982 for the term ending January 15, 1991, succeeding Leroy Hittle (reported by Committee on Commerce and Labor):

**MAJORITY recommends** that said appointment be confirmed.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Vognild.

Passed to Committee on Rules.

## MESSAGES FROM THE HOUSE

February 15, 1982.

Mr. President: The House has concurred in the Senate amendments to THIRD SUBSTITUTE HOUSE BILL NO. 179, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

February 15, 1982.

Mr. President: The House has passed:  
 SUBSTITUTE HOUSE BILL NO. 148,  
 SUBSTITUTE HOUSE BILL NO. 823,  
 HOUSE BILL NO. 883,  
 HOUSE BILL NO. 896,  
 SUBSTITUTE HOUSE BILL NO. 965,  
 HOUSE BILL NO. 966,  
 HOUSE BILL NO. 967,  
 HOUSE BILL NO. 970,  
 HOUSE BILL NO. 991, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 15, 1982.

Mr. President: The House has passed:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 78,  
 SUBSTITUTE HOUSE BILL NO. 221,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 288,  
 ENGROSSED HOUSE BILL NO. 829,  
 HOUSE BILL NO. 851,  
 SUBSTITUTE HOUSE BILL NO. 871,  
 REENGROSSED HOUSE BILL NO. 885,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 891,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 892,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 900,  
 SUBSTITUTE HOUSE BILL NO. 902,  
 SUBSTITUTE HOUSE BILL NO. 1015,  
 SUBSTITUTE HOUSE BILL NO. 1041,  
 SUBSTITUTE HOUSE BILL NO. 1047,  
 HOUSE BILL NO. 1067,  
 ENGROSSED HOUSE BILL NO. 1087,  
 SUBSTITUTE HOUSE BILL NO. 1122,  
 SUBSTITUTE HOUSE BILL NO. 1131,  
 HOUSE BILL NO. 1144,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1156,  
 HOUSE JOINT MEMORIAL NO. 20, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 15, 1982.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 752,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 870, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 78, by Committee on Revenue (originally sponsored by Representatives Addison, Brown, Greengo, Cantu, Hankins, Taylor, Houchen, Maxie, Wang, McGinnis and Warnke):

Modifying the senior citizens property tax exemption.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 148, by Committee on State Government (originally sponsored by Representatives Tupper, Nelson (D), Lux and Nisbet):

Reducing minimum age qualifications to eighteen for all purposes except alcoholic beverage consumption.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 221, by Committee on Local Government (originally sponsored by Representatives Thompson and Flanagan):

Authorizing county solid waste disposal districts.

Referred to Committee on Local Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 288, by Committee on Transportation (originally sponsored by Representatives Bender, Tilly, Pruitt, Erickson, Gruger, Burns, Wilson, Isaacson, Lux, Garrett, Maxie, Nelson (D), Kreidler, Warnke and Brekke):

Requiring approval and use of child safety restraints in vehicles.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 752, by Committee on Revenue and Representative Greengo:

Modifying provisions on the taxation of motor carriers of freight for hire.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 823, by Committee on Ethics, Law and Justice (originally sponsored by Representatives Bickham, Lewis, Dickie, Johnson, Smith, Ellis and Dawson):

Requiring notice to property owner and occupant before issuing local improvement assessment deeds.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 829, by Representatives Padden, Mitchell, James, Sprague, Stratton, Tupper and Patrick:

Restricting the ability of local public officials to mail campaign material at public expense.

Referred to Committee on Constitutions and Elections.

HOUSE BILL NO. 851, by Committee on Human Services and Representative Mitchell (by Department of Social and Health Services request):

Modifying eligibility for services for the developmentally disabled.

Referred to Committee on Social and Health Services.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 870, by Committee on Institutions (originally sponsored by Representatives Padden, Dawson, Stratton, Taylor, Lundquist, Johnson, Tilly and Mitchell):

Providing for confinement of juveniles in group homes.

Referred to Committee on Social and Health Services.

**SUBSTITUTE HOUSE BILL NO. 871**, by Committee on Labor and Economic Development (originally sponsored by Representatives Kreidler and Pruitt):  
Modifying provisions relating to funeral directors.  
Referred to Committee on Commerce and Labor.

**HOUSE BILL NO. 883**, by Representatives Garson, Clayton, Martinis, Patrick, Walk, Wilson, Hankins and McCormick:  
Limiting liability for persons rendering aid in hazardous materials incidents.  
Referred to Committee on Transportation.

**REENGROSSED HOUSE BILL NO. 885**, by Representatives Patrick, O'Brien, Wilson, Burns, Prince, Grimm, Winsley, Bender, Tupper, Lux, Van Dyken, Valle, Mitchell, Nelson (D), Leonard, Kreidler, Houchen, Eng, Ellis and Wang.  
Modifying cigarette taxes.  
Referred to Committee on Ways and Means.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 891**, by Committee on Financial Institutions and Insurance (originally sponsored by Committee on Financial Institutions and Insurance and Representatives Dawson, Wang and Bickham):  
Modifying the regulation of medicare supplemental insurance policies.  
Referred to Committee on Financial Institutions and Insurance.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 892**, by Committee on Financial Institutions and Insurance (originally sponsored by Committee on Financial Institutions and Insurance and Representatives Dawson, Granlund and Bickham):  
Clarifying the laws governing underinsured motor vehicle coverage.  
Referred to Committee on Financial Institutions and Insurance.

**HOUSE BILL NO. 896**, by Representatives Tilly, Stratton, Nickell and North:  
Revising the laws regulating snowmobiles.  
Referred to Committee on Transportation.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 900**, by Committee on Agriculture (originally sponsored by Committee on Agriculture and Representatives Dawson, Hankins, Bickham, Smith, Winsley, Johnson and Garson) (by Department of Agriculture request):  
Repealing laws regulating size and weights of bread loaves.  
Referred to Committee on Agriculture.

**SUBSTITUTE HOUSE BILL NO. 902**, by Committee on Financial Institutions and Insurance (originally sponsored by Committee on Financial Institutions and Insurance and Representatives Dawson and Bickham):  
Revising laws relating to insurance.  
Referred to Committee on Financial Institutions and Insurance.

**SUBSTITUTE HOUSE BILL NO. 965**, by Committee on Institutions (originally sponsored by Committee on Institutions and Representatives Houchen, Owen, Struthers and Johnson) (by Department of Corrections request):  
Authorizing the request of local law enforcement agencies assistance during prison riots.  
Referred to Committee on Social and Health Services.

**HOUSE BILL NO. 966**, by Committee on Institutions and Representatives Houchen, Owen, Struthers and Clayton (by Department of Corrections request):  
Modifying time limits for furloughs for residents of state correctional institutions.  
Referred to Committee on Social and Health Services.

HOUSE BILL NO. 967, by Committee on Institutions and Representatives Houchen, Owen, Struthers and Clayton (by Department of Corrections request):  
Providing additional conditions for prisoners' leave of absence.  
Referred to Committee on Social and Health Services.

HOUSE BILL NO. 970, by Committee on Institutions and Representatives Houchen, Owen, Struthers, Clayton and Hastings (by Department of Corrections request):  
Providing for warrants of arrest for escaped prisoners.  
Referred to Committee on Social and Health Services.

HOUSE BILL NO. 991, by Representatives Van Dyken, Bond, Fiske, Struthers, Taylor, Tupper, Greengo, Wilson, James, Lundquist, Johnson, Padden, Addison, Isaacson, Hastings, Smith, Sanders, Tilly, Hankins, Mitchell, Bickham, Ellis and Clayton:  
Providing relief from sales and use taxes paid upon bad debts.  
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1015, by Committee on Ways and Means (originally sponsored by Representatives Greengo, Sommers, Chandler, O'Brien, Struthers, Warnke, Tilly, Thompson, Williams, Armstrong, Ellis, Sanders, Maxie, Cantu, Teutsch and Johnson):  
Providing for the construction of the state convention and trade center.  
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1041, by Committee on Agriculture (originally sponsored by Representatives Fiske, Galloway, Van Dyken and Smith):  
Applying the marketing contract provisions to foreign agricultural cooperative associations.  
Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 1047, by Committee on Human Services (originally sponsored by Representatives Johnson, Mitchell, Kreidler, Grimm, Tupper, Teutsch, Cantu, Hankins, Winsley, McGinnis, Lundquist, Lewis, Brown, Hine, Vander Stoep and Ellis):  
Authorizing dentists qualified in anesthesiology to administer anesthetics for any operation.  
Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 1067, by Committee on Transportation and Representatives Garrett and Wilson:  
Updating statutory references within the Model Traffic Ordinance.  
Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 1087, by Committee on Appropriations-General Government and Representative Williams:  
Providing for salmon enhancement projects.  
Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 1122, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representatives Tupper, Granlund, Ellis, Salatino and Wang):  
Requiring legislators to report the receipt of honorariums.  
Referred to Committee on Constitutions and Elections.

SUBSTITUTE HOUSE BILL NO. 1131, by Committee on Agriculture (originally sponsored by Representatives Flanagan and Smith):  
Revising the Commercial Feed Act.  
Referred to Committee on Agriculture.

HOUSE BILL NO. 1144, by Committee on Institutions and Representatives Houchen, Amen and Barr:

Establishing criteria for state funding of remodeling jails for use as holding facilities.

Referred to Committee on Social and Health Services.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1156, by Committee on Local Government (originally sponsored by Committee on Local Government and Representatives Isaacson and Nelson (G)):

Permitting the establishment of cultural arts, stadium, and convention districts.

Referred to Committee on Local Government.

HOUSE JOINT MEMORIAL NO. 20, by Representatives Lundquist, Nickell, Schmidt, Wilson, Berleen, Struthers, Barr, Fiske, Nelson (G), Greengo, James, Rosbach, Chamberlain, Smith, Dickie, Garson, Clayton, Williams, Patrick, Eberle, Addison, Mitchell, Tilly, Johnson, Nisbet, Bond, Flanagan, Amen, Winsley, Isaacson, Sprague, Barnes, Houchen, Vander Stoep, Taylor, Dawson, McDonald, Hastings, Tupper, Chandler, Prince, Padden, Ellis, Teutsch and Hankins:

Requesting the federal government settle and acquire tribal claims and rights to the fish and natural resources located in the state.

Referred to Committee on Natural Resources.

#### MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 4561.

#### SECOND READING

SENATE BILL NO. 4561, by Senators Deccio and Moore (by Department of Licensing request):

Revising authorized limits for certain professional and other fees.

#### MOTIONS

On motion of Senator Quigg, Substitute Senate Bill No. 4561 was substituted for Senate Bill No. 4561 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Quigg, the rules were suspended, Substitute Senate Bill No. 4561 was advanced to third reading, the second 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. 4561 and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 10.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Sellar, Shipoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—39.

Absent or not voting: Senators Charnley, Fleming, Hansen, Hayner, Hemstad, Pullen, Rasmussen, Scott, Vogt, Woody—10.

SUBSTITUTE SENATE BILL NO. 4561, having received the 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 Clarke, Senate Bill No. 4565 was rereferred to the Committee on Rules.

#### SECOND READING

SENATE BILL NO. 4566, by Senators Newhouse, Hansen, Benitz and Paterson (by State Auditor request):

Modifying requirements for audits of agriculture marketing funds.

#### MOTION

On motion of Senator Newhouse, Substitute Senate Bill No. 4566 was substituted for Senate Bill No. 4566 and the substitute bill was placed on second reading and read the second time in full.

#### MOTIONS

On motion of Senator Ridder, Senators Fleming and Vognild were excused.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 4566 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Bluechel, Senator Hayner was excused.

#### POINT OF INQUIRY

Senator Benitz: "Senator Newhouse, is it your intent in section 4 of Substitute Senate Bill No. 4566 that this section be interpreted that agricultural commodity commissions not be subject to paying for periodic audits conducted by the state auditor's office?"

Senator Newhouse: "It is the intent of this bill that agricultural commodity commissions not be treated any differently than other state departments operating from nonappropriated funds in regards to paying for periodic audits by the state auditor. Therefore, commodity commissions would pay the cost of periodic audits.

"The intent of the amendment in section 4 is to assure that commodity commissions will not be subject to the 'annual audits' requirement that appears in the existing language. What is envisioned is to conduct audits about once every three years with the flexibility to conduct more frequent audits if the reason exists or if requested by the commodity commission."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4566 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 2; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Sellar,

Shinpoeh, Talley, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Hughes, Talmadge—2.

Absent or not voting: Senators Rasmussen, Scott—2.

Excused: Senators Fleming, Hayner, Vognild—3.

SUBSTITUTE SENATE BILL NO. 4566, having received the 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. 4569, by Senators Bluechel, Bauer, Bottiger and Newhouse:

Implementing law relating to investments as assets of domestic insurers.

## REPORT OF STANDING COMMITTEE

February 3, 1982.

SENATE BILL NO. 4569, implementing the law relating to investments as assets of domestic insurers (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 3, after "(2)", strike all material down to and including "(3))" and insert "No security shall be eligible for purchase at a price above its market value except voting stock of a corporation being acquired as a subsidiary. (3)"

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley, Pullen, Wojahn.

The bill was read the second time by sections.

On motion of Senator Bluechel, the committee amendment was adopted.

## MOTIONS

On motion of Senator Ridder, Senator Rasmussen was excused.

On motion of Senator Bluechel, the rules were suspended, Engrossed Senate Bill No. 4569 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 Bluechel, among the many things in this world that I don't know what is inside them, is this bill. And I see in the digest a statement that the commissioner is authorized to allow good will to be considered an asset. Now apparently the commissioner could not consider a look on good will as an asset previously. Obviously if he can now do that, an insurance company would require a lower level of other assets and more material assets in order to meet with the approval of the commissioner.

"And I wonder why this change is being made and if grievous injustices were being perpetuated under the previous procedure which did not recognize good will."

Senator Bluechel: "No, Senator Wilson, the issue of good will was the only contested issue in the presentation of the bill to the committee. And it was solved by the adoption of the amendment which this body just adopted.

"What it says is that 'Good will will not be considered except when the holding company is acquiring stock of a corporation that will become a subsidiary;' then good will can be taken into place. In practice, the testimony was that there were no, that this was being allowed all the time and the insurance commissioner's office said 'We're doing it now, there is no reason to change the wording' and the insurance

people said, 'Well, we think that, our lawyers say that you are not interpreting right' and between the two of them, they came up with this amendment. And both sides said 'That solves the problem, to do exactly what is being done at the present time.'

#### MOTION

On motion of Senator Ridder, Senator Rasmussen was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4569 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 1; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Sellar, Talley, Talmadge, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Shinpoch, Wilson—2.

Absent or not voting: Senator Scott—1.

Excused: Senators Fleming, Hayner, Rasmussen, Vognild—4.

ENGROSSED SENATE BILL NO. 4569, having received the 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. 4570, by Senators Pullen and Ridder:

Increasing permissible limits for contracts between municipalities and their officers.

The bill was read the second time by sections.

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 4570 was advanced to third reading, the second 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. 4570 and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Absent or not voting: Senators Charnley, Scott, Sellar—3.

Excused: Senators Fleming, Hayner, Rasmussen, Vognild—4.

SENATE BILL NO. 4570, having received the 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. 4599, by Senators Zimmerman and Bauer:

Modifying minimum mosquito control districts tax.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Senate Bill No. 4599 was advanced to third reading, the second 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. 4599 and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senators Deccio, Scott—1.

Excused: Senators Fleming, Hayner, Rasmussen—4.

SENATE BILL NO. 4599, having received the 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. 4602, by Senators Lee and Talmadge:

Modifying provisions relating to street lighting system.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Senate Bill No. 4602 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Bottiger: "Senator Lysen, if we pass this bill and they can assess property for the street lights and the electric rates go up, and the people don't pay for their street lighting, they could lose their houses and their \$20,000 mortgages and everything. It's a hell-and-high-water bond. Do you have any comments? This is in your area as well as Senator Talmadge's."

Senator Lysen: "Well, I am deeply amazed that you are concerned about this, Senator. This is a whole new orientation for you. I am really impressed about your concern. Senator Shinpoch just informed me it's better late than never, so, in this case, I am not sure, but. . . . I don't know if this answers your question, Senator."

### POINT OF INQUIRY

Senator McCaslin: "Senator Lysen, was your answer in there someplace?"

Senator Lysen: "No."

Senator McCaslin: "Thank you very much."

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4602 and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senators Deccio, Scott—2.

Excused: Senators Fleming, Hayner, Rasmussen—3.

SENATE BILL NO. 4602, having received the 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 Clarke, Senate Bill No. 4607 was ordered placed at the end of today's second reading calendar.

On motion of Senator Bluechel, Senator Scott was excused.

### SECOND READING

SENATE BILL NO. 4619, by Senators Metcalf, Conner and Gallagher:

Requiring dissemination to doctors information on certain health problems of veterans.

The bill was read the second time by sections.

Senator Talmadge moved adoption of the following amendment:

On page 1, following line 11, insert:

"NEW SECTION. Sec. 2. The attorney general may represent a class of individuals composed of veterans who may have been injured because of contact with Agent Orange or other chemical defoliants in a suit for release of information relating to exposure to such chemicals during military service and for release of individual medical records."

### POINT OF ORDER

Senator Metcalf: "I respectfully raise the question of scope and object on this. I think it is a very laudatory thing but I think it is another bill and I don't believe we should take it up here without taking a look at what may be involved. This gets the attorney general into this, makes a very complex bill out of what is now a very simple bill."

### MOTIONS

On motion of Senator Clarke, the amendment by Senator Talmadge together with the Point of Order raised by Senator Metcalf was ordered held for a Ruling by the President on February 17, 1982.

At 10:45 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

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

At 12:18 p.m., on motion of Senator Clarke, the Senate recessed until 1:00 p.m.

### AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

### SECOND READING

SENATE BILL NO. 4675, by Senator Kiskaddon:

Relating to school district transportation.

### MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Bill No. 4675 was substituted for Senate Bill No. 4675 and the substitute bill was placed on second reading and read the second time in full.

Senator Kiskaddon moved adoption of the following amendment by Senators Kiskaddon and Wilson:

On page 2, line 8, after "over" strike "ten" and insert "three"

Senator Metcalf moved adoption of the following amendment to the amendment by Senators Kiskaddon and Wilson:

Strike "three" and insert "five"

Debate ensued.

The motion by Senator Metcalf failed and the amendment to the amendment was not adopted.

The motion by Senator Kiskaddon carried and the amendment was adopted.

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

On page 6, beginning on line 18, strike everything through "districts." on line 30 and insert the following:

(1) Define the recommended student eligibility formula and identify the assumptions used in developing the recommendation;

(2) Compare the distribution of transportation operating funds to each local school district under the interim methodology approved for the 1982-83 school year and the methodology requiring use of eligible ridership established in section 3 of this amendatory act;

(3) Describe and analyze the differential rates associated with the standard student mile allocation under the eligibility formula along with an analysis of each school district's eligibility for a differential rate. The rationale for choosing specific rates and the procedures used in evaluating district requests for differential rates shall also be included;

(4) Compare and analyze the difference in costs of changing the "eligible student" definition in RCW 28A.41.510 to include only those students whose residence or assigned route stop is more than one and one half miles from the student's school, while still excepting handicapped students; and

(5) Describe the fiscal impact of the phase-in on school districts."

Senator Metcalf moved adoption of the following amendment:

On page 6, line 33, before "NEW SECTIONS." insert:

"NEW SECTION. Sec. 7. Article IX, Sect. 1 of the Washington State constitution prohibits discrimination between students on the basis of race. No part of any state appropriation may be expended on any program in which racial discrimination is a factor in student transportation."

Debate ensued.

### POINT OF ORDER

Senator Fleming: "Mr. President, I appreciate Senator Metcalf keeps bringing this out in the open; I would hate to be hiding behind some other issue.

"The question is, Mr. President, I would raise the question of scope and object on this amendment. I think the bill that is before us now is merely a bill dealing with the technical changes in the school district transportation allocation formula, and the amendment by Senator Metcalf, goes far beyond the scope of this bill by dealing with busing that would be affected, that would have something to do with

racial discrimination as a factor in student transportation. So I raise the question of scope and object."

### MOTION

On motion of Senator Clarke, the amendment by Senator Metcalf together with the Point of Order raised by Senator Fleming was ordered held for a Ruling by the President during the evening session today.

### SECOND READING

SENATE BILL NO. 4522, by Senators Gallagher, Conner and Fuller:  
Modifying provisions relating to salmon fishing.

The Senate resumed consideration of Senate Bill No. 4522 and an amendment by Senator Rasmussen. On February 15, 1982, Senator Gallagher had raised a Point of Order on that amendment.

### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Gallagher, the President finds that Senate Bill No. 4522 is a measure which restricts some current practices of non-Indian fishermen and further clarifies the meaning of the words "Treaty Indian Fisherman" and the fishing rights to which they are entitled.

"The amendment proposed by Senator Rasmussen deals with the totally distinct subject of wholesale fish dealer's licenses.

"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 Rasmussen was ruled out of order.

Senator Metcalf moved adoption of the following amendment:

On page 1, line 4, strike the balance of the bill and insert:

"NEW SECTION. Section 1. The legislature declares that it is a fundamental duty of the state to protect and conserve the salmon resources of the state. It is a major objective of the state to manage and conserve the state's salmon resources in the best interest of the citizens of the state. The legislature finds that the effect of recent court decisions has been to substantially thwart the state's efforts to achieve this objective, leaving the state's salmon management program in chaos and placing our salmon resources in jeopardy.

"Notwithstanding any judicial decision or injunctive orders, outside tribal Indian reservation lands, the department of fisheries is directed to manage and conserve the state's salmon resources and enforce the laws of the state in the best interest of all citizens of the state of Washington."

### POINT OF INQUIRY

Senator Bottiger: "Senator Metcalf, would you mind an amendment, that if the court finds us in contempt, that you will volunteer to be the one that goes to jail on behalf of all of us?"

Senator Metcalf: "Absolutely, I cannot think of a better political gimmick, I mean you . . . ."

### POINT OF ORDER

Senator Gallagher: "I believe that here is another case that totally expands, I reluctantly say so, but it expands the scope and object of this particular bill, and I

believe that we ought to drop that matter and get on with the business of the bill at hand."

Debate ensued.

### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Gallagher, the President finds that Senate Bill 4522 is a measure which restricts some current practices of non-Indian fishermen and further clarifies the meaning of the words 'treaty Indian fishermen' and the fishing rights to which they are entitled.

"The amendment proposed by Senator Metcalf deals with the much broader subject of the management and conservation of the state's salmon resources and directs that the state not be limited in its options by court decisions.

"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 Metcalf was ruled out of order.

On motion of Senator Gallagher, the rules were suspended, Senate Bill No. 4522 was advanced to third reading, the second 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. 4522 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Craswell—1.

SENATE BILL NO. 4522, having received the 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 Clarke, Senate Concurrent Resolution No. 133 was ordered held for consideration on tonight's calendar.

On motion of Senator Clarke, Senate Bill No. 4831 will be considered following Senate Bill No. 3425.

On motion of Senator Clarke, Senate Bill No. 4661 was ordered held for consideration on tonight's calendar.

### SECOND READING

SENATE BILL NO. 3425, by Senator Moore (by Department of Social and Health Services request):

Defining milling of uranium and thorium.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Senate Bill No. 3425 was advanced to third reading, the second 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. 3425 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senators Lysen, Talley—2.

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

SENATE BILL NO. 4201, by Senator Clarke:

Regulating valuation of insurance and nonforfeiture of life insurance.

## MOTIONS

On motion of Senator Clarke, Substitute Senate Bill No. 4201 was substituted for Senate Bill No. 4201 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Clarke, the rules were suspended, Substitute Senate Bill No. 4201 was advanced to third reading, the second 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. 4201 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senators Jones, Talley—2.

SUBSTITUTE SENATE BILL NO. 4201, having received the 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. 4701, by Senators Sellar and Ridder:

Requiring health maintenance organizations to contribute to a reserve fund to cover insolvency.

## REPORT OF STANDING COMMITTEE

February 3, 1982.

SENATE BILL NO. 4701, requiring health maintenance organizations to contribute to a reserve fund to cover insolvency (reported to Committee on Financial Institutions and Insurance):

**MAJORITY recommendation:** Do pass with the following amendments:

On page 3, line 24, strike "Sec. 2." and insert "Sec. 3." and place section in proper order in the bill

On page 3, line 29, strike "section 3" and insert "section 2"

On page 3, line 29, after "reserve" strike "shall be net of any accrued liabilities and"

On page 4, line 9, after "months" strike "or more"

On page 4, line 14, strike "Sec. 3. and insert "Sec. 2." and place the section in proper order in the bill

On page 4, line 21, after "any" strike "other"

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Pullen, Wojahn.

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 following amendment was adopted:

On page 7, following line 28, add a new section as follows:

**"NEW SECTION.** Sec. 5. This act shall take effect on January 1, 1983."

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

On page 1, line 3 of the title, strike "and" and on line 4, after "RCW" insert "; and prescribing an effective date"

On motion of Senator Sellar, the rules were suspended, Engrossed Senate Bill No. 4701 was advanced to third reading, the second 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. 4701 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Talley—1.

ENGROSSED SENATE BILL NO. 4701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 4549, by Senators von Reichbauer, Talley and Guess (by Department of Transportation request):

Amending the transportation budget.

### REPORT OF STANDING COMMITTEE

January 27, 1982.

SENATE BILL NO. 4549, amending the transportation budget (reported by Committee on Transportation):

**MAJORITY recommendation:** Do pass with the following amendment:

On page 2, following line 26, insert the following new section:

**"NEW SECTION.** Sec. 4. There is appropriated from the motor vehicle fund to the department of licensing for the biennium ending June 30, 1983, the sum of two hundred twenty thousand four hundred dollars, or so much thereof as may be

necessary, for the purpose of purchasing and maintaining automation equipment for use by the agents and subagents of the department in the processing of vehicle title and license applications."

Renumber the remaining section accordingly.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Conner, Gallagher, Hansen, Kiskaddon, Metcalf, Peterson, Talley, Vognild.

The bill was read the second time by sections.

### MOTIONS

On motion of Senator Bluechel, Senator Clarke was excused.

On motion of Senator von Reichbauer, the committee amendment was adopted.

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Senate Bill No. 4549 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 von Reichbauer, you use a term here in the digest that says 'The OFM arbitrarily reduced the department of transportation's budget request.'

"Well, didn't we know about this when we passed the budget before? Wasn't this an issue before?"

Senator von Reichbauer: "Senator, I don't know your question; will you repeat your question, please?"

Senator Lysen: "My point is, I guess, is that this 'arbitrarily reduction' in their budget when it came through the legislature, I assume. Weren't we aware of this at the time?"

Senator von Reichbauer: "No, we were not."

Senator Lysen: ". . . department aware of it?"

Senator von Reichbauer: "The OFM did it, it has an obligation to make adjustments when they feel the funds are not there and they made the adjustments, any adjustments, when we were out of session."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4549 and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent or not voting, 2; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—35.

Voting nay: Senators Bauer, Hughes, Hurley, Lysen, McDermott, Moore, Ridder, Shinpoch, Talmadge, Williams, Wilson—11.

Absent or not voting: Senators Craswell, Talley—2.

Excused: Senator Clarke—1.

ENGROSSED SENATE BILL NO. 4549, having received the 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. 4826, by Senators Patterson, Gallagher, Peterson and Hansen:

Modifying provisions relating to lights on law enforcement vehicles.

### MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 4826 was substituted for Senate Bill No. 4826 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. 4826 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Bottiger: "Senator Patterson, in rural areas, volunteer firemen are given the privilege of having a blue light on their vehicle when they are responding to an alarm. Is there anything in this bill that is intended to deprive them of that authority at this time?"

Senator Patterson: "Not at all. The request and the use of whatever lighting system on law enforcement vehicles would go to the commission on equipment and they would make the determination so long as they had the authority to use lights and stop vehicles in law enforcement."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4826 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Jones, Talley—2.

Excused: Senator Clarke—1.

SUBSTITUTE SENATE BILL NO. 4826, having received the 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. 4626, by Senator Lee (by Governor Spellman request):

Providing for review of certain agencies under the Sunset Act.

The bill was read the second time by sections.

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 4626 was advanced to third reading, the second 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. 4626 and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; absent or not voting, 2; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Conner, Craswell, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson,

Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—39.

Voting nay: Senators Bauer, Fleming, Gaspard, Goltz, Hughes, McDermott, Talley—7.

Absent or not voting: Senators Deccio, Scott—2.

Excused: Senator Clarke—1.

SENATE BILL NO. 4626, having received the 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 Newhouse, the Senate commenced consideration of Senate Bill No. 4831.

### SECOND READING

SENATE BILL NO. 4831, by Senators Jones, Bottiger, Vognild, Bauer, Quigg and Sellar:

Designating shorelines of statewide economic significance.

### REPORT OF STANDING COMMITTEE

February 11, 1982.

SENATE BILL NO. 4831, designating shorelines of state-wide economic significance (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendments:

Beginning on page 3, line 35, after "significance," delete all material through the period on page 4, line 1 and insert "local governments shall consider the same order of preferred uses described in (1) through (7) above, except that economic considerations, including but not limited to, increased jobs and additional tax base, may take priority over environmental considerations, including but not limited to, preservation of the natural environment and protection of the resources and ecology of the shoreline, in order that the economic vitality of the state can be maintained or promoted."

On page 25, line 26, after "significance." insert "In granting such permits, local governments shall require such mitigating measures which, as determined by local government, will appropriately reduce adverse impacts to natural resources."

On page 34, after line 8, add "(6) The attorney general, on behalf of the citizens of the state, shall have standing to bring a civil action in superior court to enforce the implementation of any mitigating measures required by local government in connection with permits which relate to shorelines of statewide economic significance."

On page 36, after line 35, add "(6) The attorney general, on behalf of the citizens of the state, shall have standing to bring a civil action in superior court to enforce the implementation of any mitigating measures required by local government in connection with permits which relate to shorelines of statewide economic significance."

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

The bill was read the second time by sections.

Senator Quigg moved adoption of the committee amendment to page 3, line 35.

Senator Williams moved adoption of the following amendment to the committee amendment:

On the fifth line of the amendment to page 3, following "base" insert "and any offsetting losses attributable to damage to the ecology and environment and the shoreline area"

Debate ensued.

Senator Williams 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 Williams to the committee amendment to page 3, line 35.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 20; nays, 28; excused, 1.

Voting yea: Senators Bluechel, Charnley, Fleming, Gaspard, Gould, Haley, Hemstad, Hurley, Kiskaddon, Lysen, McDermott, Moore, Ridder, Scott, Shipoch, Talmadge, Williams, Wilson, Woody, Zimmerman—20.

Voting nay: Senators Bauer, Benitz, Bottiger, Conner, Craswell, Deccio, Fuller, Gallagher, Goltz, Guess, Hansen, Hayner, Hughes, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Talley, Vognild, von Reichbauer, Wojahn—28.

Excused: Senator Clarke—1.

Senator Williams moved adoption of the following amendment to the committee amendment to page 3, line 35:

On line 6 of the amendment to page 3, strike "take priority over" and insert "be given equal consideration with"

Debate ensued.

The motion by Senator Williams failed and the amendment to the committee amendment was not adopted.

The motion by Senator Quigg carried and the committee amendment to page 3, line 35 was adopted.

Senator Quigg moved adoption of the committee amendment to page 25, line 26.

Senator Williams moved adoption of the following amendment to the committee amendment to page 25, line 26:

On line 3 of the committee amendment to page 25, line 26, following "measures" insert "and appropriate surety against failure to perform such measures" and following "which" on line 3 strike "as determined by local governments," and after "resources" insert "at a level to be determined by the Shorelines Hearing Board"

Debate ensued.

Senator Williams 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 Williams to the committee amendment to page 25, line 26.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 17; nays, 31; excused, 1.

Voting yea: Senators Bluechel, Charnley, Conner, Gaspard, Gould, Hemstad, Kiskaddon, Lysen, McDermott, Moore, Ridder, Shipoch, Talmadge, Williams, Wilson, Woody, Zimmerman—17.

Voting nay: Senators Bauer, Benitz, Bottiger, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Vognild, von Reichbauer, Wojahn—31.

Excused: Senator Clarke—1.

Senator Williams moved adoption of the following amendment to the committee amendment to page 25, line 26:

On line 3 of the amendment to page 25, following "government" insert "and the Department"

Debate ensued.

The motion by Senator Williams failed and the amendment to the committee amendment was not adopted.

The motion by Senator Quigg carried and the committee amendment was adopted.

On motion of Senator Goltz, there being no objection, an amendment by Senator Goltz and Jones to the committee amendment to page 34 was withdrawn.

Senator Quigg moved the committee amendments to pages 34 and 36 be considered and adopted simultaneously.

Senator Williams moved adoption of the following amendment to the committee amendments:

On line 4 of the committee amendments on page 35 and 36, following "government" insert "or to protect all interests of the citizens of the state."

Debate ensued.

The motion by Senator Williams failed and the amendment to the committee amendments were not adopted.

The motion by Senator Quigg carried and the committee amendments to pages 34 and 36 were adopted.

Senator Williams moved adoption of the following amendment:

On page 1, line 18 after the enacting clause strike all of the material through page 37, line 34 and insert the following:

"**NEW SECTION.** Section 1. There is added to chapter 90.58 RCW a new section to read as follows:

Any person aggrieved by a final decision of the department rejecting, conditionally approving, or approving proposed adjustments to a local government master program may seek review by the shorelines hearings board of such decision by filing a request for the same with the board within thirty days of the date of the decision by the department: PROVIDED, That any such decision of the department made within one year prior to the effective date of this act may be reviewed by the shorelines hearings board if a request for review is filed within thirty days after the effective date of this act. The review by the shorelines hearings board shall be considered a contested case under chapter 34.04 RCW.

"**NEW SECTION.** Sec. 2. There is added to chapter 90.58 RCW a new section to read as follows:

Any person aggrieved by a final decision of the shorelines hearings board under section 1 of this act may seek judicial review thereof by filing a petition in the superior court of the county within whose boundaries the land subject to the proposed adjustments is located.

Sec. 3. Section 15, chapter 234, Laws of 1959 as last amended by section 2, chapter 64, Laws of 1981 and RCW 34.04.150 are each amended to read as follows:

This chapter shall not apply to the state militia, or the board of prison terms and paroles, or any institution of higher education as defined in RCW 28B.19.020. The provisions of RCW 34.04.090 through 34.04.130 shall not apply to the board of industrial insurance appeals or the board of tax appeals unless an election is made pursuant to RCW 82.03.140 or 82.03.190. The provisions of RCW 34.04.090 through 34.04.130 and the provisions of RCW 34.04.170 shall not apply to the denial, suspension or revocation of a driver's license by the department of licensing. To the extent they are inconsistent with RCW 80.50.140, the provisions of RCW 34.04.130, 34.04.133, and 34.04.140 shall not apply to review of decisions made under RCW 80.50.100. To the extent it is inconsistent with sections 1 and 2 of this 1982 act; RCW 34.04.130(2) does not apply to the superior court where review of a final decision by the shorelines hearings board on proposed adjustments to a local government master program may be sought. All other agencies, whether or not

formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act."

Debate ensued.

The motion by Senator Williams failed and the amendment was not adopted.

Senator Lysen moved adoption of the following amendment:

On page 3, line 28, after "water" and before "." insert "and Department shall estimate the costs of mitigating any such damage and shall require appropriate surety from any person granted a permit that would do damage to the ecology and environment of the shoreline area"

Debate ensued.

The motion by Senator Lysen failed and the amendment was not adopted.

Senator Charnley moved adoption of the following amendment:

On page 3, line 32, following "for" strike all material through "commercial" and insert "development which is reasonably compatible with shore-dependent industrial"

Debate ensued.

The motion by Senator Charnley failed and the amendment was not adopted.

On motion of Senator Lysen, the following amendment was adopted:

On page 3, line 33, following "activities" insert ": PROVIDED, That the legislature finds that such activities do not include a terminus for petroleum products pipelines or coal slurry pipelines"

Senator Lysen moved adoption of the following amendment:

On page 3, line 35, after "considerations" insert ", including consideration of the economic loss to the state due to damage to environment, fisheries, and related interests and proper assurance of mitigation approved by the department,"

Debate ensued.

#### POINT OF INQUIRY

Senator Lysen: "Senator Quigg, I am really reassured by your comment, and could you make reference to the particular language that might be equivalent in effect in terms of this amendment? If I am mistaken on this, I will withdraw the amendment. If your assurances are, you know, are valid and I assume they are . . . ."

Senator Quigg: "Senator Lysen, I refer you to the committee amendment, it is really, it is the last committee amendment we adopted, I believe; it is at the top of page 34, line 8, after page 36, line 35, it is the one that puts the attorney general, 'on behalf of the citizens of the state shall have . . . to bring a civil action to enforce,' implementation of any mitigation measures required.

"You see we have the attorney general doing just exactly what we are concerned about here, and I think that the fact we have one of the statewide elected official whose jobs it is to see to it the laws of the state are carried out, as the person on point indicates and I think rightfully so, Senator Goltz' concern that what is being promised in terms of mitigation in fact be delivered.

"And for that reason I think that, well I support, as I said, the concern that you are expressing in your amendment, I think that the amendment, Senator Goltz' committee amendment, is sufficient to cover those concerns."

#### POINT OF INQUIRY

Senator Lysen: "Senator Goltz, maybe could bring me up to speed on what these local, your local government has done. I used to have a lot of faith in local government, too, until the pension system came to my attention, that we have had some cases where local government has not been responsible. So I do not think this is an automatic cure-all — I wish it were."

Senator Goltz: "I somehow thought that was an exclamation mark rather than a question mark; but I am somewhat concerned that the local government, very concerned that local government must take into account the potential loss of economic activity associated with the permit that would be granted. It does seem to me that the present language and the permit process does require them to evaluate what it is that the permit will possibly damage in the way of another resource. And if those resources are identified and if the potential loss is identified, you have to have that before you can mitigate. In other words, if there is going to be a mitigation there has to be a potential loss and it is the explanation of the potential loss that would lead to the mitigation and therefore you will have it in the record.

"So local government will have to take into account whether or not the fishing industry, in their judgment, will be adversely affected by the granting of such a permit.

"I hope that answers the question; I think your amendment isn't all that bad as a matter of fact, to make it clear that they have to take that into account but I think that is already a part of the process."

#### POINT OF INQUIRY

Senator Goltz: "Senator Lysen, I could support this amendment if you could agree to accept an oral amendment to remove the last four words in your proposed amendment. In other words, the process of not, at this time, involving the department in giving approval to the mitigation process and if you would be willing to accept an oral amendment to remove 'approved by the department', I would be glad to support the rest of that amendment."

Senator Lysen: "What would be the effect then? Who would have to approve it then?"

Senator Goltz: "The mitigation steps are already outlined in the bill as being the responsibility of the local government and I think it better to place all the responsibility right there to be sure that they take into account all those steps. We have already rejected an amendment which would involve the department and this would be sneaking in the back door twice."

Senator Lysen: "I would accept that."

On motion of Senator Goltz, the following amendment to the amendment by Senator Lysen was adopted:

In the amendment by Senator Lysen to page 3, line 35, after "mitigation" and before the comma, strike "approved by the department"

On motion of Senator McDermott, the amendment by Senator Lysen, as amended by Senator Goltz, was ordered held temporarily.

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

On page 8, line 18, strike entire new subsection (f) and insert:

"(f) Shorelines of state-wide economic significance" means those shorelines so designated by the shorelines hearings board.

On page 13, following line 33 insert:

"(f) Shorelines of state-wide economic significance shall be designated by the shorelines hearings board upon their finding that:

(i) Local government has requested the designation after public hearings;

(ii) That the purpose for which the designation is sought will provide long term economic advantage to the state;

(iii) That shorelines proposed to be designated have unique characteristics vitally necessary to the proposed economic use; and

(iv) That appropriate mitigation for environmental or resource loss is adequate to protect statewide needs."

Renumber the remaining subsections consecutively and correct internal cross references.

Page 37, beginning on line 1, strike all of sections 11 and 12 and renumber the remaining sections consecutively and correct internal cross-references.

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Quigg, the concern I had is that what we seem to be saying in this thing, is that the shorelines of statewide economic significance means only one single point in the state in this bill, and that is the Cherry Point area, the area bounded by Powder Plant Road on the north and the Intalco pier on the south, extending from the line 200' above the ordinary high-water mark to a line 2000' seaward of the line of extreme low tide.

"Is any other location in the state meant to be impacted by this particular bill?"

Senator Quigg: "Well, I imagine any place where unemployed workers gather to fish, Senator, or do anything else along the beach, around a shoreline of statewide significance, the impact of the job that this kind of legislation would allow to go to work up in that area will impact, I imagine, unemployed folks all around, not only Whatcom county, but western Washington and some of the eastern side of the state as well."

Senator Talmadge: "Senator, if I might, what you are saying then, is that the bill is intended to deal with other areas in the state besides shorelines in Whatcom county? Or just that one single spot in Whatcom county?"

Senator Quigg: "Senator, this bill relates to shorelines of economic significance, not a single shoreline."

The motion by Senator Talmadge failed and the amendments were not adopted.

The Senate resumed consideration of the following amendment by Senator Lysen as amended by Senator Goltz:

On page 3, line 35, after "consideration" insert ", including consideration of the economic loss to the state due to damage to environment fisheries, and related interests and proper assurance of mitigation,"

The motion by Senator Lysen carried and the amendment, as amended, was adopted.

Senator Charnley moved adoption of the following amendment:

On page 8, line 19, after "following" strike "shorelines" and insert "shoreline"

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Goltz, again, to clarify the intent, is it intended by you as one of the proponents of this legislation, to affect any location in the state of Washington, any other shoreline, than the one that is designated in the bill at Cherry Point?"

Senator Goltz: "Not any others than the ones that are identified at Cherry Point. In other words, from the northern part of that definition to the southern part of that definition, the shorelines within that are included in the bill."

Further debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Jones, why is the shorelines of the statewide economic significance designation restricted to the real estate described in the act?"

Senator Jones: "Senator Bottiger, the real estate referenced in the act has been studied more than almost any land in the state. The other land in the area has some

unstable bluffs whereas this land is stable; it contains some low bank area which differs from the other low bank area to the north; and it contains some salt marshland.

"This land area also differs from adjacent areas in that its configuration produces less wave energy and consequently less lateral drift."

The motion by Senator Charnley failed and the amendment was not adopted.

Senator Williams moved adoption of the following amendment:

On page 8, line 22, strike "two thousand" and insert "seven hundred fifty"

Debate ensued.

#### POINT OF INQUIRY

Senator Williams: "Senator Goltz, I am uncertain as to what you mean in terms of the mitigating effects being proposed in that additional 2000' out; in other words, my understanding would be that they would disturb as little as possible, and in their fill, only fill out this 550'.

"Now from there on out, as I understand it, it is a natural herring-spawning ground. I am uncertain as to what you mean by 'mitigating' work in that area."

Senator Goltz: "Well, Senator Williams, I am not sure of the technical aspects of this, either, but I am telling you that if the rigs that are put out from that graving yard are located in front of that graving yard within a zone beyond the distance that you have described, and there is no mitigating effort which would require them to keep them out of there during certain times of the year, and so forth, I think it is important that we include as large a size as we can for mitigation, rather than to restrict it too much.

"I think, if you look at the plan that CBI has, it is obvious that you are correct, that they cannot build out where the yellow coloring is extended on this map, which is described in the bill.

"But I think the county has an obligation to, as it were, put a zone of control around this project so that they can actually lessen the impact of the project by having some right to exercise mitigating efforts within that zone."

#### REMARKS BY SENATOR JONES

Senator Jones: "I would like to speak to that a little as well.

"It is my understanding that there will be provided there an underwater laboratory which will study mitigation effects for future consideration in any construction that affects any kind of shorelines, and it is necessary they have this and that additional land speaks to an enhancement of this herring spawn. I am not a technician nor can I describe this, but in the mitigation plan, it was definitely required that they have that additional space in order, and in effect, it is a belief, and there were three experts, that they could, in time, actually enhance and increase the herring-spawn area."

The motion by Senator Williams failed and the amendment was not adopted.

Senator Charnley moved adoption of the following amendment:

On page 18, line 17, beginning with "Amendments" strike all material through "board" and insert "Any adjustment, amendment and/or segment of the master plan relating to shorelines of state-wide economic significance shall only become effective if approved by a majority of the voters of a county or counties in which such amendment, adjustment and/or segment is proposed"

Debate ensued.

#### POINT OF INQUIRY

Senator Charnley: "Senator Goltz, in your home rule charters, do the people also have the right to petition for a referendum?"

Senator Goltz: "Yes, they do."

Senator Charnley: "So that putting this language in then, would not change that in any way, would simply make clear they could do that?"

Senator Goltz: "No, I think that language would require a referendum."

Senator Charnley: "That is very true; thank you."

Senator Williams 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 Charnley.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 9; nays, 39; excused, 1.

Voting yea: Senators Charnley, Lysen, McDermott, Ridder, Shinpoch, Talmadge, Williams, Wilson, Woody—9.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Vognild, von Reichbauer, Wojahn, Zimmerman—39.

Excused: Senator Clarke—1.

On motion of Senator Williams, there being no objection, the amendments to pages 18 and 25, on the desk of the Secretary of the Senate, were withdrawn.

Senator Williams moved adoption of the following amendment:

On page 18, line 19, after "board" insert "PROVIDED, That local government amendment, adjustments, and/or segments of their master plan which have the effect of creating, allowing, or facilitating a shoreline of state-wide economic significance and which were adopted prior to the effective date of this 1982 amendatory act do not qualify for approval under this section"

### POINT OF INQUIRY

Senator Goltz: "Senator Williams, I am not exactly sure, Senator Williams, what all is included in the matters which would not be considered as effective prior to the date that we have here. But would the environmental impact statement that was presented by the Chicago Bridge and Iron Company in support of their permit application have to be redone?"

Senator Williams: "I would not think that those would have to be redone. I am talking strictly about the decision on the part of the council itself, in other words it could adopt the present EIS or other work that has already been done. But it would require that they take new action in relation to those documents."

Senator Goltz: "Then, secondly, if the county council were to reconsider and repass the same kinds of action that they did when they submitted them to the department of ecology, would those new actions have the effect of being effective, or would they be considered here to be not qualifying because they are the same actions they took before?"

Senator Williams: "I would think that they would be considered qualifying actions because they were actions taken place after the adoption of the law."

Further debate ensued.

### POINT OF INQUIRY

Senator Goltz: "Senator Williams, would it require, in your judgment, that the applicant would have to prepare a new application and a new environmental impact statement? Or are we referring only to the actions of the county council?"

Senator Williams: "It is my understanding we are only dealing with the actions of the county council."

President Pro Tempore Guess assumed the Chair.

### POINT OF INQUIRY

Senator Williams: "Senator Jones, in relation to this amendment, just to clarify, for my purposes then, if this amendment did not pass, would it be your understanding then that the actions of the council already having taken place, would then constitute the kind of council action that would implement this legislation?"

Senator Jones: "I am hard-pressed to answer that question. I know that it is my feeling that the passage of this would throw an existing applicant back two or three years and probably stop the project; and that is my concern. And it is a very valid concern. So that is the only answer I can give, but it is a definite roadblock and I think it is a delaying action and not being an attorney, nor are you, I don't believe this thing has been written to smooth the course in any way."

Further debate ensued.

The motion by Senator Williams failed and the amendment was not adopted.

Senator Talmadge moved adoption of the following amendment:

On page 18, line 21, after "within" strike "ten" and insert "thirty"

Debate ensued.

The motion by Senator Talmadge failed and the amendment was not adopted on a rising vote.

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

On page 18, line 25, beginning with "The" strike all the material through "capricious." on line 31 and on page 25, line 33, beginning with "Judicial" strike all the material through "capricious." on page 26, line 8

Debate ensued.

The motion by Senator Talmadge failed and the amendments were not adopted.

Senator Williams moved adoption of the following amendment:

On page 25, line 26, beginning with "Applications" strike all of the material through "programs" and insert "No application for a permit issued pursuant to this subsection may be heard by a local government which has amended or adjusted its master program for purposes of this 1982 amendatory act until at least thirty days subsequent to the effective date of the amendment or adjustment to the master plan or the effective date of this 1982 amendatory act, whichever is later"

Debate ensued.

Senator Williams 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 Williams.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 13; nays, 35; excused, 1.

Voting yea: Senators Charnley, Conner, Gaspard, Hemstad, Lysen, McDermott, Moore, Ridder, Shinpoch, Talmadge, Williams, Wilson, Woody—13.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Vognild, von Reichbauer, Wojahn, Zimmerman—35.

Excused: Senator Clarke—1.

Senator Talmadge moved adoption of the following amendment:

On page 25, line 26, after "significance." insert "Permits for developments within shorelines of statewide significance shall contain requirements that successful applicants must hire 90% or more of its employees from the state of Washington."

Debate ensued.

The motion by Senator Talmadge failed and the amendment was not adopted.

Senator McDermott moved adoption of the following amendment:

On page 25, line 28, following "programs" insert "Nothing in this 1982 act shall be construed as allowing local governments to grant substantial development or conditional use permits for the development of a major energy project within shorelines of state-wide economic significance. For purposes of this act, major energy project means a plant or installation capable, or intended to be capable, of generating electricity in an amount greater than two hundred fifty megawatts."

Debate ensued.

### POINT OF INQUIRY

Senator McDermott: "Senator Quigg, the question is this: is the process set in motion by this act intended in any way to supersede the actions of any other state agencies, for instance, EFSEC, or any one of a series of other agencies that might have ability to set policy. It clearly overrides shorelines hearings board and the department of ecology.

"Now is it intended to override any other departments of state government?"

Senator Quigg: "Could you give me some examples, Senator McDermott?"

Senator McDermott: "Well, I gave you EFSEC."

Senator Quigg: "The EFSEC siting requirements would still apply to the siting of a nuclear power station, or a power plant over 250 megawatts, or a pipeline or those kinds of projects."

Senator McDermott: "So it's your testimony, your statement then that even if, let's say some county to the south were to decide they wanted to put a power plant on the shore and use the provision of this bill to obviate the shorelines management act, they would still have to go through EFSEC?"

Senator Quigg: "That is my understanding, Senator.

"Further, if the heat from the welding on the construction of an offshore drilling platform could somehow be the excess heat corralled together and headed off in the direction of Bellingham to warm the houses of the folks in that municipal heating district, I imagine that could be done from this site. I don't know if we would ever get over 250 megawatts or not, I would hate to have that precluded but I imagine local government that has to get up over 250 megawatts EFSEC would get into a project of that magnitude should it come along.

"This is strictly for shorelines of statewide economic significance, has simply to do with the kinds of projects that are applied to for local government for the purposes of developing shorelines of, of dedicating or setting out, shorelines of statewide economic significance within the period of the act which is limited in the law. So we've only got a very short amount of time that we are dealing with right here anyway.

"And so while we can generate all sorts of 'what-ifs' and 'maybes' about great projects of all kinds being developed on these sites around the state, the fact is the time allowed here is very narrow."

Further debate ensued.

The motion by Senator McDermott failed and the amendment was not adopted.

On motion of Senator Talmadge, there being no objection, an amendment to page 25, line 29, on the desk of the Secretary of the Senate was withdrawn.

Senator Talmadge moved adoption of the following amendment:

On page 25, line 30, following "effective" strike "upon adoption and approval" and insert "not less than ninety days subsequent to the issuance of such permits"

Debate ensued.

The motion by Senator Talmadge failed and the amendment was not adopted.

Senator Talmadge moved adoption of the following amendment:

On page 25, following line 32, insert a new paragraph as follows:

"No permit issued pursuant to this 1982 amendatory act shall be sold, conveyed, leased, donated or transferred to any person or entity by the person or entity to which the permit was originally issued."

Debate ensued.

### POINT OF INQUIRY

Senator Goltz: "Senator Talmadge, would you object to having language added to your amendment which would read after "issued" on the last line, 'without the concurrence of the local government'?"

Senator Talmadge: "That would be fine, Senator Goltz."

On motion of Senator Goltz, the following amendment to the amendment by Senator Talmadge was adopted:

Following the last word of the amendment and before the period, insert "without the concurrence of the local government"

The motion by Senator Talmadge carried and the amendment, as amended, was adopted.

On motion of Senator Talmadge, there being no objection, an amendment to page 25, line 34, on the desk of the Secretary of the Senate, was withdrawn.

Senator Charnley moved adoption of the following amendment:

On page 26, following line 7, insert a new subsection as follows:

"(d) Would result in economic damage to existing industries such as fishing that is potentially greater than the expected economic benefits to be derived from the proposed change; or"

Renumber the remaining subsections accordingly.

Debate ensued.

The motion by Senator Charnley failed and the amendment was not adopted.

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

On page 26, line 7, strike "or"

On page 26, line 8, after "capricious" strike the period and insert "; or"

(e) Is inconsistent with this act."

On page 18, line 30, strike "or" and on line 31, after "capricious" strike the period and insert "; or"

(e) Is inconsistent with the act."

Debate ensued.

The motion by Senator Charnley failed and the amendments were not adopted.

Senator Williams moved adoption of an amendment to page 31, striking sections 9 and 10. An amendment by Senator Williams to that amendment was not adopted and there being no objection, the amendment was withdrawn.

On motion of Senator McDermott, there being no objection, an amendment to page 34, following line 8, on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Goltz, the following amendments by Senator Goltz and Jones were considered and adopted simultaneously:

On page 34, after line 8, and after the committee amendment, add the following to the end of new subsection (6):

"Venue for any such civil action shall be in the county wherein the shorelines of state-wide economic significance lie. Standing granted to the attorney general shall be in addition to any standing granted to the county prosecuting attorney under chapter 36.27 RCW."

On page 36, after line 35, and after the committee amendment, add the following to the end of new subsection (6):

"Venue for any such civil action shall be in the county wherein the shorelines of state-wide economic significance lie. Standing granted to the attorney general shall be in addition to any standing granted to the county prosecuting attorney under chapter 36.27 RCW."

Senator McDermott moved adoption of the following amendment:

On page 37, following line 10, insert a new paragraph as follows:

"For any project undertaken pursuant to a permit issued pursuant to this 1982 amendatory act, and which is abandoned prior to completion, the attorney general shall bring a civil action to recover the costs of fully restoring any shoreline which has been altered or damaged to its original use or value. It shall not be a defense to such an action that economic considerations have made difficult or impossible the completion of such project."

Debate ensued.

On motion of Senator Quigg, the amendment by Senator McDermott was ordered held for consideration at a later time.

Senator McDermott moved adoption of the following amendment:

On page 37, line 23, strike all of New Section Sec. 13 and renumber the remaining sections consecutively.

Debate ensued.

The motion by Senator McDermott failed and the amendment was not adopted.

Senator Talmadge moved adoption of the following amendment:

On page 37, line 31, strike all of new section 14 and renumber the remaining section consecutively.

Debate ensued.

The motion by Senator Talmadge failed and the amendment was not adopted.

Senator Williams moved adoption of the following amendment:

On page 38, following "Sec. 15." strike all of the material through "immediately" 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 Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

Senator Talmadge 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 Williams.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 12; nays, 32; absent or not voting, 4; excused, 1.

Voting yea: Senators Charnley, Conner, Gaspard, Lysen, McDermott, Moore, Ridder, Shinpoch, Talmadge, Williams, Wilson, Woody—12.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Craswell, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Talley, Vognild, von Reichbauer, Wojahn, Zimmerman—32.

Absent or not voting: Senators Deccio, Fleming, Hayner, Sellar—4.

Excused: Senator Clarke—1.

Senator Williams moved adoption of the following amendment:

On page 38, line 1, strike Sec. 15.

Debate ensued.

Senator Williams 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 Williams.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 14; nays, 33; absent or not voting, 1; excused, 1.

Voting yea: Senators Bottiger, Charnley, Gaspard, Hemstad, Lysen, McDermott, Moore, Ridder, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody—14.

Voting nay: Senators Bauer, Benitz, Bluechel, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Talley, Vognild, von Reichbauer, Zimmerman—33.

Absent or not voting: Senator Sellar—1.

Excused: Senator Clarke—1.

### MOTION

At 4:57 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

President Pro Tempore Guess called the Senate to order at 5:04 p.m.

The Senate resumed consideration of Senate Bill No. 4831, as amended, and the pending amendment by Senator McDermott to page 37, line 10.

On motion of Senator McDermott, there being no objection, the amendment was withdrawn.

Senator Goltz moved adoption of the following amendment by Senators Goltz and Jones:

On page 37, following line 10, insert a new paragraph as follows:

"For any project undertaken pursuant to a permit issued pursuant to this 1982 amendatory act, and which is abandoned prior to completion for the uses permitted, the attorney general may bring a civil action to restore any shoreline which has been altered or damaged to its original use."

Debate ensued.

On motion of Senator Jones, the following amendment to the amendment by Senators Goltz and Jones was adopted:

On line 5 of the amendment to page 37, line 10, after "general" add "or prosecuting attorney of the county in which the abandonment takes place"

The motion by Senator Goltz carried and the amendment, as amended, was adopted.

On motion of Senator Quigg, the rules were suspended, Engrossed Senate Bill No. 4831 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Sellar: "Senator Quigg, could you explain the reason for the sunset clause in July of '84 in this bill?"

Senator Quigg: "Yes, Senator Sellar, the sunset provision guarantees a legislative review of this statute to see if local government is adequately handling the additional responsibilities given to it under this act."

Debate ensued.

## POINT OF INQUIRY

Senator Bluechel: "Senator Goltz, I read portions of the letter that was placed on our desk, dated February 8, from Mr. William Roehl, Whatcom county council chairman as to the problems they have had with attempting to negotiate with Chicago Bridge and Iron and of the fact that no one had contacted the elected officials of Whatcom county as to their concerns. And he makes it quite clear, if you have a copy of the letter, I would ask what has transpired when the discussion on the floor here has been that the local elected officials, or the local people, have strongly desired the bill and yet you have, by this letter, what I would have to consider direct contradiction to some of the testimony on the floor."

Senator Goltz: "Well, first of all, Senator Bluechel, I suppose it could be somewhat of an indictment against the people who run the legislature to ask a question and try to answer it as to who is responsible for not inviting the county council and the county executive to appear in Olympia at some of our hearings."

"But I am not going to suggest that because I am not sure what happened."

"I do know that the county officials were not consulted in the preparation of this bill. I know that. Neither were the legislators from Whatcom county consulted, nor did they participate in the drafting of this bill."

"There is another bill in the House which the Whatcom county delegation, with the exception of Senator Peterson, have been involved in, and that is on the second reading calendar, and I hope that that bill comes over here and we can address that bill, too. But those two bills are mutually exclusive."

"I think Will Roehl's letter is an indication that even in Whatcom county the issue is not clear as to how this will eventually be resolved. It is not the testimony of all of the members of the county council that this kind of legislation is good. Some of them would like to see the whole issue go away."

"And I don't know whether I have answered your question but I think, I have a great deal of respect for Will Roehl, the council chairman, and I suspect that what he is expressing here is the same frustration many of us feel from time to time on an issue like this."

Further debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4831 and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Vognild, Woody—34.

Voting nay: Senators Bluechel, Charnley, Gaspard, Hemstad, Lysen, McDermott, Ridder, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Zimmerman—13.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senator Clarke—1.

ENGROSSED SENATE BILL NO. 4831, having received the 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 5:47 p.m., on motion of Senator Newhouse, the Senate recessed until 7:30 p.m.

## EVENING SESSION

The President called the Senate to order at 7:30 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 7:45 p.m.

## SECOND READING

SENATE BILL No. 4607, by Senator Scott:

Limiting the cogeneration tax credit.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Senate Bill No. 4607 was advanced to third reading, the second 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. 4607 and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; absent or not voting, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Quigg, Rasmussen, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—40.

Voting nay: Senators McDermott, Pullen, Shinpoch—3.

Absent or not voting: Senators Charnley, Goltz, Hurley, Lysen, Peterson, Ridder—6.

SENATE BILL NO. 4607, having received the 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. 4619, by Senators Metcalf, Conner and Gallagher:

Requiring dissemination to doctors information on certain health problems of veterans.

The Senate resumed consideration of Senate Bill No. 4619 from earlier today. An amendment by Senator Talmadge had been moved for adoption and a Point of Order had been raised by Senator Metcalf on that amendment.

## RULING BY THE PRESIDENT

President Cherberg: "A point of order was raised by Senator Metcalf that the amendment was beyond the scope and object of the bill.

"In ruling upon the point of order raised by Senator Metcalf the President finds that Senate Bill 4619 is a measure which directs the department of veterans affairs to make available information on the delayed stress syndrome and the effects of agent orange to physicians and mental health centers.

"The amendment proposed by Senator Talmadge goes beyond the original limited purpose of the bill by authorizing the attorney general to represent veterans in lawsuits seeking release of information on the effects of agent orange.

"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 Talmadge was ruled out of order.

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 4619 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Talmadge, Senators Lysen, Ridder and Goltz were excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4619 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Goltz, Lysen, Ridder—3.

SENATE BILL NO. 4619, having received the 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 Clarke, Senate Bill No. 4628 was rereferred to the Committee on Rules.

#### SECOND READING

SENATE BILL NO. 4630, by Senators Quigg and Vognild (by Department of Labor and Industries request):

Revising elevator laws.

#### REPORT OF STANDING COMMITTEE

January 27, 1982.

SENATE BILL NO. 4630, revising elevator laws (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendment:

On page 14, line 23, after "five" strike "thousand" and insert "hundred"

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

The bill was read the second time by sections.

On motion of Senator Quigg the committee amendment was adopted.

On motion of Senator Quigg, the rules were suspended, Engrossed Senate Bill No. 4630 was advanced to third reading, the second 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. 4630 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee,

McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Wilson—1.

Excused: Senators Goltz, Lysen—2.

ENGROSSED SENATE BILL NO. 4630, having received the 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. 4644, by Senators Scott and Shinpoch:

Establishing state investment board commingled trust fund.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Senate Bill No. 4644 was advanced to third reading, the second 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. 4644 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators McDermott, Pullen—2.

Absent or not voting: Senator Deccio—1.

Excused: Senators Goltz, Lysen—2.

SENATE BILL NO. 4644, having received the 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. 4647, by Senator Lee:

Enlarging scope of losses covered by permanent insurance fund of first class school district.

The bill was read the second time by sections.

On motion of Senator Lee, the rules were suspended, Senate Bill No. 4647 was advanced to third reading, the second reading considered the third, and the all was placed on final passage.

## POINT OF INQUIRY

Senator McDermott: "Senator Lee, once money is put into that permanent insurance fund, can they take it out for other than insurance purposes?"

Senator Lee: "No, this particular fund is set aside specifically for that; it can be used to pay for losses or it can be used to increase the amount of deductible, or actually buy additional insurance. But it has to go for insurance purposes."

Senator McDermott: "So there is no way that the school districts could put their cash reserve in the insurance fund to avoid having it taken by the legislature?"

Senator Lee: "The school district can take cash reserves and they can put them into any sort of fund that they see fit to do so. There are a number of reserve funds in the school district. This is one of them. An unrestricted cash balance, which is one of the things you may be referring to and part has been of the subject of debate as to one of the means for some of the richer school districts to help out some of the poorer school districts, does not fit in this particular category. If they had a huge cash balance and put it all in that insurance fund, it could only be used for insurance; they couldn't later take it out and use it to increase an administrator's salary, for example."

Senator McDermott: "What is it that prevents them from taking it out of the insurance fund? They put it in by vote of the board, why couldn't they vote it out by vote of the board?"

Senator Lee: "Because it says 'to be used to meet losses,' that's on line 11."

Senator McDermott: "So you are absolutely certain they could not get the money out?"

Senator Lee: "Not without a change in state law."

### POINT OF INQUIRY

Senator Deccio: "Senator Lee, I haven't read the bill, but could you tell me, what happens when there are a sufficient number of losses which exhausts the fund which would render a school unable to rebuild; where would they go for the money? Could they come back to the legislature for appropriation request?"

Senator Lee: "I presume that your question covers the fact that if the amount of the permanent school fund did not cover the total amount of their deductibles as far as their insurance was concerned, where would they find the additional funds? They would have to take it out of other resources which is what they do now."

"The reason for setting up the insurance fund was so that they could put moneys in it over a period of time so that they would have a reserve to take care of their deductible expenses."

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4647 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Blucchel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Pullen—1.

Absent or not voting: Senator Sellar—1.

Excused: Senator Lysen—1.

SENATE BILL NO. 4647, having received the 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. 4648, by Senators Lee and Bauer:

Allowing school districts and educational districts to be self-insurers under industrial insurance provisions.

## MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Bill No. 4648 was substituted for Senate Bill No. 4648 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Kiskaddon, the rules were suspended, Substitute Senate Bill No. 4648 was advanced to third reading, the second 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. 4648 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Haley—1.

Excused: Senator Lysen—1.

SUBSTITUTE SENATE BILL NO. 4648, having received the constitutional majority, was 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 Clarke, the Senate commenced consideration of Senate Bill No. 4489 to be followed by Senate Bill No. 4494.

## SECOND READING

SENATE BILL NO. 4489, by Senators Clarke, Newhouse and Wojahn (by Judicial Council request):

Revising appellate procedures from city police courts.

The bill was read the second time by sections.

On motion of Senator Pullen, the following amendment by Senators Pullen, Rasmussen, Lee, Guess, McCaslin, Lysen, Benitz, Quigg, Metcalf, Gallagher, Craswell, Scott, Sellar, Hurley, Talley, Vognild and Haley was adopted:

On page 1, line 14, after "court." insert "If a defendant is convicted in a police court proceeding and is sentenced to any term of imprisonment, the defendant shall be entitled to a trial de novo in superior court notwithstanding the provisions of Rules for Appeal of Decisions of Courts of Limited Jurisdiction (Rule 1.1)."

On motion of Senator Hemstad, the rules were suspended, Engrossed Senate Bill No. 4489 was advanced to third reading, the second 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. 4489 and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott,

Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Bottiger, Conner, Wilson—3.

Excused: Senator Lysen—1.

ENGROSSED SENATE BILL NO. 4489, having received the 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. 4494, by Senators Clarke, Wojahn and Newhouse (by Judicial Council request):

Establishing a uniform procedure for issuing and executing warrants for administrative inspections.

### MOTIONS

On motion of Senator Hemstad, Substitute Senate Bill No. 4494 was substituted for Senate Bill No. 4494 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hemstad, the rules were suspended, Substitute Senate Bill No. 4494 was advanced to third reading, the second 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. 4494 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Hansen, McDermott, Peterson, Rasmussen, Wilson—5.

Excused: Senator Lysen—1.

SUBSTITUTE SENATE BILL NO. 4494, having received the 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. 4558, by Senators Quigg, Vognild and Newhouse:  
Modifying industrial insurance coverage for owner-operators of trucks.

### REPORT OF STANDING COMMITTEE

February 1, 1982.

SENATE BILL NO. 4558, modifying industrial insurance coverage for owner-operators of trucks (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 18, after "employment", strike the period, and strike lines 19, 20, and 21, and insert "(·) : PROVIDED, That a person is not a worker for the

purpose of this title, with respect to his or her activities attendant to operating a truck which he or she owns, and which is leased to a common or contract carrier."

On page 3, strike lines 33 and 34.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Vognild, Williams.

The bill was read the second time by sections.

Senator Quigg moved adoption of the committee amendment to page 1, line 18.

#### POINT OF INQUIRY

Senator Wilson: "Senator Quigg, during the entire explanation of that amendment you were looking directly at me. Was there any particular reason for that?"

Senator Quigg: "Senator Wilson, when I catch somebody paying attention, I kinda like to nurture it."

Debate ensued.

#### REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President. Within the meaning of rule 21 of the Senate rules, I have a personal and direct interest in the outcome of this bill and would ask that I be excused and my reason for not voting be entered in the journal.

"Mr. President, to clarify, the particular association that is proposing this piece of legislation is a client of my law firm, and the fact that I had recommended that they proceed in this fashion; and I feel that constitutes a sufficient personal and direct interest in the outcome of the legislation to require that I excuse myself from voting on this matter."

There being no objection, Senator Talmadge was excused.

The motion by Senator Quigg carried and the committee amendment to page 1, line 18 was adopted.

On motion of Senator Quigg, the committee amendment to page 3 was adopted.

On motion of Senator Quigg, the rules were suspended, Engrossed Senate Bill No. 4558 was advanced to third reading, the second 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. 4558 and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Quigg, Scott, Sellar, Talley, Vognild, von Reichbauer, Williams, Wilson, Woody, Zimmerman—34.

Voting nay: Senators Bottiger, Conner, Fleming, Gaspard, Goltz, Hughes, McDermott, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Wojahn—13.

Excused: Senators Lysen, Talmadge—2.

ENGROSSED SENATE BILL NO. 4558, having received the 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. 4660, by Senators Lee, Shinpoch, Deccio and Gaspard (by Joint Committee on Administrative Rules request):

Revising procedures for administrative rule-making notices and statements of purpose.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 4660 was advanced to third reading, the second 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. 4660 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator McDermott—1.

Absent or not voting: Senator Deccio—1.

Excused: Senator Lysen—1.

SENATE BILL NO. 4660, having received the 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. 4680, by Senators Hemstad and Fuller:

Requiring sheriff's civil service commission to schedule hearings and issue written opinions within certain time periods.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Senate Bill No. 4680 was advanced to 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 Senate Bill No. 4680 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

SENATE BILL NO. 4680, having received the 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. 4681, by Senators Zimmerman, Charnley, Bluechel, Deccio, Hemstad and Guess:

Appropriating funds to the department of natural resources.

## REPORT OF STANDING COMMITTEE

February 8, 1982.

SENATE BILL NO. 4681, appropriating funds to the department of natural resources (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 5, after "hundred" delete "sixty-four"

On page 1, line 8, after the comma delete "one hundred twenty-four" and insert "sixty"

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Gaspard, Lee, McDermott, Ridder, Wojahn, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the committee amendments were adopted.

On motion of Senator Zimmerman, the rules were suspended, Engrossed Senate Bill No. 4681 was advanced to third reading, the second 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. 4681 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Pullen—1.

Excused: Senator Lysen—1.

ENGROSSED SENATE BILL NO. 4681, having received the 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. 4683, by Senators Hemstad, Talmadge, Gould, Bluechel, Shinpoch, Goltz, Zimmerman and Charnley:

Authorizing exemption from public disclosure for files listing names of users of library materials.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 4683 was substituted for Senate Bill No. 4683 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 4683 was advanced to third reading, the second 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. 4683 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Hurley—1.

Excused: Senator Lysen—1.

SUBSTITUTE SENATE BILL NO. 4683, having received the 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. 4690, by Senators von Reichbauer, Guess and Hansen: Recognizing current practices in county road administration.

## REPORT OF STANDING COMMITTEE

February 1, 1982.

SENATE BILL NO. 4690, recognizing current practices in county road administration (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 15, strike all of Section 1 and renumber the remaining sections consecutively.

In line 1 of the title, after "highways;" strike all of the material down to and including "RCW 36.80.060;" on line 3.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Hansen, Kiskaddon, Peterson, Talley, Vognild.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the committee amendment was adopted.

On motion of Senator Bottiger, the following amendment by Senators Bottiger and Wojahn was adopted:

On page 4 of the printed bill, after line 14 insert two new sections to read as follows:

"Sec. 6. Section 36.75.020, chapter 4, Laws of 1963 and RCW 36.75.020 are each amended to read as follows:

All of the county roads in each of the several counties shall be established, laid out, constructed, altered, repaired, improved, and maintained by the ~~((board of county commissioners))~~ legislative authority of the respective counties as agents of the state, or by private individuals or corporations who are allowed to perform such work under an agreement with the county legislative authority. Such work shall be done in accordance with adopted county standards under the supervision and direction of the county engineer.

Sec. 7. Section 36.82.110, chapter 4, Laws of 1963 and RCW 36.82.110 are each amended to read as follows:

Upon voluntary contribution and payment by any person for the actual cost thereof, such person or legislative authority upon the approval of maps, plans, specifications and guaranty bonds as may be required, ~~((the board))~~ may place crushed rock gravel or other road building material or make improvements upon any county road. Such work shall be done in accordance with adopted county standards under the supervision of and direction of the county engineer."

On motion of Senator von Reichbauer, the committee amendment to the title was adopted.

On motion of Senator Bottiger, the following amendment by Senators Bottiger and Wojahn to the title was adopted:

On page 1 of the printed bill, in line 11 strike "and" and in line 13 of the title, after "47.48.020" insert "; amending section 36.75.020, chapter 4, Laws of 1963 and RCW 36.75.020; and amending sections 36.80.110, chapter 4, Laws of 1963 and RCW 36.80.110"

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Senate Bill No. 4690 was advanced to third reading, the second 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. 4690 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Hughes, Hurley, McDermott, Ridder, Williams, Wilson—6.

Excused: Senator Lysen—1.

ENGROSSED SENATE BILL NO. 4690, having received the 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 9:02 p.m., Senator Vognild moved the Senate adjourn until 9:30 a.m., February 17, 1982.

The motion by Senator Vognild failed.

### SECOND READING

SENATE BILL NO. 4691, by Senators Talmadge, Bottiger and Hemstad:  
Making technical corrections in the law of comparative fault and contribution among tort-feasors.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 4691 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Hemstad: "Senator Talmadge, based upon your explanation of Senate bill 4691 am I correct in my understanding of it that the purpose of these technical corrections is to expressly conform the statute to that which was intended at the time of the original enacting enactment during the 1981 legislative session?"

Senator Talmadge: "Yes, Senator Hemstad, your understanding is exactly correct."

## MOTION

Senator Bottiger moved that Senate Bill No. 4691 be held on third reading for further consideration on February 17, 1982.

Debate ensued.

## POINT OF INQUIRY,

Senator Wilson: "Senator Talmadge, I am sure that you can appreciate when we see a bill sponsored by Senators Talmadge, Bottiger and Hemstad, the rest of us become quite suspicious. During the consideration of the products liability bill which went on for a long while, the laymen among this group, including myself, were in frequent contact with lawyers back home whose opinions we respected of which there are not too many, but there are some. And as a result of the evolution of the bill and the good work that you did, and their comments, most of us I believe, were able to support that bill.

"Now this is amending what we understood to be a very delicately balanced bill that did attract, as far as I know, almost the universal support of attorneys.

"And I guess I would like to know a little more about why this is necessary and what we are doing to it and receive just a little more assurance that we are not untilting the situation in any noticeable respect."

Senator Talmadge: "Senator Wilson, in response to your question, no one testified against the bill in the judiciary committee, to my recollection. The issues that were raised in the bill are very technical in nature. There are very small interpretive items not relating to the substance of the act that we passed last April. In specific, we left out a section, for example, that should have been in the 1981 act or just a reference to a section, we put that reference back in. There is another question about the fit between the concept of 'comparative negligence' and concept of 'comparative fault;' the fit between the concept of 'indemnity between joint tort-feasors' and 'contribution among joint tort-feasors.'

"None of the organizations that were at issue in this controversy have indicated any opposition to the bill, and that includes the trial bar, the defense bar, industry or anyone else. And I don't know that it will upset the balance that we achieved in April. No one indicated any substantial opposition to the bill."

The motion by Senator Bottiger carried. Senate Bill No. 4691 was ordered held on the third reading calendar for February 17, 1982.

## MOTION

Senator Clarke moved that the Senate now consider all Gubernatorial Appointments on the calendar with the exceptions of 424, 464, 486, 487, 521 and 522 and that the appointments be confirmed by a single roll call vote and each member recorded as if voting on each appointment separately.

## PARLIAMENTARY INQUIRY

Senator McDermott: "Mr. President, under what rule is this an acceptable motion?"

## REPLY BY THE PRESIDENT

President Cherberg: "Gubernatorial appointments have been confirmed in the past en masse by a single motion such as made by Senator Clarke."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, with the consent of each individual member this has been done on several occasions. I might point out that if you will look at the number there and the length of time that it takes to call the roll, the whole purpose is to enable each Senator to, in effect, make up his mind as to whether he would vote for the confirmation, and that is the reason that the motion was made with the exceptions stated, because we were informed that at least one senator would wish to vote 'no' on each of those which are exceptions.

"So what is occurring is that, with the consent of each senator, his vote is being recorded on a single vote as if it were separately cast on a separate roll call for each of those embodied in the motion."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, members of the Senate. We have one member absent tonight, he was advised that this was coming up, but I would, for his protection, like to have inserted in the journal the fact that we did it all in a single vote. I don't know if I need to amend your motion or I can just insert a statement in the journal that it was adopted."

## STATEMENT FOR THE JOURNAL

Senator Lysen was excused on February 16, 1982 during the roll calls on gubernatorial appointments. Although only one roll was taken for the confirmation on the appointments, Senator Lysen will be shown as excused on each of them. The Senator was aware that the confirmations would be considered during the evening session but was unable to be present. This is by way of an explanation for his not voting on those confirmations.

Signed: SENATOR R. TED BOTTIGER

## MOTION

On motion of Senator Talmadge, gubernatorial appointment 464, David Palmer, was ordered held for consideration on February 17, 1982.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS  
MOTION

On motion of Senator Clarke, the appointment of Marlee L. Naddy as a member of the State Commission for the Blind was confirmed.

## APPOINTMENT OF MARLEE L. NADDY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Ann Hobi Scroggs as a member of the Board of Trustees, Community College District No. 2, was confirmed.

## APPOINTMENT OF ANN HOBI SCROGGS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Neil S. Potthoff as a member of the Board of Trustees, Peninsula Community College District No. 1, was confirmed.

## APPOINTMENT OF NEIL S. POTTHOFF

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Jack H. Rogers as a member of the State Investment Board, was confirmed.

## APPOINTMENT OF JACK H. ROGERS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Helen Radke as a member of the State Board for Community College Education, was confirmed.

## APPOINTMENT OF HELEN RADKE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Catharine C. Stimpson as a member of the Board of Trustees, Whatcom Community College District No. 21, was confirmed.

## APPOINTMENT OF CATHARINE C. STIMPSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Jon G. Thorpe as a member of the Commission for Vocational Education, was confirmed.

## APPOINTMENT OF JON G. THORPE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Greta Ann Bryan as a member of the Judicial Qualifications Commission, was confirmed.

## APPOINTMENT OF GRETA ANN BRYAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Dale Mitchell as a member of the State Investment Board, was confirmed.

#### APPOINTMENT OF DALE MITCHELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Lawrence J. Faulk as a member, Board of Trustees of the Tacoma Community College District No. 22, was confirmed.

#### APPOINTMENT OF LAWRENCE J. FAULK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of David R. LaRose as a Chief Administrative Law Judge, was confirmed.

#### APPOINTMENT OF DAVID R. LaROSE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen,

Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Ken Eikenberry as a member of the Corrections Standards Board, was confirmed.

#### APPOINTMENT OF KEN EIKENBERRY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Larry V. Erickson as a member of the Corrections Standards Board, was confirmed.

#### APPOINTMENT OF LARRY V. ERICKSON

The Secretary called the roll. The appointment was confirmed by the Senate following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Roger F. Maxwell as a member of the Corrections Standards Board, was confirmed.

#### APPOINTMENT OF ROGER F. MAXWELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of David S. McEachran as a member of the Corrections Standards Board, was confirmed.

## APPOINTMENT OF DAVID S. McEACHRAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Karen Rahm as a member of the Corrections Standards Board, was confirmed.

## APPOINTMENT OF KAREN RAHM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Dr. R. R. Rathfelder as a member of the Higher Education Personnel Board, was confirmed.

## APPOINTMENT OF DR. R. R. RATHFELDER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Ludwig Lobe as a member of the Health Care Facilities Authority, was confirmed.

### APPOINTMENT OF LUDWIG LOBE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

### MOTION

On motion of Senator Clarke, the appointment of Dr. Arch Logan, Jr. as a member of the Hospital Commission, was confirmed.

### APPOINTMENT OF DR. ARCH LOGAN, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

### MOTION

On motion of Senator Clarke, the appointment of Norman E. Ramsey as a member of the Hospital Commission, was confirmed.

### APPOINTMENT OF NORMAN E. RAMSEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

### MOTION

On motion of Senator Clarke, the appointment of Symone B. Scales as chairman of the Human Rights Commission, was confirmed.

### APPOINTMENT OF SYMONE B. SCALES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould,

Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Robert D. Panther as a member of the State Investment Board, was confirmed.

#### APPOINTMENT OF ROBERT D. PANTHER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of R. E. "Ted" Hornibrook as a member of the State Jail Commission, was confirmed.

#### APPOINTMENT OF R. E. "TED" HORNIBROOK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Jeffrey C. Sullivan as a member of the State Jail Commission, was confirmed.

#### APPOINTMENT OF JEFFREY C. SULLIVAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Margaret S. Williams as a member of the State Parks and Recreation Commission, was confirmed.

## APPOINTMENT OF MARGARET S. WILLIAMS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Ludwig Lobe as a member of the State Personnel Board, was confirmed.

## APPOINTMENT OF LUDWIG LOBE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Maxine E. Daly as a member of the Personnel Appeals Board, was confirmed.

## APPOINTMENT OF MAXINE E. DALY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of John F. Gordon as a member of the Personnel Appeals Board, was confirmed.

## APPOINTMENT OF JOHN F. GORDON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Al Hunter as a member of the Personnel Appeals Board, was confirmed.

## APPOINTMENT OF AL HUNTER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Robert F. Goldsworthy as a member of the Council for Postsecondary Education, was confirmed.

## APPOINTMENT OF ROBERT F. GOLDSWORTHY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Gloria M. Champeux as a member of the Public Employees' Retirement Board, was confirmed.

## APPOINTMENT OF GLORIA M. CHAMPEAUX

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould,

Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Shirley B. Jensen as a member of the Public Employees' Retirement Board, was confirmed.

#### APPOINTMENT OF SHIRLEY B. JENSEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Phillip Aaron as a member of the Sentencing Guidelines Commission, was confirmed.

#### APPOINTMENT OF PHILLIP AARON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Donald C. Brockett as a member of the Sentencing Guidelines Commission, was confirmed.

#### APPOINTMENT OF DONALD C. BROCKETT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Harold D. Clarke as a member of the Sentencing Guidelines Commission, was confirmed.

## APPOINTMENT OF HAROLD D. CLARKE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Arthur F. Clifford, Jr. as a member of the Sentencing Guidelines Commission, was confirmed.

## APPOINTMENT OF ARTHUR F. CLIFFORD, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of H. Joseph Coleman as a member of the Sentencing Guidelines Commission, was confirmed.

## APPOINTMENT OF H. JOSEPH COLEMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Paul D. Hansen as a member of the Sentencing Guidelines Commission, was confirmed.

### APPOINTMENT OF PAUL D. HANSEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

### MOTION

On motion of Senator Clarke, the appointment of Charles V. Johnson as a member of the Sentencing Guidelines Commission, was confirmed.

### APPOINTMENT OF CHARLES V. JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

### MOTION

On motion of Senator Clarke, the appointment of Donna D. Schram as a member of the Sentencing Guidelines Commission, was confirmed.

### APPOINTMENT OF DONNA D. SCHRAM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

### MOTION

On motion of Senator Clarke, the appointment of Steve Scott as a member of the Sentencing Guidelines Commission, was confirmed.

### APPOINTMENT OF STEVE SCOTT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould,

Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Jerry B. Overton as a member of the State Transportation Commission, was confirmed.

#### APPOINTMENT OF JERRY B. OVERTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Bernice Stern as a member of the State Transportation Commission, was confirmed.

#### APPOINTMENT OF BERNICE STERN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Rev. Samuel B. McKinney as a member of the Commission for Vocational Education, was confirmed.

#### APPOINTMENT OF REVEREND SAMUEL B. MCKINNEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Mary Gates as a member of the Board of Regents, University of Washington, was confirmed.

## APPOINTMENT OF MARY GATES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Robert B. McEachern as a member of the Board of Regents, Washington State University, was confirmed.

## APPOINTMENT OF ROBERT B. McEACHERN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Kate B. Webster as a member, Board of Regents of the Washington State University, was confirmed.

## APPOINTMENT OF KATE B. WEBSTER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Robert A. Case II as a member, Board of Trustees of the Central Washington University, was confirmed.

## APPOINTMENT OF ROBERT A. CASE II

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Jean Cooley as a member, Board of Trustees of the Everett Community College District No. 5, was confirmed.

## APPOINTMENT OF JEAN COOLEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Nancy L. Weis as a member, Board of Trustees of the Everett Community College District No. 5, was confirmed.

## APPOINTMENT OF NANCY L. WEIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of H. Roy Yates as a member, Board of Trustees of the Everett Community College District No. 5 was confirmed.

## APPOINTMENT OF H. ROY YATES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould,

Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Daniel V. Carbone as a member, Board of Trustees of the Seattle Community College District No. 6, was confirmed.

#### APPOINTMENT OF DANIEL V. CARBONE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Mary McKinley as a member, Board of Trustees of the Bellevue Community College District No. 8, was confirmed.

#### APPOINTMENT OF MARY MCKINLEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Hugh L. Mathews as a member, Board of Trustees of the Green River Community College District No. 10, was confirmed.

#### APPOINTMENT OF HUGH L. MATHEWS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen,

Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Raymond L. Chalker as a member, Board of Trustees of the Fort Steilacoom Community College District No. 11, was confirmed.

#### APPOINTMENT OF RAYMOND L. CHALKER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Dorothy K. Hunt as a member, Board of Trustees of the Fort Steilacoom Community College District No. 11, was confirmed.

#### APPOINTMENT OF DOROTHY K. HUNT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Mary Henrie as a member, Board of Trustees of Wenatchee Community College District No. 15, was confirmed.

#### APPOINTMENT OF MARY HENRIE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Timothy R. Nihoul as a member, Board of Trustees of the Big Bend Community College District No. 18, was confirmed.

## APPOINTMENT OF TIMOTHY R. NIHOUL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Vaughn A. Sherman as a member, Board of Trustees of the Edmonds Community College District No. 23, was confirmed.

## APPOINTMENT OF VAUGHN A. SHERMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman.—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Carol Simons as a member, Board of Trustees of the Edmonds Community College District No. 23, was confirmed.

## APPOINTMENT OF CAROL SIMONS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Daryl Brennick as a member of the State Jail Commission, was confirmed.

## APPOINTMENT OF DARYL BRENNICK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Robert E. Dixon as a member of the Juvenile Disposition Standards Commission, was confirmed.

## APPOINTMENT OF ROBERT E. DIXON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of L. Eugene Hanson as a member of the Juvenile Disposition Standards Commission, was confirmed.

## APPOINTMENT OF L. EUGENE HANSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Jill M. Kinney as a member of the Juvenile Disposition Standards Commission, was confirmed.

### APPOINTMENT OF JILL M. KINNEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

### MOTION

On motion of Senator Clarke, the appointment of Jay A. Reich as a member of the Juvenile Disposition Standards Commission, was confirmed.

### APPOINTMENT OF JAY A. REICH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

### MOTION

On motion of Senator Clarke, the appointment of Bert Shaber as a member of the Board of Trustees, Eastern Washington University, was confirmed.

### APPOINTMENT OF BERT SHABER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

### MOTION

On motion of Senator Clarke, the appointment of Edna I. DeVries as a member, Board of Trustees of the Skagit Community College District No. 4, was confirmed.

### APPOINTMENT OF EDNA I. DeVRIES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Harold A. Lamon, Jr. as a member, Board of Trustees of the Highline Community College District No. 9, was confirmed.

#### APPOINTMENT OF HAROLD A. LAMON, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Dianne E. Frichtl as a member, Board of Trustees of the Clark Community College District No. 14, was confirmed.

#### APPOINTMENT OF DIANNE E. FRICHTL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Henry Beauchamp as a member of the Corrections Standards Board, was confirmed.

#### APPOINTMENT OF HENRY BEAUCHAMP

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen,

Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of John C. McCarthy as Chairman of the Hospital Commission, was confirmed.

#### APPOINTMENT OF JOHN C. McCARTHY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of Paul W. Peterson as a member of the Juvenile Disposition Standards Commission, was confirmed.

#### APPOINTMENT OF PAUL W. PETERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

#### MOTION

On motion of Senator Clarke, the appointment of H. M. Vandiver as a member of the Juvenile Disposition Standards Commission, was confirmed.

#### APPOINTMENT OF H. M. VANDIVER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Betty Beckett as a member, Board of Trustees of the Grays Harbor Community College District No. 2, was confirmed.

## APPOINTMENT OF BETTY BECKETT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Richard T. Plaisance as a member, Board of Trustees of the Olympic Community College District No. 3, was confirmed.

## APPOINTMENT OF RICHARD T. PLAISANCE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Tracy Owen as a member, Board of Trustees of the Shoreline Community College District No. 7, was confirmed.

## APPOINTMENT OF TRACY OWEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Cindy Kay Hough as a member, Board of Trustees of the Centralia Community College District No. 12, was confirmed.

## APPOINTMENT OF CINDY KAY HOUGH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Kenneth A. Farland as a member, Board of Trustees of the Lower Columbia Community College District No. 13, was confirmed.

## APPOINTMENT OF KENNETH A. FARLAND

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of H. Dean Laxton as a member, Board of Trustees of the Big Bend Community College District No. 18, was confirmed.

## APPOINTMENT OF H. DEAN LAXTON

The Secretary called the roll. On the appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Paul D. Kenner as a member, Board of Trustees of the Whatcom Community College District No. 21, was confirmed.

## APPOINTMENT OF PAUL D. KENNER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Robert E. Hunt, Jr. as a member, Board of Trustees of the Tacoma Community College District No. 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, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Rudy Jones as a member, Board of Trustees of the Edmonds Community College District No. 23, was confirmed.

## APPOINTMENT OF RUDY JONES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of N. Clifford Petersen as a member of the Juvenile Disposition Standards Commission, was confirmed.

## APPOINTMENT OF N. CLIFFORD PETERSEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Gloria M. Champeaux as a member of the State Investment Board, was confirmed.

## APPOINTMENT OF GLORIA M. CHAMPEAUX

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Della M. Newman as a member of the State Personnel Board, was confirmed.

## APPOINTMENT OF DELLA M. NEWMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Deccio, the appointment of Amos E. Reed as Secretary of the Department of Corrections, was confirmed.

## APPOINTMENT OF AMOS E. REED

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Metcalf, the appointment of Keith A. Angier as a member of the Corrections Standards Board, was confirmed.

## APPOINTMENT OF KEITH A. ANGIER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Conner, Fleming, Hughes, McDermott—4.

Excused: Senator Lysen—1.

## POINT OF INQUIRY

Senator Bottiger: "Senator Metcalf, is Mr. Angier from Yakima? The prosecutor or sheriff or something over there?"

Senator Deccio: "Senator, I don't think you are talking about my county. If you are serious, I think Keither Angier held the same position under Dan Evans during the time he was governor. I think he is from Seattle."

Senator Williams: "Mr. Angier is director of general administration."

## MOTION

On motion of Senator Clarke, the appointment of Norm Maleng as a member of the Sentencing Guidelines Commission, was confirmed.

## APPOINTMENT OF NORM MALENG

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 Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Conner—1.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the appointment of Warren Netherland as a member of the Sentencing Guidelines Commission, was confirmed.

## APPOINTMENT OF WARREN NETHERLAND

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Conner, Hughes, Hurley, Moore—4.

Excused: Senator Lysen—1.

## MOTION

On motion of Senator Clarke, the Senate resumed consideration of the Consent Calendar.

## SECOND READING

SENATE BILL NO. 4692, by Senators Gallagher and Vognild:

Implementing a program of motorcycle operator training and safety education.

## MOTIONS

On motion of Senator Gallagher, Substitute Senate Bill No. 4692 was substituted for Senate Bill No. 4692 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Vognild the following amendments were considered and adopted simultaneously:

On page 4, line 23, after "brakes" insert "PROVIDED, That a front brake shall not be required on any motorcycle over twenty-five years old which was originally manufactured without a front brake and which as been restored to its original condition and is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show or other such assemblage: PROVIDED FURTHER, That no front brake shall be required on any motorcycle manufactured prior to January 1, 1931."

On page 4, line 33, after "((-:))" insert "PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show or other such assemblage: PROVIDED FURTHER, That no mirror shall be required on any motorcycle manufactured prior to January 1, 1931."

On motion of Senator Gallagher, the rules were suspended, Engrossed Substitute Senate Bill No. 4692 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Vognild: "Senator Gallagher, in the committee hearings on this, there was some concern that the commission being set up of motorcycle riders, might not

include civilian riders, that it might be restricted to, perhaps, police motorcycle riders. Was that your intent as sponsor of the bill?"

Senator Gallagher: "No, it is not the intent. We would like to get everyone involved in this, and particularly outside the members of the public or state agencies."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4692 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Bottiger, Conner, Goltz, Pullen, Rasmussen, Wilson—6.

Excused: Senator Lysen—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4692, having received the 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 Clarke, the Senate commenced consideration of Senate Bill No. 4661.

### SECOND READING

SENATE BILL NO. 4661, by Senator Quigg (by Department of Employment Security request):

Modifying provisions relating to unemployment compensation.

The bill was read the second time by sections.

Senator McDermott moved adoption of the following amendment:

On page 4, line 11, after "factors.", insert:

"There is established an eligibility period for "additional benefits" payable to individuals who were exhaustees with respect to both regular and extended benefits after December 31, 1981. Benefit amounts will be calculated pursuant to the provisions of RCW 50.22.050 (1) and (2) and shall be paid in the same manner as extended benefits. Eligibility will be determined under the same terms and conditions as for extended benefits. The Commissioner of the Employment Security Department may adopt rules as required for the proper administration of this section. The eligibility period for "additional benefits" will begin on the third Sunday after the effective date of this section of this act and will continue through December 31, 1982."

### POINT OF ORDER

Senator Newhouse: "Mr. President, I would like to question the scope and object of this amendment. The bill is a conformity bill for the department of employment security. The amendment is structured so that it goes into a definition section where it doesn't fit."

Debate ensued.

## MOTION

On motion of Senator Clarke, Senate Bill No. 4661, together with the pending amendment by Senator McDermott and the Point of Order raised by Senator Newhouse, will be held for a Ruling by the President on February 17, 1982.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 4675, by Committee on Education (originally sponsored by Senator Kiskaddon):

School district transportation apportionment.

The Senate resumed consideration of Substitute Senate Bill No. 4675 from earlier today. At that time, the bill had been amended and an amendment by Senator Metcalf had been moved for adoption. A Point of Order had been raised by Senator Fleming on the amendment by Senator Metcalf.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Fleming, the President finds that Substitute Senate Bill No. 4675 is a measure which has as its sole purpose the perfecting of the law relating to public school's transportation allocation system.

"The amendment proposed by Senator Metcalf goes beyond the limited purpose of the bill by restricting when state funds can be used for school transportation.

"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 Metcalf was ruled out of order.

On motion of Senator Kiskaddon, the rules were suspended, Engrossed Substitute Senate Bill No. 4675 was advanced to third reading, the second 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. 4675 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator McDermott—1.

Absent or not voting: Senator Metcalf—1.

Excused: Senator Lysen—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4675, having received the 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 Pro Tempore Guess assumed the Chair.

## SECOND READING

SENATE BILL NO. 4718, by Senators Moore, Haley and Metcalf:

Revising laws regulating veterinarians.

The bill was read the second time by sections.

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 4718 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF ORDER

Senator Pullen: "Mr. President, Senator McDermott is in violation of rule 7, item number 2 of rule 7 that prohibits offensive or indecorous language."

President Pro Tempore Guess: "Thank you, Senator Pullen."

Senator Pullen: "Well, I was wondering if the President would uphold my point of order or not?"

President Pro Tempore Guess: "Senator Pullen, Senator McDermott sat down."

Senator Fleming: "Mr. President, what rule is Senator Pullen violating by not being by his desk when he is speaking, addressing the body?"

President Pro Tempore Guess: "He was recognized by the chair, Senator."

Senator Pullen: "I object to the words that it is 'a nothing bill' and I would ask for assurance that item number 2 of rule 7, that those words be taken down at the secretary's desk. Item 2 of rule 7."

Senator Bottiger: "Senator Pullen may be able to get away with that but I am sure glad I didn't say that."

Senator McDermott: "Mr. President, in defense of this, that is what Senator Newhouse said about the bill, it doesn't do anything. It has been worked so much that there is nothing to the bill. I was merely quoting him when I said it was a 'nothing' bill."

President Pro Tempore Guess: "So noted in the journal."

Senator Talley: "If Senator Newhouse didn't talk so much we might get more bills passed; or McDermott, excuse me."

President Pro Tempore Guess: "The Senate will be in order and proceed with the orders of the day."

Senator Pullen: "I would move that pursuant to item number 2 of rule 7, that the punishment would be delayed until the next working day. If the President would so note, item number 2 of rule 7 specifies that in the event of a breach of decorum of the rules of the Senate, that the Senate may impose whatever punishment it desires and I would move that we decide on the punishment tomorrow."

Senator Fleming: "Mr. President, I don't recall you ruling that Senator McDermott was out of order or the breach of decorum had been made. You have not made that ruling. So if you have not made that ruling, I don't see how we can delay any punishment."

President Pro Tempore Guess: "The Secretary will call the roll on the final passage of 4718."

#### POINT OF ORDER

Senator Rasmussen: "I was just going to call the attention of Senator Clarke that the witching hour is approaching, that the people are bewitched on the Senate floor and it is about time that you make the motion before somebody else does."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4718 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen,

Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

SENATE BILL NO. 4718, having received the 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. 4952, by Senator von Reichbauer:

Authorizing a metropolitan municipal corporation to charter an electric street-car on rails operating within the city.

The bill was read the second time sections.

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 4952 was advanced to third reading, the second 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. 4952 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hürley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Moore—1.

Excused: Senator Lysen—1.

SENATE BILL NO. 4952, having received the 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. 4684, by Senators Newhouse, Benitz, Zimmerman and Hansen (by Department of Agriculture request):

Authorizing the director of agriculture to take emergency measures against plant pests and diseases.

## MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 4684 was substituted for Senate Bill No. 4684 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 4684 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Gaspard: "Senator Newhouse, the appropriation of \$300,000, is that a general fund appropriation or is that a industry assessment?"

Senator Newhouse: "At this point, the appropriation is from the general fund and it will take additional money from industry sources."

## POINT OF INQUIRY

Senator Gaspard: "Senator Scott, the question is involving the \$300,000 of general fund money. I wonder if you or your committee, or at least your staff, if they would take a look at the bill and how it fits into the scheme of things, with the financial situation that we are faced and the one you are trying to resolve in ways and means committee."

Senator Scott: "I can tell you that the \$300,000 is accounted for in the proposed budget document that will be reviewed by our conference on Friday."

## ROLL CALL

The Secretary called the roll on the final passage Substitute Senate Bill No. 4684 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

SUBSTITUTE SENATE BILL NO. 4684, having received the 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. 4506, by Senators Clarke and Rasmussen (by State Treasurer request):

Authorizing state treasurer to alter certificate of deposit allocation.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Senate Bill No. 4506 was advanced to third reading, the second 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. 4506 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Pullen—1.

Excused: Senator Lysen—1.

SENATE BILL NO. 4506, having received the 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. 4501, by Senators Guess, Hansen and Quigg:

Modifying requirements for posting of prevailing wage statements by certain contractors.

## MOTIONS

On motion of Senator Quigg, Substitute Senate Bill No. 4501 was substituted for Senate Bill No. 4501 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Quigg, the rules were suspended, Substitute Senate Bill No. 4501 was advanced to third reading, the second 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. 4501 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Lysen—1.

SUBSTITUTE SENATE BILL NO. 4501, having received the 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 Clarke moved the Senate commence consideration of gubernatorial appointment 424, Eustace "Sonny" Vynne, Jr.

## MOTION

Senator Bottiger moved the Senate hold consideration of the appointment of gubernatorial appointment 424, Eustace "Sonny" Vynne, Jr. to February 17, 1982.

Debate ensued.

The motion by Senator Clarke carried.

## MOTION

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

Senator Vognild moved adoption of the following resolution:

## SENATE RESOLUTION 1982—177

By Senators Vognild, McDermott, Gaspard, Lee, Charnley, Zimmerman, Bottiger, Haley, Talmadge, Hughes, Wojahn, Metcalf, Moore and Hurley:

WHEREAS, Cardiopulmonary resuscitation, known as "CPR," is well known for saving the lives of people stricken with heart attacks, drowning and other medical emergencies; and

WHEREAS, Seattle and other cities in Washington have implemented programs whereby citizens are trained in CPR, and many newspaper and magazine articles have stated that Seattle is the best city in the United States in which to have a heart attack because of the CPR trained medical units and CPR trained citizens; and

WHEREAS, CPR and emergency procedures will be the topic of classes taught tomorrow, Wednesday, February 17, by the Washington Firefighter's Association; and

WHEREAS, Members of the legislature, staff and others could benefit by attending these classes, and possibly save the life of another person should there be a medical emergency;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate do encourage its members and staff to attend one of the classes of CPR training being held February 17, 1982; and

BE IT FURTHER RESOLVED, That persons interested in attending such classes make reservations for either the 930 - 12:30 a.m. class in HOB 431 or the 1:30-4:30 p.m. class in HOB 431 by calling 753-7760.

On motion of Senator Lee, in the second paragraph of the resolution, strike "cities" and insert "jurisdiction"

The motion by Senator Vognild carried and the resolution, as amended, was adopted.

#### MOTION

At 10:33 p.m., Senator Fleming moved the Senate adjourn until 10:00 a.m., Wednesday, February 17, 1982.

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 motion by Senator Fleming that the Senate adjourn until 10:00 a.m., Wednesday, February 17, 1982.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 21; nays, 26; absent or not voting, 1; excused, 1.

Voting yea: Senators Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Absent or not voting: Senator Conner—1.

Excused: Senator Lysen—1.

#### MOTION

Senator Lee moved that the Committee on Transportation be relieved from further consideration of House Bill No. 896.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Lee that the Committee on Transportation be relieved from further consideration of House Bill No. 896.

#### ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 26; nays, 21; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Absent or not voting: Senator Conner—1.

Excused: Senator Lysen—1.

On motion of Senator Lee, House Bill No. 896 was rereferred to the Committee on Parks and Ecology.

#### MOTION

On motion of Senator Vognild, copies of Senate Resolution 1982—177 were ordered sent to the Olympia Fire Department and the Washington Firefighters Association.

#### POINT OF INQUIRY

Senator Goltz: "I would like to ask a question of someone. This suggests that tomorrow there will be blocks of time between 9:30 and 12:30, and 1:30 and 4:30 when we can be learning how to save one another's lives during these late sessions. And I am wondering whether we are going to be able to complete the course, or whether we are going to be in the middle of a mouth-to-mouth resuscitation and have to leave and quite serious about the time that we would be engaged in this activity."

Senator Vognild: "It is hoped that all who wish the classes can be shown and trained during that time. If that does not prove to be practical due to floor action or other action, I am sure that further time slots can be arranged and will be arranged later this week, or even next week if necessary."

#### MOTION

The motion by Senator Clarke having carried previously today, the Senate commenced consideration of gubernatorial appointment 424, Eustace "Sonny" Vynne, Jr.

Debate ensued.

#### MOTION

Senator Rasmussen moved that gubernatorial appointment 424, Eustace "Sonny" Vynne, Jr. be rereferred to the Committee on Parks and Ecology.

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

President Pro Tempore Guess declared the question before the Senate to be the roll call on the motion by Senator Rasmussen that gubernatorial appointment 424, Eustace "Sonny" Vynne, Jr. be rereferred to the Committee on Parks and Ecology.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 21; nays, 26; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Absent or not voting: Senator Conner—1.

Excused: Senator Lysen—1.

### MOTION

Senator Clarke moved the appointment of Eustace "Sonny" Vynne, Jr. as a member of the State Parks and Recreation Commission be confirmed.

Debate ensued.

President Pro Tempore Guess declared the question before the Senate to be the motion by Senator Clarke that the Senate confirm the appointment of Eustace "Sonny" Vynne, Jr. as a member of the State Parks and Recreation Commission.

### ROLL CALL ON CONFIRMATION OF EUSTACE "SONNY" VYNNE, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 31; nays, 16; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Williams, Wilson, Zimmerman—31.

Voting nay: Senators Bottiger, Charnley, Fleming, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Wojahn, Woody—16.

Absent or not voting: Senator Conner—1.

Excused: Senator Lysen—1.

### STATEMENT FOR THE JOURNAL

February 17, 1982.

Under Rule 34, I protest the action of the President Pro Tempore in refusing to recognize me following the final vote on confirmation of Eustace "Sonny" Vynne. I rose to be recognized prior to the President Pro Tempore's recognition of Senator Clarke. His failure to recognize me kept me from moving to reconsider the vote by which Mr. Vynne was confirmed, having voted on the prevailing side. I wish to indicate at this time that I do not support the confirmation and I resent and protest the actions by the President Pro Tempore in refusing to allow me to exercise my rights on the floor of the Senate.

Respectfully submitted,  
SENATOR AL BAUER

### MOTION

At 11:19 p.m., on motion of Senator Clarke, the Senate adjourned until 10:00 a.m., Wednesday, February 17, 1982.

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

**THIRTY-EIGHTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Wednesday, February 17, 1982.

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 Laura Williamson and David Paynter, presented the Colors. Reverend Paul Beeman, pastor of The First United Methodist Church of Olympia, offered the prayer.

**MOTION**

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

**MOTION**

At 10:11 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 11:30 a.m.

**MOTION**

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

**APPOINTMENT OF SPECIAL COMMITTEE**

The President appointed Senators Hayner, Clarke, Newhouse, Shinpoch, Hansen and Vognild as a committee of honor to escort Milton D. Stewart from Boston, Massachusetts, the editor of INC magazine together with six outstanding Washington small businessmen to the Senate rostrum.

**MOTION**

On motion of Senator Hayner, the following resolution was unanimously adopted:

**SENATE RESOLUTION 1982—178**

By Senators Hayner, Jones, Bluechel Gallagher, Patterson, Hemstad, Kiskaddon, Clarke, Gould, Fuller, Craswell, Metcalf, Deccio, von Reichbauer, Benitz, Zimmerman, Quigg, Moore, Guess, Lieutenant Governor John A. Cherberg:

WHEREAS, 99,800 Washington business with 50 or fewer employees constitute 95.6% of all Washington businesses; and

WHEREAS, Small businesses provide 45% of all private business jobs and employ 564,600 Washington workers; and

WHEREAS, Small businesses have created over 50,000 new jobs for Washington workers in the past three years; and

WHEREAS, Small businesses offer a tremendous potential for creating new jobs for Washington workers; and

WHEREAS, Six Washington small businesses increased employment from a total of 219 employees in 1976 to 1,775 employees in 1980, and increase of 1,556 jobs for Washington workers;

NOW THEREFORE, BE IT RESOLVED, The Washington State Senate joins INC Magazine in honoring Thousand Trails, Chem-Nuclear Systems and Interface Mechanism, three Washington businesses among the 100 fastest growing publicly held businesses in the nation; and

BE IT FURTHER RESOLVED, That the Washington State Senate joins INC Magazine in honoring A America, Lebeacon Presse' and Early Winters, three Washington businesses which are among the 100 fastest growing privately held businesses in the nation; and

BE IT FURTHER RESOLVED, That the Washington State Senate pledges its commitment to minimize road blocks which inhibit the development of small businesses and its commitment to enact programs to assist small businesses to develop so that small businesses can create the new jobs Washington workers need and which will strengthen the state's economy for the benefit of all Washington citizens.

President Cherberg turned the gavel over to Senator Jones. Senator Jones introduced Mr. Stewart who in turn introduced the honored guests and presented each with a significant medal.

President Cherberg presented a Distinguished Citizen award to Mr. Stewart.

Senator Jones returned the gavel to President Cherberg.

The committee of honor escorted the guests from the Senate Chamber and the committee was discharged.

### MOTIONS

On motion of Senator Clarke, the Senate returned to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of House Bill No. 385.

### SECOND READING

HOUSE BILL NO. 385, by House Committee on Labor and Economic Development and Representatives Sanders, Patrick, Eberle, Flanagan, Barrett, Hankins, Clayton, King (J.), Monohon, Smith, Ellis, Vander Stoep, Isaacson, Addison and McGinnis:

Enacting the regulatory fairness act.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, House Bill No. 385 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 Quigg, I do not see a fiscal note on this bill. Is there one drawn?"

Senator Quigg: "There is one drawn, Senator McDermott. I could get that note for you if you would like."

Senator McDermott: "Would you be will to hold the bill down so we can have a look at it? At this point, it says in here, 'none available,' and I am not sure, it says 'available,' but where is it? Give me the figures off it. What you are doing here is creating a whole new agency of government to make up fiscal notes for rules and regs. And I want to know what it is going to cost because nothing is for free; there is

no free lunch. This bill is not a free lunch; and I would like to know what the cost is."

Senator Quigg: "Senator McDermott, I can have that fiscal note for you here this morning but once again I think the question of the cost of those burdensome regulations that have been growing at an increasing rate over the last few years is one that is becoming apparent in the unemployment statistics we see here in our state; and I don't really think that whatever we can do to slow down that tide and eventually reverse it, should be something we would be knipicking on."

#### MOTION

Senator McDermott moved that House Bill No. 385 be held for further consideration following the next two measures on the calendar today.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Quigg, the Digest reads 'Each agency, within one year after the effective date of the act, is to provide the office of financial management with a plan for review of all its rules having an economic impact on small businesses to determine whether any changes are to be made.' My question is and probably Senator Lee would be interested in this, at the same time that they file with OFM, why should they not file with the rules review committee?"

Senator Quigg: "Senator, this is to be, as I understand it, the setting out of a plan to amend these rules over the next ten years and I suppose they could file them with the rules review committee, but OFM as being the executive financial and efficiency management unit, would be probably the most logical one which is really what this is aimed at, for the executive branch to review these plans and see to it that the economic regulations can be minimized and consolidated.

"So they could . . ."

Senator Rasmussen: "Well, I have no objection to that, filing with OFM. But I think, in addition, they should file with the rules review committee so that that committee could have the opportunity to review at the same time, and it may need a little amendment if you are going to hold the bill down."

#### POINT OF INQUIRY

Senator Bottiger: "Senator Quigg, I am concerned about what I call 'expectation levels.' We pass a bill and everybody thinks it is going to do something and they create a great, big expectation and then it doesn't do what they expected, and all of a sudden government is 'ineffective' and 'laborious' and 'burdensome,' and things of this nature.

"And I would like to take you through a scenario. There is a regulation that requires a handrail when you go down a set of stairs in a commercial building. Senator McDermott, it applies to him and his office; it applies to me, I am sure it applies to you in your office. Now that is a regulation required by a state agency. How would you draw a fiscal note as that applies to the economic effect of small business? Just tell me how you would do it."

Senator Quigg: "Senator Bottiger, that is a very miniscule kind of a regulation. We are talking about regulations here that have an impact of between ten and twenty percent on a business or industry, and particularly a small business.

"But I think that the question that is even being reviewed at all, is one that we are really dealing with here. Right now it is not being reviewed. It is not being reviewed and looked at from the standpoint of the folks that are going to have to decide whether or not the kickrail on that handrail has to be a 2 x 4 or a 2 x 6, and that it has to be standard and better or shop grade, and all the rest of that. I think the question when the rules writers get involved in design rather than performance,

and that is one thing that is addressed in this bill, when they get involved in design, we can actually get in situations as we have had with WICHE where we are getting into the wooden toilet seat regulation. The question is 'slivers,' you know, I think and certainly not the design of the mechanical instruments or safety protection if it were a handrail."

Senator Bottiger: "Senator, you miss my point. I am after 'expectation.' You got these small businessmen that candidly think this is apple pie and our gift to them, and all of sudden things are going to be better. But on my little handrail example, I would like you to look at page 3. This fiscal note is going to analyze the '(1) Cost per employee; (2) Cost per hour of labor; (3) Cost per \$100 of sales;' and '(4) Any combinations of (1), (2), or (3).' Now are you going to go to Senator McDermott's office and find out how many employees he has, you are going to come to my office and find out how many employees I have, figure out the cost of the handrails, divide it by the cost per employee, that is what the bill says you are supposed to do.

"Now I think you are pulling a fraud here on some people on passing this bill and claiming it is God's gift to everybody, because the volume of record and reporting that I would have to do to cooperate with this rule and regulation is burdensome on me. It is another form I am going to have to fill out to send in to some department so they can analyze all the costs of all the rules and regulations. I think you are just misleading people."

#### REMARKS BY SENATOR LEE

Senator Lee: "Mr. President, I would like to answer some of the questions that have been raised regarding this bill and the process of the rulemaking.

"First of all, the question was asked by Senator Rasmussen whether or not the joint administrative regulatory rules committee that I chair would be involved in this particular process without an amendment. The answer to that question is 'Yes.' First of all the bill deals with two different parts of the rulemaking process. It adopts, first of all, with the rules that are not yet adopted, those that are promulgated. State law already requires that any new rule, whatever the spot, will be filed with the joint administrative rules review committee. So that will be taken care of automatically under existing law and does not require any amendment to this act.

"And it is always those new rules, by the way, to answer a couple of the other questions, that, at the present time, would require some additional work on the part of the agency that is promulgating that rule. It is saying that they must, in promulgating that rule, make some analysis of it.

"As far as reporting requirements, if there should be different compliance standards for small businesses to have performance rather than design standards, for that is an appropriate thing to do and also give them the option which many agencies feel they do not now have. . . . very important to exempt small businesses from certain rules and regulations. I think that is a very important thing that we are granting to agencies and that in itself does not create any additional financial impact: they all have people who write those rules who are in this business doing that all the time.

"The second part of the act which deals with existing rules is where they are asked, to within one year, analyze those existing rules and make a report to the office of financial management. Now that needs to be done because that is where a future financial impact indeed may come about, and that cannot be determined until that kind of review is made. When that is done, then the legislature will have the opportunity to see whether or not, indeed, additional funds need to be appropriated to agencies in order to have those rules changed to conform with the kinds of standards that will now be in place for new rules.

"I would suggest that every agency which has rulemaking authority already has the personnel and ability to carry out the portion of the act that needs to be carried out in this first year. Now they never admit that but I would suggest that that is the case."

#### POINT OF INQUIRY

Senator Talmadge: "Thank you, Mr. President. I was wondering if Senator Quigg or Senator Lee would respond to a question. I tend to be favorable to the concept of the bill and the idea that we want to exempt small business from inordinate regulation. The question I have relates to the kick-in feature, the 20% of all industries or 10% of any one industry.

"The question I have is, does that mean 10% of the number of businesses in an industry, or does that mean 10% of the dollar volume done by the businesses in an industry? Because there is a distinct difference and it is not clear from the bill what you have in mind."

(No reply by anyone.)

On motion of Senator McDermott, there being no objection, the motion to hold House Bill No. 385 for later consideration was withdrawn.

#### MOTION

Senator McDermott moved that House Bill No. 385 be rereferred to the Committee on Ways and Means.

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Lee, on page 7 of the bill is some new language talking about a declaratory judgment. Now I, Senator Guess has left, and I am just using the state building code as an example; we just passed a law authorizing through this house and it is over in the other house at this time, the new state building code. Now there is no economic impact statement on those building codes that I know of that complies with the statute. So here comes a declaratory judgment action which will be effective as soon as the bill becomes effective, challenging any rule or regulation that has been adopted, and you throw them all out because we didn't do it. Now I heard what you said but I keep reading the bill as to what it says, and that is my difficulty.

"Senator Guess, I wish he were still here because if he intends that this bill not apply to that we ought to at least get it in the record."

Senator Lee: "Senator Bottiger, this bill applies to rules adopted under the administrative procedures act and only to those rules that have not yet been adopted or proposed. That does not apply to statutory statutes, those are not rules per se. The definition of 'rule' in the administrative procedures act is very clear."

Further debate ensued.

#### POINT OF INQUIRY

Senator McDermott: "Senator Bottiger, on this section on page 7 beginning on line 5, I don't understand, not being an attorney I don't understand the nature of the declaratory judgment they are talking about. Does this give a business the ability to come in and ask for merely relief from the rules, does it also carry with it the possibility of a financial benefit to the business if the rules are not within the scope of the bill, or . . . I don't understand; I always think a declaratory judgment as perhaps being money and/or some kind of administrative relief."

Senator Bottiger: "No, generally declaratory judgment goes to the validity of an action. It could be an action between two parties as to building a fence or in the context here it would be a petition to declare the rule invalid because it had not complied with its economic impact statement. And my concern is that despite the protestations of other members that it does not apply, if the building code is adopted by the legislature, be updated, adopted, it must be implemented by rules and regulations and nobody has done the impact statement. So we are in a 'Catch 22' situation."

Senator McDermott: "Would that be then a basis for throwing out the rules and regulations, the fact that no impact statement has been done?"

Senator Bottiger: "Just the same, you know, proper notice and proper hearing and it's another reason you can declare the rule or regulation invalid."

Senator McDermott: "On that basis alone could it thrown out?"

Senator Bottiger: "As I read the section, ' . . . declaratory judgment . . . may not be solely based on the contents of the small business economic . . . ' and that they didn't comply."

Senator Quigg 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 House Bill No. 385 be rereferred to the Committee on Ways and Means.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Gallagher—1.

#### MOTION

Senator Fleming moved the rules be suspended and House Bill No. 385 be returned to second reading.

Debate ensued.

The motion by Senator Fleming failed.

Debate ensued.

#### POINT OF INQUIRY

Senator Wojahn: "Senator Scott, there is no fiscal on this but I understand there is a fiscal note which is substantial; as a matter of fact the utilities and transportation commission says it is 'indeterminate, but substantial,' the cost it will be to them. Also if this is to be started immediately and I understand it is to be according to the bill, that the departments are supposed to go back and start writing the fiscal, the economic impact of the existing rules so there is going to be an immediate fiscal impact on this bill and I wondered if you have something, something is in the current budget to take care of this project?"

Senator Scott: "The answer, Senator Wojahn, is that I can only believe the figures that we both have before us, and as to the budget, 'no.'"

Senator Wojahn: "Thank you."

Further debate ensued.

## POINT OF INQUIRY

Senator Talmadge: "Senator Quigg, it is the same question I asked before and I did not get a response to it.

"The kick-in mechanism, is it intended to be 10% of dollar volume or 20% of the dollar volume in the industry, or is it intended to be the numbers of businesses?"

Senator Quigg: "Senator Talmadge, my understanding is it is intended to be the numbers of businesses in the industry."

Senator Talmadge: "Thank you."

Further debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 385 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent or not voting, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Wilson, Zimmerman—43.

Voting nay: Senators Ridder, Wojahn, Woody—3.

Absent or not voting: Senators Charnley, Vognild, Williams—3.

HOUSE BILL NO. 385, having received the 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 Woody: "Mr. President, last evening after lengthy debate, an issue was decided in the affirmative and the president pro tem so ruled. Senator Bauer rose to his feet to ask to be recognized for the purpose of notice of reconsideration. The president pro tem failed to recognize Senator Bauer and instead recognized Senator Clarke who moved to adjourn.

"Under senate rule 39, a motion to adjourn is not debatable. Senate rule 37 stipulates that '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.' When used in the context of this rule, does the 'may' grant to a member who actively seeks in a timely manner to exercise the option of reconsideration, the opportunity to do so? It would not seem logical . . ."

President Cherberg: "For what purpose does Senator Clarke rise?"

## POINT OF ORDER

Senator Clarke: "Point of order. The matter is not now presently before the body concerning which the inquiry is made; the inquiry with respect to a point of order should relate to something currently before the body."

Senator Woody: "Senator Clarke, I am asking the President to make that ruling, if I may finish my question, I would appreciate that."

## REMARKS BY THE PRESIDENT

President Cherberg: "Senator Clarke, Senator Woody has requested that she be permitted to ask a parliamentary question; the President will not make a ruling but he will try to answer your question. Senator Woody."

## PARLIAMENTARY INQUIRY

Senator Woody: "Thank you, Mr. President. First question is, when used in the context of this rule, does the 'may' grant to a member who actively seeks in a timely manner to exercise the option of reconsideration, the opportunity to do so? It would not seem to be logical or expeditious for the body to allow the use of Senate Rule 39 to vacate Senate Rule 37. Certainly in this situation a motion to reconsider could be permanently stifled and Senate Rule 37 rendered useless by consistent use of Senate Rule 39 to adjourn for even short periods of time.

"Question two, Senate Rule 37 (2) states in part that 'and when the Senate adjourns while a motion to reconsider is pending or before passing the order of motion, the right to move a reconsideration shall continue to the next day's sitting.' Mr. President, is the notice of reconsideration also deemed to continue to the next day? Thank you."

## REPLY BY THE PRESIDENT

President Cherberg: "In answer to your last question, a notice of reconsideration is not deemed to continue until the next day, Senator Woody."

## MOTION

On motion of Senator Clarke, the Senate resumed consideration of Senate Bill No. 4661.

## SECOND READING

SENATE BILL NO. 4661, by Senator Quigg (by Department of Employment Security request):

Modifying provisions relating to unemployment compensation.

The Senate resumed consideration of Senate Bill No. 4661. On February 16, 1982, Senator McDermott moved adoption of the following amendment:

On page 4, line 11, after "factors.", insert:

"There is established an eligibility period for "additional benefits" payable to individuals who were exhaustees with respect to both regular and extended benefits after December 31, 1981. Benefit amounts will be calculated pursuant to the provisions of RCW 50.22.050 (1) and (2) and shall be paid in the same manner as extended benefits. Eligibility will be determined under the same terms and conditions as for extended benefits. The Commissioner of the Employment Security Department may adopt rules as required for the proper administration of this section. The eligibility period for "additional benefits" will begin on the third Sunday after the effective date of this section of this act and will continue through December 31, 1982."

Senator Newhouse had raised a Point of Order on the amendment. The measure was held for a Ruling by the President until February 17, 1982.

## RULING BY THE PRESIDENT

President Cherberg: "in ruling upon the Point of Order raised by Senator Newhouse, the President finds that Senate Bill No. 4661 is a measure which makes various changes to the state's unemployment compensation laws, including the method by which extended benefits are calculated.

"The amendment proposed by Senator McDermott also deals with the method by which extended benefits are calculated.

"The President finds that the proposed amendment does not expand the scope and object of the bill and the Point of Order is not well taken."

The amendment by Senator McDermott was ruled in order.

The President declared the question before the Senate to be the amendment by Senator McDermott to Senate Bill No. 4661.

Debate ensued.

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

### POINT OF INQUIRY

Senator Talley: "Senator Quigg, you and I represent the same district. We know what unemployment is. The figures are over twenty-five percent. You know that for sure. And I think it is our responsibility as elected officials from this district, this area, to provide all the help we can to the people that are unemployed. This just is a handful maybe here, but, a lot of them need it and need it damn bad. You know that, Senator."

Senator Quigg: "Mr. President and members of the Senate. Senator Talley and Senator Rasmussen, that is exactly why I brought up the question of the dates that are used here. It is interesting that in October of 1979, when interest rates were raised by the feds and the cedar export ban went on, unemployment began to ripple at an even greater than seasonal levels throughout the forest products industry. And I think you will find that it is equally interesting that it was in the following June that we triggered in the extended benefit period, June of are not going to be a player under the McDermott amendment. They are excluded. It has got to be folks from the Snohomish, King County, Spokane area that have just exhausted their benefits in the last month and a half or so that will be able to participate under this program. So while it appears as though, and we are being used as a lever to say, 'by golly, we have got to help those folks in the forest products industry,' this one doesn't even come close. This one doesn't even come within eight months of helping our constituents. So I think we have got to see it for what it is, Senator Talley. It is a fine bit of showmanship and it is using, as Senator Vognild well said, the unemployed . . ."

### REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President, I would like to employ the same mechanism that Senator Pullen employed yesterday to say that showmanship is a bad word."

### SENATOR QUIGG (continues)

Senator Quigg: "Mr. President, I consider that to be a compliment. But nonetheless, and I think that is what we have got to realize is that the folks in our district that want to go back to work in the woods need to have real jobs to go back to work to. And right now this amendment is not going to provide those anywhere close. It is not going to provide training. It is not going to provide relocation. It is not going to provide job search or anything else. And I think that as you well know, the people from where we are from want to work. They don't want to sit home. They don't want to draw rocking chair. They want to work. And I guess what we have got to realize is that this amendment isn't going to help them go to work or put any bread on the table."

Senator Talley: "Senator Quigg, I think you are wrong. It does provide some relief. We have families that, as Senator Vognild has said, have exhausted their resources. They have lived off what little reserves they had. They have completely exhausted them. Now we say to them, all right, if you get a divorce you can get on welfare. The old man can come home at night but he can't come home in the daylight. Is that what we want, John? We don't want that. We want some help. We want these kids to be fed and that is all we should be worried about right now."

Senator McDermott moved adoption of the following amendment to the amendment by Senator McDermott:

Strike "December 31, 1981" and insert "July 1, 1981"

Debate ensued.

Senators Hayner, Jones and Guess demanded the previous question and the demand was sustained.

Senator Bottiger 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 McDermott to the amendment by Senator McDermott.

### ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

### MOTION

At 1:30 p.m., on motion of Senator Clarke, the Senate recessed until 7:00 p.m. this evening.

### EVENING SESSION

The President called the Senate to order at 7:00 p.m.

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

### REPORTS OF STANDING COMMITTEES

February 16, 1982.

SENATE BILL NO. 4014, authorizing port districts to establish regulations for the use and rental of moorage facilities (reported by Committee on Local Government):

Recommendation: That Substitute Senate Bill No. 4014 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 17, 1982.

SENATE BILL NO. 4046, relating to agriculture (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 4046 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Newhouse, Chairman; Benitz, Hansen, Wilson.

Passed to Committee on Rules for second reading.

February 16, 1982.

SENATE BILL NO. 4523, modifying bid procedures for fire protection districts (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 4523 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, Lee, McCaslin.

Passed to Committee on Rules for second reading.

February 16, 1982.

SENATE BILL NO. 4859, permitting prepayment of retail sales and use taxes imposed by cities, counties, and metropolitan municipal corporations (reported by Committee on Local Government):

Recommendation: That Substitute Senate Bill No. 4859 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 16, 1982.

SUBSTITUTE HOUSE BILL NO. 58, requiring only one copy of certain codes to be filed with local governments (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 16, 1982.

ENGROSSED HOUSE BILL NO. 554, allowing cities or towns to borrow on expected revenue from utility projects (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 16, 1982.

SUBSTITUTE HOUSE BILL NO. 709, transferring county treasurers' duties relating to metropolitan park districts to city treasurers (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Bauer, Fuller, Gould, Lee, Talley.

Passed to Committee on Rules for second reading.

February 17, 1982.

HOUSE BILL NO. 832, authorizing energy conservation programs by irrigation districts (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Newhouse, Chairman; Benitz, Hansen, Wilson.

Passed to Committee on Rules for second reading.

February 17, 1982.

ENGROSSED HOUSE BILL NO. 947, changing maximum cattle assessments (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Newhouse, Chairman; Benitz, Hansen, Wilson.

Passed to Committee on Rules for second reading.

February 17, 1982.

SUBSTITUTE HOUSE BILL NO. 1041, applying the marketing contract provisions to foreign agricultural cooperative associations (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Newhouse, Chairman; Benitz, Hansen, Wilson.  
Passed to Committee on Rules for second reading.

#### MOTION

Senator Jones: "Mr. President, I move that each member be limited to one three-minute speech on each subject or motion that comes before the Senate for the remainder — until Friday. Friday — what was it, Senator Clarke, we agreed on? Except that the mover of the motion or the sponsor of a bill or amendment may have the privilege of closing debate. I would further move that members be prohibited from yielding time to another member. It is intended to expedite the process through Friday and we are approaching certain deadlines."

#### PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, I understand that motion to be an amendment to the Senate Rules and I also understand would require a twenty-four hour notice."

#### REPLY BY THE PRESIDENT

President Cherberg: "In reply to Senator Bottiger's inquiry, the President finds that to limit a member to one speech would require a rule change and/or a suspension of the rules. However, if a majority concurs, each member can be limited to no more than three minutes."

#### PARLIAMENTARY INQUIRY

Senator Vognild: "I believe we are on the sixth order of business and if I understand the procedures here, motion is only acceptable on the eighth order of business unless it is an amendment to the bill, and I don't think he is planning to amend the bill before us."

#### REPLY BY THE PRESIDENT

President Cherberg: "The point is well taken, Senator Vognild. However in the interest of expediting business, the President will permit the motion."

#### REMARKS BY THE PRESIDENT

President Cherberg: "Each member may speak no more than three minutes on any one subject and he can be limited to no more than two speeches.

Senator Jones: "Two time three is six as I remember."

President Cherberg: "The President believes that is the intent of your motion."

Senator Jones: "That is the intent of the motion."

President Cherberg: "No Senator may speak more than two times for a total of three minutes on any one subject. The President has one inquiry, Senator. What do you suggest on the closing of debate? Is that also . . ."

Senator Jones: "I would suggest that the mover of the motion or the sponsor of the bill may have the privilege of closing debate and be limited to an additional three minutes."

#### PARLIAMENTARY INQUIRY

Senator Hughes: "Earlier, Mr. President, Senator Woody made an inquiry of you in regards to Rule 37 and some of us on this side still are not quite clear and I guess I would like an additional interpretation. It was the view of many of us that a

rather arbitrary and capricious action was taken by the presiding officer in ignoring an attempt by Senator Bauer to gain the attention of the presiding officer so as to make a traditional parliamentary maneuver of suggesting that a motion be brought up for reconsideration. That is a basic element of the parliamentary rules of operation of this body and has been for many years, and I guess my inquiry is, Mr. President, may an action by the presiding officer . . ."

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Hughes, with your permission and that of the other members, the President believes that the question of limiting speeches should be decided upon first."

#### REMARKS BY SENATOR HUGHES

Senator Hughes: "I guess the concern that many of us have is that this has been traditionally a procedure available, particularly to the minority, to bring a measure once again before the body, and if the presiding officer can act in a fashion so as not to recognize a member who votes in the affirmative, then that action in effect is denied. As you will recall, Senator Woody brought up the fact that a motion to adjourn was brought forward and, in effect, Senator Bauer was not recognized and we lost the ability to exercise Rule 37, and it is a matter of grave concern to us that, in effect, a motion to adjourn now will in effect wipe out that rule, and I guess I would like your explanation on that."

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Hughes, the President in reply to Senator Woody's inquiry, stated that the notice to reconsider is not deemed to carry over to another day. The notice must be given on the day the subject was considered. Inasmuch as it was not considered at that time, if you wish to consider it now it would take a suspension of the rules which would require a two-thirds vote."

#### REMARKS BY SENATOR HUGHES

Senator Hughes: "If I might continue, Mr. President, I understand that, but I guess my concern is that a motion to adjourn, even though I believe the maker of that motion was second in reaching the floor after Senator Bauer, was accepted prior to Senator Bauer's attempt to give a notice of reconsideration. And I guess my inquiry is, if the presiding officer refuses to recognize a member of this body, is the minority denied Rule 37 in effect?"

#### REPLY BY THE PRESIDENT

President Cherberg: "In the statement that Senator Woody gave me, the President believes that the presiding officer acted exactly in the manner that I would. Namely, this report indicated that Senator Bauer stood to ask to be recognized for the purpose of giving notice. Her statement also said that Senator Clarke was recognized by the presiding officer who then moved that the Senate adjourn. The President believes that Rule 28 should have been followed; namely, that when any Senator is about to speak in debate or submit any matter to the Senate, he shall rise from his/her seat and standing in place respectfully address himself/herself to Mr. President, and when recognized shall in a courteous manner confine himself/herself to the question under debate, avoiding personalities, and when finished shall resume his/her seat."

"The President doesn't know what transpired because he was not present, but the President believes that the orderly procedure was followed, at least from the report made to him by Senator Woody."

#### REMARKS BY SENATOR BAUER

Senator Bauer: "For the record, Mr. President, I did call out "Mr. President" on two occasions and I thought I had the eye of the President Pro Tem, but apparently didn't and he turned and caught the eye of Senator Clarke, who made the motion to adjourn, and I didn't pursue the matter any further at that time."

#### SECOND READING

SENATE BILL NO. 4661, by Senator Quigg (by Department of Employment Security request):

Modifying provisions relating to unemployment compensation.

The Senate resumed consideration of Senate Bill No. 4661. On February 16, 1982, the following amendment by Senator McDermott had been moved for adoption and a request for a roll call had been demanded by Senator Ridder and sustained.

On page 4, line 11, after "factors.", insert:

"There is established an eligibility period for "additional benefits" payable to individuals who were exhaustees with respect to both regular and extended benefits after December 31, 1981. Benefit amounts will be calculated pursuant to the provisions of RCW 50.22.050 (1) and (2) and shall be paid in the same manner as extended benefits. Eligibility will be determined under the same terms and conditions as for extended benefits. The Commissioner of the Employment Security Department may adopt rules as required for the proper administration of this section. The eligibility period for "additional benefits" will begin on the third Sunday after the effective date of this section of this act and will continue through December 31, 1982."

Debate ensued.

The President declared the question before the Senate to be the roll call on by amendment by Senator McDermott:

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hayner, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallaghan, Gould, Guess, Haley, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman—23.

Absent or not voting: "Senator Scott—1.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Hayner served notice that she would move for reconsideration of adoption of the amendment by Senator McDermott to Senate Bill No. 4661 under the proper order of business on the next working day.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bottiger moved the Senate immediately reconsider the vote by which the amendment by Senator McDermott to Senate Bill No. 4661 was adopted.

Senators Clarke, Hayner and Benitz demanded a Call of the Senate.

Senator Bottiger demanded a roll call on the demand for a Call of the Senate.

The President declared the question before the Senate to be the roll call on the demand for a Call of the Senate.

## ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 24; nays, 24; absent or not voting, 1; the President voted no.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman—24.

Absent or not voting: Senator Scott—1.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognilid, Williams, Wilson, Wojahn, Woody—24.

The President declared the question before the Senate to be the motion by Senator Bottiger that the Senate immediately reconsider the vote by which the amendment by Senator McDermott to Senate Bill No. 4661 was adopted.

Debate ensued.

Senators Bottiger, Shinpoch and Goltz demanded the previous question.

Senator von Reichbauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the demand for the previous question.

## ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 32; nays, 16; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hughes, Hurley, Lysen, McDermott, Metcalf, Moore, Patterson, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody—32.

Voting nay: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Pullen, Quigg, Sellar, Zimmerman—16.

Absent or not voting: Senator Scott—1.

The President declared the question before the Senate to be the motion by Senator Bottiger that the Senate immediately reconsider the vote by which the amendment by Senator McDermott to Senate Bill No. 4661 was adopted.

Senator Bottiger 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 Bottiger that the Senate immediately reconsider the vote by which the amendment by Senator McDermott to Senate Bill No. 4661 was adopted.

## ROLL CALL ON MOTION FOR IMMEDIATE RECONSIDERATION

The Secretary called the roll and the motion carried by the following vote: Yeas, 24; nays, 24; absent or not voting, 1; The President voted aye.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman—24.

Absent or not voting: Senator Scott—1.

The President declared the question before the Senate to be the motion by Senator Hayner that the Senate reconsider the vote by which the amendment by Senator McDermott to Senate Bill No. 4661 was adopted.

Senator Bottiger 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 Hayner that the Senate reconsider the vote by which the amendment by Senator McDermott to Senate Bill No. 4661 was adopted.

## ROLL CALL ON RECONSIDERATION

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 24; nays, 24; absent or not voting, 1. The President voted no.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman—24.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Absent or not voting: Senator Scott—1.

Senator Hemstad moved adoption of the following amendment by Senators Hemstad and Talmadge:

On page 9, line 5, after "precedents." strike all material through "courts." on line 8.

Debate ensued.

The motion by Senator Hemstad carried and the amendment was adopted.

On motion of Senator Quigg, the rules were suspended, Engrossed Senate Bill No. 4661 was advanced to third reading, the second 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. 4661 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Scott—1.

ENGROSSED SENATE BILL NO. 4661, having received the 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. 4716, by Senator Clarke (by Secretary of State request):  
Revising filing procedures, fee schedules, and requirements for laws administered by the Secretary of State.

### MOTIONS

On motion of Senator Hemstad, Substitute Senate Bill No. 4716 was substituted for Senate Bill No. 4716 and the substitute bill was placed on second reading and read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Substitute Senate Bill No. 4716 was advanced to third reading, the second 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. 4716 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Deccio, Scott, Sellar—3.

SUBSTITUTE SENATE BILL NO. 4716, having received the 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 Clarke moved that Senate Bill No. 4440 be considered following Senate Bill No. 4729.

Debate ensued.

The motion by Senator Clarke failed on a rising vote.

### SECOND READING

SENATE BILL NO. 4440, by Senator Metcalf:  
Modifying education employment relations act.

### MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 4440 was substituted for Senate Bill No. 4440 and the substitute bill was placed on second reading and read the second time in full.

Senator Metcalf moved the rules be suspended and Substitute Senate Bill No. 4440 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Bottiger, Substitute Senate Bill No. 4440 was indefinitely postponed.

## SECOND READING

SENATE BILL NO. 4617, by Senators Bauer, Bluechel, Scott, Hansen, Bottiger, Hughes, Gaspard, Zimmerman and Talley:

Modifying interest used in calculating tax imposed upon removal of certain lands from current use classifications.

## MOTIONS

On motion of Senator Bluechel, Substitute Senate Bill No. 4617 was substituted for Senate Bill No. 4617 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bluechel, the following amendments by Senators Bluechel, Bauer and Lee were considered and adopted simultaneously:

On page 3, line 1, after "the" strike "~~((same statutory))~~" and insert "same statutory"

On page 3, line 2, after "taxes))" strike all the language down to and including "chapter" on line 14 and insert "in effect as of the time the land was initially classified under this chapter"

On motion of Senator Bluechel, the rules were suspended, Engrossed Substitute Senate Bill No. 4617 was advanced to third reading, the second 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. 4617 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Fleming—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4617, having received the 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 Goltz moved the Senate immediately consider Second Substitute Senate Bill No. 3366.

Debate ensued.

Senator Goltz 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 Goltz that the Senate immediately consider Second Substitute Senate Bill No. 3366.

## ROLL CALL

The Secretary called the roll and the motion by Senator Goltz carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—24.

## MOTION

At 9:53 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 10:14 p.m.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator von Reichbauer moved the Senate immediately reconsider the vote by which the motion by Senator Goltz carried that the Senate immediately consider Second Substitute Senate Bill No. 3366.

Debate ensued.

Senator Newhouse 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 for reconsideration by Senator von Reichbauer on the motion by Senator Goltz that the Senate immediately consider Second Substitute Senate Bill No. 3366.

## ROLL CALL ON RECONSIDERATION

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

The President declared the question before the Senate to be the motion by Senator Goltz that the Senate immediately consider Second Substitute Senate Bill No. 3366, on reconsideration.

The motion by Senator Goltz failed, on reconsideration, on a rising vote.

## MOTION

Senator Vognild moved the Committee on Rules be relieved from further consideration of Senate Resolution 1981—152.

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, we are at the sixth order of business and the motion is therefore out of order."

## REPLY BY THE PRESIDENT

President Cherberg: "Senator Clarke's remarks are well taken."

## PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, speaking to the point of order, I believe that earlier this evening Senator Jones made a motion on the sixth order. I questioned that under a point of order and it was deemed expedient, I believe, at that time to allow the motion. If a motion can be made from the other side of the aisle, I suggest it should be made from this side of the aisle as well."

## REPLY BY THE PRESIDENT

President Cherberg: "Senator Vognild, Senator Jones' motion was permitted because the President felt that it would expedite business of the Senate."

The motion by Senator Vognild was ruled out of order.

## MOTION

At 10:31 p.m., Senator Vognild moved the Senate adjourn until 9:30 a.m., Thursday, February 18, 1982.

Senator Vognild 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 Vognild that the Senate adjourn until 9:30 a.m., Thursday, February 18, 1982.

## ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

## PERSONAL PRIVILEGE

Senator Vognild: "I have made motions to adjourn at night because I firmly believe that it affects my health and the health of other people on this floor, the health of our staff to do what we are doing, particularly when we do it in the manner we have been doing it tonight. I fear that I am getting close to an obstructionist and I do not want to be that way, so you have heard the last motion from me to adjourn. But I want it fully understood and I want the records to show that I think this is a horrible way to do the state's business. I do not approve. However, I will be on this floor to represent the people of my district."

## SECOND READING

SENATE BILL NO. 4484, by Senators Haley, Charnley, Jones and Craswell:  
Establishing commercial zones and terminal areas for trucks.

## REPORT OF STANDING COMMITTEE

February 11, 1982.

SENATE BILL NO. 4484, establishing commercial zones and terminal areas for trucks (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 4, line 21, strike all of the material down to and including "interest" on line 24 and insert the following: "public convenience and necessity require such expansion".

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Conner, Hansen, Kiskaddon, Metcalf, Peterson, Talley.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the committee amendment was adopted.

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Senate Bill No. 4484 was advanced to third reading, the second 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. 4484 and the bill passed the Senate by the following vote: Yeas, 36; nays, 13.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, von Reichbauer, Wojahn, Zimmerman—36.

Voting nay: Senators Bottiger, Fleming, Gaspard, Goltz, McDermott, Moore, Peterson, Ridder, Talmadge, Vognild, Williams, Wilson, Woody—13.

ENGROSSED SENATE BILL NO. 4484, having received the 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. 4819, by Senators Hemstad, Wojahn, Gould, Haley, McCaslin, Fuller, Benitz and Sellar:

Clarifying laws regulating driving offenses including drunk driving.

## MOTIONS

On motion of Senator Hemstad, Substitute Senate Bill No. 4819 was substituted for Senate Bill No. 4819 and the substitute bill was placed on second reading and read the second time in full.

Senator Woody moved the following amendments by Senators Woody, Guess and Bottiger be considered and adopted simultaneously:

On page 1, line 13, after "RCW" strike "shall not" and insert "may"

On page 1, line 14, after "program" insert "on one occasion only during a five-year period"

Debate ensued.

The motion by Senator Woody failed and the amendments were not adopted on a rising vote.

On motion of Senator Hemstad, the following amendments were considered and adopted simultaneously:

On page 2, line 6 after "person" strike "unless waived by the court"

On page 4, line 16 after "and" strike "participation" and insert "satisfactory progress"

On page 5, line 3 after "purposes." strike all material down to and including "1980." on line 6 and insert "~~((7) The provisions of this section limiting the authority of a court to defer or suspend a sentence shall not take effect until January 1, 1980.))~~"

On motion of Senator Hemstad, the rules were suspended, Engrossed Substitute Senate Bill No. 4819 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Charnley: "Senator Hemstad, we have had this law on the books now for a short period of time, I forget the date. Has there been any indication that requiring a person to spend twenty-four hours in jail indeed had the kind of effect — in other words, has it 'frightened,' has it 'gotten somebody's attention' so that he doesn't drink while driving? I am just curious as to the effect of a mandatory sentence such as we have had here. Can you give me any feeling on that?"

Senator Hemstad: "To my knowledge there has not been an evaluation that would, that I can advise you of, at least, that would indicate the impact of that. On the other hand, there has been some evaluation of the impact of deferred prosecutions that suggests on an overall basis that they have, if anything, on balance probably been counterproductive, and hence that aspect of the bill is one of the reasons why, the motivation for this kind of a bill here and its elimination.

"But on the other I do not have any direct information on that but I might just make the reference. We have the most lenient laws of any western nation in this regard. I am quite familiar with the laws in Scandinavia where, for example in Norway, on a first offense there is a mandatory twenty-one day jail term and a six-month loss of license, and on second offense a five-year loss of license with a six-month jail term, and the consequence of that is in that country, people when they go to parties simply don't drive their cars or whoever is driving the car agrees in advance not to drink or if they do, they take taxis home and go get their cars the next day. They understand there are sanctions that are tough and the response to that has been a significant control of the use of alcohol which we do not have in our society."

#### POINT OF INQUIRY

Senator Zimmerman: "Senator Hemstad, I am sorry, I did not have a chance to check with you earlier on this, but on page 2 of the bill on line 6 where it says that 'The costs of the evaluation screening . . .' of the 'alcohol information school shall be paid by the convicted person, unless waived by the court.'

"I have had correspondence in regard to that part about the waiving by the court action who will pay for it and this has been a problem. Could you respond?"

Senator Hemstad: "All right. Again that phrase now is deleted from the bill when it says 'unless waived by the court.' But under the normal circumstances, a substantial number of persons will pay for this themselves, of course, if they have the capacity to do so; and for example insurance policies typically will cover this kind of thing. If they are indigent, that situation, then, is covered by an appropriation in the department of social and health services which then funnels that money back to the local level to deal with those persons who do not have the resources to pay for the charges."

Senator Zimmerman: "It was in regard to local services that there was a quirk concerning a question . . ."

Senator Hemstad: "That is correct. There is a DSHS appropriation to deal with it."

Debate ensued.

## POINT OF INQUIRY

Senator Quigg: "Senator Hemstad, a few months ago my wife and I were hit in the rear end of our car by a very much larger heavier car than ours, and if it weren't for the fine, collapsible qualities of the back end of our car, I may not have been here this evening. And after the driver of that car plowed through us, the driver proceeded on for about two or three miles and when they finally pulled the driver over, the driver had no idea that she had been involved in any kind of an accident at all. And when I walked up, she says 'Oh, I know you.' And we had a nice conversation like we were out doorbelling or something, but when the police showed up, this individual had been picked up eight times in the last year for similar performances, and only because the individual had a great, big old Caddy that could survive all those wrecks, nothing had been done about it. And when they asked her if she had insurance, she said 'Yes,' you know, and she said it was homeowners.

"Is this bill going to help get these kind of people some help, or off the streets, or make it a little safer to be out on the streets?"

Senator Hemstad: "Well, assuming that person is cited for driving while intoxicated, at that point she would have to go through this mandatory evaluation which is now not the case for determination of whether she, along with the other sanctions, should be required to enter a different program. Yes, at least there would be the opportunity, if the law enforcement people are doing their job, to see that that happens."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4819 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—48.

Voting nay: Senator Woody—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4819, having received the constitutional majority, was declared passed. There being no objection, the title of bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Fleming, Senator Bottiger was excused.

## SECOND READING

SENATE BILL NO. 4470, by Senator Clarke, Vognild, Benitz, Rasmussen, Hurley and Zimmerman (by Governor Spellman request):

Modifying provisions relating to pistols.

## REPORT OF STANDING COMMITTEE

January 28, 1982.

SENATE BILL NO. 4470, modifying provisions relating to pistols (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 21, after "person," insert "or"

Signed by: Senators Clarke, Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Woody.

The bill was read the second time by sections.

On motion of Senator Clarke, the committee amendment was adopted.

Senator Williams moved adoption of the following amendment by Senators Williams and Bottiger:

On page 1, after line 25 insert:

"(4) It is unlawful for a person other than a federal, state or local law enforcement officer, licensed security guard, members of the National Guard, or members of the federal military to possess a pistol on public or private school, college, or university property or in a building situated thereon; to possess a pistol on any public or private school bus or public transit bus contracted to carry school children to and from any public school; to possess a pistol while on the premises of any public retail outlet that possesses a valid class A, B, C, D, or H liquor license; or to possess a pistol within any city, town, or county jail, or any district, municipal, superior, or appellate courtroom in the state of Washington."

On motion of Senator Williams, the following amendment to the amendment was adopted:

On line 5, strike "property" and insert "campus"

On motion of Senator Goltz, the following amendment to the amendment was adopted:

On line 12, strike "city, town, or county"

#### POINT OF INQUIRY

Senator Patterson: "Senator Pullen, if I support this floor amendment, would I be accused of supporting gun control?"

Senator Pullen: "Well, I can't speak for the various organizations in the state, but I would strongly suspect that the Washington State Sportsmen's Council, the NRA, and many other groups, would be opposed to this particular amendment."

Senator Patterson: "Could you, then, identify to this amendment wherein this could be interpreted as a gun control measure?"

Senator Pullen: "Well, one of the items which remains in this amendment as amended thus far, would prohibit a citizen with a concealed weapon permit who has to carry a pistol for his or her protection, it would prohibit such a person from even going into the Seattle downtown Bon Marche or Frederick and Nelson. For example, . . ."

Senator Patterson: "That is, you mean if they carry a valid, Class A, B, C or D liquor license. . . ."

Senator Pullen: "Right; and that is true for the Bon Marche and Frederick and Nelsons, in Seattle, for example."

Senator Patterson: "Could you devise an amendment to this that would just restrict it to taking it into the licensed premises?"

Senator Pullen: "I don't think so, Senator Patterson; there are so many other things wrong with the amendment besides, that even if we made that minor improvement, we would still have a long, long way to go. It is a perfect illustration of trying to set forth a philosophy on the floor of the Senate to a measure that has been worked over very carefully in committee."

On motion of Senator Fleming the following amendment to the amendment was adopted:

On line 13, following "courtroom" insert ", and any municipal or legislative chamber"

Senator Williams 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 Senators Williams and Bottiger, as amended.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 15; nays, 29; absent or not voting, 4; excused, 1.

Voting yea: Senators Bluechel, Charnley, Deccio, Fleming, Gaspard, Gould, Hemstad, Kiskaddon, Lysen, Moore, Ridder, Talmadge, Williams, Wojahn, Woody—15.

Voting nay: Senators Bauer, Benitz, Clarke, Conner, Craswell, Fuller, Gallagher, Goltz, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Lee, McCaslin, Metcalf, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Scott, Shinpoch, Talley, Vognild, von Reichbauer, Wilson—29.

Absent or not voting: Senators McDermott, Patterson, Sellar, Zimmerman—4.

Excused: Senator Bottiger—1.

On motion of Senator Clarke, the rules were suspended, Engrossed Senate Bill No. 4470 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 Clarke, the summary says, the bill says if the pistol is carried on the licensee's person; is that an error in printing in the summary?"

Senator Clarke: "The bill itself is quite specific with respect to what may be done with respect to a gun in a car. I read you provision 2. 'A person who is in possession of an unloaded pistol,' well, first place it says that 'he shall not carry a pistol unless you have a concealed weapon permit.' Then if you have an unloaded pistol you should not leave it in the vehicle unless it is locked within the vehicle and concealed from outside the vehicle. Provision 3. A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed weapon and (a) the pistol is on the licensee's person, (b) the licensee is within the vehicle at all times that the pistol is there or (c) the licensee is away from the vehicle and the pistol is locked within the vehicle, concealed from view from outside the vehicle."

Senator Peterson: "Well, that is in contradiction to what you said. As I listened to you read that, . . ."

Senator Clarke: "I missed the point you are making."

Senator Peterson: "Well, all right. Does it still say that when you are in your car, if I am on a hunting trip, and I am taking a sidearm with me, do I have to have a holster and wear that thing in my automobile all the time I am . . ."

Senator Clarke: "No, no, no; that is the entire purpose of the bill, is to permit you to take it off and lay it on the seat . . ."

Senator Peterson: "I wanted to clarify that and get it in the record because it doesn't read that way in the summary."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4470 and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; absent or not voting, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Scott, Shinpoch, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—33.

Voting nay: Senators Bluechel, Charnley, Conner, Fleming, Gould, Hemstad, Lysen, Ridder, Talley, Talmadge, Williams, Wojahn—12.

Absent or not voting: Senators McDermott, Patterson, Sellar—3.

Excused: Senator Bottiger—1.

ENGROSSED SENATE BILL NO. 4470, having received the 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 Clarke, Senate Bill No. 3944 will be considered following Senate Bill No. 4759.

#### SECOND READING

SENATE BILL NO. 4909, by Senator Fuller:

Modifying provisions relating to solid waste advisory committee.

The bill was read the second time by sections.

On motion of Senator Fuller, the rules were suspended, Senate Bill No. 4909 was advanced to third reading, the second 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. 4909 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators McDermott, Pullen—2.

Absent or not voting: Senator Deccio—1.

SENATE BILL NO. 4909, having received the 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 Lysen, the Pages were excused due to the lateness of the hour.

#### SECOND READING

SENATE BILL NO. 4759, by Senators Vognild, Newhouse, Woody, Moore and Sellar:

Implementing law relating to control of gambling.

#### MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 4759 was substituted for Senate Bill No. 4759 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 4759 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## PARLIAMENTARY INQUIRY

Senator Metcalf: "Mr. President, this is a liberalization of the gambling laws and thus would require a higher vote than just a simple majority?"

## REPLY BY THE PRESIDENT

President Cherberg: "Senator Metcalf, in reply to your inquiry, the President believes that this will require 60% affirmative vote of members of the Senate."

Further debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, did I hear you say this increased the pull tabs from twenty-five cents to fifty cents?"

Senator Vognild: "Yes."

Further debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4759 and the bill failed to pass the Senate by the following vote: Yeas, 12; nays, 35; absent or not voting, 2.

Voting yea: Senators Bottiger, Conner, Gaspard, Haley, Hansen, Moore, Peterson, Quigg, Sellar, Talley, Talmadge, Woody—12.

Voting nay: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Pullen, Rasmussen, Ridder, Scott, Shinpoch, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—35.

Absent or not voting: Senators Deccio, Patterson—2.

SUBSTITUTE SENATE BILL NO. 4759, having failed to receive the constitutional sixty percent majority, was declared lost.

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Vognild served notice that he would, on the next working day, move for reconsideration of the vote by which Substitute Senate Bill No. 4759 failed to pass.

## SECOND READING

SENATE BILL NO. 3944, by Senator Guess:

Modifying labor dispute disqualification for unemployment benefits.

The bill was read the second time by sections.

Senator Talmadge moved adoption of the following amendment by Senators Talmadge and Vognild:

On page 1, on line 12 after "labor dispute" insert "in progress"

## POINT OF INQUIRY

Senator Quigg: "Senator Talmadge, could you please give us an example of how your amendment would change the law and how it would take effect? Again, I didn't understand that first explanation."

Senator Talmadge: "Well, Senator, it may be indicative of debate and discussion at midnight, I would simply point out that there is some concern about an individual who shall be disqualified for benefits for any week with respect to which the

commissioner finds that his unemployment is due to labor dispute at the factory, etc., etc.

"The concern in particular is that it be an actual labor dispute in progress, not a labor dispute in which there might be a lockout or something of that variety. In particular, the concern would be that you could have a conflict between labor and management; management could, for example, go out of business, say that 'We could not afford to pay various members of a particular union the wages to which they otherwise would have been entitled,' and then after several months of intervening time, decide that the economic circumstances have improved substantially, and therefore could, in fact, start to pay workers, unemployment compensation to those workers, or could resume business, in effect.

"In other words, the idea is for the labor dispute actually to be in progress, to have a strike in progress."

Senator Quigg: "So in other words, then, Senator, if the employer in the case you cited or the example you gave went out of business, then the employee would be eligible for the benefits?"

Senator Talmadge: "Yes."

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Quigg, if you have a lockout, in other words the employer simply refuses to negotiate and he locks the employees out, is that a labor dispute that would then make all of his employees who are, or would like to go to work or willing to work, but who simply cannot work, now ineligible for unemployment comp?"

Senator Quigg: "Senator Bottiger, I believe that further down in the bill, it would, it is set out whether or not the employee in this case is participating in that labor dispute or has a financial interest in the labor dispute, in that case, the employee would be denied benefits. On the other hand, if the employee were not in that position or if the employee, I think you will see in the next section, there is sub (2) there, that if the employee is not in the particular grade or class of employees that are involved in the dispute, then that employee would be eligible to draw benefits because that employee would be out of work because of a labor dispute of which he or she had no part."

#### MOTION

Senator McDermott moved Senate Bill No. 3944 together with the pending amendment by Senators Talmadge and Vognild, be the first order of business on February 18, 1982 on the second reading calendar.

Debate ensued.

#### MOTION

Senator Talley moved that Senate Bill No. 3944 be indefinitely postponed.

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 motion by Senator Talley that Senate Bill No. 3944 be indefinitely postponed.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen,

Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

#### MOTION

At 12:15 a.m., Senator Clarke moved the Senate adjourn until 9:30 a.m. Thursday, February 18, 1982.

#### POINT OF INQUIRY

Senator Quigg: "Senator Vognild, do you think we could get together, you and some other folks from your side and work this thing a bit between now and the time we come in tomorrow morning?"

Senator Vognild: "Any time you say, Senator Quigg."

The motion by Senator Clarke carried. At 12:17 a.m. the Senate adjourned until 9:30 a.m., Thursday, February 18, 1982.

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

### THIRTY-NINTH DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Thursday, February 18, 1982.

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.

The Color Guard, consisting of Pages Alex Weseman and Melinda Mullins, presented the Colors. Reverend Richard Farr, pastor of Salmon Creek Methodist Church of Vancouver, Washington, offered the prayer.

Reverend Farr was the guest of Senator Bauer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 17, 1982.

**SENATE BILL NO. 4760**, exempting nonprofit corporations providing transit services to the elderly and handicapped from motor vehicle fuel tax on fuel used for these purposes (reported by Committee on Transportation):

**MAJORITY recommendation:** Do pass.

Signed by: Senators von Reichbauer, Chairman; Benitz, Charnley, Conner, Gallagher, Kiskaddon, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 17, 1982.

**SENATE CONCURRENT RESOLUTION NO. 137**, establishing a joint select committee on mandated health care benefits (reported by Committee on Social and Health Services):

**Recommendation:** That Substitute Concurrent Resolution No. 137 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 15, 1982.

**SECOND SUBSTITUTE HOUSE BILL NO. 378**, revising laws regulating cosmetology (reported by Committee on Commerce and Labor):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

February 17, 1982.

**SUBSTITUTE HOUSE BILL NO. 419**, notifying the buyer of land when reforestation is required (reported by Committee on Natural Resources):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

February 17, 1982.

REENGROSSED HOUSE BILL NO. 457, revising common carrier requirements (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Patterson, Vice Chairman; Benitz, Conner, Gallagher, Guess, Hansen, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 17, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 833, modifying provisions relating to savings and loan associations (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1982.

SUBSTITUTE HOUSE BILL NO. 878, expanding the business license program including creating the business license center (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

February 17, 1982.

HOUSE BILL NO. 883, limiting liability for persons rendering aid in hazardous materials incidents (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Charnley, Conner, Gallagher, Hansen, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 17, 1982.

HOUSE BILL NO. 934, revising laws relating to credit unions (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

February 17, 1982.

NORMAN F. CHAMBERLAIN, to the position of Member of the Corrections Standards Board, appointed by the Governor on September 25, 1981 for the term ending September 24, 1985 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Metcalf, Moore, Talmadge.

Passed to Committee on Rules.

February 17, 1982.

ELAINE GARVIE MELIOR, to the position of Member of the Corrections Standards Board, appointed by the Governor on September 25, 1981 for the term ending September 24, 1985 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Talmadge.

Passed to Committee on Rules.

February 17, 1982.

HUNTER E. JOHN, to the position of Member of the Juvenile Disposition Standards Commission, appointed by the Governor on November 3, 1981 (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Moore, Talmadge.

Passed to Committee on Rules.

#### MOTION

At 9:46 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 11:08 a.m.

#### MESSAGE FROM THE HOUSE

February 18, 1982.

Mr. President: The Speaker has signed: THIRD SUBSTITUTE HOUSE BILL NO. 179, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed: THIRD SUBSTITUTE HOUSE BILL NO. 179.

#### REMARKS BY SENATOR HAYNER

Senator Hayner: "Yes, Mr. President, I would like to make an announcement as to our schedule for the next few days. I think it is only fair that you should have some idea exactly what your time schedule will be.

"We will break for lunch after running about an hour, we will then go from about 1 p.m. to 5:30, and we will come back perhaps at 7, perhaps at 7:30, depending a little bit on the exact hour that we recess.

"On Friday, we will be in session from 8 a.m. 'til noon; and then we will adjourn. We will not be here Saturday unless we simply do not finish our work or if there is undue delay.

"On Monday we are going to have caucus time from 8 until noon, and the committee meetings that are normally held on Monday morning will be cancelled, and then we will have a session from about 1 until 1:30 or 2, and committee meetings all afternoon. No session on Tuesday. We will have committee meetings all day and we will move some the the committee meetings into that slot so we can deal with as many House bills as possible.

"In addition I would like to announce that it is our position that from now on to the end of the session, we will have lunch between 12 and 1:30. Now that doesn't mean you are going to get an hour-and-a-half every day but that lunch will be between those hours, and dinner will be between 5:30 and 7:30 as nearly as we can stick to that schedule. And hopefully, at least, an hour-and-a-half at dinner."

#### REMARKS BY SENATOR CHARNLEY

Senator Charnley: "Thank you, Mr. President, and I want to thank Senator Hayner for making clear the schedule, and particularly to plan clearly when we are

having lunch and dinner. Many of us, on both sides of the aisle, have been very upset because we make appointments, we have constituents to see us, we make lunch dates, and we cannot meet them; so I really appreciate the majority holding to that schedule. It helps very much in running this place and running it more effectively."

#### POINT OF INQUIRY

Senator von Reichbauer: "Senator Hayner, could you give us an idea on the record what you plan in terms of any projected evening meetings next week?"

Senator Hayner: "Well, since we are now concluding our consideration of Senate bills this week and we will be going into quite a concentrated period of dealing with the House bills in committee, it is possible that we will not have any night meetings next week. I will not be held to that but it is not our feeling now that it is necessary."

#### POINT OF INQUIRY

Senator Bottiger: "Senator Hayner, the House/Senate Republican caucus resolution reads in part: 'Commencing Thursday, February 18, the thirty-ninth day of the session, except for appropriations, blank, blank, blank, the senate will consider only house bills.'

"Now today is that day and are we going to run House bills or Senate bills today and has this been amended?"

Senator Hayner: "That, as you know, is not a resolution that has been adopted on the floor. It was a tentative agreement between the House and the Senate Republican caucuses, because we have to run this shop in some kind of an orderly manner. We are trying to stick to that as much as possible. Obviously, there will be a few bills, Senate bills, that will be considered beyond that time. But we are doing that because we need to get out of here in sixty days and we have backed the schedule up so that it is possible for us to do that."

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

Office of the Governor, February 18, 1982.

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:

Betty J. Mage appointed February 11, 1982, for a term ending June 30, 1987, succeeding Dorothy W. McClellan as a member of the Council for Postsecondary education.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Hayner, the question I had was that, ordinarily we have, in a cutoff resolution or any other kind of resolution relating to the expeditious dealing with business, some kind of time certain or date certain for the consideration of various bills. We have been given to understand from people on your side of the aisle that today is the cutoff day, but do you have any specific time or anything like

that that you have in mind for the actual cutoff time or date for the consideration of the bills of the senate?"

Senator Hayner: "Senator Talmadge, it will probably be adjournment tonight unless there is too much delay and we have some important legislation that we cannot bump, or something of that sort, we will probably take it tomorrow. We have a program to conclude with and we are going to do that as best we can.

"If you have seen the tentative agreement, you know that there are some things that are not cut off; and that includes regulatory, reform of the executive branch of government; it includes revenue and budget and some of those things that are normally excluded from the cutoff."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Hayner, I am concerned with no Saturday session 'unless delaying efforts.' I recall Senator Clarke who is a very eloquent speaker, getting up on the floor and saying that he had thirty-nine other people that would also be able to talk after he got through, and he was talking very slowly, as a matter of fact, I thought he was quite tired, the way he talked. Would you call that 'delaying efforts'. . . if that is what you are speaking of, I see you have it here in writing, 'unless delaying efforts'. . . . Democrats do not do that."

Senator Hayner: "There are all sorts of procedural methods to arrive at a goal and I think you have used them very effectively and we try to do the same."

Senator Rasmussen: "We always try to put the ball through the goal."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "I would respond very briefly to Senator Rasmussen. He loves to get up and pull our leg once in awhile because he knows as well as we do, and as a matter of fact, better than we do, how a majority can operate. And he also knows as well as we do and this is one of the things he has been adept at exploiting, as it were, and that is that when we are not a majority temporarily, then there is a possibility that the majority has shifted to that extent.

"Senator, I know that you and I both understand that procedure. I don't think we gain very much by, in effect, tossing it back and forth periodically in various remarks as to who is the majority and what the majority can and should do."

#### REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, I would like for Senator Clarke just to stretch his memory a little bit. I wanted to let you know that Senator Rasmussen is consistent. He is many other things, but at least we know he is consistent because when we had the majority, I remember Senator Rasmussen standing up, making some of those same motions. So it is not just pointed at you."

#### REMARKS BY SENATOR WOODY

Senator Woody: "Thank you, Mr. President.

"Mr. President and fellow members. This morning we have been discussing the issue of cutoff dates. We have a real problem in this body in attempting to adequately and procedurally deal with cutoff day. When there is no formal cutoff date resolution before the body and where apparently twenty-five members of the body are functioning under an informal resolution or an informal agreement which the other twenty-four members of this body are not privy to.

"Now I certainly would not, if the members on this side of the aisle were in the majority at this time, I would not approve of that procedure being followed and I would like to ask that, in the future, if we have, in the absence of an official formal

proposal for cutoff date before the body, I would like to request that we at least have courtesy of circulation of the informal proposal so that our membership can address themselves to that issue. It makes it very difficult for our members to comply with an understanding that we are not aware of. And yesterday one of your members did refer to the cutoff date as informally proposed in speaking against a motion, a procedural motion, on this side of the aisle. Thank you."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Responding briefly to Senator Woody. The fact that you have been furnished with and have knowledge of our proposed procedure, I think is an evidence on our side that we have endeavored to keep you informed.

"Now, let's look at it from a strictly practical matter. We are well aware as has been brought to our attention last night, that we have a one-man majority and that sometimes it is difficult to have all of our people on the floor. Now if we adopted formal cutoffs as is normally done on this, and this hasn't even been done on the House side, then in order to consider any bill that is beyond the cutoff, it would take a suspension of the rules and a two-thirds vote. Now we are endeavoring to keep our house in order so that we do have, to the best of our ability, a schedule as to what bills shall be considered and we have made an effort to keep you informed of that.

"Now you don't have to think back very far to the Mardesich and Walgren situation where we had a long list of bills on the calendar and we considered them, bill by bill, as the majority floor leader at that time might see fit to call them. So we have endeavored to keep you posted, we have endeavored to proceed in such a way as the only practical way for us as a majority, to act. What we could do, was to have no program whatsoever that we announced to you and simply come out, as a majority, and say, 'Here are the bills we are going to consider and here is when we are going to consider them' without giving you any prior notice at all.

"We are making every effort to be cooperative, to keep you informed as well as we are, as to what our proposed procedure is."

#### REMARKS BY SENATOR WOODY

Senator Woody: "Thank you, Mr. President. Senator Clarke, I believe your remarks are well taken on the issue of the order of the bills. However, the point that I wish to make most strongly was on the issue of the cutoff date resolution. Now it was not my understanding that this resolution had been discussed or proposed to leadership on this side of the aisle; and in fact, rather than being handed to our leadership, I believe we first found it in the waste paper basket which caused some speculation amongst our leadership and members.

"I am only asking that there be a better understanding and agreement between our two caucuses on this issue, because it does leave almost half of the Senate in the dark on one of the most important procedural questions that comes before this body and that is in what manner are our cutoff dates going to be addressed, and when are we going to handle Senate and House bills?"

#### MOTION

On motion of Senator Clarke, the Senate proceeded in order.

#### SECOND READING

SENATE BILL NO. 4526, by Senators Benitz, Charnley, Newhouse and Hansen:

Permitting breweries, wineries, or wholesalers to offer instruction on beer or wine to licensees.

## MOTIONS

On motion of Senator Quigg, Substitute Senate Bill No. 4526 was substituted for Senate Bill No. 4526 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Benitz, the rules were suspended, Substitute Senate Bill No. 4526 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Wojahn: "Senator Benitz, I am confused. Are we on the substitute bill or are we on the regular bill?"

Senator Benitz: "Substitute bill."

Senator Wojahn: "The substitute bill will permit groups to go in and be served wine if they are studying wine, is that correct?"

Senator Benitz: "Very specified groups."

Senator Wojahn: "Well, I understood you to say in your explanation that it only permitted wine wholesalers and others to sample the wine, but it isn't that, it is the other, it is the person, nonprofit or groups that are studying wine, may go in and have samplings of it. Is that correct? It isn't the wine wholesalers that are going to be doing it, it is going to be the individual, nonprofit or interested study groups?"

Senator Benitz: "The recipients of the serving of the wine would have to be people involved in the nonprofit groups and very specific . . . tightened up considerably by requests of the liquor board."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Benitz, this is an attempt to get people educated in how to drink wine and provide it to them free?"

Senator Benitz: "Senator Rasmussen, yes. But provided to them free only in very specified situations. What would be the value of going to a group and talking about the difference in a cabernet sauvignon and a chardonnay, for example, provide you couldn't taste it and that has been the problem. It is hard to visualize the difference and so it is part of the educational process. I am not concerned about the winery or the wholesaler giving away an undue amount of his product."

Senator Rasmussen: "Well, no, but as you recall . . . , Senator Benitz, and the repeal of prohibition, they also prohibited bartenders from hosting. And the idea was that you were not to encourage people to drink and if you were to discourage them to the effect they would have to pay money for it and that, of course, is discouraging. But I am minded, Senator Benitz, of those people that have studied wine and there is a whole lot of them down on First Avenue and Pioneer Square, and they sit there and they are studying that Thunderbird bottle, that white lightning. And they probably have studied wine too much. And that is why I am concerned here with the fact that, you all know what that white lightning does, it softens your brain, so that you cannot tell chardonnay from chablis or whatever."

"That is what I am concerned with, that we are pushing advertising to get people to drink wine when people should go in of their own volition and, friendly Safeway store has hundreds of varieties, pay their money and then sample it. That way, you kind of restrain it. This way, it is something like giving cigarettes to kids and tell 'em to try it out."

"I am concerned with this type of legislation."

Senator Benitz: "Senator Rasmussen, the group or groups that you have just mentioned, it is a possibility that one of them might, at some time, qualify as a member of the groups we are talking about here. But it is highly unlikely. The wine industry, which is coming of age in the state of Washington, hopefully, because it is

one of the bright spots in our future. With the way this legislation is drawn, you have to be a member of that viticulture group or enology group and active and the liquor board has tightened it so that I felt it was almost restrictive, but I think it is a step in the right direction."

#### POINT OF INQUIRY

Senator Goltz: "Senator Benitz, following up a little bit on what Senator Rasmussen said, I think much of the advertising and much of the instruction associated with the liquor industry, including wine and beer, attempts to glamorize these beverages. They are always cast in the best possible light of, you know, candlelight and wine, and all these good things.

"And I wonder if any effort is being made in this instruction to also call attention to the possible undesirable effects of alcoholic beverages if they are not properly consumed and so forth. Is this sort of an informed consent kind of drinking instruction, or is it something that will attempt to put it in only its best possible light?"

Senator Benitz: "The goal of the viticulture group, enology societies, and others, is one that wine is the oldest manufactured product in the history of man and is to be used correctly. And at no time have I ever seen any of these groups promote undue use. It is simply one of the finest products used in moderation, and that is the philosophy of these groups and it is to educate the people in that philosophy."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4526 and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Metcalf, Pullen, Rasmussen, Zimmerman—4.

SUBSTITUTE SENATE BILL NO. 4526, having received the 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. 3944, by Senator Guess:

Modifying labor dispute disqualification for unemployment benefits.

The Senate resumed consideration of Senate Bill No. 3944 and a pending amendment by Senators Talmadge and Vognild which had been moved for adoption on February 17, 1982.

On motion of Senator Talmadge, there being no objection, the amendment was withdrawn.

On motion of Senator Quigg, the following amendments by Senators Quigg, Vognild and Talmadge were considered and adopted simultaneously:

On page 1, line 9, insert: "(1)"

On page 1, line 16 strike "(1)" and insert: "(a) ((+))"

On page 1, line 19, strike "(2)" and insert: "(b) ((+))"

On page 1, after line 29 insert: "(2) The disqualification under subsection (1) of this section shall not apply following settlement of the labor dispute by the negotiating parties."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Quigg, the amendment that was adopted solves one problem. What does this do for those people that are locked out in an industry?"

Senator Quigg: "Senator Rasmussen, the people that are locked out, that situation is addressed in sub (1) and sub (2). If there is a lockout and the individual is involved in either financially or directly interested in that lockout, then that person could not draw. For example, if the carpenters went on strike against an employer that was a member of the multi-employer bargaining group, and then other contractors walked out, other carpenters, and yet there were other crafts who could still be able to work on those projects for some, well, let's say for awhile; but now with the carpenter's lockout situation and the project grinds to a halt and those other crafts could no longer be employed, the crafts, other than carpenters that are laid off because of that, would be laid off through no fault of their own and they would be eligible to draw benefits. And that is discussed, as I say in sub (1) and sub (2) of the bill, before, now, especially as amended."

Senator Rasmussen: "That is your intent, then, not to deny them benefits?"

Senator Quigg: "The intent is not to deny benefits to workers involved indirectly, in a walkout. Those workers will be able to draw benefits."

## POINT OF INQUIRY

Senator Lysen: "Senator Quigg, what about the carpenters that work for other employers that were not striking those other employers? Sometimes they have an industry shutdown. Would they be eligible, even though they are willing to work for the other employers under the existing contract?"

Senator Quigg: "Senator, if they are working for employers that are a member of that multi-employer bargaining group, then they would, under this example, I believe, that Senator Rasmussen and I were discussing, would be locked out."

Senator Lysen: "But would they be eligible then for the other . . . ."

Senator Quigg: "No, they wouldn't."

Senator Lysen: "Even though they were willing to go to work for the other employers of that multi- . . . ."

Senator Quigg: "Well, once again, you see because you have a multi-employer bargaining situation, so in effect, a strike against one is a strike against all. And since that group, let's say in this case the carpenters, could be any other particular, that's what gets in here under the sub (2) whether or not the worker belongs to a grade or class of workers, okay? So if it is a carpenter, the fellow is a carpenter and he is a member of a union that is involved in a strike or lockout situation, and even though his employer may not have been the one struck but now finds because of the multi-employer agreement must lock out that carpenter, then that carpenter would not be eligible for unemployment compensation benefits.

"However, because of that lockout and because of the interruption of work or whatever, teamsters and pipefitters and boilermakers and electricians and other folks are laid off, then all of those other folks would qualify for unemployment compensation benefits because they would not be participating in financially or directly interested in a labor dispute nor would they be belonging to the greater class of workers immediately involved in it.

"So I think that was the concern that the lockout that we discussed and worked on to see to it that we wouldn't have people that were locked out through no fault of their own, being denied benefits. And I believe the people involved feel that this language protects those folks from being denied benefits when they are locked out through not fault of their own."

Senator Lysen: "I will give you an example of another situation that is of concern to me and . . . grocery store industry, I think we had a labor dispute or a strike

in effect in the tri-cities area last year where there are about two or three, four major chains and a few independents; and the union was unsuccessful, retail clerks were unsuccessful in getting a new contract negotiated with any of the chains, and they can't strike all of them because people have to eat, so they selected one of the chains, of course, that they thought would be the most responsive. So in that case, when they get locked out on others, when this would apply, so they would be denied benefits?"

Senator Quigg: "If they had a multi-employer, if those four stores were negotiating as one, then the clerks could be denied benefits if the dispute was with the clerks. The butchers, the bakers, any other . . ."

Senator Lysen: "They have all consolidated now into one union."

Senator Quigg: "Well, okay, if that is the case, and if all those employers have consolidated together, then in that case, and you have a single union, none of those people, employees, would be able to draw worker compensation benefits during the period of that labor dispute."

Senator Lysen: "What is happening here is, we are escalating the struggle from people that aren't involved and this is strictly a second way of approach, Senator Quigg; we should be developing more of a third wave of breaking down the structures so we can have more dialogue and more open, rather than the solidifying and the dichotomies that are building against the solution, so I am not sure that this really contributes to that concern."

Senator Quigg: "Well, Senator, I guess I should say that the matter of multi-employer bargaining is something that has been deemed to be beneficial to both parties, second wave notwithstanding. And in that light when they do get together and bargain in a multi-employer format, then the uniformity and the synchronized wage and benefit package is what results."

On motion of Senator Quigg, the rules were suspended, Engrossed Senate Bill No. 3944 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 Vognild: "Senator Quigg, as a sponsor of the amendment which is now on the bill, in the case of the Cudahy plant where ownership changed and the plant went back into operation, would it be your feeling that your amendment was intended to say that those people, when it changed ownership, went back into operation, that the people who were now unemployed would be unemployed and qualified under the amendment?"

Senator Quigg: "Senator Vognild, that is the case now, those people did qualify and did receive unemployment benefits, and it would be the case with the bill we have before us."

Further debate ensued.

#### POINT OF INQUIRY

Senator McDermott: "Senator Quigg, my question is really this: during a labor dispute, if an employer hires scabs and keeps production and profits up, will the workers be denied benefits (who have been laid off)?"

Senator Quigg: "Senator McDermott, if the worker is participating in or financing or directly interested in the labor dispute, that worker would be. If the worker is not participating in or financing or directly interested in the dispute, then that worker would be allowed to draw benefits."

Further debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3944 and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Absent or not voting: Senator Deccio—1.

ENGROSSED SENATE BILL NO. 3944, having received the 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 12:02 p.m., on motion of Senator Clarke, the Senate recessed until 1:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

## PARLIAMENTARY INQUIRY

Senator Ridder: "Yes, Mr. President, we had just read in a report from the social and health services committee which would have recommended a study on mandated health care benefits. At that particular meeting there were four votes, two for, two against and by the chairman's traditional ruling, that failed. I think that it is inappropriate that it be before us at this time. It was defeated in the committee. There has been no formal convening of that committee since that time."

Senator Clarke: "I respectfully suggest that the Senator's inquiry be delayed until the chairman, Senator Deccio, is on the floor."

Senator Ridder: "That's fine, I simply wanted to have it before us in as timely a fashion as possible."

## REPLY BY THE PRESIDENT

President Cherberg: "The measure has been referred to the rules committee, Senator. The report of the standing committee shows five signatures, Senator Deccio's, Senator Kiskaddon, Senator McCaslin, Senator Metcalf. . . ."

Senator Ridder: "Mr. Chairman, I am challenging that as inappropriately before us."

## SECOND READING

SENATE BILL NO. 4824, by Senators Gallagher, Zimmerman and Peterson:  
Providing separate chapters of laws of aquatic lands.

## MOTION

On motion of Senator Gallagher, Substitute Senate Bill No. 4824 was substituted for Senate Bill No. 4824 and the substitute bill was placed on second reading and read the second time in full.

There being no objection, Substitute Senate Bill No. 4824 will be considered following Senate Bill No. 4703.

### SECOND READING

SENATE BILL NO. 4769, by Senators Lee, Wojahn, Gould, Scott, Shinpoch, Haley, Ridder, McDermott, Woody, Fleming, Craswell and Bluechel:

Requiring higher education personnel's and state employees' salaries to be adjusted to achieve comparable worth.

The bill was read the second time by sections.

Senator Pullen moved adoption of the following amendment:

On page 3, line 31, after "increased" and before "if" insert "or decreased"

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

On motion of Senator Lee, the rules were suspended, Senate Bill No. 4769 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### MOTION

Senator McDermott moved the rules be suspended and Senate Bill No. 4769 be returned to second reading.

Debate ensued.

Senator McDermott 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 rules be suspended and Senate Bill No. 4769 be returned to second reading.

### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 22; nays, 26; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Absent or not voting: Senator Conner—1.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4769.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4769 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent or not voting, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Moore, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Craswell, McCaslin, Pullen—3.

Absent or not voting: Senators Conner, Metcalf, Newhouse—3.

SENATE BILL NO. 4769, having received the 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 Fleming: "Senator Hayner, just for clarification, on the lunch schedule for next week, it was my understanding that next week we would be breaking for lunch between the hours of 12 and 1:30, not necessarily saying that we would have an hour-and-a-half for lunch every day, but we would be assured within our schedules to have lunch within that period of time, be it an hour or an hour-and-a-half. Is that right?"

Senator Hayner: "That is right."

#### SECOND READING

SENATE BILL NO. 4153, by Senator Pullen:  
Relating to crimes and punishments.

#### MOTIONS

On motion of Senator Hemstad, Substitute Senate Bill No. 4153 was substituted for Senate Bill No. 4153 and the substitute bill was placed on second reading and read the second time in full.

Senator Metcalf moved adoption of the following amendment:

On page 1, line 16, after "may", strike the underlined material down to and including "department" on line 18 and insert "submit"

Debate ensued.

The motion by Senator Metcalf failed and the amendment was not adopted.

On motion of Senator Hemstad, the rules were suspended, Substitute Senate Bill No. 4153 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Goltz: "Mr. President and members of the Senate. I think I understand the bill but I don't think I understand the summary on the blue sheet. And I would just like to ask Senator Hemstad if that summary is, in fact, correct, because it sounds contradictory to the wording of the bill. If Senator Hemstad would answer the question, is this inconsistent with the bill and therefore incorrect? . . . because as I read this it says that a 'person must both refuse a Breathalyzer and be convicted or plead guilty before he is allowed to petition.' So the only way you can petition, under this, for an occupational driver's license, is to refuse the Breathalyzer. And that, obviously, isn't something we want to encourage."

Senator Hemstad: "Senator Goltz, the summary I don't believe is an accurate statement of the law with regard to occupational licenses which are available. The thrust of this bill is to make somewhat easier an access to an occupational driver's license by a person who has refused to take a Breathalyzer test. If one refuses to take a Breathalyzer test, there is a six-month suspension of license that automatically follows; and without opportunity for an occupational license.

"If the bill is adopted there will be, then, an opportunity for that person who has refused the Breathalyzer test, to petition for an occupational license."

Senator Goltz: "I appreciate that answer because the way this is written, it says that he must refuse a Breathalyzer to be able to petition, and that is not correct."

## POINT OF INQUIRY

Senator Talmadge: "Thank you, Mr. President, and members of the Senate.

"In response to Senator Goltz, there are two sections, I think Senator Hemstad is correct. Would Senator Clarke yield to a question?

"Senator Clarke, very briefly, I think Senator Newhouse's amendment that makes it an 'and,' there has to be both the refusal to blow the Breathalyzer and a conviction for DWI is appropriate. But this is essentially the bill that Governor Spellman vetoed after the April '81 session. Do you have any idea or any indication from the Governor that he will, in fact, sign this if it comes to his desk?"

Senator Clarke: "No, Senator, I do not. I have not discussed the bill with the Governor."

Further debate ensued.

## POINT OF INQUIRY

Senator Hurley: "Senator Clarke, I do not think I am clear on how much driving and what kind of driving is permitted by an occupational driver's license. Does that permit people who use their cars, say for certain types of jobs, can take them home at night and drive back to work in the morning, or what is permitted?"

Senator Clarke: "Senator Bottiger could probably answer that more accurately than I."

Senator Bottiger: "Mr. President, Senator Hurley, the court sets the rules and you go in and convince the court as to what your need and your occupation for your driving would be. And generally it is a direct route. I have seen them drafted where 'Thou shalt drive on Pacific Avenue to there and back again and not deviate off that route.'

"And it is usually a half an hour before and after work.

"So that the courts set the parameters and they can set them very, very narrowly. If you are a truck driver it would include driving your truck."

## REMARKS BY SENATOR METCALF

Senator Metcalf: "For the record, those remarks of Senator Bottiger do not apply in any sense to Snohomish count — wide open."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4153 and the bill passed the Senate by the following vote: Yeas, 35; nays, 14.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Lee, McCaslin, McDermott, Moore, Newhouse, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Woody—35.

Voting nay: Senators Bluechel, Gould, Haley, Hemstad, Kiskaddon, Lysen, Metcalf, Patterson, Pullen, Rasmussen, von Reichbauer, Wilson, Wojahn, Zimmerman—14.

SUBSTITUTE SENATE BILL NO. 4153, having received the 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. 3916, by Senators Quigg and Goltz:

Requiring modification of shorelines classifications to reflect changed circumstances.

### REPORT OF STANDING COMMITTEE

March 27, 1981.

SENATE BILL NO. 3916, requiring modification of shoreline classifications to reflect changed circumstances (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 16, after "causes" insert "Any areas resulting from alterations of the natural condition of the shorelines and wetlands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW."

Signed by: Senators Fuller, Chairman; Goltz, Haley, Hansen, Hurley, Quigg, Williams, Zimmerman.

The bill was read the second time by sections.

Senator Fuller moved adoption of the committee amendment.

Senator Charnley moved adoption of the following amendment to the committee amendment:

On page 1 of the amendment, line 3, after "state" insert "by natural causes"

Debate ensued.

On motion of Senator Charnley, there being no objection, the amendment to the committee amendment was withdrawn.

On motion of Senator Charnley, there being no objection, an amendment on the desk of the Secretary of the Senate to the committee amendment was withdrawn.

The motion by Senator Fuller carried and the committee amendment was adopted.

On motion of Senator Quigg, the rules were suspended, Engrossed Senate Bill No. 3916 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Charnley: "Senator Quigg, for clarification of the purpose of this act, would you assure the body that the intent of this is to deal with lands which have been filled in under the permit process, if they are manmade and not open up the shoreline management act to a situation where an individual or organization might cause land to be filled in illegally, and then be able to, under this new language, to have that section of land declared outside the shorelines management act?"

Senator Quigg: "Senator Charnley, the intent of this act is to allow legally placed fills that were placed under the permit process to be, those new lands developed, to not be considered shorelines of statewide significance. When they are developed under the permit process, illegal fills placed without a permit, would still be illegal and would still be subject to the sanctions and penalties of the department."

Senator Charnley: "It is my understanding those sanctions include even requiring the person who does it to have to come in and remove the material."

Senator Quigg: "That sanction could require the person placing it to come in and remove the material; that is correct."

### POINT OF INQUIRY

Senator Rasmussen: "Senator Quigg, I have in mind the Tokeland area where the shoreline, of course, has receded, the ocean has taken it for about a mile. This, in effect, puts the shorelines act in control on a floating basis where the shoreline has been obliterated down there in Tokeland; so that you would have a commercial zone,

then, be within a shoreline . . . I can understand the other, the accreted land, where you get a long ways away from what would be classed as shorelines, but I am wondering about that. Then you would have a nonconforming."

Senator Quigg: "Senator Rasmussen, this deals with fills that have been placed by other than natural causes. These are permitted fills and until Mother Nature gets a permit, I guess we are not going to be able to do much about the accretion and the erosion that is occurring like out at the Tokeland-North Cove area where you speak. Those are natural occurrences."

Senator Rasmussen: "Has no effect on natural occurrences?"

Senator Quigg: "No, sir."

#### POINT OF INQUIRY

Senator Zimmerman: "Senator Quigg, I think you meant shorelines of the state, not necessarily shorelines of statewide significance of the state, right?"

Senator Quigg: "That is correct, Senator Zimmerman. Shorelines of the state."

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3916 and the bill passed the Senate by the following vote: Yeas, 37; nays, 12.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, von Reichbauer, Wilson, Woody, Zimmerman—37.

Voting nay: Senators Charnley, Fleming, Hughes, Hurley, Lysen, McDermott, Moore, Ridder, Talmadge, Vognild, Williams, Wojahn—12.

ENGROSSED SENATE BILL NO. 3916, having received the 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 Bottiger moved that Senate Bill No. 4593 be considered at this time. The President ruled Senator Bottiger's motion out of order.

#### SECOND READING

SENATE BILL NO. 4745, by Senator Quigg:

Authorizing payment of share work unemployment insurance benefits.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, Senate Bill No. 4745 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. 4745 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen,

Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senators Fleming, Sellar—2.

SENATE BILL NO. 4745, having received the 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 Clarke, Senate Bill No. 3567 will be considered following Senate Bill No. 3025.

#### MOTION

Senator Ridder moved that the Committee on Rules be relieved from further consideration of Senate Concurrent Resolution No. 137 and the resolution be returned to the Committee on Social and Health Services.

#### PARLIAMENTARY INQUIRY

Senator Ridder: "If I might make a parliamentary inquiry and explain why I am concerned.

"Yesterday we had, in social and health services committee, a very full meeting on the complex subject of mental health and we ran into a time difficulty. As that meeting closed, some of us were expecting that the next bill on the agenda might come up because there were people who were waiting to testify. However, rather than that particular bill, SCR 137 was brought up, very hurriedly explained and a vote was requested.

"At that time, under the procedures which we ordinarily follow in that committee, we were told that the vote had failed, it was a two-to-two vote and by the custom it had failed the passage. At that point, those of us who had been at the committee meeting did leave, as did the audience, expecting that it had failed.

"However, today it did appear, was reported out of committee with signatures and was assigned to the rules committee.

"I would ask a ruling and a question because I think that it is a bad precedent and I think it was a misunderstanding. I am not indicating bad faith on the part of the chairman and I want to make that clear. However, as we get into more heated subjects in the closing days of the session, there may be some items which have a greater substance and a greater polarization so that I would make the inquiry whether, after having had an announcement of a vote as 'failed,' that can then be circulated for signatures and submitted; and I must say, in discussing with the chairman, he is perfectly willing to hold another meeting, but I think it is important that we set the precedent and I would hold that if a vote is announced, then that should be the position that is maintained until there is another meeting of that committee."

#### REMARKS BY SENATOR DECCIO

Senator Deccio: "Thank you, Mr. Chairman. I would like to clarify a couple of points Senator Ridder made. The sheet was not circulated, what actually happened was, it was a very full day and we were anxious to vacate the room because of the next meeting, and just at the time we were voting, Senator Moore reentered the room and I did not realize the vote had been announced, although I was sitting there; but Senator Moore did sign the sheet so I thought we did have the proper number of signatures and in checking with Senator Moore, he indicates he did not vote so Senator Ridder is right.

"I would like to suggest that we have the opportunity of hearing SCR 137 again before the committee and I think it is an important issue to bring before this body.

"We could do it very quickly whenever there is a short recess on the floor."

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Ridder, rather than put the Senate at ease in order to study your inquiry, the President will deliver, if it meets with your approval, a decision tomorrow."

Senator Ridder: "Mr. President, if you find an opportunity prior to tomorrow, the chairman has indicated his willingness to convene. . . ."

President Cherberg: ". . . perhaps at this evening's session."

Senator Ridder: "That would be fine, thank you."

#### MOTION

On motion of Senator Clarke, Senate Bill No. 3567 will be considered following Senate Bill No. 3025.

#### SECOND READING

SENATE BILL NO. 4703, by Senators Vognild, Quigg and Bottiger:

Modifying provisions relating to class K liquor licenses.

The bill was read the second time by sections.

Senator Metcalf moved adoption of the following amendment:

On page 1, line 14, restore the stricken material on line 14.

Debate ensued.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Vognild, we may need an attorney for this one, but. . . ."

"I can see why you are striking line 15 and part of 16, but striking the word 'invited,' I don't see the problem there, Senator."

Senator Vognild: "The problem is that the liquor control board has interpreted the present language to say that invited guests are only those guests who receive a personal invitation or who are personally invited. I know of very few fund-raising efforts of any nonprofit organization that can function on that basis."

Senator McCaslin: "Well, has anyone ever been arrested or fined for being a guest? . . . in other words, if you showed up at one of my shindigs, I would say 'Hi, Larry, come on in.' I would assume, then, you would be an invited guest. Here comes an attorney now."

Senator Vognild: "That probably would work, I have seen it work, if you are not utilizing the extra facilities of any place that presently has a Class H. Now if you are utilizing the extra room at the Eagles, the downstairs at the Elks, away from their regular bar but part of their premises, then the liquor board will come in and shut the whole operation down and they will also fine the club and may even revoke their license and yes, it has happened."

Senator McCaslin: "Are you saying they are a bunch of nit-picking bureaucrats?"

Senator Vognild: "No, I am not saying that."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, so we don't lose sight of what we are trying to do. Pantages theater has an opening night. They advertise 'The Pantages theater opening night,' and they would like to sell a glass of champagne to drink a toast to the opening night of the Pantages theater. Can't do it, unless they invite each guest. They don't do that — they run an ad in the paper.

"Same thing would be true of different art museums that have done this.

"And this is the solution, to take out the word 'invited' so that they are the guests and the liquor board, as Senator Vognild says, has found no problem with that."

Further debate ensued.

The motion by Senator Metcalf failed and the amendment was not adopted.

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4703 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. 4703 and the bill passed the Senate by the following vote: Yeas, 43; nays, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Craswell, Kiskaddon, Metcalf, Pullen, Rasmussen, Zimmerman—6.

SENATE BILL NO. 4703, having received the 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. 4824, by Committee on Natural Resources (originally sponsored by Senators Gallagher, Zimmerman and Peterson): Providing separate chapters of laws of aquatic lands.

The Senate resumed consideration of Substitute Senate Bill No. 4824 from earlier today.

An amendment by Senator Quigg, on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Quigg, the rules were suspended, Substitute Senate Bill No. 4824 was advanced to third reading, the second 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. 4824 and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Hughes, Hurley, McDermott—3.

SUBSTITUTE SENATE BILL NO. 4824, having received the 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. 4315, by Committee on Energy and Utilities (originally sponsored by Senators Quigg, McCaslin, Fuller, Newhouse, Gould and Bluechel):

Extending powers of joint operating agencies.

### MOTION

On motion of Senator Clarke, Substitute Senate Bill No. 4315 was rereferred to the Committee on Rules.

### THIRD READING

ENGROSSED SENATE BILL NO. 4133, by Senators Quigg, Ridder and Sellar (by Governor Spellman request):

Modifying adjustments in compensation or death benefits payable under industrial insurance system.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4133.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4133 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator McDermott—1.

ENGROSSED SENATE BILL NO. 4133, having received the 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 Clarke, the Senate returned to the sixth order of business.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 3025, by Committee on Parks and Ecology (originally sponsored by Senators Williams, Guess, Bauer, Zimmerman, Hemstad, Charnley, Moore and Fuller)(by Ecology Committee request - 46th Legislature):

Modifying taxation of historic properties.

## MOTIONS

On motion of Senator Fuller, Second Substitute Senate Bill No. 3025 was substituted for Substitute Senate Bill No. 3025 and the second substitute bill was placed on second reading and read the second time in full.

Senator Williams moved adoption of the following amendment by Senators Williams and Guess:

On page 3, following line 28, insert:

"(3) Once a covenant between an owner and a review board has become effective pursuant to this 1982 act, there shall be no changes in standards of maintenance, public access, alternation, or report requirements, or any other provisions of the covenant during the period of the classification without the approval of all parties to the covenant."

Remember the remaining subsection accordingly.

## POINT OF INQUIRY

Senator Wilson: "Senator Williams, have you and Senator Guess ever cosponsored an amendment before?"

Senator Williams: "As a matter of fact, I think we have."

## REMARKS BY SENATOR GUESS

Senator Guess: "I would like to inform Senator Wilson that we signed on the bill; and this is a little grandfather clause that just makes sure that the contract grows some whiskers."

## REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, I would like to inform Senator Wilson, if he is surprised, even Senator Guess and I have sponsored amendments together and as a matter of fact, we have sponsored a couple of bills together; and someone said 'Who could be against it?'"

The motion by Senator Williams carried and the amendment was adopted.

On motion of Senator Fuller, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3025 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, I agree with you on historical preservation — I sponsored the first horseless carriage license bill.

"However, this is something a little bit different. For instance, two lawyers buy a historical building, it is on the register. They remodel it and use it for offices. That would qualify for the tax exemption?"

Senator Guess: "I believe it would. Senator, you have to remember, though, that because of the painstaking nature and the delicate craftsmanship that is required, that they sometimes put three or four times more money into the restoration and creation of offices. I remember Mr. Brooks who is an architect in Spokane, is right in downtown Spokane, has created a very unique office out of an old office building and it is a very, very interesting place."

Senator Rasmussen: "I am thinking of another instance. Our old city hall, the bricks in that, in Tacoma, came over on the Mayflower, or very close to it. Very valuable brick. We sold that building for \$17,500. It was renovated into small stores and shops, went broke. Renovated again now into offices for architects and lawyers

and various people. Very valuable property, rent wise. This then, would also be exempted? It is on the historical register, by the way. It can never be touched from the outside and has to remain the same; they can remodel the inside. That also would be covered in the tax exemption?"

Senator Guess: "Senator Williams would better be able to answer that question."

Senator Williams: "Senator Rasmussen, if the local government has a landmark ordinance, which Tacoma does, and if that building, if no changes are made which would affect the reason that it has been declared a landmark or is a historic building in the first place, as long as those conditions are met and the owner does apply for this tax free, yes, they could then have it granted. Now have I answered your question?"

Senator Rasmussen: "It would then be eligible for the tax exemption?"

Senator Williams: "Yes."

Senator Rasmussen: "For fifteen years?"

Senator Williams: "Yes; tax free."

Senator Rasmussen: "Thank you."

Further debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 3025 and the bill passed the Senate by the following vote: Yeas, 44; nays, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Craswell, McCaslin, Metcalf, Pullen, Rasmussen—5.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3025, having received the 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 Clarke, Senate Bill No. 3567 was placed at the end of the second reading calendar for today.

### SECOND READING

SENATE BILL NO. 4366, by Senators Rasmussen and Craswell:  
Modifying penalties for unlawful issuance of checks or drafts.

### REPORT OF STANDING COMMITTEE

February 9, 1982.

SENATE BILL NO. 4366, modifying penalties for unlawful issuance of checks or drafts (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 8, after "of" strike "~~((two hundred fifty))~~ one thousand" and insert "two hundred fifty"

On page 2, line 16, after "than" strike "~~((two hundred fifty))~~ one thousand" and insert "two hundred fifty"

On page 2, line 19, strike "~~((two hundred fifty))~~ one thousand" and insert "two hundred fifty"

Signed by: Senators Clarke, Chairman; Hayner, Hughes, Newhouse, Pullen.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendments were considered and adopted simultaneously.

Senator Talmadge moved adoption of the following amendment:

On page 2, line 23, following "The" strike "defendant shall not be imprisoned, but the"

Debate ensued.

#### POINT OF INQUIRY

Senator Clarke: "Senator Talmadge, would your purpose be served if the 'shall' were changed to 'need, need not be imprisoned. . .?'"

Senator Talmadge: "That would be just as well, Senator; that would be fine with me."

Senator Clarke: "Would you accept that amendment in substitute for yours, just change the 'shall' to 'need'?"

Senator Talmadge: "Mr. President, with that in mind I would withdraw my amendment and I would move the Clarke amendment to strike 'shall' and insert 'need.'"

On motion of Senator Talmadge, there being no objection, the amendment was withdrawn.

On motion of Senator Clarke, the following amendment was adopted:

On page 2, line 23, after "defendant" and before "not" strike "shall" and insert "need"

On motion of Senator Hemstad, the rules were suspended, Engrossed Senate Bill No. 4366 was advanced to third reading, the second reading considered the third, and the bill placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4366 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED SENATE BILL NO. 4366, having received the 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. 4775, by Senators Newhouse and Shinpoch:  
Expanding duties of state patrol section in identification.

#### MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 4775 was substituted for Senate Bill No. 4775 and the substitute bill was placed on second reading and read the second time in full.

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

On page 2, line 6 after "disseminated" insert "," and shall be used only as necessary for those purposes enumerated in subsection (1) of this section."

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

On page 2, following line 25, add a new subsection (6) as follows: "(6) Neither the section, its employees, nor any other agency or employee of the state is liable for defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of information pursuant to this section or RCW 43.43.760."

Re-number the remaining subsection accordingly.

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute Senate Bill No. 4775 was advanced to third reading, the second 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. 4775 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 4775, having received the 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. 3795, by Senator Sellar:

Requiring payment of premiums for health care services to employer during labor disputes.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Senate Bill No. 3795 was advanced to third reading, the second 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. 3795 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

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

SENATE BILL NO. 3795, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Ridder, Senator Williams excused.

## SECOND READING

SENATE BILL NO. 4755, by Senators Benitz, Charnley and Newhouse:

Authorizing domestic wineries to serve wine at special occasion class J license events.

## MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 4755 was substituted for Senate Bill no. 4755 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Benitz, the rules were suspended, Substitute Senate Bill No. 4755 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 Benitz, it is old language, but what is the reason for the last proviso that 'No more than two Class J licenses shall be issued in any one given year.' Do you know?"

Senator Benitz: "Yes, this is a special class, Class J, and for special purposes and highly restricted. One member of the House of Representatives, on your side of the aisle, wanted to propose an amendment to make that 'twelve,' and representatives from the liquor board were in my office very promptly with her and convinced her that we should keep it at two, and keep it very restricted."

Senator Fleming: "That is just one they picked out of the hat, there is no real reason for two; it could be three, four, or whatever."

Senator Benitz: "The 'two' is an arbitrary figure but you note that that was put in a couple of years ago when I worked it again with the liquor board and I wanted four or six and we settled on two."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4755 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Craswell, Metcalf, Pullen, Rasmussen—4.

Absent or not voting: Senator Bottiger—1.

Excused: Senator Williams—1.

SUBSTITUTE SENATE BILL NO. 4755, having received the 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. 4947, by Senator Newhouse:

Revising procedures for appeals regarding industrial insurance.

The bill was read the second time by sections.

Senator Talmadge moved adoption of the following amendment by Senators Talmadge, Quigg and Vognild:

On page 4, following line 9, insert:

"Section 7. Section 51.52.095, chapter 23, Laws of 1961 as last amended by section 78, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.095 are each amended to read as follows:

The board, upon request of the worker, beneficiary, or employer, or upon its own motion, may direct all parties interested in an appeal, together with their attorneys, if any, to appear before it, a member of the board, or an authorized (~~(hearing examiner)~~) industrial appeals judge, for a conference for the purpose of determining the feasibility of settlement, the simplification of issues of law and fact, the necessity of amendments to the notice of appeal or other pleadings, the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, the limitation of the number of expert witnesses, and such other matters as may aid in the disposition of the appeal. Such conference may be held prior to the hearing, or it may be held during the hearing, at the discretion of the board member or (~~(hearing examiner)~~) industrial appeals judge conducting the same, in which case the hearing will be recessed for such conference. Following the conference, the board member or (~~(hearing examiner)~~) industrial appeals judge conducting the same, shall state on the record the results of such conference, and the parties present or their representatives shall state their concurrence on the record. Such agreement as stated on the record shall control the subsequent course of the proceedings, unless modified at a subsequent hearing to prevent manifest injustice. If agreement concerning final disposition of the appeal is reached by the parties present at the conference, or by the employer and worker or beneficiary, the board may enter a final decision and order in accordance therewith, providing the board finds such agreement is in conformity with the law and the facts.

Sec. 8. 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 are each amended to read as follows:

Hearings shall be held in the county of the residence of the worker or beneficiary, or in the county where the injury occurred, at a place designated by the board. Such hearing shall be de novo and summary, but no witness' testimony shall be received unless he or she shall first have been sworn to testify the truth, the whole truth and nothing but the truth in the matter being heard, or unless his or her testimony shall have been taken by deposition according to the statutes and rules relating to superior courts of this state. The department shall be entitled to appear in all proceedings before the board and introduce testimony in support of its order. The board shall cause all oral testimony to be stenographically reported and thereafter transcribed, and when transcribed, the same, with all depositions, shall be filed in, and remain a part of, the record on the appeal. Such hearings on appeal to the board may be conducted by one or more of its members, or a duly authorized (~~(hearing examiner)~~) industrial appeals judge, and depositions may be taken by a person duly commissioned for the purpose by the board.

Members of the board, its duly authorized (~~(hearing examiners)~~) industrial appeals judges, and all persons duly commissioned by it for the purpose of taking depositions, shall have the power to administer oaths; to preserve and enforce order during such hearings; to issue subpoenas for, and to compel the attendance and testimony of, witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of his or her office.

If any person in proceedings before the board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the board or any member or duly authorized (~~(hearing examiner)~~) industrial appeals judge may certify the facts to the superior court having jurisdiction in the place in which said board or member or (~~(hearing examiner)~~) industrial appeals judge is sitting; the court shall thereupon, in a summary manner, hear the evidence as to the acts, complained of and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the proceedings, or in the presence of the court.

Sec. 9. Section 6, chapter 148, Laws of 1963 as amended by section 22, chapter 289, Laws of 1971 ex. sess. and RCW 51.52.104 are each amended to read as follows:

After all evidence has been presented at hearings conducted by (~~(a hearing examiner)~~) an industrial appeals judge, who shall be an active member of the Washington state bar association, the (~~(hearing examiner)~~) industrial appeals judge shall enter a proposed or recommended decision and order which shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon. The (~~(hearing examiner)~~) industrial appeals judge shall file the original of the proposed decision and order, signed by him, with the board, and copies thereof shall be mailed by the board to each party to the appeal and to his attorney of record. Within twenty days, or such further period as the board may allow on written application of a party, filed within said twenty days from the date of communication of the proposed decision and order to the parties or their attorneys of record, any party may file with the board a written petition for review of the same. Such petition for review shall set forth in detail the grounds therefor and the party or parties filing the same shall be deemed to have waived all objections or irregularities not specifically set forth therein.

In the event no petition for review is filed as provided herein by any party, the proposed decision and order of the (~~(hearing examiner)~~) industrial appeals judge shall be adopted by the board and become the decision and order of the board, and no appeal may be taken therefrom to the courts.

Sec. 10. Section 51.52.106, chapter 23, Laws of 1961 as last amended by section 4, chapter 58, Laws of 1975 1st ex. sess. and RCW 51.52.106 are each amended to read as follows:

After the filing of a petition or petitions for review as provided for in RCW 51.52.104, the proposed decision and order of the (~~(hearing examiner)~~) industrial appeals judge, petition or petitions for review and, in its discretion, the record or any part thereof, may be considered by the board and on agreement of at least two of the regular members thereof, the board may, within twenty days after the receipt of such petition or petitions, decline to review the proposed decision and order and thereupon deny the petition or petitions. In such event all parties shall forthwith be notified in writing of said denial: PROVIDED, That if a petition for review is not denied within said twenty days it shall be deemed to have been granted. If the petition for review is granted, the proposed decision and order, the petition or petitions for review and the record or any part thereof deemed necessary shall be considered by a panel of at least two of the members of the board, on which not more than one industry and one labor member serve. The chairman may be a member of any panel. The decision and order of any such panel shall be the decision and order of the board. Every final decision and order rendered by the board shall be in writing and

shall contain findings and conclusions as to each contested issue of fact and law, as well as the board's order based thereon. The board shall, in all cases, render a final decision and order within one hundred and eighty days from the date a petition for review is filed. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal and to his attorney of record."

#### POINT OF INQUIRY

Senator Newhouse: "Mr. President, it is an awful easy way to make a judge. Senator Talmadge, would you reveal to a question?"

"Senator Talmadge, with the title of 'judge' and I suspect that is kind of a status symbol, does that mean any more money or will they . . . ask us for more money?"

Senator Talmadge: "For the record: not at all Senator."

The motion by Senator Talmadge carried and the amendment was adopted.

#### MOTION

On motion of Senator Clarke, there being no objection, Senate Bill No. 4947 and the adopted amendment by Senators Talmadge, Quigg and Vogniild were ordered held for consideration at a later time.

#### SECOND READING

SENATE BILL NO. 3864, by Senators Goltz, Sellar, Bauer and Charnley: Denying legislative salaries to legislators convicted of a felony.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, Senate Bill No. 3864 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 Goltz, if this money is held, would it be held in escrow? I mean, how would the money be held and if the money was being held and the person was found innocent, would he or she gain interest on their money that was being held?"

Senator Goltz: "The appeal does not make provision for, it says 'If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since his sentencing shall be immediately paid to him and the member shall thereafter have the rights and privileges of other members.' There is no provision in here for paying interest on that. . ."

Senator Fleming: "I guess the question I would probably . . ."

Senator Goltz: ". . . and I would be glad to have an oral amendment to say 'plus interest.'"

Senator Fleming: "Well, I would like to ask one of the attorneys in similar situations, do we have situations such as this when these awards are made that the person would receive interest on the money, is this common practice?"

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "My offhand impression is that in the event, the way the bill now reads since there is no specific provision for interest, I do not believe that the court would award interest. I think there would have to be a specific provision including interest in order to make it . . ."

Senator Fleming: "Well, as one form of practice . . . because I don't think you are practicing in this particular area, maybe you are, one that has been involved, do you think that is something that we should allow in a case such as this, in your opinion?"

Senator Clarke: "That, Senator, is entirely a question of policy as to whether you do or do not want to award interest. It is not a legal proposition, it is a question of policy."

Senator Fleming: "Well, would we be setting a precedent by doing this, I guess that is what I am asking?"

Senator Clarke: "I think the bill in itself probably is setting a precedent all the way through."

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3864 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Williams—1.

SENATE BILL NO. 3864, having received the 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. 4550, by Senator Guess (by Department of Game request):

Revising requirements to facilitate checking compliance with game laws.

### MOTIONS

On motion of Senator Guess, Substitute Senate Bill No. 4550 was substituted for Senate Bill No. 4550 and the Substitute Bill was placed on second reading and read the second time in full.

On motion of Senator Guess, the rules were suspended, Substitute Senate Bill No. 4550 was advanced to third reading, the second 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. 4550 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Benitz—1.

SUBSTITUTE SENATE BILL NO. 4550, having received the 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. 4947, by Senator Newhouse (by Board of Industrial Appeals request):

Revising procedures for appeals regarding industrial insurance.

The Senate resumed consideration of Senate Bill No. 4947 as amended earlier today by Senators Talmadge, Quigg and Vognild.

Senator Lee moved adoption of the following amendment:

On page 6, after line 9, add sections as follows:

"Sec. 7. Section 1, chapter 30, Laws of 1974 ex. sess. as last amended by section 11, chapter 171, Laws of 1979 ex. sess. and RCW 51.32.040 are each amended to read as follows:

No money paid or payable under this title shall, except as provided for in RCW 74.20A.260, prior to the issuance and delivery of the check or warrant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: PROVIDED, That transfers to a financial institution at the request of a worker or other beneficiary and in accordance with section 3 of this 1982 act shall be made: PROVIDED FURTHER, That if any worker suffers a permanent partial injury, and dies from some other cause than the accident which produced such injury before he or she shall have received payment of his or her award for such permanent partial injury, or if any worker suffers any other injury before he or she shall have received payment of any monthly installment covering any period of time prior to his or her death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to the surviving spouse, or to the child or children if there is no surviving spouse: PROVIDED FURTHER, That, if any worker suffers an injury and dies therefrom before he or she shall have received payment of any monthly installment covering time loss for any period of time prior to his or her death, the amount of such monthly payment shall be paid to the surviving spouse, or to the child or children if there is no surviving spouse: PROVIDED FURTHER, That any application for compensation under the foregoing provisos of this section shall be filed with the department or self-insuring employer within one year of the date of death: PROVIDED FURTHER, That if the injured worker resided in the United States as long as three years prior to the date of injury, such payment shall not be made to any surviving spouse or child who was at the time of the injury a nonresident of the United States: PROVIDED FURTHER, That any worker receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible therefor while confined in any institution under conviction and sentence shall have all payments of such compensation canceled during the period of confinement but after discharge from the institution payment of benefits thereafter due shall be paid if such worker would, but for the provisions of this proviso, otherwise be entitled thereto: PROVIDED FURTHER, That if any prisoner is injured in the course of his or her employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he or she shall be entitled to payments under this title subject to the requirements of chapter 72.65 RCW unless his or her participation in such program has been canceled, or unless he or she is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence: PROVIDED FURTHER, That if such incarcerated worker has during such confinement period, any beneficiaries, they

shall be paid directly the monthly benefits which would have been paid to him or her for himself or herself and his or her beneficiaries had he or she not been so confined. Any lump sum benefits to which the worker would otherwise be entitled but for the provisions of these provisos shall be paid on a monthly basis to his or her beneficiaries.

NEW SECTION. Sec. 8. There is added to chapter 51.32 RCW a new section to read as follows:

Any worker or other recipient of benefits under this title may elect to have any payments due transferred to such person's account in a financial institution for either: (1) Credit to the recipient's account in such financial institution; or (2) immediate transfer therefrom to the recipient's account in any other financial institution. A single warrant may be drawn in favor of such financial institution, for the total amount due the recipients involved, and written directions provided to such financial institution of the amount to be credited to the account of a recipient or to be transferred to an account in another financial institution for such recipient. The issuance and delivery by the disbursing officer of a warrant in accordance with the procedure set forth in this section and proper indorsement thereof by the financial institution shall have the same legal effect as payment directly to the recipient.

For the purposes of this section "financial institution" shall have the meaning given in RCW 41.04.240 as now or hereafter amended."

On motion of Senator Clarke, there being no objection, on line 23 of the amendment by Senator Lee, following the words "assignment or" add "unless the"

#### MOTION

On motion of Senator Clarke, Senate Bill No. 4947, as amended, together with the pending amendment by Senator Lee, was ordered held for consideration at a later time.

#### SECOND READING

SENATE BILL NO. 3001, by Senator Rasmussen:

Providing for parking for disabled persons.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 3001 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Bluechel, Senator Newhouse was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3001 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators McCaslin, Patterson—2.

Excused: Senator Newhouse—1.

SENATE BILL NO. 3001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 4729, by Senators Newhouse, Moore, Quigg, McDermott and Jones (by Liquor Control Board request):

Implementing law relating to financial interests by banks, savings and loan associations and institutional investors in licensed retail business dealing with alcoholic beverages.

### REPORT OF STANDING COMMITTEE

February 8, 1982.

SENATE BILL NO. 4729, implementing law relating to financial interests by banks, savings and loan associations and institutional investors in licensed retail business dealing with alcoholic beverages (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 27, after "associations," insert "state or federally chartered mutual savings banks,"

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Vognild.

The bill was read the second time by sections.

On motion of Senator Quigg, the committee amendment was adopted.

Senator Metcalf moved adoption of the following amendment:

On page 3, line 1, strike the emergency clause.

Debate ensued.

The motion by Senator Metcalf failed and the amendment was not adopted.

On motion of Senator Quigg, the rules were suspended, Engrossed Senate Bill No. 4729 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. 4729 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Charnley, Lysen, Metcalf, Zimmerman—4.

Absent or not voting: Senator Guess—1.

ENGROSSED SENATE BILL NO. 4729, having received the 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 Clarke, Senate Bill No. 4560 will be considered following Senate Bill No. 3567.

On motion of Senator Clarke, Senate Bill No. 3361 will be considered following Senate Bill No. 4560.

### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 135, by Senators von Reichbauer, Charnley, Kiskaddon and Williams:

Establishing policy of giving priority to ride-sharing programs and other transportation system techniques.

### REPORT OF STANDING COMMITTEE

February 1, 1982.

SENATE CONCURRENT RESOLUTION NO. 135, establishing policy of giving priority to ride-sharing programs and other transportation system techniques (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 7, after "and" insert the following:

"WHEREAS, Ride-sharing and transportation system management techniques lend themselves to strong participation by both public and private sectors in cost-effective, flexible transportation alternatives; and"

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Hansen, Kiskaddon, Peterson, Talley.

The resolution was read the second time in full:

On motion of Senator von Reichbauer, the committee amendment was adopted.

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Senate Concurrent Resolution No. 135 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

### SECOND READING

SENATE BILL NO. 3361, by Senators Fleming and Jones:  
Increasing maximum cost of port district small works projects.

### MOTION

On motion of Senator Zimmerman, Substitute Senate Bill No. 3361 was substituted for Senate Bill No. 3361 and the substitute bill was placed on second reading and read the second time in full.

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

On page 1, line 9, strike "may" and insert: "~~((may))~~ exceeding thirty thousand dollars for equipment material and laobr shall"

On page 1, line 10, strike "or day labor" and insert "~~((or day labor))~~"

On page 1, line 11, strike "~~((thirty))~~ fifty"

Debate ensued.

The motion by Senator Quigg failed and the amendments were not adopted.

On motion of Senator Zimmerman, the rules were suspended, Substitute Senate Bill No. 3361 was advanced to third reading, the second 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. 3361 and the bill passed the Senate by the following vote: Yeas, 43; nays, 6.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Bluechel, Craswell, Guess, Moore, Pullen, Quigg—6.

SUBSTITUTE SENATE BILL NO. 3361, having received the 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. 4597, by Senators Zimmerman, Vognild and Bauer:  
Modifying state fireworks law.

## MOTIONS

On motion of Senator Quigg, Substitute Senate Bill No. 4597 was substituted for Senate Bill No. 4597 and the substitute bill was placed on second reading and read the second time in full.

Senator Williams moved adoption of the following amendment:

On page 6, after line 29, insert:

"NEW SECTION. Sec. 14. There is added to chapter 70.77 RCW a new section to read as follows:

Nothing in this chapter shall be construed to prohibit a local public agency from promulgating, by ordinance or resolution, restrictions on the sale of fireworks which are greater than those provided by this chapter."

Remember the remaining sections accordingly.

Debate ensued.

## POINT OF INQUIRY

Senator Ridder: "Senator Williams, in the reference to 'local public agency,' would that include a tribal governing body?"

Senator Williams: "Senator Ridder, I am not sure that I am qualified to say. The language says 'local public agency.' If that can be construed or if somebody better than I can say that includes tribal agencies. . . ."

Senator Ridder: "I don't know, I hesitate to say I would have reservations, but I would have some concerns about that possibility."

## REMARKS BY SENATOR WILLIAMS

Senator Williams: "Yes, Mr. President, just to make some final comments on it.

"I am in favor of the idea of having a state maximum restriction in terms of maximum levels of fireworks available in the state. However, it reminds you that the bill is taking away some rights that local governments do have now to make self-determination in terms of tightening down and restricting more than that, if, in fact, they see fit to do so. And also, remind you that the bill does allow fireworks to be used in the state that are not presently allowed, that presently are illegal, as I understand it: Roman candles and perhaps some other things that presently are not allowed in the state.

"So at the same time that we are raising the level of dangerous items that are allowed, we are taking away the ability of local government to maintain at least present level.

"So while I am supportive of the bill, I think we do need to have some ability of a local government to be a little bit more restrictive, if in fact, they see fit. In other words, they cannot go above the restrictions but they can be more restrictive.

"So in answer to Senator Ridder's question about tribal councils, if, in fact, tribal councils were covered by my language, they would not be able to sell things that were more dangerous than what this bill provides for."

The motion by Senator Williams failed and the amendment was not adopted on a rising vote.

On motion of Senator Zimmerman, the following amendment by Senators Vognild and Zimmerman was adopted:

On page 8, line 8, after "one" strike "hundred thousand" and insert "million"

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and Wilson:

On page 16, line 13, strike all language down to and including the period on line 14 and insert "~~((A local public agency shall not charge more than ten dollars as a permit fee for any one year.))~~ A local public agency is authorized to provide by ordinance for permit fees."

#### MOTION

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

#### MOTION FOR RECONSIDERATION

Having given prior notice, on motion of Senator Vognild, the Senate moved to reconsider, on a rising vote, the failure of Substitute Senate Bill No. 4759 to pass the Senate on February 17, 1982.

The President declared the question before the Senate to be the roll call on final passage, on reconsideration, of Substitute Senate Bill No. 4759.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator von Reichbauer: "Mr. President, will this require 60% of those present or 60% of the total membership?"

#### REPLY BY THE PRESIDENT

President Cherberg: "The measure will require 60% of the members elected, a minimum of thirty favorable votes."

Debate ensued.

#### POINT OF INQUIRY

Senator Moore: "Senator Metcalf, I would like to ask you, you referred to something like a 'machine' that apparently got into high gear over night. Who is this? What manner of machine is this? Of what are you speaking? Please."

Senator Metcalf: "Thank you, Mr. President. In answer to Senator Moore and to Senator Talley, no, I didn't mean in any way that the local Eagles were part of the Mafia; I meant a machine, a profit-making machine. I don't think the Mafia is involved in this small-time stuff, but I'll tell you the profit-motive machine is what I meant. And the basic tavern owners are the ones I believe; that is what I was referring to."

Senator Moore: "Well, that isn't what I thought you meant and I will tell you something about the profit-making motive in this country, Senator Metcalf. In this

last twelve months, ending December 31, 1981, we have six banking chains in this state, four of them turned in the largest earnings in their history, two of them turned in the second best earnings in their history, and on equity, they are making more money than these taverns, small businesses that you are speaking of; and I just think your argument is totally specious."

Senator Jones, Sellar and Metcalf demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call, on reconsideration, on final passage of Substitute Senate Bill No. 4759.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4759, and the bill failed to pass the Senate, on reconsideration, by the following vote: Yeas, 20; nays, 27; absent or not voting, 2.

Voting yea: Senators Bauer, Bottiger, Conner, Gaspard, Goltz, Haley, Hansen, Hurley, Jones, McDermott, Moore, Newhouse, Peterson, Quigg, Ridder, Sellar, Talley, Talmadge, Vognild, von Reichbauer—20.

Voting nay: Senators Benitz, Bluechel, Charnley, Clarke, Craswell, Fleming, Fuller, Gallagher, Gould, Guess, Hayner, Hemstad, Hughes, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Pullen, Rasmussen, Scott, Shinpöch, Williams, Wilson, Wojahn, Woody, Zimmerman—27.

Absent or not voting: Senators Deccio, Patterson—2.

SUBSTITUTE SENATE BILL NO. 4759, having failed to receive the constitutional sixty percent majority, on reconsideration, was declared lost.

### MOTIONS

On motion of Senator Lee, the Committee on Transportation was relieved from further consideration of Engrossed House Bill No. 752.

On motion of Senator Lee, Engrossed House Bill No. 752 was rereferred to the Committee on Local Government.

At 5:12 p.m., on motion of Senator Clarke, the Senate recessed until 7:30 p.m.

### EVENING SESSION

The President called the Senate to order at 7:30 p.m.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 17, 1982.

SENATE BILL NO. 4631, regulating contractor registration (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 4631 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

February 17, 1982.

SENATE BILL NO. 4786, modifying the community mental health services act (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 4786 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 18, 1982.

SENATE BILL NO. 4816, modifying factors to be considered in assessments for property tax purposes (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, Moore, Sellar.

Passed to Committee on Rules for second reading.

February 18, 1982.

SUBSTITUTE HOUSE BILL NO. 593, protecting state employees who report improper governmental action (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Fleming, McDermott, Sellar.

Passed to Committee on Rules for second reading.

February 17, 1982.

HOUSE BILL NO. 935, revising fees for bank examinations (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bluechel, Clarke, Haley, Pullen.

Passed to Committee on Rules for second reading.

February 17, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 936, providing for reorganization to form a bank holding company (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bottiger, Haley, Pullen.

Passed to Committee on Rules for second reading.

February 17, 1982.

HOUSE BILL NO. 1017, modifying the law on camping clubs (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

February 18, 1982.

Mr. President: The Speaker has signed: HOUSE BILL NO. 385, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed: HOUSE BILL NO. 385.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 4597, by Committee on Labor (originally sponsored by Senators Zimmerman, Vognild and Bauer):

Modifying state fireworks law.

The Senate resumed consideration of Substitute Senate Bill No. 4597, as amended earlier today. The following amendment by Senator Rasmussen and Wilson had been moved for adoption at that time:

On page 16, line 13, strike all language down to and including the period on line 14 and insert "~~((A local public agency shall not charge more than ten dollars as a permit fee for any one year.))~~ A local public agency is authorized to provide by ordinance for permit fees."

Debate ensued.

The motion by Senator Rasmussen carried and the amendment was adopted.

#### POINT OF INQUIRY

Senator Pullen: ". . . I am not sure who I should ask whether it should be Senator Vognild or Senator Quigg, but the question I would like to ask deals with page 6, lines 20 and 21, and in that particular section it says the state fire marshal 'is vested with the necessary police powers to enforce the criminal provisions of this chapter.' I always get very, very nervous when we delegate police powers to anyone and I guess-I was hoping someone might be able to tell me a little bit more about why it is necessary to delegate police powers to the state fire marshal."

Senator Vognild: "Is that a question you are asking me?"

Senator Pullen: "Well, since you are so highly regarded for having a great deal of expertise in this area, I would be very pleased if you would be the one who might try to answer it."

Senator Vognild: "I am questioning, after today's action, if I am highly regarded. But nevertheless the fire marshal presently, under law, has the police authority necessary to enforce the various ordinances that he is required to enforce. And I believe that this very simply falls in line with the rest of the fire marshal's ordinances."

Senator Pullen: "Well, you can guess what my next question will be. If he already has the police power, then why are we putting in lines 20 and 21 into the bill?"

Senator Vognild: "I guess I would have to ask you that by simply saying that the code reviser would probably have a better answer than I do."

Senator Bottiger: "Mr. President, the answer is the fire marshal has police power in fire marshal bills. This bill gives him police powers, the same power, in fireworks' bills."

Senator Pullen moved adoption of the following amendment:

On page 4, line 1, after "visible" insert "or audible"

#### POINT OF INQUIRY

Senator Talley: "Senator Pullen, these huge fireworks displays have got to be shot off by people who know their job. This fire marshal checks the qualifications of the men, the men who do the firing of the sky rockets and bombs and such as that."

Senator Pullen: "No, that is not relative to my question. My question is, under the definition of 'common fireworks' at the bottom of page 3 and the top of page 4, the bill defines 'common fireworks' as follows: it 'includes any fireworks which are designed primarily for sale at retail to the public during prescribed dates and which produce visible effects through combustion,' and my amendment would merely add the words 'or audible' effects through combustion."

The motion by Senator Pullen carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Talmadge, Senator Ridder was excused.

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 4597 was advanced to third reading, the second 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. 4597 and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Conner, Fleming, Hughes, Hurley, Lysen, Talmadge, Williams—7.

Excused: Senator Charnley—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4597, having received the 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. 4947, by Senator Newhouse (originally sponsored by Board of Industrial Insurance Appeals request):

Revising procedures for appeals regarding industrial insurance.

The Senate resumed consideration of Senate Bill No. 4947 as amended earlier today. The following amendment by Senator Lee had been moved for adoption as corrected by Senator Clarke:

On page 6, after line 9, add sections as follows:

"Sec. 7. Section 1, chapter 30, Laws of 1974 ex. sess. as last amended by section 11, chapter 171, Laws of 1979 ex. sess. and RCW 51.32.040 are each amended to read as follows:

No money paid or payable under this title shall, except as provided for in RCW 74.20A.260, prior to the issuance and delivery of the check or warrant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: PROVIDED, That transfers to a financial institution at the request of a worker or other beneficiary and in accordance with section 3 of this 1982-act shall be made: PROVIDED FURTHER, That if any worker suffers a permanent partial injury, and dies from some other cause than the accident which produced such injury before he or she shall have received payment of his or her award for such permanent partial injury, or if any worker suffers any other injury before he or she shall have received payment of any monthly installment covering any period of time prior to his or her death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to the surviving spouse, or to the child or children if there is no surviving spouse: PROVIDED FURTHER, That, if any worker suffers an injury and dies therefrom before he or she shall have received payment of any monthly installment covering time loss for any period of time prior to his or her death, the amount of such monthly payment shall be paid to the surviving spouse, or to the child or children if there is no surviving spouse: PROVIDED FURTHER, That any application for compensation under the foregoing provisos of this section shall be filed with the department or self-

insuring employer within one year of the date of death: PROVIDED FURTHER, That if the injured worker resided in the United States as long as three years prior to the date of injury, such payment shall not be made to any surviving spouse or child who was at the time of the injury a nonresident of the United States: PROVIDED FURTHER, That any worker receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible therefor while confined in any institution under conviction and sentence shall have all payments of such compensation canceled during the period of confinement but after discharge from the institution payment of benefits thereafter due shall be paid if such worker would, but for the provisions of this proviso, otherwise be entitled thereto: PROVIDED FURTHER, That if any prisoner is injured in the course of his or her employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he or she shall be entitled to payments under this title subject to the requirements of chapter 72.65 RCW unless his or her participation in such program has been canceled, or unless he or she is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence: PROVIDED FURTHER, That if such incarcerated worker has during such confinement period, any beneficiaries, they shall be paid directly the monthly benefits which would have been paid to him or her for himself or herself and his or her beneficiaries had he or she not been so confined. Any lump sum benefits to which the worker would otherwise be entitled but for the provisions of these provisos shall be paid on a monthly basis to his or her beneficiaries.

NEW SECTION. Sec. 8. There is added to chapter 51.32 RCW a new section to read as follows:

Any worker or other recipient of benefits under this title may elect to have any payments due transferred to such person's account in a financial institution for either: (1) Credit to the recipient's account in such financial institution; or (2) immediate transfer therefrom to the recipient's account in any other financial institution. A single warrant may be drawn in favor of such financial institution, for the total amount due the recipients involved, and written directions provided to such financial institution of the amount to be credited to the account of a recipient or to be transferred to an account in another financial institution for such recipient. The issuance and delivery by the disbursing officer of a warrant in accordance with the procedure set forth in this section and proper indorsement thereof by the financial institution shall have the same legal effect as payment directly to the recipient.

For the purposes of this section "financial institution" shall have the meaning given in RCW 41.04.240 as now or hereafter amended."

On motion of Senator Lee, the following amendments to the amendment were considered and adopted simultaneously:

On page 1, line 24 of the amendment strike "PROVIDED, That" and insert "unless the"

On line 25, strike "transfers" and insert "transfer is"

On line 29, strike "Further"

The motion by Senator Lee carried and the amendment, as amended, was adopted.

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

On page 1, line 1 of the title, after "insurance;" strike "and"

On page 1, line 3 of the title, after "51.08.013" insert "; amending section 1, chapter 30, Laws of 1974 ex. sess. as last amended by section 11, chapter 171, Laws of 1979 ex. sess. and RCW 51.32.040; and adding a new section to chapter 51.32 RCW"

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

On page 1, line 12 of the title following ".110" insert "; amending section 51.52.095, chapter 23, Laws of 1961 as last amended by section 78, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.095; 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; and amending section 51.52.106, chapter 23, Laws of 1961 as last amended by section 4, chapter 58, Laws of 1975 1st ex. sess. and RCW 51.52.106"

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 4947 was advanced to third reading, the second 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. 4947 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Ridder—1.

ENGROSSED SENATE BILL NO. 4947, having received the 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. 3567, by Senators Craswell, Conner, Quigg and Gallagher:

Fixing rate of increase for harbor area rental fees.

### REPORT OF STANDING COMMITTEE

March 25, 1981.

SENATE BILL NO. 3567, fixing rate of increase for harbor area rental fees (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7, after "releasing" insert "tidelands, shorelands, beds of navigable waters, fresh water harbor areas and tidal"

On page 1, line 8 after "a" insert "tideland, shoreland, beds of navigable waters, fresh water harbor area and tidal"

On page 1, line 10, after "the" strike "harbor" and insert "((harbor)) such"

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Gallagher, the committee amendments were considered and adopted simultaneously.

Senator Shinpoch moved adoption of the following amendment by Senators Shinpoch and Goltz:

On page 1, in line 9, strike "((six))" and insert "twelve".

Debate ensued.

## POINT OF INQUIRY

Senator Moore: "Senator Shinpoch, what is so magic about 'twelve?'"

Senator Shinpoch: "The magic thing about twelve was that that was the rate of inflation last year when we submitted this amendment."

Senator Moore: "By what index, Senator?"

Senator Shinpoch: "The only one that we normally use around here, and that is the CPI."

Senator Moore: "That is not accurate — twelve is not accurate on this case."

Senator Shinpoch: "Well, neither is six."

Senator Moore: "But six is not the question here; your amendment is twelve."

Senator Shinpoch: "There is absolutely nothing magic about twelve; it was twelve at the time we put this amendment up about ten months ago, the CPI was running eleven, twelve and sometimes thirteen percent a month. We simply picked twelve at that point in time. The amendment has been here for a year, we are finally getting around to the bill and that is what is magic about twelve."

Senator Moore: "Is that twelve percent a month, did you say, Senator?"

Senator Shinpoch: "No, I said on the CPI per month, on the individual month we are running eleven, twelve and thirteen percent about a year ago."

Senator Moore: "On an annualized basis?"

Senator Shinpoch: "Yes, yes."

Senator Moore: "Well, I mean, you didn't make that clear Senator. Now Senator Shinpoch has made it very clear that he picked this out of the air, you know, twelve . . ."

Senator Shinpoch: "Did you have another question?"

Senator Moore: "I do have a few more, yes."

Senator Shinpoch: "Could we get them now?"

Senator Moore: "Senator, let me ask you this, is this a compounded figure or are you suggesting that it goes up twelve percent a year on the base rate?"

Senator Shinpoch: "Well, I think the bill makes it very clear that it is on twelve percent a year."

Senator Moore: "So you are saying that this will go up, in other words if a person is paying a thousand dollars a year now, he will pay eleven twenty in the following year? And then another hundred and twenty dollars each year thereafter? And for what period is this intended?"

Senator Shinpoch: "Senator Moore, the same period that the six percent is and it would be calculated on the same basis that the six percent would be calculated."

## MOTION

On motion of Senator Bottiger, Senate Bill No. 3567, as amended, together with the pending amendment by Senators Shinpoch and Goltz, was ordered held for further consideration on February 19, 1982.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon Senator Ridder's Point of Parliamentary Inquiry, the President finds that Senate Rule 47 in its present form does not specifically refer to the vote of the members of the committee regarding the passage of any measure. However, the President finds that the language contained in subsection 4 and 8 of Rule 47 and the rules of Parliamentary Procedure and of the Senate indicate that when a vote is taken a majority of the members present and voting must vote in favor before a measure is deemed passed.

"Notwithstanding the issue of the number of members voting in favor of a measure, it is quite clear that the majority report must contain the signatures of a majority of the total membership of the committee.

"The President respectfully suggests that the Senate consider examining Senate Rule 47 to determine if clarification of Senate Committee Voting Procedures is warranted."

#### MOTION BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. In view of the fact that it is rather obvious that the President in referring the bill to rules was acting without knowledge of the fact as recited by Senator Ridder, I move that, in order to correct the error, with the consent of the Senate, the record be corrected to show that the bill is still in social and health services committee."

#### REMARKS BY SENATOR RIDDER

Senator Ridder: "Thank you, Mr. President. And Senator Clarke, thank you. I appreciate that and as I expressed earlier, I am pleased also that we have the opportunity to clarify our procedures at a time in which it is not a bill on which we might become polarized on a partisan issue. I thank you."

Senate Concurrent Resolution No. 137 was returned from the Committee on Rules to the Committee on Social and Health Services.

#### THIRD READING

SENATE BILL NO. 4691, by Senators Talmadge, Bottiger and Hemstad:

Making technical correction in the law of comparative fault and contribution amount tortfeasors.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4691.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4691 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Rasmussen, Wilson—2.

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

SENATE BILL NO. 4691, having received the 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 Clarke, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 4707, by Senators Kiskaddon and Wojahn:

Making miscellaneous changes in school code including removal of obsolete sections.

## MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Bill No. 4707 was substituted for Senate Bill No. 4707 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Kiskaddon, the following amendments were considered and adopted simultaneously:

On page 12, section 19, line 32, strike all of subsection (3) and renumber the remaining subsections consecutively.

On page 13, following section 19, strike sections 20 and 21, renumber the remaining sections consecutively, and make internal reference changes throughout the bill as necessary.

On motion of Senator Kiskaddon, the following amendments to the title were considered and adopted simultaneously:

On page 1, line 17 of the title, after "28A.60.352;" strike everything down to and including "82.24.260;" on line 22

ON page 2, line 21 of the title, after "28A.47.435;" strike everything down to and including "28A.47.440;" on line 24

On motion of Senator Kiskaddon, the rules were suspended, Engrossed Substitute Senate Bill No. 4707 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 Kiskaddon, does the bill repeal the 1961 bond authorization? You mention 1949, '55, '57, '59 and '61 bond issues for school plant facilities."

Senator Kiskaddon: "Yes, . . ."

Senator Rasmussen: ". . . well, I was looking in the treasurer's report which indicates as of June 30, 1981, there was \$3,690,000 outstanding. Do you know if that has been paid off?"

Senator Kiskaddon: "Yes, and the . . ."

Senator Rasmussen: "That was only six months ago."

Senator Kiskaddon: "I have a letter here from Tim Kerr, deputy state treasurer and the second paragraph is 'In addition I recommend the repeal of the sections authorizing the 1961 authorization. The final principal and interest payment requires that this authorization will be made December 1, 1981.'"

Senator Rasmussen: "Thank you."

## POINT OF INQUIRY

Senator Vognild: "Senator Kiskaddon, you caught my attention when you talked about a cigarette tax that was apparently put on for a specific purpose? And is now being left on, is that correct?"

Senator Kiskaddon: "It has been left on for quite some time, yes."

Senator Vognild: "Where will that money be going now?"

Senator Kiskaddon: "The general fund."

Senator Vognild: "I think I will support the bill but I would like to point out that apparently what we have done here is another one of the dedicated taxes that was put on for a purpose, is now going to be left on and rolled into the general fund; and I think we should all be aware of that."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4707 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4707, having received the 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. 4717, by Senators Lee, Shinpoch and Metcalf:

Giving free copies of state statutes and rules to legislative committees.

The bill was read the second time by sections.

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 4717 was advanced to third reading, the second 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. 4717 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SENATE BILL NO. 4717, having received the 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. 4728, by Senators Sellar and Wojahn:

Authorizing issuance of short-term obligation by municipal corporations.

## MOTIONS

On motion of Senator Sellar, Substitute Senate Bill No. 4728 was substituted for Senate Bill No. 4728 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gould, the following amendments by Senators Gould, Sellar and Wojahn were considered and adopted simultaneously:

On page 2, line 10, after "statute" insert ", except joint operating agencies under chapter 43.52 RCW"

On page 4, line 34, after "corporation." add "The authority granted by sections 2 through 9 of this act to public utility districts organized under title 54 RCW shall not extend to joint operating agencies organized under chapter 43.52 RCW."

On motion of Senator Rasmussen, there being no objection, an amendment to pages 5 and 6, on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Sellar, the rules were suspended, Engrossed Substitute Senate Bill No. 4728 was advanced to third reading, the second 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. 4728 and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senators Pullen, Quigg—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4728, having received the 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. 4736, by Senators Hemstad and Zimmerman:  
Prohibiting abuse of substances containing toxic vapors or fumes.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 4736 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 Hemstad, when it says in this law that it is unlawful to sniff glue or these substances, what is the penalty for doing that? Is this a misdemeanor or what happens?"

Senator Hemstad: "I am looking to see in the bill if it is included, the sections are included as to the category of crime."

## REMARKS BY SENATOR WILLIAMS

Senator Williams: "Mr. President, I was just looking at that RCW. The penalty is \$100 and/or 30 days in jail."

## REMARKS BY SENATOR HEMSTAD

Senator Hemstad: "I stress again that in order for there to be a crime, there has to be a criminal intent, so obviously it does not apply in situations where workmen are working and inhale the vapor."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4736 and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senators Ridder, Williams—2.

SENATE BILL NO. 4736, having received the 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. 4748, by Senators Benitz, Charnley and Newhouse:  
Permitting breweries and wineries to conduct courses in beer and wine.

### REPORT OF STANDING COMMITTEE

February 3, 1982.

SENATE BILL NO. 4748, permitting breweries and wineries to conduct courses in beer and wine (reported by Committee on Commerce and Labor):

Recommendation: Do pass with the following amendment:

On page 2, line 10, after "act;" strike all material down to and including "enology;" on line 13

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild, Williams.

The bill was read the second time by sections.

On motion of Senator Quigg, the committee amendment was adopted.

On motion of Senator Quigg, the rules were suspended, Engrossed Senate Bill No. 4748 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, I need a little more information. You are allowed to instruct licensees on the subject of beer or wine, they may furnish beer or wine, I guess that has been deleted, they will have to buy that.

"What type of instructions do they need to pour wine out of a jug? Most of them hook their little finger in it and throw it over their shoulder and gurgle. I don't know whether you have some definite ideas what they are going to instruct in."

Senator Benitz: "Senator Rasmussen, we are not interested in teaching those people any further perfection of their habits but we are interested in teaching people the differences in wine and the courses, what you can expect from the taste to go with the food that makes good food better; that is what we are attempting to address here."

Senator Rasmussen: "This includes California wine?"

Senator Benitz: "It could include California wine but it is not likely; wholesalers, and certainly the manufacturers of Washington state wine will be interested in promoting their own. I would guess about the only reason we would use California wine is to prove the superiority of the Washington state wine."

Senator Rasmussen: "Well, thank you, Senator Benitz. I just wanted to know. I have seen a lot of wine on the shelves and people just go enie, meenie, miney, mo and gurgle, gurgle, and there we go."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4748 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg,

Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody—44.

Voting nay: Senators Metcalf, Pullen, Wilson, Zimmerman—4.

Absent or not voting: Senator Sellar—1.

ENGROSSED SENATE BILL NO. 4748, having received the 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. 4749, by Senators Haley, Wojahn, Lee, Gould and Hayner:

Repealing voter qualifications previously found unconstitutional.

The bill was read the second time by sections.

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 4749 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Bottiger: "Senator Haley, as I read this existing law, the officer in the military service of the United States Government cannot serve in the legislature."

Senator Haley: "Is there anyone here who is on duty?"

Senator Bottiger: "Yes, there is, Senator Haley, there is one member of this legislature who is a member of the United States military service. If we do not enact this bill repealing this whole section, then I presume that a captain in the United States Army National Guard would not be eligible to serve."

Senator Haley: "Well, that is another reason that possibly we shouldn't enact your bill."

Senator Bottiger: "You would probably pick up twenty-four votes."

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4749 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Bottiger—1.

Absent or not voting: Senators Hayner, Sellar—2.

SENATE BILL NO. 4749, having received the 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 Newhouse, Senate Bill No. 4839 was rereferred to the Committee on Rules.

### SECOND READING

SENATE BILL NO. 4852, by Senators Hansen, Newhouse and Wilson:

Modifying provisions on delinquent irrigation district assessments.

### MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 4852 was substituted for Senate Bill No. 4852 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. 4852 was advanced to third reading, the second 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. 4852 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SUBSTITUTE SENATE BILL NO. 4852, having received the 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. 4905, by Senators Lee, Bauer and Wilson:

Modifying provisions relating to governing bodies of merged special purpose districts.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Senate Bill No. 4905 was advanced to third reading, the second 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. 4905 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Voting nay: Senator Pullen—1.

SENATE BILL NO. 4905, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the bill.

### SECOND READING

SENATE BILL NO. 4956, by Senators Williams, von Reichbauer, Charnley and Hansen:

Regulating disposition of historic ferries.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 4956 was advanced to third reading, the second 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. 4956 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators McCaslin, Pullen—2.

Absent or not voting: Senator Hayner—1.

SENATE BILL NO. 4956, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Ridder, Senator Conner was excused.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 140, by Senators Gould and Williams:

Establishing a joint select committee on radioactive waste.

#### REPORT OF STANDING COMMITTEE

February 4, 1982.

SENATE CONCURRENT RESOLUTION NO. 140, establishing a Joint Select Committee on Radioactive Waste (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 3, after "will" strike "undoubtedly" and insert "likely"

On page 1, line 11, beginning with "part" strike all material down to and including "Compact" on line 12, and insert "a member of the Northwest Interstate Compact for Low Level Waste Management"

Signed by: Senators Gould, Chairman; Fuller, Hemstad, Hurley, Williams, Woody.

The resolution was read the second time in full.

On motion of Senator Gould, the committee amendments were considered and adopted simultaneously.

On motion of Senator Gould, the rules were suspended, Engrossed Senate Concurrent Resolution No. 140 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. 140 and the resolution passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1. excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Wilson—1.

Absent or not voting: Senator Jones—1.

Excused: Senator Conner—1.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 140, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE JOINT MEMORIAL NO. 115, by Senators Bauer, Patterson, Talley, Hansen, Quigg, Benitz, Sellar, Hayner and Zimmerman:

Opposing imposition of user fees to fund federal navigation projects.

## REPORT OF STANDING COMMITTEE

January 28, 1982.

SENATE JOINT MEMORIAL NO. 115, opposing the imposition of user fees to fund federal navigation projects (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 4, insert the following:

"WHEREAS, The federal treasury receives substantial revenue from customs, fees, tariffs and import duties;"

On page 2, line 8, after "fees", strike "on the Columbia River"

Signed by: Senators Zimmerman, Chairman; Bauer, Fuller, Gould, Lee, McCaslin, Talley.

The memorial was read the second time in full.

On motion of Senator Zimmerman, the committee amendments were considered and adopted simultaneously.

On motion of Senator Zimmerman, the rules were suspended, Engrossed Senate Joint Memorial No. 115 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 Engrossed Senate Joint Memorial No. 115 and the memorial passed the Senate by the following vote: Yeas, 44; nays, 3; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Charnley, Scott, Wilson—3.

Absent or not voting: Senator Fleming—1.

Excused: Senator Conner—1.

ENGROSSED SENATE JOINT MEMORIAL NO. 115, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE JOINT MEMORIAL NO. 116, by Senators Williams, Gould, Lysen, Hurley, Conner, Wojahn, Ridder, Charnley, Vognild, McDermott, Goltz, Wilson, Bauer, Talmadge and Gaspard:

Requesting modification of federal policies on high-level radioactive wastes.

The memorial was read the second time in full.

On motion of Senator Gould, the rules were suspended, Senate Joint Memorial No. 116 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. 116 and the memorial passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Deccio, Sellar—2.

Excused: Senator Conner—1.

SENATE JOINT MEMORIAL NO. 116, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE JOINT MEMORIAL NO. 120, by Senators Fuller, Guess, Hurley, Bluechel, Hughes, Williams, Goltz, Hansen, Quigg and Zimmerman (by Interagency Committee for Outdoor Recreation request):

Requesting Congress to authorize apportionments from the Federal Land and Water Conservation Fund.

The memorial was read the second time in full.

On motion of Senator Fuller, the rules were suspended, Senate Joint Memorial No. 120 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. 120 and the memorial passed the Senate by the following vote: Yeas, 43; absent or not voting, 5, excused, 1.

Voting yea: Senators Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Absent or not voting: Senators Bauer, Bottiger, Hayner, Sellar, Talley—5.

Excused: Senator Conner—1.

SENATE JOINT MEMORIAL NO. 120, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE JOINT MEMORIAL NO. 124, by Senators Gould, Moore, Fuller, Woody, McCaslin, Wilson, Hurley and Hemstad:

Asking Congress to approve compact on nuclear waste.

## MOTIONS

On motion of Senator Gould, Substitute Senate Joint Memorial No. 124 was substituted for Senate Joint Memorial No. 124 and the substitute memorial was placed on second reading and read the second time in full.

On motion of Senator Gould, the rules were suspended, Substitute Senate Joint Memorial No. 124 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

## POINT OF INQUIRY

Senator Pullen: "Senator Williams, you have passed out to each member a very interesting draft which shows a large increase in the volume of cubic feet of low-level radioactive waste, and in 1981, we are up to 1,600,000 cubic feet. Could you tell me how many curies of radioactivity that is?"

Senator Williams: "No."

Senator Pullen: "Okay, well, the only reason I would ask is that as you know the volume of material really doesn't mean too much, it is the total intensity of the radiation that is really significant. For example, you yourself are radioactive. A lot of people don't realize this but potassium is an essential element of every human being and potassium has one naturally occurring radioactive isotope. So in this room right here I would estimate there are several hundred cubic feet of radioactivity and yet the number of disintegrations per second, expressed in curies, is really the key factor that one should be interested in."

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 124 and the memorial passed the Senate by the following vote: Yeas, 41; nays, 6; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Bauer, Hughes, Lysen, McDermott, Ridder, Williams—6.

Absent or not voting: Senator Gallagher—1.

Excused: Senator Conner—1.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 124, having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Clarke, Senate Joint Resolution No. 113 was ordered held for consideration on February 19, 1982.

## SECOND READING

SENATE JOINT RESOLUTION NO. 142, by Senators Pullen and Woody:

Removing obsolete provisions from the constitution.

## REPORT OF STANDING COMMITTEE

January 21, 1982.

SENATE JOINT RESOLUTION NO. 142, removing obsolete provisions from the Constitution (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, strike lines 9, 10, and 11 in their entirety, and insert the following:

"Repealing Article VI, section 1A (Amendment 46);

Repealing Article XXII; and

Amending Article II, section 34 to read as follows:

Article II, section 34. There shall be established, in the office of the secretary of state, a bureau of statistics(~~(-agriculture and immigration,))~~ under such regulations as the legislature may provide."

Signed by: Senators Pullen, Chairman; Conner, Gould, Metcalf, Ridder, Woody.

The resolution was read the second time in full.

On motion of Senator Pullen, the committee amendment was adopted.

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Joint Resolution No. 142 was advanced to third reading, the second reading considered he third, and the resolution was placed on final passage.

## POINT OF INQUIRY

Senator Vognild: "Senator Pullen, if this is passed by the people, will this totally remove all previous language from the Constitution as it is printed in the future?"

Senator Pullen: "No, not at all. All this does is remove obsolete language dealing with three sections of the Constitution. We could have selected more but we didn't want to go too far in trying out the keyhole method of amending the Constitution. This goes, I think, just far enough that it will be manageable for the voters, but at the same time will eliminate some clutter in the Constitution."

Senator Vognild: "I don't believe I made my question clear, let me try again. My concern is, if this is approved by the people, it will remove this particular language, having been amended, totally from the Constitution and it would not show in the Constitution, the original language, any place."

Senator Pullen: "Well, no, it would completely remove the language from the Constitution, but in all the printed forms of the Constitution that I have ever seen, they always show the old language in italics for completeness and for historical purpose."

Senator Vognild: "Okay, that relieves my mind a little. I would hate very much to see the original language ever totally removed, italics, or some way shown that it has now been amended, I agree with; but not totally removed from that kind of a document."

Senator Pullen: "Right; you need not worry, there will be a continuous record."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 142 and the resolution passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Bottiger, Hemstad—2.

Excused: Senator Conner—1.

ENGROSSED SENATE JOINT RESOLUTION NO. 142, having received the constitutional majority, was declared passed.

### SECOND READING

SENATE BILL NO. 3921, by Senators Goltz, Gallagher, Wilson and Sellar:

Extending scope of legislative ethics law and establishing a statute of limitations for complaints thereunder.

The bill was read the second time by sections.

### POINT OF INQUIRY

Senator Talmadge: "Senator Goltz, the question I had with respect to this bill was, was it your intention to make the provisions of this act retroactive?"

Senator Goltz: "It is not the intention to make it retroactive."

Senator Talmadge: "Thank you, Senator Goltz."

On motion of Senator Goltz, the rules were suspended, Senate Bill No. 3921 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 Clarke: "Senator Goltz, I haven't followed this very closely but I do have this question: what if you do find that a former legislator or employee has been in violation, what if any thing can you do about it? A member can be brought to the attention of the body and be disciplined and so forth; but someone who is no longer with us, if we do find something, how do we have jurisdiction doing anything about it?"

Senator Goltz: "Well, we have the same jurisdiction that we have over members, and you say that we can reprimand. We can reprimand a former member or a former employee just as we can reprimand a current member. And I would suggest that the reprimand of a former member may be just as much a punishment or restraint as to reprimand a member.

"So we do have those options available to us under the current law. We also have the power to require restitution if there was anything to be returned."

Senator Clarke: "How do you enforce restitution?"

Senator Goltz: "Well, you could enforce that, I think, through the courts. But we do have the responsibility under our present law to require restitution if that is an appropriate thing to do."

Senator Clarke: "Well, yes, you can enforce restitution as to a member by disciplining him if he does not comply. I do think, however, that. . ."

President Cherberg: "Senator Lysen will state his point of order."

### POINT OF ORDER

Senator Lysen: "I thought we were on the consent calendar. Does this qualify for the consent calendar, Senator Clarke? I think we have kind of gone beyond the realm of the consent calendar here. I think it should be either. . ."

Further debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3921 and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—37.

Voting nay: Senators Clarke, Craswell, Deccio, Guess, Hansen, Moore, Patterson, Peterson, Rasmussen, Vognild, Woody—11.

Excused: Senator Conner—1.

SENATE BILL NO. 3921, having received the 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 Goltz moved adoption of the following resolution:

## SENATE RESOLUTION 1981—45

By Senators Goltz, Charnley, Bluechel and Fuller:

WHEREAS, The Pacific Northwest Trail is one of several interstate wilderness trails in the United States; and

WHEREAS, The Pacific Northwest region is abundantly blessed with natural beauty, especially in its mountains and forests; and

WHEREAS, The enjoyment of the region's natural environment through involvement in outdoor recreational activities is an important part of the lives of many of the residents of the state of Washington; and

WHEREAS, The establishment and maintenance of trails is essential to provide access to wilderness areas; and

WHEREAS, The Pacific Northwest Trail offers a unique opportunity to experience the variety of nature in the Pacific Northwest region by linking this state's natural areas with those of neighboring states;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the administration and Congress are urged to recognize the valuable contribution to outdoor recreational activity made by the Pacific Northwest Trail by including it within the national trail system; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the Secretary of the Interior, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of Congress from the State of Washington.

## POINT OF INQUIRY

Senator Wilson: "Senator Goltz, I certainly support this concept. My question is, what happens when a trail is added to the national trails system and a portion of the trail crosses private property?"

Senator Goltz: "Senator Wilson, there is no condemnation authority granted by this memorial whatsoever. This simply makes it possible for the various units of government and private property owners to participate and cooperate in putting this together. I do not think there would be any possibility of any unit of government entering into a condemnation procedure over private property."

Senator Wilson: "So the participation of private landowners would be entirely voluntary?"

Senator Goltz: "It would be entirely voluntary, as I understand it."

#### REMARKS BY SENATOR BLUECHEL

Senator Bluechel: "Mr. President, ladies and gentlemen of the Senate. Concurring with Senator Goltz that this is an outstanding project, and to answer further the questions by Senator Wilson. Most, at least of the large property owners have volunteered to assist in this type of trail and have worked out any of the problems that may be encountered. As a matter of fact, over the last few years we have passed bills to protect just such volunteer allowing of passage over the land by various timber owners and other landowners.

"And I would suggest that this trail encompasses something for almost everybody in this chamber here because there are very easy parts and there are very difficult parts and some parts of this are spectacularly beautiful and you can get to them within a simple, less than an hour's walk."

The motion by Senator Goltz carried and the resolution was adopted.

#### SECOND READING

SENATE BILL NO. 4119, by Senators Zimmerman, Fleming, Patterson and Bauer:

Authorizing tax increment obligations.

#### MOTION

On motion of Senator Clarke, Senate Bill No. 4119 was rereferred to the Committee on Ways and Means.

#### SECOND READING

SENATE BILL NO. 4354, by Senator Lee:

Providing choices for personnel or civil service system for employees of combined city and county health departments.

The bill was read the second time by sections.

On motion of Senator Lee, the rules were suspended, Senate Bill No. 4354 was advanced to third reading, the second 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. 4354 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Deccio—1.

Excused: Senator Conner—1.

SENATE BILL NO. 4354, having received the 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 Clarke, the Senate advanced to the seventh order of business.

## THIRD READING

ENGROSSED SENATE BILL NO. 3915, by Senators Lee, Hurley and Vognild:

Establishing the recreation guide revolving fund.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3915.

## POINT OF INQUIRY

Senator Bottiger: "Senator Lee, at least Senator Clarke and I have been noticing the number of new revolving accounts that are being created by departments in the state, and I notice here is another one.

"As I understand this, there is \$70,000 comes out of the general fund and then this revolving account will live on the sale of the guides that it sells. If it doesn't sell enough to make the next reprint, then the thing is just down the tube."

Senator Lee: "I would suggest that that would be the case, it would have to come, they would have to find some other means of funding it. It is assumed that it will, first of all repay the loan from the general fund and from then on be self-sustaining."

Senator Bottiger: "So we have no legislative oversight and there is nobody that is going to check the FTEs, the thing will just go on and on and on as long as they can sell it. This is a kind of private enterprise bill."

Senator Lee: "You will notice that the engrossed bill does have an amendment that was proposed by the committee that does get OFM into the act so that we can keep track of what is going on. And also to, hopefully, look at other agencies so that duplicative publications can be removed from state funding."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3915 and the bill passed the Senate by the following vote: Yeas, 38; nays, 9; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McDermott, Metcalf, Moore, Newhouse, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—38.

Voting nay: Senators Bottiger, Hughes, Lysen, McCaslin, Patterson, Peterson, Pullen, Quigg, Sellar—9.

Absent or not voting: Senator Gallagher—1.

Excused: Senator Conner—1.

ENGROSSED SENATE BILL NO. 3915, having received the 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. 4846, by Senators Wilson, Newhouse and Hansen:

Authorizing department of ecology to acquire and operate the Lake Osoyoos International Water Control Structure.

### MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 4846 was substituted for Senate Bill No. 4846 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 4846 was advanced to third reading, the second 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. 4846 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—4.

Voting nay: Senators Bottiger, Moore, Shinpoch—3.

Absent or not voting: Senator Bauer—1.

Excused: Senator Conner—1.

SUBSTITUTE SENATE BILL NO. 4846, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the bill.

### SECOND READING

SENATE BILL NO. 4708, by Senators Jones, McDermott, Deccio, Bottiger, Benitz and McCaslin (by Horse Racing Commission request):

Implementing laws relating to horse racing.

### MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 4708 was substituted for Senate Bill No 4708 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Scott, the following amendment was adopted:

On page 1, following line 28, add a new section to read as follows:

"Sec. 2. Section 6, chapter 55, Laws of 1933 as amended by Section 1, chapter 39, Laws of 1973, 1st ex. sess. and RCW 67.16.050 are each amended to read as follows:

Every person making application for license to hold a race meet, under the provisions of this chapter shall file an application with the commission which shall set forth the time, the place, the number of days such meet will continue, and such other information as the commission may require. The commission shall be the sole judge of whether or not the race meet shall be licensed and the number of days the meet shall continue. No person who has been convicted of any crime involving moral turpitude shall be issued a license, nor shall any license be issued to any person who has violated the terms or provisions of this chapter, or any of the rules and regulations of the commission made pursuant thereto, or who has failed to pay to the commission any or all sums required under the provisions of this chapter. The

license shall specify the number of days the race meet shall continue and the number of races per day, which shall be not less than six nor more than ten, and for which a fee shall be paid daily in advance of ~~((one))~~ five hundred dollars for each day for those meets which had gross receipts from parimutuel machines in excess of fifty million dollars in the previous year fifty million dollars in the previous year and two hundred dollars for each day for meets which had gross receipts from parimutuel machines at or below fifty million dollars in the previous year; in addition any newly authorized race meets shall pay two hundred dollars per day for the first year: PROVIDED, That if unforeseen obstacles arise, which prevent the holding, or completion of any race meet, the license fee for the meet, or for a portion which cannot be held may be refunded the licensee, if the commission deems the reasons for failure to hold or complete the race meet sufficient. Any unexpired license held by any person who violates any of the provisions of this chapter, or any of the rules or regulations of the commission made pursuant thereto, or who fails to pay to the commission any and all sums required under the provisions of this chapter, shall be subject to cancellation and revocation by the commission. Such cancellation shall be made only after a summary hearing before the commission, of which three days' notice, in writing, shall be given the licensee, specifying the grounds for the proposed cancellation, and at which hearing the licensee shall be given an opportunity to be heard in opposition to the proposed cancellation."

Renumber remaining sections consecutively.

Senator Scott moved adoption of the following amendment:

On page 5, line 9 after "affected." insert:

"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."

### POINT OF INQUIRY

Senator Rasmussen: "Senator Scott, just today I had a telephone call from a constituent, and he has read about the number of million-dollar days out at the horse track and he suggested that one way the state could achieve some money would be to put an additional ten percent surcharge on the daily handle. Do you suppose that the ways and means committee could prepare that and get it adopted on the other side? It would certainly provide a little bit of money to help out in the tough straits that we are in. I am sure the people that play the horses, the gentlemen's name is Mr. Davis, a very sincere individual, people that play the horses pay and play, would not object to that additional tax because they don't know what happens anyway. Could you arrange that please?"

Senator Scott: "I read your letter, Senator, to that effect. I suggest that you deal as vigorously with Morrie Alhadeff as I just dealt with Senator Deccio and Senator Durkan and we will be all set."

The motion by Senator Scott carried and the amendment was adopted.

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

On page 1, line 2 of the title, following "67.16.020;" insert "amending section 6, chapter 55, Laws of 1933 as amended by section 1, chapter 39, Laws of 1973 1st ex. sess. and RCW 67.16.050;"

On motion of Senator Scott, the rules were suspended, Engrossed Substitute Senate Bill No. 4708 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 Guess: "Senator Scott, I think I heard something that Longacres is going to get sixteen days and Playfair is going to get six days? Is that the old division of the stew, are you going to bring a horse and a rabbit? Why did we get short-changed so much?"

Senator Scott: "What do you mean 'we,' Senator?"

Senator Guess: "Spokane."

## POINT OF INQUIRY

Senator Vognild: "Senator Scott, would you consider this a gambling bill?"

Senator Scott: "I am a 'revenuer,' not a gambling man — I can't afford to."

Senator Vognild: "One further question, Senator Scott. Is there anything in this bill that limits the betting so that people will not be spending their entire paychecks at the race-track?"

Senator Scott: "Ten thirty at night and you want to try that one on? I don't believe so, Senator. The rules of the game are changed, the constituents and fellow citizens have the same access to all the tracks that they have had lo these many years."

## PARLIAMENTARY INQUIRY

Senator Pullen: "Could you tell me whether Senate Bill 4708 takes a 60% constitutional majority?"

## REPLY BY THE PRESIDENT

President Cherberg: "Substitute Senate Bill 4708 takes a constitutional majority of the members elected. It does not require 60% majority."

## POINT OF INQUIRY

Senator Bottiger: "Senator Scott, I am fully aware, as I am sure you are, that there is currently pending, an application for harness racing and a new track at Auburn. And my question is, if that license is granted by the horse racing commission and the track at Auburn is created, will they have to come back here to get their days of meet and if so, looking at the inverse income tax which you have in this bill, will we then have the harness races competing with the Longacres' days, or will they be competing with Playfair and Yakima?"

Senator Scott: "Senator Bottiger, the horse racing commission suggests the number of days, yes, we have to approve them. I suspect those who are looking at harness race proposition will be negotiating with both the other three tracks and the commission and we'll find out about it after the fact."

## POINT OF INQUIRY

Senator Woody: "Senator Scott, correct me if I am wrong, but it occurs to me that if the harness racing or Arabian Horse Racing Association or any additional organization supplies the licenses, are we really talking about two hundred dollars a day . . . a hundred dollars a day, is that correct?"

Senator Scott: "That is correct — assuming they are under the %50,000,000 handle."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4708 and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Charnley, Goltz, Guess, Metcalf, Moore, Rasmussen, Wilson—7.

Excused: Senator Conner—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4708, having received the 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 10:36 p.m., on motion of Senator Clarke, the Senate adjourned until 9:00 a.m., Friday 19, 1982.

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

**FORTIETH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Friday, February 19, 1982.

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 Senator McDermott. On motion of Senator Ridder, Senator McDermott was excused.

The Color Guard, consisting of Pages Laura Clark and Michelle Gentry, presented the Colors. Reverend Richard Farr, pastor of Salmon Creek Methodist Church of Vancouver, Washington, offered the prayer.

Reverend Farr was the guest of Senator Al Bauer.

**MOTION**

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

**STATEMENT FOR THE JOURNAL  
EXPLANATION FOR EXCUSED ABSENCE FOR  
SENATOR JAMES McDERMOTT  
FEBRUARY 19, 1982  
CIVIL SUBPOENA**

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United States District Court  
for the  
Western District of Washington

Civil Action File No. C79-257R

MAVIS MOESCHLER, Plaintiff,

vs.

UNITED STATES OF AMERICA, Defendant.

To

Senator James McDermott  
102 Institutions Building  
Olympia, Washington 90504

ISSUED IN BLANK

YOU ARE HEREBY COMMANDED to appear in the United States District Court of the Western District of Washington, at Seattle in the city of Seattle, on the 19th day of February, 1982, at 9:30 o'clock a.m. to testify on behalf of plaintiff in the above entitled action.

2-16-1981.

Thomas P. Graham

Attorney for Plaintiff

GRAHAM & COHEN, Address

430 Logan Building

Seattle, Washington 98101

206-682-7332

BRUCE RIFKIN, Clerk

By David Boyd, Deputy Clerk.

REPORTS OF STANDING COMMITTEES

February 12, 1982.

SENATE BILL NO. 4944, modifying provisions on oil and gas (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4944 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bauer, Gaspard, Jones, Lee, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 18, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 626, providing civil and criminal penalties for certain acts relating to pornography and moral nuisances (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hayner, Newhouse, Pullen, Woody.

Passed to Committee on Rules for second reading.

February 17, 1982.

SUBSTITUTE HOUSE BILL NO. 1015, providing for the construction of the state convention and trade center (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Fleming, Haley, Jones, Lee, McDermott, Ridder, Zimmerman.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 18, 1982.

Mr. President: The House has passed:

HOUSE BILL NO. 859,

SUBSTITUTE HOUSE BILL NO. 887,

SUBSTITUTE HOUSE BILL NO. 890,

SUBSTITUTE HOUSE BILL NO. 1006,

SUBSTITUTE HOUSE BILL NO. 1007,

HOUSE BILL NO. 1071,

HOUSE BILL NO. 1123,

SUBSTITUTE HOUSE BILL NO. 1130, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 18, 1982.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 1,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 436,

SUBSTITUTE HOUSE BILL NO. 448,

SUBSTITUTE HOUSE BILL NO. 476,

SUBSTITUTE HOUSE BILL NO. 824,

SUBSTITUTE HOUSE BILL NO. 848,

SUBSTITUTE HOUSE BILL NO. 852,

ENGROSSED HOUSE BILL NO. 894,

SUBSTITUTE HOUSE BILL NO. 914,

HOUSE BILL NO. 933,

ENGROSSED HOUSE BILL NO. 980,

HOUSE BILL NO. 1000,  
 ENGROSSED HOUSE BILL NO. 1002,  
 SUBSTITUTE HOUSE BILL NO. 1069,  
 HOUSE BILL NO. 1162,  
 HOUSE BILL NO. 1174,  
 HOUSE BILL NO. 1180,  
 ENGROSSED HOUSE JOINT MEMORIAL NO. 22, and the same are  
 herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 1, by Committee on Revenue (originally sponsored by Representatives Rosbach, Owen, Wilson, Fiske and Mitchell):  
 Authorizing current use valuation for smaller areas of forest land.  
 Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 436, by Committee on Labor and Economic Development (originally sponsored by Representatives North, Clayton, O'Brien and Garrett):  
 Requiring auctioneer licensing.  
 Referred to Committee on Commerce and Labor.

SUBSTITUTE HOUSE BILL NO. 448, by Committee on Labor and Economic Development (originally sponsored by Representatives Nisbet, Sherman, Brekke, Lane, Rust, Nelson (D), Valle, Gruger, Rinehart, Wang, Teutsch):  
 Prohibiting pull-tab beverage containers.  
 Referred to Committee on Commerce and Labor.

SUBSTITUTE HOUSE BILL NO. 476, by Committee on State Government (originally sponsored by Representatives Thompson, Monohon and Wilson):  
 Exempting certain library records from requirements for public disclosure.  
 Referred to Committee on Constitutions and Elections.

SUBSTITUTE HOUSE BILL NO. 824, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives McGinnis, Heck, Leonard, Bickham, Lux and Dawson):  
 Modifying provisions relating to assignment of dental insurance benefits.  
 Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 848, by Committee on Human Services (originally sponsored by Committee on Human Services and Representative Mitchell) (by Department of Social and Health Services request):  
 Modifying provisions relating to child welfare services.  
 Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 852, by Committee on Human Services (originally sponsored by Committee on Human Services and Representative Mitchell) (by Department of Social and Health Services request):  
 Modifying provisions relating to nursing homes.  
 Referred to Committee on Social and Health Services.

HOUSE BILL NO. 859, by Representatives Barnes, Nelson (D), Vander Stoep, Hine, Tupper, Winsley and Barr:  
 Setting time limits for approval of certain permits under the environmental coordination procedures act.  
 Referred to Committee on Parks and Ecology.

**SUBSTITUTE HOUSE BILL NO. 887**, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representatives Ellis and Wang):

Enlarging class of civil actions which may be subject to mandatory arbitration.  
 Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 890**, by Committee on Local Government (originally sponsored by Representatives Dawson and Isaacson):

Raising minimum bidding requirements for fire districts.  
 Referred to Committee on Local Government.

**ENGROSSED HOUSE BILL NO. 894**, by Representatives Rosbach, Monohon, Williams, Nisbet, Mitchell and Johnson:

Appropriating funds for razor clam programs.  
 Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 914**, by Committee on Natural Resources and Environmental Affairs (originally sponsored by Representatives Lundquist, Van Dyken, James and Fiske):

Clarifying procedures for reviewing shoreline permits.  
 Referred to Committee on Parks and Ecology.

**HOUSE BILL NO. 933**, by Committee on Appropriations—General Government and Representatives Williams, Ehlers, Nelson (G), Thompson, Greengo and Sommers (by Legislative Budget Committee request):

Modifying provisions on the procurement of insurance by state agencies.  
 Referred to Committee on Financial Institutions and Insurance.

**ENGROSSED HOUSE BILL NO. 980**, by Committee on Human Services and Representative Mitchell (by Department of Social and Health Services request):

Modifying the energy allowance for public assistance recipients.  
 Referred to Committee on Social and Health Services.

**HOUSE BILL NO. 1000**, by Committee on Education and Representative Vander Stoep:

Authorizing pilot program for four day work week in schools.  
 Referred to Committee on Education.

**ENGROSSED HOUSE BILL NO. 1002**, by Representatives McCormick, Wilson, Martinis and Erak:

Extending the annual license fee on the use of natural gas and propane in motor vehicles.  
 Referred to Committee on Transportation.

**SUBSTITUTE HOUSE BILL NO. 1006**, by Committee on Local Government (originally sponsored by Committee on Local Government and Representatives Sanders, King (R), Barrett, Owen, Chamberlain, Scott, Leonard, Kreidler, Isaacson, Monohon, Berleen, James, Lewis and Eberle):

Revising law on compensation for taking of property by governments.  
 Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 1007**, by Committee on Local Government (originally sponsored by Committee on Local Government and Representatives Isaacson, Barrett, Sanders, Scott, Leonard, Berleen, Owen, Lundquist, Monohon, Chamberlain and James):

Revising procedures for notice of hearings by planning agencies.  
 Referred to Committee on Local Government.

**SUBSTITUTE HOUSE BILL NO. 1069**, by Committee on Human Services (originally sponsored by Representatives Leonard, Bond, Patrick, Brown, McGinnis, Stratton, Johnson, McCormick, Owen, Addison, Barrett, Schmidt, Scott, Nickell, Chamberlain, Rosbach and Padden):

Making autopsies mandatory in certain cases.

Referred to Committee on Social and Health Services.

**HOUSE BILL NO. 1071**, by Representatives Erak, Rosbach, Owen, Valle, Addison, Thompson, Lundquist, Greengo, Nickell, Garson, Chamberlain, Pruitt and Johnson:

Allowing commercial fishermen to sell fish directly to consumers from their boats once in port.

Referred to Committee on Natural Resources.

**HOUSE BILL NO. 1123**, by Committee on Labor and Economic Development and Representative Berleen:

Modifying provisions relating to gambling.

Referred to Committee on Commerce and Labor.

**SUBSTITUTE HOUSE BILL NO. 1130**, by Committee on Appropriations—General Government (originally sponsored by Representatives Nickell, Becker, Martinis, Vander Stoep, Patrick, Clayton and Nelson (G)):

Funding the uniform crime reports program of the sheriffs and police chiefs association.

Referred to Committee on Ways and Means.

**HOUSE BILL NO. 1162**, by Committee on Appropriations—General Government and Representative Williams:

Providing for an intensive management plan for geoducks.

Referred to Committee on Ways and Means.

**HOUSE BILL NO. 1174**, by Committee on Ways and Means and Representatives Chandler and Wang:

Requiring joint operating agencies to pay the costs of elections authorizing the sale of bonds for major public energy projects.

Referred to Committee on Constitutions and Elections.

**HOUSE BILL NO. 1180**, by Representatives Lundquist and Fiske:

Permitting certain counties to choose commissioners from districts with unequal populations.

Referred to Committee on Local Government.

**ENGROSSED HOUSE JOINT MEMORIAL NO. 22**, by Committee on Ways and Means and Representatives Chandler, Williams and Johnson:

Requesting passage of an enterprise zone act.

Referred to Committee on Commerce and Labor.

### MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 4907.

### SECOND READING

**SENATE BILL NO. 4907**, by Senators Rasmussen, Jones and Deccio:

Increasing additional tonnage for garbage trucks.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 4907 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 Fleming: "Senator Rasmussen, since you have been acknowledged as the all-time 'great red herring,' I am sure that you probably recognize one when you hear one; was that one you just heard?"

Senator Rasmussen: "Well, it was loaded in the garbage truck but it kind of sounded like it was a red herring, all right."

Further debate ensued.

#### POINT OF INQUIRY

Senator Hurley: "Senator Guess, I don't know very much about garbage trucks either excepting the ones that come by my house. But I am wondering if you could give me something to relate this to, a two-axle or a three-axle, I guess I don't exactly know how big it would be, how long it would be. Could you give me some of those 'for instances'?"

Senator Guess: "Senator Hurley, the eighteen wheelers which you see on the highway, are normally standard loaded to 72,000 pounds. The normal truck that the garbage is hauled on, is limited because of a short wheelbase, of about 34 feet — the other truck is about 72 feet, 70 feet, rather.

"The weight there is limited to, normally, 40,000 pounds on the front and back axles. The shorter the wheelbase, the more concentrated the load. But the damage, I suppose, is done because of a very short area over which you impose the load, will make the failure occur. When you stretch it out over the long and put the eighteen tires on the ground, you are keeping your pressures to the point that you are only giving 500 pounds per inch width of tire. Now I am afraid that is a little technical; but if you have a tire on the ground that you have to have the sufficient width on there to hold the thing up, the larger the truck, the larger the print that the tire makes on the ground, the better the load is spread.

"So what they try to do is design each one of these vehicles according to the standard and this just exceeds those standards by several thousands of pounds."

#### MOTIONS

On motion of Senator Ridder, Senator Goltz was excused.

On motion of Senator Bluechel, Senator Sellar was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4907 and the bill failed to pass the Senate by the following vote: Yeas, 16; nays, 30; excused, 3.

Voting yea: Senators Conner, Deccio, Fleming, Haley, Hughes, Jones, McCaslin, Metcalf, Moore, Newhouse, Peterson, Rasmussen, Talley, Talmadge, von Reichbauer, Woody—16.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Fuller, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, Lysen, Patterson, Pullen, Quigg, Ridder, Scott, Shipoch, Vognil, Williams, Wilson, Wojahn, Zimmerman—30.

Excused: Senators Goltz, McDermott, Sellar—3.

SENATE BILL NO. 4907, having failed to receive the constitutional majority, was declared lost.

### SECOND READING

SENATE BILL NO. 4919, by Senators Quigg, Hemstad and Fuller (by Department of Employment Security request):

Making an appropriation to employment security department.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, Senate Bill No. 4919 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 Quigg, my understanding of the main problem with employment security these days, is that a large number of employees whose responsibility was to try to bring unemployed people and jobs together, were eliminated because of federal curtailment. My question is, two questions, first is, is anything being done about that problem? And the second question is, will this 2.8 million dollars, to what extent will it be of real help to unemployed people, and to what extent will it simply make the department's life easier?"

Senator Quigg: "First question, Senator Wilson, this bill does not address the layoffs at the job service center. There is another bill that is moving through that does that. It does it through an appropriation from the trust fund rather than a general fund appropriation. And that is at the request of the employment security department.

"In answer to your second question, the processing of employment security department information, including claims, is not as efficient as it could be and if that is made more efficient and if we can more quickly and accurately make claims determinations and administer employer contributions, the trust fund will have more of the premiums paid in, kept in it, because of the more effective collection of effort by the department to see that employers are in compliance with their premium obligations and benefits pay-out will also be monitored more closely and effectively with this kind of equipment.

"So the net is for both employers and employees for the deserving out-of-work employee, there will be a larger fund from which to draw. And from the employer's standpoint, the employer can be better assured that when the employer is paying his fair share, that he is not going to be subsidizing somebody else, another employer who isn't, because the department will be able to accurately track both the premium and the benefits side of the department's operation."

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4919 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senator Moore—1.

Absent or not voting: Senator Deccio—1.

Excused: Senators Goltz, McDermott, Sellar—3.

SENATE BILL NO. 4919, having received the 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. 4562, by Senators von Reichbauer, Talley, Guess and Charnley (by Department of Licensing request):

Authorizing state participation in a multistate motor fuel tax agreement.

### MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 4562 was substituted for Senate Bill No. 4562 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. 4562 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 von Reichbauer, this is the kind of bill that looks real good on the surface, but I always wonder about these kinds of bills. Is it really going to save us that \$500,000, and do we have any provision to go back and take a look a year or two from now to see if it really works? I think that is a critical point, the legislative follow-up and oversight on this, because we are giving, we are consolidating power in the bureaucracies in other states far beyond our reach. So I would really like to be reassured that there are some plans to review this in the next year or two."

Senator von Reichbauer: "Senator Lysen, you are a member of the Senate transportation committee and while you have only had a chance this session to only attend one meeting of all our committee hearings, I am sure that if you come to attend our meetings, you will appreciate the oversight responsibilities the Senate transportation committee has."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4562 and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Gould, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Hughes, Hurley—2.

Absent or not voting: Senators Deccio, Guess—2.

Excused: Senators Goltz, McDermott—2.

SUBSTITUTE SENATE BILL NO. 4562, having received the 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. 4750, by Senators Scott, Goltz, and von Reichbauer (by Department of Licensing request):

Authorizing department of licensing to enter into nonresident violators compact.

## MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 4750 was substituted for Senate Bill No. 4750 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. 4750 was advanced to third reading, the second 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. 4750 and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Hughes, Lysen—2.

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

Excused: Senators Goltz, McDermott—2.

SUBSTITUTE SENATE BILL NO. 4750, having received the 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. 4622, by Senators Quigg, Jones, Lee, Vognild and Bottiger (by Governor Spellman request):

Creating community economic revitalization board.

## MOTION

On motion of Senator Clarke, Senate Bill No. 4622 was rereferred to the Committee on Ways and Means.

## SECOND READING

SENATE BILL NO. 4917, by Senator Kiskaddon:

Redefining superintendent of public instruction position on state board of education.

## MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Bill No. 4917 was substituted for Senate Bill No. 4917 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Kiskaddon, the rules were suspended, Substitute Senate Bill No. 4917 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 Kiskaddon, you are an experienced counselor. Do you feel inhibited somewhat serving in the Senate and having the President of the Senate, being it is Lieutenant Governor Cherberg who was elected statewide by all the people of the state by an overwhelming margin? I just wondered if that inhibited you in some way, and you felt that the Senate was not properly doing its work because the Lieutenant Governor was elected statewide?"

Senator Kiskaddon: "I do not feel inhibited; however, if the Lieutenant Governor was the one that set our agenda every day, that, I think, could make a difference, that we do set our own agenda even though he is part of the rules committee, that we do have the ability to have the sense of setting our own agenda."

Senator Rasmussen: "Well, thank you, Senator Kiskaddon."

Debate ensued.

#### POINT OF INQUIRY

Senator Lysen: "Senator Kiskaddon, we are trying to fix, evidently, some problem that the legislative budget committee in their audit, found or perceived in the relationship between the board, executive secretary being hired by the superintendent. What are the dynamics of that problem, and how is this going to fix that problem, or hopefully fix it?"

Senator Kiskaddon: "My understanding the perception of the audit committee person was that the superintendent basically hired the staff and he set the agenda and so in essence, had complete control of most of the basic functions of what the board was doing and the recommendation of the audit was that the board would have some bit of a separate entity, in fact it went much further than this bill, that it would recommend that they could hire their own secretary as a person of their choice rather than just use the person that the superintendent had described for them and so that they would have a little bit of a sense of independence from the superintendent."

Senator Lysen: "I guess my concern would be, you mean a board member is not able to get things placed on the agenda at his request? It would seem to me that that would be a basic courtesy, a requirement that the superintendent and his staff would be quite responsive to the board members. Is this the point here where the problem is?"

Senator Kiskaddon: "I think that the audit was looking from the technical way of seeing it. At the present moment there does not seem to be any major problem between the board and the superintendent as far as setting an agenda. I would sense that if you did ask, it would be put on. And yet, as any of you who have been chairman of a committee will know that the way you schedule an agenda and the way you do things can have quite a bit of an effect on what the outcome is. And so the sense of the report that I had was that they believe that there would be a more effective operation of the board if there was a little more sense of balance between who is in charge."

Senator Lysen: "Well, I think my response is and what my concern would be to that, is that, I don't think we should have two competing bureaucracies here, and the superintendent has the authority and I guess maybe that is all right because he is elected by the people and if we don't like it, we can change him. And to set up another competing organization. . ."

President Cherberg: "For what purpose does Senator Clarke rise?"

Senator Clarke: "I don't think, Mr. President, the question-and-answer situation should be used in order to circumvent the three-minute rule and we have had an exchange here of debate, as it were, when I am not sure anybody much is listening to it."

Senator Lysen: "Senator Clarke, how could you say that?"

President Cherberg: "Senator Clarke, Senator Lysen has nine seconds left."

Senator Lysen: "Does his time count against my time?"

President Cherberg: "Yes. You have nine seconds, Senator."

Senator Lysen: "Well, I think I have made my point, or Senator Kiskaddon clarified the situation to me and I thank you, Senator."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4917 and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shinpoch, von Reichbauer, Woody, Zimmerman—28.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, Peterson, Rasmussen, Ridder, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn—20.

Excused: Senator McDermott—1.

SUBSTITUTE SENATE BILL NO. 4917, having received the 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

The President announced the presence in the Senate Gallery of the Washington State Wheat Queen, Donna Cook of Ritzville. Queen Donna was accompanied by her mother and the wife of the President of the Washington State Wheat Growers Association. The visitors were guests of Senator Patterson. The President asked the Senators from the Eastern Washington area to stand with the honored guests.

(Applause)

### MOTION

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

### MOTION

Senator Lysen moved adoption of the following resolution:

#### SENATE RESOLUTION 1982—181

By Senators Lysen, Shinpoch, Bottiger, Talley, Conner, Williams, McDermott, Metcalf, McCaslin, Goltz, Ridder, Vognild, Hughes, Talmadge, Gaspard, Fleming, Quigg, Fuller, Patterson, Hemstad, Gould, Zimmerman, Peterson, Rasmussen, Wojahn, Hurley, Moore, Charnley, von Reichbauer, Lee and Wilson:

WHEREAS, The voters of the sovereign state of Washington overwhelmingly approved Initiative 394; and

WHEREAS, The Washington Public Power Supply System, which is limited by Initiative 394, is a municipal corporation of the sovereign state of Washington, and is subject to laws of this sovereign state; and

WHEREAS, The citizens of the state of Washington, in their wisdom and sovereignty, and in spite of over 1.2 million dollars spent to defeat their initiative, overwhelmingly chose Initiative 394 as the legal vehicle by which to protect their electricity costs, the state's credit rating, and our economic stability; and

WHEREAS, The Bonneville Power Administration is a federal agency which has contracted to purchase power from the utilities participating in the first three WPPSS plants, in contracts which explicitly recognize that WPPSS is a municipal corporation created and empowered by this legislature, and subject to all the laws of this legislature; and

WHEREAS, The bond fund trustees have filed a lawsuit naming the sovereign state of Washington as defendant, in an effort to have Initiative 394 declared invalid; and

WHEREAS, The Bonneville Power Administrator, Mr. Peter Johnson, has indicated his intention to allow the plaintiffs to charge the costs of their effort to overturn the law of the sovereign state of Washington to WPPSS, which would require that Washington state ratepayers pay the costs for the plaintiffs at the same time they are funding the Attorney General in his effort to enforce the law of this sovereign state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the efforts to charge the electric ratepayers for the costs of a lawsuit against this law enacted by the people of this sovereign state be declared contrary to the public policy of this sovereign state; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to each member of the Washington Congressional delegation, to the Bonneville Power Administrator, and to the Attorney General.

#### POINT OF INQUIRY

Senator Talley: "Senator Lysen, I know you and Senator Quigg are going to have a hearing in Longview on Monday night. I have had reports that in Aberdeen, you publicly advocated the shooting or hanging of some PUD commissioners: is this true?"

Senator Lysen: "That is not true, Senator Talley."

Senator Talley: "Thank you very much."

Further debate ensued.

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

On motion of Senator Fleming, the rules were suspended and any member may sign as an additional sponsor to Senate Resolution 1982—181.

The President declared the question before the Senate to be the roll call on Senator Resolution 1982—181.

#### ROLL CALL

The Secretary called the roll and the resolution was adopted by the following vote: Yeas, 40; nays, 3; absent or not voting, 5; excused, 1.

Voting yea: Senators Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—40.

Voting nay: Senators Benitz, Guess, Hayner—3.

Absent or not voting: Senators Bauer, Craswell, Deccio, Haley, Newhouse—5.

Excused: Senator McDermott—1.

#### MOTION

Senator Clarke moved the Senate adjourn.

#### PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, as you know the Constitution says that the one body of the legislature cannot adjourn for more than three days without permission from the other body.

"At one time you made a ruling that a day constitutes the period when the sun rises to when the sun sets, yet on another time I got the impression it was twenty-four hours. I was wondering if you could clarify for us whether we can adjourn until one o'clock on Monday?"

#### REPLY BY THE PRESIDENT

President Cherberg: "The President believes that you can if a majority of the members of the Senate agree."

At 11:10 a.m., the motion by Senator Clarke carried and the Senate adjourned until 1:00 p.m., Monday, February 22, 1982.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FORTY-THIRD DAY**

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**AFTERNOON SESSION**

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Senate Chamber, Olympia, Monday, February 22, 1982.

The Senate was called to order at 1:00 p.m. by President Pro Tempore Guess. The Secretary called the roll and announced to the President Pro Tempore that all members were present except Senators Hemstad, Hughes, Lysen, Pullen, Sellar, Shinpoch and Williams. On motion of Senator Ridder, Senators Hughes and Lysen were excused. On motion of Senator Bluechel, Senators Sellar and Pullen were excused.

The Color Guard, consisted of ROTC students from Central Washington University. Reverend Theodore Marmo, pastor of St. Michael's Church of Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 18, 1982.

SENATE BILL NO. 4776, revising procedures for notice of hearings by planning agencies (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 4776 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 17, 1982.

SUBSTITUTE HOUSE BILL NO. 571, implementing law relating to control of alcoholic beverages (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Sellar, Vognild.

Passed to Committee on Rules for second reading.

**MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

Office of the Governor, February 19, 1982.

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:

I. A. Tony Weza appointed February 11, 1982, for a term ending December 31, 1986, succeeding Valoria Ann Loveland as a member of the Public Disclosure Commission.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Constitutions and Elections.

Office of the Governor, February 19, 1982.

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. Anderson appointed February 11, 1982, completing an unexpired term ending September 30, 1982, succeeding William F. Johnston, and appointed to a full term beginning October 1, 1982, and ending September 30, 1987, as a member of the Board of Trustees for Community College District No. 4.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, February 19, 1982.

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:

Philip S. Hayes appointed February 11, 1982, completing an unexpired term ending April 3, 1982, succeeding Louis Soriano, and appointed to a full term beginning April 4, 1982, and ending April 3, 1986, as a member of the State Board for Community College Education.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

#### MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of confirmation of gubernatorial appointments.

#### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENT MOTION

On motion of Senator Deccio, the appointment of Philip A. Peter as a member of the State Commission for the Blind, was confirmed.

#### APPOINTMENT OF PHILIP A. PETER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42, absent or not voting, 3; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—42.

Absent or not voting: Senators Hemstad, Shinpoch, Williams—3.

Excused: Senators Hughes, Lysen, Pullen, Sellar—4.

MOTION

On motion of Senator Ridder, Senators Shinpoch and Bottiger were excused.

MOTION

Senator Deccio moved the appointment of David H. Palmer as a member of the State Board of Pharmacy be confirmed.

POINT OF INQUIRY

Senator Talmadge: "Senator Deccio, as you know, with respect to Mr. Palmer, I found that Mr. Palmer was completely qualified to serve as a member of the board of pharmacy, but he did have a membership in an advisory committee to one of the particular drug manufacturing companies in the country. Is Mr. Palmer still a member of that advisory committee or has he ceased his membership in that committee?"

Senator Deccio: "I cannot answer that, Senator Talmadge, however, I did think that he indicated when we interviewed him that this position was of a very minor nature and he had no influence on the company policy; but I cannot answer your question."

Further debate ensued.

The motion by Senator Deccio carried.

APPOINTMENT OF DAVID H. PALMER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; nays, 5; absent or not voting, 2; excused, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Scott, Talley, von Reichbauer, Wilson, Woody, Zimmerman—36.

Voting nay: Senators Goltz, Ridder, Talmadge, Vognild, Wojahn—5.

Absent or not voting: Senators Hemstad, Williams—2.

Excused: Senators Bottiger, Hughes, Lysen, Pullen, Sellar, Shinpoch—6.

MOTION

On motion of Senator Ridder, Senator Williams was excused.

MOTION

On motion of Senator Deccio, the appointment of Norman F. Chamberlain as a member of the Corrections Standards Board, was confirmed.

APPOINTMENT OF NORMAN F. CHAMBERLAIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent or not voting, 2; excused, 7.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—40.

Absent or not voting: Senators Fleming, Hemstad—2.

Excused: Senators Bottiger, Hughes, Lysen, Pullen, Sellar, Shinpoch, Williams—7.

## MOTION

On motion of Senator Clarke, the Senate commenced consideration of gubernatorial appointment 577, Robert D. Hannah.

## MOTION

On motion of Senator Quigg, the appointment of Robert D. Hannah as Chairman of the Liquor Control Board, was confirmed.

## APPOINTMENT OF ROBERT D. HANNAH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Absent or not voting: Senator Hemstad—1.

Excused: Senators Hughes, Lysen, Pullen, Sellar, Shinpoch—5.

## MOTION

On motion of Senator Deccio, the appointment of Elaine Garvie Meloir as a member of the Corrections Standards Board, was confirmed.

## APPOINTMENT OF ELAINE GARVIE MELOIR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Absent or not voting: Senator Hemstad—1.

Excused: Senators Hughes, Lysen, Pullen, Sellar, Shinpoch—5.

## MOTION

On motion of Senator Benitz, the appointment of Robert W. Prince as a member of the Board of Trustees, Wenatchee Community College, District 15, was confirmed.

## APPOINTMENT OF ROBERT W. PRINCE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Absent or not voting: Senators Hayner, Hemstad—2.

Excused: Senators Hughes, Lysen, Pullen, Sellar, Shinpoch—5.

#### MOTION

On motion of Senator Benitz, the appointment of Raymond L. Elmgren as a member of the Board of Trustees, Columbia Basin Community College, District 19, was confirmed.

#### APPOINTMENT OF RAYMOND L. ELMGREN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—41.

Absent or not voting: Senators Haley, Hemstad, Newhouse—3.

Excused: Senators Hughes, Lysen, Pullen, Sellar, Shinpoch—5.

#### MOTION

On motion of Senator Deccio, the appointment of Hunter E. John as a member of the Juvenile Disposition Standards Commission, was confirmed.

#### APPOINTMENT OF HUNTER E. JOHN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—41.

Absent or not voting: Senators Gallagher, Haley, Hemstad—3.

Excused: Senators Hughes, Lysen, Pullen, Sellar, Shinpoch—5.

#### MOTION

On motion of Senator Benitz, 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, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Absent or not voting: Senators Goltz, Haley, McCaslin—3.

Excused: Senators Hughes, Lysen, Pullen, Sellar—4.

#### MOTION

On motion of Senator Benitz, the appointment of Girard Clark as a member of the Board of Trustees, Spokane Community College District 17, was confirmed.

#### APPOINTMENT OF GIRARD CLARK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Absent or not voting: Senators Craswell, Haley—2.

Excused: Senators Hughes, Lysen, Pullen, Sellar—4.

#### MOTION

On motion of Senator Benitz, the appointment of Frederick B. Rosmond as a member of the Board of Trustees, Spokane Community College, District 17, was confirmed.

#### APPOINTMENT FREDERICK B. ROSMOND

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Absent or not voting: Senators Haley, Jones—2.

Excused: Senators Hughes, Lysen, Pullen, Sellar—4.

#### MOTION

On motion of Senator Benitz, the appointment of Eloise Alvarez as a member of the Board of Trustees, Big Bend Community College, District 18, was confirmed.

#### APPOINTMENT OF ELOISE ALVAREZ

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 Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senator Haley—1.

Excused: Senators Hughes, Lysen, Pullen, Sellar—4.

## INTRODUCTION OF GUESTS

President Pro Tempore Guess announced the presence in the Senate Chamber of a group from Victoria, B.C. and invited them to the bar of the Senate. Senators Hayner, Guess, Fleming, Bottiger, Jones and Lieutenant Governor Cherberg were honored by the group in a ceremony.

The honored guests were invited to the office of the Lieutenant Governor following the ceremony.

## MOTION

At 2:05 p.m., on motion of Senator Clarke, the Senate adjourned until 9:30 a.m., Wednesday, February 24, 1982.

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

**FORTY-FIFTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Wednesday, February 24, 1982.

The Senate was called to order at 9:30 a.m. by President Pro Tempore Guess. The Secretary called the roll and announced to the President that all Senators were present except Senators Gould, McDermott and Talley.

The Color Guard, consisting of Pages Elizabeth Woody and Catherine Mardesich, presented the Colors. Senator Hal Zimmerman offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 22, 1982.

SENATE BILL NO. 4061, relating to the educational services registration act (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 4061 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson, Shinpoch.

Passed to Committee on Rules for second reading.

February 22, 1982.

SENATE BILL NO. 4614, modifying provisions on barbering (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Vognild, Williams.

Passed to Committee on Rules for second reading.

February 23, 1982.

SENATE BILL NO. 4705, authorizing the use of credit cards for state purchases (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Quigg, Rasmussen.

Passed to Committee on Rules for second reading.

February 22, 1982.

SENATE BILL NO. 4758, modifying penalties on violations of competitive bidding requirements (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

February 23, 1982.

SENATE JOINT MEMORIAL NO. 122, memorializing the federal government for a freeze on testing, production, and development of nuclear weapons (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Conner, Fleming, Gallagher, Moore, Rasmussen.

Passed to Committee on Rules for second reading.

February 23, 1982.

SENATE JOINT RESOLUTION NO. 119, amending the Constitution to establish a redistricting commission if the legislature fails to perform such duty (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

February 22, 1982.

SENATE CONCURRENT RESOLUTION NO. 137, mandated health care commitment (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 137 be substituted therefor, and the substitute resolution do pass.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Metcalf, Moore.

MINORITY recommendation: Do not pass.

Signed by: Senators Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 23, 1982.

SENATE CONCURRENT RESOLUTION NO. 139, establishing a joint select committee on the State Building Code (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, Moore, Quigg.

Passed to Committee on Rules for second reading.

February 23, 1982.

SUBSTITUTE HOUSE BILL NO. 40, exempting small local governments from the Public Disclosure Act (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

February 23, 1982.

ENGROSSED HOUSE BILL NO. 381, modifying procedures applicable to conditionally released persons (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Hemstad, Vice Chairman; Hayner, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 23, 1982.

HOUSE BILL NO. 401, authorizing educational service districts to establish direct student service programs (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Hemstad, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1982.

HOUSE BILL NO. 410, modifying provisions relating to county alcoholism and drug abuse programs (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 22, 1982.

HOUSE BILL NO. 442, revising laws pertaining to discipline of engineers (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Vognild, Williams.

Passed to Committee on Rules for second reading.

February 17, 1982.

ENGROSSED HOUSE BILL NO. 454, enacting the workers' compensation vocational rehabilitation reform act of 1981 (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

February 23, 1982.

SUBSTITUTE HOUSE BILL NO. 462, implementing law relating to the injury or defacement of school property and liability therefor (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1982.

SUBSTITUTE HOUSE BILL NO. 663, modernizing initiative and referendum petition requirements (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

February 22, 1982.

ENGROSSED HOUSE BILL NO. 757, modifying the provisions of the certificate of need program (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Ridder.

Passed to Committee on Rules for second reading.

February 22, 1982.

REENGROSSED HOUSE BILL NO. 768, modifying provisions relating to the department of corrections (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Metcalf, Moore, Ridder.

Passed to Committee on Rules for second reading.

February 23, 1982.

SUBSTITUTE HOUSE BILL NO. 810, expanding the authority of the department of general administration as it pertains to state facilities (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, Quigg, Rasmussen.

Passed to Committee on Rules for second reading.

February 23, 1982.

ENGROSSED HOUSE BILL NO. 822, modifying the filing officer's duties and filing fees for amendments under Article 9 of the UCC (reported by Judiciary Committee):

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means.

Signed by: Senators Hemstad, Vice Chairman; Hayner, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Ways and Means.

February 23, 1982.

SUBSTITUTE HOUSE BILL NO. 823, requiring notice to property owner and occupant before issuing local improvement assessment deeds (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Hemstad, Vice Chairman; Hayner, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 22, 1982.

HOUSE BILL NO. 854, permitting motor fuel distributors to omit gas tax from the selling price (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Vognild.

Passed to Committee on Rules for second reading.

February 23, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 875, providing for review of certain agencies under the Sunset Act (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, Moore, Quigg, Rasmussen.

Passed to Committee on Rules for second reading.

February 23, 1982.

SUBSTITUTE HOUSE BILL NO. 888, making general election ballots uniform (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

February 23, 1982.

HOUSE BILL NO. 896, revising the law regulating snowmobiles (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Haley, Hansen, Hurley, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

February 23, 1982.

HOUSE BILL NO. 960, authorizing fees for consulting services rendered by the office of archaeology and historic preservation (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Hansen, Hurley, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

February 22, 1982.

ENGROSSED HOUSE BILL NO. 1002, extending the annual license fee on the use of natural gas and propane in motor vehicles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Vognild.

Passed to Committee on Rules for second reading.

February 23, 1982.

SUBSTITUTE HOUSE BILL NO. 1024, requiring the use of sheltered workshops for printing services for state agencies and departments under certain circumstances (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen.

Passed to Committee on Rules for second reading.

February 22, 1982.

HOUSE BILL NO. 1067, updating statutory references within the Model Traffic Ordinance (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Vognild.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

February 23, 1982.

BERTA COHEN, to the position of Member of the Public Disclosure Commission, appointed by the Governor on January 27, 1981 for the term ending December 31, 1985, succeeding Fred Ross (reported by Committee on Constitutions and Elections):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules.

February 23, 1982.

HUGH R. MCGOUGH, to the position of Member of the Public Disclosure Commission, appointed by the Governor on July 17, 1981 for the term ending December 31, 1983, succeeding Lawrence B. Bradley (reported by Committee on Constitutions and Elections):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules.

## MESSAGES FROM THE HOUSE

February 23, 1982.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 977,  
ENGROSSED HOUSE BILL NO. 1074,  
HOUSE BILL NO. 1145,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1149,  
ENGROSSED HOUSE BILL NO. 1173, and the same are herewith  
transmitted.

VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 144, by Senator Talmadge:  
Requesting the acquisition of McNeil Island as a permanent correctional site.  
Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 977, by Committee on Labor and Economic Development (originally sponsored by Representatives King (J), Sanders, Heck, Galloway, Scott, Bender, Owen, Hine, Salatino, Brown, Wang, King (R), Stratton, Rust, Kaiser, Valle, Maxie, Brekke, Nelson (D), Johnson, Burns, Pruitt and Armstrong):

Enacting the business and industrial development corporations act.  
Referred to Committee on Commerce and Labor.

ENGROSSED HOUSE BILL NO. 1074, by Representative Smith:  
Authorizing banks or trust companies to make certain investments.  
Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 1145, by Committee on Local Government and Representative Isaacson:

Modifying provisions relating to special purpose districts.  
Referred to Committee on Local Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1149, by Committee on Labor and Economic Development (originally sponsored by Representatives Bond, Galloway, McGinnis, Barrett, Hastings, Patrick, Heck, King (J), Hankins, Salatino, Garrett and McCormick):

Modifying the state fireworks law.  
Referred to Committee on Commerce and Labor.

ENGROSSED HOUSE BILL NO. 1173, by Committee on Local Government and Representatives Isaacson, Hine, Sommers, Cole and Tupper:

Revising laws relating to the board of trustees of a hospital operated under chapter 36.62 RCW.

Referred to Committee on State Government.

## MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Engrossed Substitute House Bill No. 833.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 833, by House Committee on Financial Institutions and Insurance (originally sponsored by House Committee on Financial Institutions and Insurance and Representatives Dawson, Johnson, Rosbach, McGinnis and Lux):

Modifying provisions relating to savings and loan associations.

The bill was read the second time by sections.

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 833 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 Sellar, is there anything in this legislation that prohibits the assumption of low-interest loans by a new purchaser?"

Senator Sellar: "They do on sale. Pardon? No, no there is not."

Senator Rasmussen: "There isn't, is nothing in it, you still may assume a loan when you buy somebody else's house and it is for sale?"

Senator Sellar: "To the best of my knowledge, that is true."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 833 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Hughes, Lysen—2.

Absent or not voting: Senators Gould, McDermott, Talley—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 833, having received the 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 Newhouse, Engrossed Substitute House Bill No. 833 was ordered immediately transmitted to the House.

## MOTION

At 9:55 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

President Pro Tempore Guess called the Senate to order at 11:40 a.m.

## MOTION

At 11:41 a.m., on motion of Senator Clarke, the Senate recessed until 1:00 p.m.

## AFTERNOON SESSION

The President Pro Tempore Guess called the Senate to order at 1:00 p.m.

At 1:10 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

President Pro Tempore Guess called the Senate to order at 3:45 p.m.

### MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 4605.

### SECOND READING

SENATE BILL NO. 4605, by Senator Scott:

Authorizing department of revenue to contract for out-of-state auditing services.

### MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 4605 was substituted for Senate Bill No. 4605 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. 4605 was advanced to third reading, the second 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. 4605 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Pullen—1.

Absent or not voting: Senators Gould, Talley—2.

SUBSTITUTE SENATE BILL NO. 4605, having received the 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. 4612, by Senators Gallagher, Vognild and Haley:  
Authorizing private salmon release-recapture facilities.

### REPORT OF STANDING COMMITTEE

January 29, 1982.

SENATE BILL NO. 4612, authorizing private salmon release-recapture facilities (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

On page 13, line 16, after "(8)" strike all material down through and including "department" on line 24 and insert the following:

"If the director determines that activity under a permit is significantly depleting a salmon run or game fish population he shall so notify the permittee, amend the

permit as necessary to prevent further depletion and prescribe action by the permittee to restore the affected run or population to its pre-depletion level. If the permittee fails to implement the prescribed action the department shall do so, and the permittee shall be liable for the cost of such action. The director may amend his action prescription and further amend the permit as he determines is necessary to achieve restoration.

(9) If activity under a permit causes any environmental degradation other than depletion of a salmon run or game fish population the permittee shall be required to correct or mitigate such degradation. If the permittee fails to do so the department shall take such action and their permittee shall pay the costs of said action."

On page 14, line 34, after "43.88 RCW" strike ", but no appropriation shall be required to permit expenditures and payment of obligations from the fund"

On page 15, line 3, after "director" strike the period and insert ", subject to legislative appropriation."

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Vognild, von Reichbauer, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Gallagher, the committee amendments were considered and adopted simultaneously.

Senator Peterson moved adoption of the following amendment:

On page 2, line 14, after "sources." insert "The primary objective of this new industry is to produce a profit for investors and only secondarily to enhance the existing recreational and commercial fisheries."

Debate ensued.

Senator Gallagher 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 Peterson.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 13; nays, 35; absent or not voting, 1.

Voting yea: Senators Bauer, Charnley, Conner, Fleming, Goltz, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talmadge—13.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—35.

Absent or not voting: Senator Talley—1.

Senator Peterson moved adoption of the following amendment:

On page 18, after line 17, insert the following:

"**NEW SECTION.** Sec. 19. There is appropriated from the general fund to the department of fisheries for the biennium ending June 30, 1983, the sum of two hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act."

Debate ensued.

### POINT OF INFORMATION

Senator Lysen: "If this amendment were to hang, would that require this bill to go to the ways and means committee? Maybe I could ask the majority leader that question. This would make it an appropriation measure. Senator Scott, Senator Hayner. What is the rule on that? This amendment hangs, several hundred thousand dollars; would this bill be required to go to the ways and means committee?"

## REPLY BY SENATOR HAYNER

Senator Hayner: "Mr. President, normally anything over about \$50,000 does go to ways and means. It is not required to."

## POINT OF INQUIRY

Senator Lysen: "Senator Scott, this amendment is for a \$200,000 appropriation to the department of fisheries to implement the salmon ranching program. The bill is not an appropriations matter but if this amendment passes, would you insist or request or require this measure to go to your committee to review the fiscal impact given the financial situation of the state?"

Senator Scott: ". . . the answer is 'No,' I would not insist. At the same time, to be forthright I would say that the standard rule here is, original bills having over \$125,000 in them, by convention have gone to ways and means. Here we have an amendment, so no I won't insist."

## POINT OF INQUIRY

Senator Fleming: "Mr. President, I know that things do move around here from day to day and I would just like to know from the majority leader over there, is this a new rule you are setting, this \$50,000 limit? Because last week we had a couple of them out here less than that; a week before we wanted to send them to ways and means and you resisted. So I just wanted to know if this was one of those soft ones again, or is this one of those hard and fast ones?"

Senator Hayner: "I do not think there ever has been any hard and fast rules, Senator Fleming. I don't think you had one, nor do we."

Further debate ensued.

The motion by Senator Peterson failed and the amendment was not adopted.

On motion of Senator Metcalf, the following amendment was adopted:

On page 2, line 23, beginning with "While" strike everything through "state." on line 32.

## MOTIONS

On motion of Senator Ridder, Senator Talley was excused.

Senator Lysen moved adoption of the following amendment:

On pages 2 and 3, following the period on page 2, line 32, strike everything through line 2 on page 3.

Debate ensued.

Senator Gallagher 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 Lysen.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays, 29; excused, 1.

Voting yea: Senators Bauer, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Metcalf, Peterson, Quigg, Rasmussen, Ridder, Shinpoch, Talmadge, Williams, Wilson, Wojahn—19.

Voting nay: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Moore, Newhouse, Patterson, Pullen, Scott, Sellar, Vognild, von Reichbauer, Woody, Zimmerman—29.

Excused: Senator Talley—1.

On motion of Senator Gallagher, the rules were suspended, Engrossed Senate Bill No. 4612 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 Talmadge: "Senator Gallagher, is this bill a department of fisheries' request bill, or an executive request bill in any way, shape or form?"

Senator Gallagher: "If it is, I am not aware that it is so, no, I would say it is not."

Senator Talmadge: "Did the director of the department of fisheries testify in favor of this bill?"

Senator Gallagher: "He was not there."

Senator Talmadge: "Has he indicated a position on the bill?"

Senator Gallagher: "I would like to, I was going to get to that point. I can only tell this body that shortly after the last session when we had a meeting with the director and the private salmon growers of the state of Washington, the director was asked what his position would be on ocean ranching again if those things that he was concerned about were addressed, he would have no further objection to that type of an operation. Very tight piece of legislation that he could accept because we did, indeed, address those points that he had the concern with."

Senator Talmadge: "His present position now is in opposition to the bill, though, is it not?"

Senator Gallagher: "He has not spoken to me in that regard at all, no."

Further debate ensued.

#### POINT OF INQUIRY

Senator Peterson: "Senator Gallagher, in the absence of the amendment that I offered which would have provided seed money to enact this measure, to start it, is it the intent of the legislature that we should take enhancement money from other programs to fund ocean ranching?"

Senator Gallagher: "Absolutely not."

Senator Peterson: "One further question then. The bill states that the department shall provide surplus eggs to the best of their ability. This, I assume, would be surplus to all the needs of the existing state-run hatcheries, is that right?"

Senator Gallagher: "True; that is correct."

Senator Peterson: "Okay; well, one final comment Mr. President and members of the Senate. I think, Senator Gallagher, you called the bill just what it was or what it is. You said it was 'corporate welfare,' and that is just exactly what we are doing."

#### POINT OF INQUIRY

Senator Talmadge: "Senator Gallagher, I did not catch a response from you to Senator Lysen's question which was fairly specific about the placement of the fish weir or traps, in the immediate vicinity of the facility. Can you assure the members of the Senate that by that language it would not be a situation in which one of these fish traps extended across a stream, or across the mouth of a stream, or river, in the state of Washington, if this bill should pass?"

Senator Gallagher: "I would rather imagine that it would not extend across the entire stream if there was a wild run of fish on there. That outfit is going to have to protect them. And the way I read this and it is still in there says 'This subsection

does not authorize the construction or operation of a weir, seine, net or other recapture mechanism outside the immediate vicinity of the facility.' I would rather imagine that would be on the side like we do, they do in Oregon that way, they do in Alaska that way, to allow those fish to not be totally restrained within a restrained system."

#### POINT OF INQUIRY

Senator Peterson: "Senator Gallagher, how would you split this return to the ranching facility on the Indian catch?"

Senator Gallagher: "I beg your pardon, Senator?"

Senator Peterson: "How would the allocation to the Indians come into the return, to the weir?"

Senator Gallagher: "If I understand the question correctly, that probably would be, in my mind, a part of the allocation formula. Those fish are in the open water for both, either and/or, to catch. That group of fish that may or may not return after they have run the fishing season, directed by the director of the department of fisheries, he cannot manage the fishery in such a manner, it says right in there, in order to get an escapement for any particular ocean ranch. That is in there. I would rather imagine that those would be counted as part of the catch. Now the reason I think they should be, too, is that they paid for them, they have the facility, they have the risk, when they return they should therefore be their property under the direction of the department of fisheries, I might add."

Senator Peterson: "Does the director have the authority to keep the Indian fishermen away from the return, recapture facility?"

Senator Gallagher: "Only for conservation measures I rather imagine. You know, you are bringing up a very sticky wicket where who knows, what that may or may not be? I think that that is a determination that needs to be made by the court, however, like we have done in other things."

Further debate ensued.

#### POINT OF INQUIRY

Senator Moore: "Senator Gallagher, speaking on the issue. I foresee down the line some place, the issue becoming where. . . . how far from the returning area, do the rules pertain. Do they pertain at the mouth of the river? Do they pertain upstream? Do we go to the 3-mile limit? Or how do we determine where those fish can be taken?"

Senator Gallagher: "I don't want to play on words, but 'immediate' to me means right where I am and my facility would be. This body is going to be in session every single year and I rather imagine there is going to 400,000 sport fishermen out there watching what is going on, all the commercial fishermen are going to be watching how it is managed, and I have no fear that the department is going to run over all the people in this state that are interested in that resource merely because it might expand. Everything we do expands or contracts it when the legislature is in session. I don't know if that answers the concern, or was it a question or statement?"

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4612 and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Scott, Vognild, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody—22.

Excused: Senator Talley—1.

ENGROSSED SENATE BILL NO. 4612, having received the 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 Bottiger moved that Senate Bill No. 4563 be made a special order of business under the sixth order of business on February 25, 1982.

Debate ensued.

The motion by Senator Bottiger failed.

#### MOTION

On motion of Senator Clarke, the Senate commenced consideration of Engrossed Substitute House Bill No. 784.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 784, by House Committee on Appropriations - Education (originally sponsored by Committee on Appropriations—Education and Representative McDonald)(by Office of Financial Management request):

Making miscellaneous changes in law relating to institutions of higher education.

#### REPORT OF STANDING COMMITTEE

Strike everything after the enacting clause and insert the following:

"Section 1. Section 2, chapter 273, Laws of 1971 ex. sess. as amended by section 1, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.012 are each amended to read as follows:

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean (a) a financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which he has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational ((purposes)) or (b) a dependent student, if one or both of his parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes ((only)), and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that he has in fact established a bona fide domicile in this state ((for)) primarily for purposes other than educational ((purposes)).

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.011 through 28B.15.014 and section 4 of this amendatory act, each as now or hereafter amended. A nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service and who does not also meet and comply with all the applicable requirements in RCW 28B.15.011 through 28B.15.014 and section 4 of this amendatory act, each as now or hereafter amended.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where he intends to remain, and to which he expects to return when he leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) ~~The term "(minor) dependent" shall mean a ((male or female)) person who is ((not deemed and taken to be of full age and majority for all purposes under RCW 26.28.010, as now law or hereafter amended, the term "emancipated minor" shall mean a minor whose parents have entirely surrendered the right to the care, custody, and earnings of such minor and whose parents no longer in any way support or maintain such minor)) not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the council for postsecondary education and shall include, but not be limited to, the state and federal income tax returns of the person and/or his parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.~~

~~(6) ((The term "qualified person" shall mean a person qualified to determine his own domicile. A person of full age and majority for all purposes under RCW 26.28.010, as now law or hereafter amended, or an emancipated minor is so qualified.~~

~~(7) The term "parent-qualified student" shall mean a student having a parent who has a domicile in the state of Washington but who does not have legal custody of the student because of divorce or legal separation:~~

~~(8)) The terms "he" or "his" shall apply to the female as well as the male sex unless the context clearly requires otherwise.~~

Sec. 2. Section 3, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 15, Laws of 1979 ex. sess. and RCW 28B.15.013 are each amended to read as follows:

(1) The establishment of a new domicile in the state of Washington by a ~~((qualified))~~ person formerly domiciled in another state has occurred if such person is physically present in Washington primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to such other state or to acquire a domicile at some other place outside of Washington.

(2) ~~((Except as provided in subsection (3)(d) of this section, an unemancipated minor shall be classified as a resident student only if such minor's parents or legally appointed guardian or person having legal custody shall have established a domicile in this state:~~

~~(3)) Unless proven to the contrary it shall be presumed that:~~

(a) ~~((The domicile of an unemancipated minor is that of such minor's father; or if no father, that of such minor's mother, or if there is a legally appointed guardian, that of such guardian: PROVIDED, That if one parent has legal custody of the minor, the domicile of such minor shall be that of such parent except as otherwise provided in subsection (3)(d) of this section.~~

~~(b))~~ The domicile of any ~~((qualified))~~ person ~~(; including a married woman,))~~ shall be determined according to the individual's situation and circumstances rather than by marital status or sex.

~~((c))~~ (b) A person does not lose a domicile in the state of Washington by reason of residency in any state or country while a member of the civil or military service of this state or of the United States, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas if that person returns to the state of Washington within one year of discharge from said service with the intent to be domiciled in the state of Washington; any resident dependent student who remains in this state when such student's parents, having theretofore been domiciled in this state for a period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution, remove from this state, shall be entitled to continued classification as a resident student so long as such student's attendance (except summer sessions) at an institution in this state is continuous.

~~((d) The establishment of a domicile in the state of Washington in accordance with the provisions of this section by the parent of a parent-qualified student shall entitle the student to classification as a resident student.~~

~~(4))~~ (3) To aid the institution in deciding whether a student, parent, legally appointed guardian or the person having legal custody of a student is domiciled in the state of Washington ~~((the following rules shall be applied))~~ primarily for purposes other than educational, the rules and regulations adopted by the council for postsecondary education shall include but not limited to the following:

(a) ~~((Failure to register or to pay state))~~ Registration or payment of Washington taxes or fees on a motor vehicle, mobile home, travel trailer, boat, or any other item of personal property owned or used by the person for which state registration or the payment of a state tax or fee is required ((is conclusive)) will be a factor in considering evidence of ((a failure to establish)) the establishment of a Washington domicile.

(b) ~~((Attendance at an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof is conclusive evidence of a failure to establish a Washington domicile.~~

(c)) Permanent full time employment in Washington by a person will be a factor in considering the establishment of a Washington domicile.

~~((d))~~ (c) Registration to vote for state officials in Washington will be a factor in considering the establishment of a Washington domicile.

~~((e) Any person not a citizen of the United States cannot establish a Washington domicile until such person is eligible and has applied for an immigration visa, unless such person is the dependent minor of a parent or legal guardian who is domiciled in Washington.~~

(5)) (4) After a student has registered at an institution such student's classification shall remain unchanged in the absence of satisfactory evidence to the contrary. A student wishing to apply for a change in classification shall reduce such evidence to writing and file it with the institution. In any case involving an application for a change from nonresident to resident status, the burden of proof shall rest with the applicant. Any change in classification, either nonresident to resident, or the reverse, shall be based upon written evidence maintained in the files of the institution and, if approved, shall take effect the semester or quarter such evidence was

filed with the institution: PROVIDED, That applications for a change in classification shall be accepted up to the thirtieth calendar day following the first day of instruction of the quarter or semester for which application is made. Any determination of classification shall be considered a ruling on a contested case subject to court review only under procedures prescribed by chapter 28B.19 RCW.

Sec. 3. Section 4, chapter 273, Laws of 1971 ex. sess. and RCW 28B.15.014 are each amended to read as follows:

~~((Regardless of age or domicile, the following shall be entitled to classification as resident students))~~ The following nonresidents shall be exempted from paying the nonresident tuition and fee differential:

(1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any ((person who is employed not less than twenty hours per week)) faculty member, classified staff member, administratively exempt employee or any student employed for an academic department in support of the institutional and research programs holding not less than a half time appointment at an institution((; and the children and spouses of such persons)) who resides in the state of Washington, and the dependent children and spouse of such persons.

~~((2) Military personnel and federal employees residing or stationed in the state of Washington, and the children and spouses of such military personnel and federal employees.~~

~~(3) All veterans, as defined in RCW 41.04.005, whose final permanent duty station was in the state of Washington so long as such veteran is receiving federal vocational or educational benefits conferred by virtue of his military service)).~~

**NEW SECTION.** Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

The council for postsecondary education, upon consideration of advice from representatives of the state's institutions with the advice of the attorney general, shall adopt rules and regulations to be used by the state's institutions for determining a student's resident and nonresident status and for recovery of fees for improper classification of residency.

**NEW SECTION.** Sec. 5. The following acts or parts thereof are each hereby repealed:

(1) Section 28B.10.200, chapter 223, Laws of 1969 ex. sess., section 1, chapter 62, Laws of 1973 and RCW 28B.10.200;

(2) Section 28B.10.250, chapter 223, Laws of 1969 ex. sess., section 2, chapter 62, Laws of 1973 and RCW 28B.10.250;

(3) Section 28B.10.255, chapter 223, Laws of 1969 ex. sess., section 3, chapter 68, Laws of 1974 ex. sess. and RCW 28B.10.255;

(4) Section 28B.10.260, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.260;

(5) Section 9, chapter 59, Laws of 1970 ex. sess., section 13, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.523;

(6) Section 10, chapter 59, Laws of 1970 ex. sess., section 14, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.525;

(7) Section 11, chapter 279, Laws of 1971 ex. sess., section 39, chapter 169, Laws of 1977 ex. sess. and RCW 28B.15.530;

(8) Section 1, chapter 265, Laws of 1977 ex. sess. and RCW 28B.15.550;

(9) Section 2, chapter 265, Laws of 1977 ex. sess. and RCW 28B.15.551;

(10) Section 3, chapter 265, Laws of 1977 ex. sess. and RCW 28B.15.552;

(11) Section 1, chapter 155, Laws of 1977 ex. sess. and RCW 28B.15.553;

(12) Section 3, chapter 155, Laws of 1977 ex. sess. and RCW 28B.15.554;

- (13) Section 1, chapter 19, Laws of 1979 ex. sess. and RCW 28B.15.557;  
 (14) Section 13, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.710;  
 (15) Section 2, chapter 262, Laws of 1979 ex. sess. and RCW 28B.15.742; and  
 (16) Section 4, chapter 262, Laws of 1979 ex. sess. and RCW 28B.15.744.

Sec. 6. Section 28B.10.215, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 68, Laws of 1974 ex. sess. and RCW 28B.10.215 are each amended to read as follows:

There is allocated to each and every blind student attending any institution of higher education within the state a sum not to exceed two hundred dollars per quarter, or so much thereof as may be necessary in the opinion of the council (~~(on higher)~~) for postsecondary education in the state of Washington, to provide said blind student with readers, books, recordings, recorders, or other means of reproducing and imparting ideas, while attending said institution of higher education: PROVIDED, That (~~(no blind student shall be charged any tuition or laboratory fee while attending any such state institution and said institution shall notify the council that it will waive tuition and laboratory fees for said blind student. The)~~) said allocation shall be made out of any moneys in the general fund not otherwise appropriated.

Sec. 7. Section 28B.10.220, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 68, Laws of 1974 ex. sess. and RCW 28B.10.220 are each amended to read as follows:

All blind student assistance shall be distributed under the supervision of the council (~~(on higher)~~) for postsecondary education in the state of Washington. The moneys or any part thereof allocated in the manner referred to in RCW 28B.10.215 shall, for furnishing said books or equipment or supplying said services, be paid by said council directly to the state institution of higher education, directly to such blind student, heretofore mentioned, or to his parents, guardian, or some adult person, if the blind student is a minor, designated by said blind student to act as trustee of said funds, as shall be determined by the council.

The council shall have power to prescribe and enforce all rules and regulations necessary to carry out the provisions of this section and RCW 28B.10.215.

Sec. 8. Section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 1, chapter 148, Laws of 1979 ex. sess. and RCW 28B.15.520 are each amended to read as follows:

Notwithstanding any other provision of this chapter or chapter 28B.50 RCW as now or hereafter amended boards of trustees of the various community colleges shall waive general tuition fees, operating fees, and services and activities fees for students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in sections 1 through 4 of this amendatory act and who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, and the various community college boards may waive the general tuition, operating and services and activities fees for children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 9. Section 1, chapter 262, Laws of 1979 ex. sess. as amended by section 1, chapter 62, Laws of 1980 and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition, operating, and services and activities fees subject to the limitations set forth in subsection (2).

(2) The total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition, operating, and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy ((or disadvantaged)) students ((under the program authorized by RCW 28B.15.530)) who are eligible for resident tuition and fee rates pursuant to sections 1 through 4 of this amendatory act: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs.

~~((2) The total dollar amount of tuition and fee waivers awarded by all of the community colleges considered as a whole, shall not exceed three percent of an amount determined by estimating the total collections from tuition, operating, and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees:~~

~~(3) The limitations on total tuition and fee waivers provided in subsections (1) and (2) of this section shall apply only to the following programs:~~

~~(a) Waivers for needy or disadvantaged students as authorized by RCW 28B.15.530;~~

~~(b) Scholarships or waivers for foreign students as authorized by RCW 28B.10.200 and in RCW 28B.15.742: PROVIDED, That awards which are a part of a reciprocal placement program based on contracts with institutions in foreign countries shall be exempt from the limitation in subsection (1) of this section; and~~

~~(c) Tuition and fee waiver programs authorized by RCW 28B.15.742 and 28B.15.744;))~~

Sec. 10. Section 8, chapter 257, Laws of 1981 and RCW 28B.15.502 are each amended to read as follows:

General tuition fees, operating fees and services and activities fees at each community college other than at summer quarters shall be as follows: PROVIDED, That increases in tuition and fee rates for the ((1981)) 1982 summer session shall reflect the increases set forth below for the ((1981-82)) 1982-83 academic year:

(1) For full time resident students, the total of general tuition and operating fees for the 1981-82 academic year shall be four hundred six dollars and fifty cents, and for the 1982-83 academic year shall be four hundred fifty-four dollars and fifty cents, and thereafter such fees shall be twenty-three percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be one hundred and twenty-seven dollars and fifty cents.

(2) For full time nonresident students, the total of general tuition and operating fees for the 1981-82 academic year shall be one thousand seven hundred sixty-five dollars and fifty cents, and for the 1982-83 academic year shall be one thousand nine hundred seventy-two dollars and fifty cents, and thereafter such fees shall be one hundred percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be four hundred and three dollars and fifty cents.

(3) The boards of trustees of each of the state community colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) and (2) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed sixty-four dollars and fifty

cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition and operating fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) General tuition, operating fees and services and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students.

The board of trustees shall charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

Sec. 11. Section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 257, Laws of 1981 and RCW 28B.15.100 are each amended to read as follows:

(1) The board of regents or board of trustees at each of the state's regional and state universities and at The Evergreen State College shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such general tuition fees, operating fees, services and activities fees, and other fees as such board shall in its discretion determine, the total of all such fees, the general tuition fee, operating fee, and services and activities fee, to be rounded-out to the nearest whole dollar amount: PROVIDED, That such general tuition fees and operating fees for other than summer session quarters or semesters shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended.

(2) Part time students shall be charged general tuition, operating, and services and activities fees proportionate to full time student rates established for residents and nonresidents: PROVIDED, That students registered for fewer than two credit hours shall be charged general tuition, operating, and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER, That residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be allowed to enroll at resident tuition and fee rates upon a declaration by the council for postsecondary education that it finds Washington residents from such community college district are afforded substantially equivalent treatment by such other states or that, until June 30, 1983, it is in the interest of the residents of such community college district to authorize the exchange of educational opportunities between Washington and other such states on a resident tuition and fee basis.

(3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the established per credit hour general tuition and operating fee rate applicable to part-time students in the respective institutional tuition and fee rate categories set forth in this chapter: PROVIDED, That the boards of regents of the University of Washington and Washington State University may exempt students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine and law: PROVIDED FURTHER, That the state board for community college education may exempt students who are registered exclusively in required courses in vocational preparatory programs from the additional charge.

Sec. 12. Section 2, chapter 279, Laws of 1971 ex. sess. as last amended by section 1, chapter 257, Laws of 1981 and RCW 28B.15.031 are each amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than general tuition fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be transmitted to the state treasurer within thirty-five days of receipt to be deposited in the state general fund: PROVIDED, ~~((That required matching moneys for federal and state financial aid programs may be exempt from such deposit with approval of the director of financial management: PROVIDED FURTHER,))~~ That two and one-half percent of moneys received as operating fees be exempt from such deposit and be retained by the institutions for the purposes of RCW 28B.15.820.

Sec. 13. Section 9, chapter 257, Laws of 1981 and RCW 28B.15.820 are each amended to read as follows:

(1) Each institution of higher education shall deposit two and one-half percent of revenues collected from tuition, operating, and services and activities fees in an institutional long-term loan fund which is hereby created and which shall be held locally. Moneys in such fund shall be used to make guaranteed loans to eligible students.

(2) An "eligible student" for the purposes of this section is a student registered for at least six credit hours or the equivalent, who is ~~((a "resident student" as defined in RCW 28B.15.012))~~ eligible for resident tuition and fee rates as defined in sections 1 through 4 of this amendatory act, and who is a "needy student" as defined in RCW 28B.10.802.

(3) The amount of the loans made under subsection (1) of this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et. seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Each institution is responsible for collection of loans made under subsection (1) of this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of loans under subsection (1) of this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association

or its successor agency. Collection and servicing of loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community college education and shall be conducted under procedures adopted by such state board.

(5) Receipts from payment of interest or principle or any other subsidies to which institutions as lenders are entitled, which are paid by or on behalf of borrowers of funds under subsection (1) of this section, shall be deposited in each institution's general local fund and shall be used to cover the costs of making the loans under subsection (1) of this section and maintaining necessary records and making collections under subsection (4) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan principle. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be used for the support of the institution's operating budget.

(6) The boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, and the state board for community college education, on behalf of the community colleges, shall each adopt necessary rules and regulations to implement this section.

(7) Lending activities under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(8) Short-term interim loans, not to exceed one hundred twenty days, may be made from the institutional long-term loan fund to students eligible for guaranteed student loans and whose receipt of such loans is pending. Such short-term loans shall not be subject to the guarantee restrictions or the constraints of federal law imposed by subsection (3) of this section. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan.

NEW SECTION. Sec. 14. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 28B.15.031 or 28B.15.820, for the purpose of assisting the various institutions of higher education in meeting emergency financial problems, the institutions are directed to transfer amounts equal to the fiscal 1982 deposit of funds from the institutional loan fund established in RCW 28B.15.820 to their respective local general funds.

Sec. 15. Section 2, chapter 257, Laws of 1981 and RCW 28B.15.067 are each amended to read as follows:

General tuition and operating fees shall be established and adjusted biennially under the provisions of this chapter beginning with the 1983-84 academic year. Such fees shall be identical, subject to other provisions of this chapter, for students enrolled at either state university, for students enrolled at the regional universities and The Evergreen State College and for students enrolled at any community college. The general tuition and operating fees shall reflect the undergraduate and graduate educational costs of the state universities, the regional universities and the community colleges, respectively, in the amounts herein prescribed.

Sec. 16. Section 7, chapter 322, Laws of 1977 ex. sess. as amended by section 3, chapter 257, Laws of 1981 and RCW 28B.15.070 are each amended to read as follows:

The house and senate higher education committees shall develop, in cooperation with the council for postsecondary education and the respective fiscal committees of the house and senate, the office of financial management and the state institutions of higher education no later than December 1981, and at each two year interval thereafter, definitions, criteria and procedures for determining the undergraduate and

graduate educational costs for the state universities, regional universities and community colleges upon which general tuition and operating fees will be based. In the event that no action is taken or disagreement exists between the committees as of that date, the recommendations of the council shall be deemed to be approved.

Sec. 17. Section 4, chapter 257, Laws of 1981 and RCW 28B.15.076 are each amended to read as follows:

The council for postsecondary education shall determine and transmit amounts constituting approved undergraduate and graduate educational costs to the several boards of regents and trustees of the state institutions of higher education by November 10 of each even-numbered year. General tuition fees and operating fees shall be based on such costs in accordance with the provisions of this chapter.

Sec. 18. Section 6, chapter 257, Laws of 1981 and RCW 28B.15.202 are each amended to read as follows:

General tuition fees, operating fees, and services and activities fees at the University of Washington and at Washington State University for other than summer quarters or semesters shall be as follows: PROVIDED, That increases in tuition and fee rates for the ~~((1981))~~ 1982 summer session shall reflect the increases set forth below for the ~~((1981-82))~~ 1982-83 academic year:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees for the 1981-82 academic year shall be nine hundred and twenty-one dollars, and for the 1982-83 academic year shall be one thousand and thirty-eight dollars, and thereafter such fees shall be one-third of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be one hundred and twenty dollars.

(2) For full time resident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees for the 1981-82 academic year shall be one thousand one hundred and one dollars, and for the 1982-83 academic year shall be one thousand ~~((two))~~ five hundred and ((forty-eight)) sixty-three dollars, and thereafter such fees shall be ~~((one hundred and twenty percent of such fees charged in subsection (1) above))~~ twenty-three percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be one hundred and twenty dollars.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees for the 1981-82 academic year shall be one thousand seven hundred and ninety-one dollars, and for the 1982-83 academic year shall be two thousand ~~((and seventy-nine))~~ six hundred and seven dollars, and thereafter such fees shall be ~~((two))~~ one hundred sixty-seven percent of such fees charged in subsection ~~((1))~~ (2) above: PROVIDED, That the general tuition fee for each academic year shall be three hundred and forty-two dollars.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, the total of general tuition and operating fees for the 1981-82 academic year shall be two thousand nine hundred and ten dollars, and for the 1982-83 academic year shall be three thousand one hundred and seventeen dollars, and thereafter such fees shall be one hundred percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067

and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be three hundred and fifty-four dollars.

(5) For full time nonresident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees for the 1981-82 academic year shall be three thousand four hundred and fifty-two dollars, and for the 1982-83 academic year shall be ~~((three))~~ four thousand ((seven hundred)) and ~~((forty-one))~~ seventy-four dollars, and thereafter such fees shall be ~~((one hundred and twenty percent of such fees charged in subsection (4) above))~~ sixty percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be three hundred and fifty-four dollars.

(6) For full time nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees for the 1981-82 academic year shall be five thousand five hundred and ninety-two dollars, and for the 1982-83 academic year shall be six thousand ~~((two))~~ eight hundred and ~~((thirty-seven))~~ four dollars, and thereafter such fees shall be ~~((two hundred))~~ one hundred sixty-seven percent of such fees charged in subsection ~~((4))~~ (5) above: PROVIDED, That the general tuition fee for each academic year shall be five hundred and fifty-five dollars.

(7) The boards of regents of each of the state universities shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (6) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed one hundred and thirty-eight dollars. In subsequent biennia the board of regents may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition and operating fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 19. Section 7, chapter 257, Laws of 1981 and RCW 28B.15.402 are each amended to read as follows:

General tuition fees, operating fees, and services and activities fees at the regional universities and The Evergreen State College for other than summer quarters or semesters shall be as follows: PROVIDED, That increases in tuition and fee rates for the ~~((1981))~~ 1982 summer session shall reflect the increases set forth below for the ~~((1981-82))~~ 1982-83 academic year:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, the total of general tuition and operating fees for the 1981-82 academic year shall be six hundred eighty-two dollars and fifty cents, and for the 1982-83 academic year shall be seven hundred fifty-seven dollars and fifty cents, and thereafter such fees shall be one-fourth of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be seventy-six dollars and fifty cents.

(2) For full time resident graduate students, the total of general tuition and operating fees for the 1981-82 academic year shall be eight hundred eleven dollars and fifty cents, and for the 1982-83 academic year shall be ~~((nine))~~ one thousand one hundred ((seven)) thirty-five dollars and fifty cents, and thereafter such fees shall be ~~((one hundred and twenty percent of such fees charged in subsection (1) above))~~ twenty-three percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070:

PROVIDED, That the general tuition fee for each academic year thereafter shall be seventy-six dollars and fifty cents.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, the total of general tuition and operating fees for the 1981-82 academic year shall be two thousand seven hundred twenty-five dollars and fifty cents, and for the 1982-83 academic year shall be three thousand twenty-five dollars and fifty cents, and thereafter such fees shall be one hundred percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be two hundred and ninety-five dollars and fifty cents.

(4) For full time nonresident graduate students, the total of general tuition and operating fees for the 1981-82 academic year shall be three thousand two hundred fifty dollars and fifty cents, and for the 1982-83 academic year shall be three thousand six hundred ~~((thirty-one))~~ ninety-seven dollars and fifty cents, and thereafter such fees shall be ~~((one hundred and twenty percent of such fees charged in subsection (3) above))~~ seventy-five percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be two hundred and ninety-five dollars and fifty cents.

(5) The boards of trustees of each of the regional universities and The Evergreen State College shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (4) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed one hundred eighty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition and operating fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 20. Section 1, chapter 269, Laws of 1969 ex. sess. and RCW 41.04.005 are each amended to read as follows:

As used in RCW ~~((28.76.560, 28.77.070, 28.80.060, 28.81.084, 28B.10.290, 28B.15.380, 28B.40.361,))~~ 41.04.005, 41.04.010, 41.16.220, and 41.20.050 "veteran" includes every person, who at the time he seeks the benefits of RCW ~~((28.76.560, 28.77.070, 28.80.060, 28.81.084, 28B.10.290, 28B.15.380,))~~ 28B.40.361, 41.04.005, 41.04.010, 41.16.220 and 41.20.050, has served in any branch of the armed forces of the United States during:

(1) Any period of war and such "period of war" shall include World War I, World War II, the Korean conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The said "Viet Nam era" shall mean the period beginning August 5, 1964, and ending on such date as shall thereafter be determined by presidential proclamation or concurrent resolution of the congress; and in addition to this subsection, who, upon termination of said service has

(2) Received an honorable discharge; or

(3) Received a discharge for physical reasons with an honorable record; or

(4) Been released from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given.

**NEW SECTION.** Sec. 21. (1) Up to \$1,076,000 may be used by the University of Washington from program 04 and 08 sources of general fund-state moneys under section 84, chapter 340, Laws of 1981 as amended by chapter 14, Laws of 1981 2nd ex. sess., to supplement the stipends of teaching assistants, research assistants and medical residents.

(2) Up to \$649,000 may be used by Washington State University from program 04 and 08 sources of general fund-state moneys under section 85, chapter 340, Laws of 1981 as amended by chapter 14, Laws of 1981 2nd ex. sess., to supplement the stipends of teaching assistants and research assistants.

(3) The provisions of this section shall expire on June 30, 1983.

**NEW SECTION.** Sec. 22. 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.

**NEW SECTION.** Sec. 23. Sections 13 and 14 of this amendatory act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. All other sections of this amendatory act shall take effect on June 1, 1982."

On page 1, line 1 of the title after "higher education;" strike the remainder of the title and insert the following:

"amending section 2, chapter 273, Laws of 1971 ex. sess. as amended by section 1, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.012; amending section 3, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 15, Laws of 1979 ex. sess. and RCW 28B.15.013; amending section 4, chapter 273, Laws of 1971 ex. sess. and RCW 28B.15.014; amending section 28B.10.215, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 68, Laws of 1974 ex. sess. and RCW 28B.10.215; amending section 28B.10.220, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 68, Laws of 1974 ex. sess. and RCW 28B.10.220; amending section 1, chapter 262, Laws of 1979 ex. sess. as amended by section 1, chapter 62, Laws of 1980 and RCW 28B.15.740; amending section 8, chapter 257, Laws of 1981 and RCW 28B.15.502; amending section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 257, Laws of 1981 and RCW 28B.15.100; amending section 2, chapter 279, Laws of 1971 ex. sess. as last amended by section 1, chapter 257, Laws of 1981 and RCW 28B.15.031; amending section 9, chapter 257, Laws of 1981 and RCW 28B.15.820; amending section 2, chapter 257, Laws of 1981 and RCW 28B.15.067; amending section 7, chapter 322, Laws of 1977 ex. sess. as amended by section 3, chapter 257, Laws of 1981 and RCW 28B.15.070; amending section 4, chapter 257, Laws of 1981 and RCW 28B.15.076; amending section 6, chapter 257, Laws of 1981 and RCW 28B.15.202; amending section 7, chapter 257, Laws of 1981 and RCW 28B.15.402; amending section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 1, chapter 148, Laws of 1979 ex. sess. and RCW 28B.15.520; amending section 1, chapter 269, Laws of 1969 ex. sess. and RCW 41.04.005; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; repealing section 28B.10.200, chapter 223, Laws of 1969 ex. sess., section 1, chapter 62, Laws of 1973 and RCW 28B.10.200; repealing section 28B.10.250, chapter 223, Laws of 1969 ex. sess., section 2, chapter 62, Laws of 1973 and RCW 28B.10.250; repealing section 28B.10.255, chapter 223, Laws of 1969 ex. sess., section 3, chapter 68, Laws of 1974 ex. sess. and RCW 28B.10.255; repealing section 28B.10.260, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.260; repealing section 9, chapter 59, Laws of 1970 ex. sess., section 13, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.523; repealing section 10, chapter 59, Laws of 1970 ex. sess., section 14, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.525; repealing section 11, chapter 279, Laws of 1971 ex. sess., section 39, chapter

169, Laws of 1977 ex. sess. and RCW 28B.15.530; repealing section 1, chapter 265, Laws of 1977 ex. sess. and RCW 28B.15.550; repealing section 2, chapter 265, Laws of 1977 ex. sess. and RCW 28B.15.551; repealing section 3, chapter 265, Laws of 1977 ex. sess. and RCW 28B.15.552; repealing section 1, chapter 155, Laws of 1977 ex. sess. and RCW 28B.15.553; repealing section 3, chapter 155, Laws of 1977 ex. sess. and RCW 28B.15.554; repealing section 1, chapter 19, Laws of 1979 ex. sess. and RCW 28B.15.557; repealing section 13, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.710; repealing section 2, chapter 262, Laws of 1979 ex. sess. and RCW 28B.15.742; repealing section 4, chapter 262, Laws of 1979 ex. sess. and RCW 28B.15.744; providing for the expiration of the provisions of a section hereof; providing for the disposition of certain moneys; making an appropriation; declaring an emergency; and making certain effective dates."

Signed by: Senator Scott, Chairman; Bluechel, Craswell, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

The bill was read the second time by sections.

Senator Scott moved adoption of the committee amendment.

### PARLIAMENTARY INQUIRY

Senator Charnley: "Mr. President, is it possible to divide the question? A motion was made to accept the amendment as presented by the committee. This amendment contains many sections dealing with quite a variety of subjects and I would be curious to know if the question could be divided so we could consider some of these subjects individually?"

### REPLY BY THE PRESIDENT

President Cherberg: "Senator Charnley, this amendment strikes everything after the enacting clause and the President doesn't see how the question could be divided. Possibly you could achieve your objective by offering amendments to the amendment."

Senator Charnley: "Thank you, Mr. President."

### POINT OF INQUIRY

Senator Goltz: "Senator Scott, I would like to ask you two questions at this point because I may want to prepare an amendment, depending upon the answer.

"Have the number of credits which a community college student can take been extended also to eighteen so the community college student and the 4-year institutional students are treated exactly alike?"

Senator Scott: "The regulation is uniform, Senator Goltz."

Senator Goltz: "On page 20, line 30, if I read the bill correctly, that section applies only to the 4-year institution; and I couldn't find a similar section for the community college student, but if it is in there. . . ."

Senator Scott: "My understanding the explanation to the committee was the eighteen which was offered by Senator Patterson with the amendment was inclusive of all students."

Senator Goltz: "The second question I have is relative to the status of waivers for children of fire fighters and law enforcement officers who are killed or totally disabled in line of duty. Has that particular waiver been eliminated?"

Senator Scott: "The answer is that it has, Senator."

Senator Goltz: "It has been eliminated?"

Senator Scott: "It was among the list of need-based waivers, and again if you will refer to page 63 of your summary you will see that covered."

Senator Goltz: "And one final question, going back to the maximum number of credits, I would like an explanation, if possible, of whether or not this ought to be a

revenue-generator or a cost-saver or the motivation force, because it seems to me that one of the objectives ought to be for us to encourage people to use the facilities to the maximum to get out of the institutions as quickly as possible by taking as many credits as they can possibly take and pass; and to put it at eighteen makes it sound like we are going to generate some additional revenue, but in reality we may keep those students in college and universities longer than they should be there."

Senator Scott: "Senator Goltz, those students taking more than the eighteen hours in a given quarter semester at 4-year institutions, comprise less than 10% of the whole. I would respond in two ways: (1) the traditional number of hours considered a load has been fifteen; to the extent that the student is taking more than that, be it eighteen, twenty-one or twenty-five, he is getting a greater subsidy than the average student. He is paying less money, in effect, for a greater number of hours of credit.

"So with regard to the revenue question, the amount of revenue loss is minimal, less than \$2,000,000 so the motivation is not to collect revenue, it is to provide a basic equity in the amount of dollars per credit hour paid by an given student."

Senator Metcalf moved adoption of the following amendment by Senators Metcalf, Bottiger, Gaspard and McDermott to the committee amendment:

On page 9, after line 31, insert on the following line a new paragraph to read as follows:

"(3) Military personnel residing or stationed in the State of Washington and spouses and dependents of such military personnel."

Debate ensued.

#### POINT OF INQUIRY

Senator Charnley: "Senator Scott, could you tell me what the practice is in other states of the nation with regard to military personnel and like in this situation. Do they, indeed, give those people the same courtesy of the resident tuition or do they charge them nonresident?"

Senator Scott: "Senator Charnley, there are roughly thirty states that give exemptions for military people and/or for their spouses and dependents. I venture to guess quite apart from the quality, policy question, that each and every one of them is better off fiscally than the state of Washington to date."

Further debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Scott, I understand the military serviceman in the furtherance of a program that is endorsed by the base commander does have 75% paid; in other words if he is working on advancing himself, he would have to be in a program that has been approved. Is that correct?"

Senator Scott: "You are accurate, Senator. Anything that would fall into the general and rather liberally construed basic requirements or professional enhancement, he is not going to get that for an avocational course, etc."

Senator Bottiger: "My question is more concerned with his children. What would be the change in rate for the child of that military service from resident to nonresident?"

Senator Scott: "The difference between resident status and nonresident status in the community colleges is the difference of roughly 50% — the difference between \$175.00 and \$300.00 a quarter."

Further debate ensued.

## POINT OF INQUIRY

Senator Goltz: "Senator Scott, has your fiscal note taken into account service-men who would wait, as you say, because they couldn't afford the tuition during the first year so they wait until they become resident status?"

Senator Scott: "No, it has not, Senator. It was on actual numbers not on a supposition of how many people would wait a year. The basic here and the issue that is going to recur through another three or four amendments before us is, are we going to have need-based waivers for which there is 4% of the tuition amount set aside or are we going to go back to the prior system of individual exemptions?"

Further debate ensued.

Senator Ridder 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 Senators Metcalf, Bottiger, Gaspard and McDermott to the committee amendment.

## ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Haley, Hansen, Hughes, Hurley, Lysen, McDermott, Metcalf, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognil, Williams, Wilson, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—23.

Excused: Senator Talley—1.

## MOTION

At 5:30 p.m., on motion of Senator Clarke, the Senate recessed until 7:30 p.m.

## EVENING SESSION

The President called the Senate to order at 7:30 p.m.

The Senate resumed consideration of Engrossed Substitute House Bill No. 784. The committee amendment as amended by Senators Metcalf, Bottiger, Gaspard and McDermott is pending from earlier today.

On motion of Senator Scott, the following amendment to the committee amendment was adopted:

On page 9, line 24 after "the" strike "institutional" and insert "instructional"

Senator McDermott moved adoption of the following amendment to the committee amendment:

On page 10, line 28 strike everything down to and including "28B.10.260;" on page 11, line 1, and renumber the remaining subsections accordingly.

Debate ensued.

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

## ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 16; nays, 23; absent or not voting, 9; excused, 1.

Voting yea: Senators Bauer, Charnley, Conner, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Vognild, Williams, Wilson, Woody—16.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer—23.

Absent or not voting: Senators Bottiger, Deccio, Fleming, Lysen, Ridder, Shinpoch, Talmadge, Wojahn, Zimmerman—9.

Excused: Senator Talley—1.

Senator McDermott moved adoption of the following amendment to the committee amendment:

On page 11, line 29 strike everything down to and including "28B.15.557;" on line 31 and renumber the remaining subsections accordingly.

Debate ensued.

The motion by Senator McDermott failed and the amendment was not adopted.

Senator Wojahn moved adoption of the following amendment:

On page 11, line 38, strike everything down to and including "28B.15.744" on page 12, line 1. Renumber the remaining subsections accordingly.

Debate ensued.

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

#### MOTIONS

On motion of Senator Moore, Senator Talmadge was excused.

On motion of Senator Charnley, Senators Ridder and Shinpoch were excused.

The President declared the question before the Senate to be the roll call on the amendment by Senator Wojahn to the committee amendment.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Craswell, Gallagher, Scott—3.

Excused: Senators Ridder, Shinpoch, Talley, Talmadge—4.

Senator McDermott moved adoption of the following amendment to the committee amendment:

On page 12, line 23 reinsert the stricken material down to and including "The" on line 29.

Debate ensued.

Senator Goltz 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 McDermott to the committee amendment."

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 22; nays, 25; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senators Shinpoch, Talley—2

Senator Patterson moved adoption of the following amendment by Senators Patterson, Pullen, Guess and von Reichbauer to the committee amendment:

On page 20, section 11, beginning on line 29, strike all of subsection (3) of said section.

Debate ensued.

Senator McDermott 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 Senators Patterson, Pullen, Guess and von Reichbauer to the committee amendment.

### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 35; nays, 12; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McCaslin, McDermott, Moore, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—35.

Voting nay: Senators Benitz, Bluechel, Clarke, Gould, Haley, Hayner, Jones, Lee, Metcalf, Newhouse, Scott, Sellar—12.

Excused: Senators Shinpoch, Talley—2.

Senator Charnley moved adoption of the following amendment by Senators McDermott and Charnley to the committee amendment:

On page 19, strike all of section 11 and renumber remaining sections accordingly.

Debate ensued.

Senator Charnley 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 Senators McDermott and Charnley to the committee amendment.

### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 22; nays, 25; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senators Shinpoch, Talley—2.

Senator Patterson moved adoption of the following amendment by Senators Patterson and Pullen to the committee amendment:

Beginning on page 26, strike all of sections 15, 16, 17, 18 and 19 and insert the following new section, renumber the remaining sections consecutively, and make internal reference changes as necessary:

"NEW SECTION. Sec. 15. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 28B.15.202 or 28B.15.402, graduate tuition and fees for the 1982-83 academic year shall be as follows:

(1) At the University of Washington and Washington State University for full-time resident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees shall be one thousand seven hundred and one dollars: PROVIDED, That the general tuition fee shall be one hundred twenty dollars;

(2) At the University of Washington and Washington State University for full-time nonresident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees shall be four thousand two hundred and thirteen dollars: PROVIDED, That the general tuition fee shall be three hundred and fifty-four dollars;

(3) At the University of Washington and Washington State University for full-time resident students enrolled in programs leading to degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees shall be two thousand seven hundred and forty-five dollars: PROVIDED, That the general tuition fee shall be three hundred and forty-two dollars;

(4) At the University of Washington and Washington State University for full-time nonresident students enrolled in programs leading to degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees shall be six thousand eight hundred and four dollars: PROVIDED, That the general tuition fee shall be five hundred and fifty-five dollars;

(5) At the regional universities and The Evergreen State College for full-time resident graduate students the total of general tuition and operating fees shall be one thousand three hundred and twenty dollars: PROVIDED, That the general tuition fee shall be seventy-six dollars and fifty cents;

(6) At the regional universities and The Evergreen State College for nonresident full-time graduate students the total of general tuition and operating fees shall be three thousand eight hundred and eighty-two dollars: PROVIDED, That the general tuition fee shall be two hundred and ninety-five dollars and fifty cents;

(7) The provisions of this section shall expire on July 1, 1983."

On motion of Senator Scott, a technical correction was made to subsection (6), line 8 inserting "nonresident" before "full-time".

Debate ensued.

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 amendment by Senators Patterson and Pullen to the committee amendment.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 20; nays, 27; excused, 2.

Voting yea: Senators Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Kiskaddon, Lysen, McDermott, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Wilson, Woody—20.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McCaslin, Newhouse, Scott, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman—27.

Excused: Senators Shinpoch, Talley—2.

Senator Goltz moved adoption of the following amendment to the committee amendment:

On page 37 of the amendment, following section 21, add a new section to read as follows, renumber the remaining sections consecutively, and make internal reference changes throughout sections of the amendment as may be necessary:

"NEW SECTION. Sec. 22. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Notwithstanding the repeal of RCW 28B.15.710 by section 5(14) of this amendatory act, those residents of the Canadian province of British Columbia who were enrolled as full-time students in undergraduate programs during the spring quarter or second semester of the 1980-81 academic year at Washington state universities and regional universities and The Evergreen State College shall be entitled to pay, while completing their present or planned programs or courses of study and as long as they hereafter remain continuously enrolled except for summer quarter or semester as full-time undergraduate students, the same amount of general tuition, operating, and services and activities fees charged Washington residents enrolled in the same programs.

The council for postsecondary education shall seek to negotiate with appropriate governmental officials or agencies of the Canadian province of British Columbia on establishing a fair and equitable cost-sharing tuition and fee reciprocity program for the residents of the state of Washington and the Canadian province of British Columbia. The council shall present any proposed agreement, finding, and recommendations to the legislative session beginning January, 1983."

Debate ensued.

#### POINT OF INQUIRY

Senator Hemstad: "Senator Goltz, if this amendment is added to the bill and the remainder of the bill remains substantially in its present form, will you be voting for the bill on final passage?"

Senator Goltz: "I will certainly weigh the bill in its entirety when I make up my mind."

Senator Goltz 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 Goltz to the committee amendment.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 19; nays, 28; excused, 2.

Voting yea: Senators Bauer, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, McDermott, Moore, Peterson, Rasmussen, Ridder, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—19.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—28.

Excused: Senators Shinpoch, Talley—2.

#### MOTION

At 8:49 p.m., on motion of Senator Hayner, the Senate was declared to be at ease.

The President called the Senate to order at 9:03 p.m.

## PERSONAL PRIVILEGE

Senator Fleming: "Mr. President and members of the Senate. I thought it would be most apropos if I gave an update on our fellow colleague and Senator, Don Talley's condition.

"As we stated this morning the hospital had determined that Senator Talley suffered a heart attack of moderate severity early Tuesday morning. An electrocardiogram confirmed the diagnosis that he did, indeed, have a heart attack.

"He will remain in intensive care at the hospital for a few more days. Attending physicians say that Senator Talley's chances for full recovery are excellent. He continues to respond well to treatment. Until Senator Talley is released from intensive care, he will be unable to receive visitors.

"I thought, in our busy schedule today, it would be most fitting if we took a moment of silent prayer for speedy recovery of Senator Talley."

A moment of silent prayer was observed by the Senate.

The Senate resumed consideration of Engrossed Substitute House Bill No. 784 from earlier today.

The President declared the question before the Senate to be the committee amendment, as amended.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Scott moved the Senate immediately reconsider the vote by which the amendment by Senators Patterson and Pullen to the committee was not adopted.

## POINT OF INQUIRY

Senator Rasmussen: "Will Senator Scott favor us with, is this the Pullen/Patterson amendment that provides the necessary votes? So we will know what we are voting on, Senator Scott."

Senator Scott: "This is the Pullen/Patterson amendment, Senator."

Senator Rasmussen: "And it will provide the votes? Thank you."

The motion by Senator Scott carried.

The following amendment by Senators Patterson and Pullen to the committee amendment was adopted on reconsideration:

Beginning on page 26, strike all of sections 15, 16, 17, 18 and 19 and insert the following new section, renumber the remaining sections consecutively, and make internal reference changes as necessary:

**"NEW SECTION.** Sec. 15. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 28B.15.202 or 28B.15.402, graduate tuition and fees for the 1982-83 academic year shall be as follows:

(1) At the University of Washington and Washington State University for full-time resident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees shall be one thousand seven hundred and one dollars: PROVIDED, That the general tuition fee shall be one hundred twenty dollars;

(2) At the University of Washington and Washington State University for full-time nonresident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees shall be four thousand two hundred and thirteen dollars: PROVIDED, That the general tuition fee shall be three hundred and fifty-four dollars;

(3) At the University of Washington and Washington State University for full-time resident students enrolled in programs leading to degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees shall be two thousand seven hundred and forty-five dollars: PROVIDED, That the general tuition fee shall be three hundred and forty-two dollars;

(4) At the University of Washington and Washington State University for full-time nonresident students enrolled in programs leading to degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees shall be six thousand eight hundred and four dollars: PROVIDED, That the general tuition fee shall be five hundred and fifty-five dollars;

(5) At the regional universities and The Evergreen State College for full-time resident graduate students the total of general tuition and operating fees shall be one thousand three hundred and twenty dollars: PROVIDED, That the general tuition fee shall be seventy-six dollars and fifty cents;

(6) At the regional universities and The Evergreen State College for nonresident full-time graduate students the total of general tuition and operating fees shall be three thousand eight hundred and eighty-two dollars: PROVIDED, That the general tuition fee shall be two hundred and ninety-five dollars and fifty cents;

(7) The provisions of this section shall expire on July 1, 1983."

The President declared the question before the Senate to be the motion by Senator Scott that the committee amendment, as amended, be adopted.

The motion carried and the committee amendment, as amended, was adopted.

Senator Scott moved adoption of the committee amendment to the title.

On motion of Senator Patterson, the following amendments by Senators Patterson and Pullen to the committee amendment to the title were adopted:

On page 39, line 18 of the title after "28B.15.820;" strike everything down to and including "28B.15.402;" on line 30

On page 39, line 37 of the title after "adding" strike "a new section" and insert "new sections"

On page 41, line 7 of the title after "of" strike "a section" and insert "sections"

The motion by Senator Scott carried and the committee amendment to the title, as amended, was adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Substitute House Bill No. 784, 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 Newhouse, Benitz and Hayner demanded the previous question.

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

The President declared the question before the Senate to be the roll call on the demand for the previous question.

#### ROLL CALL

The Secretary called the roll and the demand was sustained by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Excused: Senators Shinpoch, Talley—2.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 784, as amended by the Senate.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 784, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Excused: Senators Shipoch, Talley—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 784, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

### REPORTS OF STANDING COMMITTEES

February 23, 1982.

SENATE BILL NO. 4864, relating to school districts purchasing school sites owned by the department of natural resources or leasing the sites at fair rental value (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 4864 be substituted therefor, and substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

February 23, 1982.

SUBSTITUTE HOUSE BILL NO. 221, authorizing county solid waste disposal districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

February 23, 1982.

ENGROSSED HOUSE BILL NO. 641, requiring that county auditors record plats of public land surveys (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

February 24, 1982.

SUBSTITUTE HOUSE BILL NO. 824, modifying provisions relating to assignment of dental insurance benefits (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 891, modifying the regulation of medicare supplemental insurance policies (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 905, providing for joint child custody (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Hemstad, Vice Chairman; Hughes, Shinpoch, Talmadge, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senator Hayner.

Passed to Committee on Rules for second reading.

February 23, 1982.

HOUSE BILL NO. 907, modifying the laws governing the office of administrative hearings (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 23, 1982.

HOUSE BILL NO. 916, modifying the interest rate on judgments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Hemstad, Vice Chairman; Hayner, Newhouse, Pullen, Woody.

MINORITY recommendation: Do not pass as amended.

Signed by: Senator Talmadge.

Passed to Committee on Rules for second reading.

February 24, 1982.

ENGROSSED HOUSE BILL NO. 1087, providing for salmon enhancement projects (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Patterson, Peterson, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

### MESSAGE FROM THE HOUSE

February 24, 1982.

Mr. President: The House has passed:

HOUSE BILL NO. 765,

HOUSE BILL NO. 836,

HOUSE BILL NO. 950,

SUBSTITUTE HOUSE BILL NO. 1012,

HOUSE BILL NO. 1023,

HOUSE BILL NO. 1072,

HOUSE BILL NO. 1078,

HOUSE BILL NO. 1080,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1134, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

HOUSE BILL NO. 765, by Committee on Revenue and Representative Greengo (by Department of Revenue request):

Modifying the excise tax registration fee.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 836, by Committee on State Government and Representatives Addison, Nisbet, Mitchell and Sprague:

Studying the feasibility of veterans' memorial parks and cemeteries.

Referred to Committee on State Government.

HOUSE BILL NO. 950, by Representatives Berleen and Kaiser (by Governor Spellman request):

Modifying provisions relating to the health care facilities authority.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 1012, by Committee on Appropriations—General Government (originally sponsored by Committee on Appropriations—General Government and Representative Williams):

Authorizing fees for surveys and maps supplied from DNR.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 1023, by Representatives Erak, Wilson, Thompson, Williams, Rust, Greengo, Galloway, Sommers and Flanagan:

Increasing the fee for driving record abstracts.

Referred to Committee on Transportation.

HOUSE BILL NO. 1072, by Committee on Institutions and Representatives Ellis and Vander Stoep:

Designating a portion of a state-employed chaplain's salary as rental value for a home.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 1078, by Representatives Prince, Grimm and Amen:

Appropriating funds for a waste water treatment plant at Washington State University.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1080, by Representatives Struthers, Williams, Granlund, Hastings, Van Dyken and Sprague:

Providing for distribution of session laws and House and Senate journals.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1134, by Committee on Local Government (originally sponsored by Committee on Local Government and Representative Lundquist):

Modifying provisions relating to the division of land.

Referred to Committee on Local Government.

### MESSAGES FROM THE HOUSE

February 25, 1982.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3549,

SUBSTITUTE SENATE BILL NO. 3679,

REENGROSSED SENATE BILL NO. 3737,  
 SENATE BILL NO. 4635,  
 SENATE BILL NO. 4636, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 24, 1982.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 833, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE SENATE BILL NO. 3549,  
 SUBSTITUTE SENATE BILL NO. 3679,  
 SENATE BILL NO. 3737,  
 SENATE BILL NO. 4635,  
 SENATE BILL NO. 4636.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3366.

SECOND READING

SENATE BILL NO. 3366, by Senators Goltz and Sellar (by State Fire Marshal request):  
 Creating a fraud and arson bureau.

MOTIONS

On motion of Senator Zimmerman, Second Substitute Senate Bill No. 3366 was substituted for Senate Bill No. 3366 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Zimmerman, the rules were suspended, Second Substitute Senate Bill No. 3366 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 Goltz, Second Substitute Senate Bill No. 3366 was ordered held on the third reading calendar for February 25, 1982.

SECOND READING

SENATE BILL NO. 4046, by Senator Hansen:  
 Relating to livestock.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 4046 was substituted for Senate Bill No. 4046 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 4046 was advanced to third reading, the second 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. 4046 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wjahn, Woody, Zimmerman—47.

Excused: Senators Shinpoch, Talley—2.

SUBSTITUTE SENATE BILL NO. 4046, having received the constitutional majority, as 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. 4859, by Senators Guess, McCaslin, Hurley and Moore:

Permitting prepayment of retail sales and use taxes imposed by cities, counties and metropolitan municipal corporations.

## MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 4859 was substituted for Senate Bill No. 4859 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Guess, the rules were suspended, Substitute Senate Bill No. 4859 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 Guess, I was contacted by some wheat farmers over there who are concerned about the coal emission, the SO<sub>2</sub> emissions from this plant. They claim that it will be a 10% reduction in their wheat crop due to this plant being put in. And so I am concerned about that impact. Have you heard anything about that or is this bill in any way, is this going to deal with that when you say 'mitigate the cost' are you talking about that 10% reduction in wheat that they are concerned about?"

Senator Guess: "Senator Lysen, in all of my life in public office I have never seen a company more concerned and spent more time and more money in mitigating and making sure that they did not do any environmental damage. I assure you that they have hired the very best of brains, their design is the high state of the art, and it should produce a very fine quality product."

Senator Lysen: "I am reassured by your comment when you said they hired the very best of brains. I recall WPPSS did the same thing, I am sure and we didn't quite solve the problem."

"I am sure the electricity will be of high quality. Coal electricity will be a much higher quality than the so-far WPPSS' electricity has been but the concern is the environmental impact, in this case of the local industry which is the wheat ranches that surround it. And I understand they are so concerned that they have raised \$60,000 to help get input on the environmental impact statement and so forth."

"Will this mitigating issue be taken into consideration, is what I am concerned about?"

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4859 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Lysen—1.

Excused: Senators Shinpoch, Talley—2.

SUBSTITUTE SENATE BILL NO. 4859, having received the 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. 4726, by Senators Goltz, Gallagher and Peterson:

Modifying provisions relating to game licenses.

The bill was read the second time by sections.

On motion of Senator Gallagher, the rules were suspended, Senate Bill No. 4726 was advanced to third reading, the second 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. 4726 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Shinpoch, Talley—2.

SENATE BILL NO. 4726, having received the 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. 720, by House Committee on Ethics, Law and Justice and Representatives Isaacson and Ellis:

Modifying persons authorized to become donees of gifts of human remains.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, House Bill No. 720 was advanced to third reading, the second 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. 720 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Shinpoch, Talley—2.

HOUSE BILL NO. 720, having received the 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. 174, by House Committee on Labor and Economic Development (originally sponsored by House Committee on Labor and Economic Development and Representative Mitchell):

Modifying licensing requirements for podiatrists.

## REPORT OF STANDING COMMITTEE

February 1, 1982.

SUBSTITUTE HOUSE BILL NO. 174, modifying licensing requirements for podiatrists (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 32, insert before the period "or to apply to or to regulate treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination"

In line 1 of the title, after "to" strike "businesses and occupations" and insert "the practice of podiatry"

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Vognild, Williams.

The bill was read the second time by sections.

On motion of Senator Quigg, the committee amendments were considered and adopted simultaneously.

On motion of Senator Quigg, the rules were suspended, Substitute House Bill No. 174, 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. 174, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Shinpoch, Talley—2.

SUBSTITUTE HOUSE BILL NO. 174, 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. 289, by Representatives Walk, Garrett, Patrick, Granlund, Nickell, Galloway, Owen, Gallagher, North, Sherman, Sanders, Grimm and Houchen:

Granting civil immunity to officers using police dogs and making it a felony to harm a police dog.

## REPORT OF STANDING COMMITTEE

February 16, 1982.

ENGROSSED HOUSE BILL NO. 289, granting civil immunity to officers using police dogs and making it a felony to harm a police dog (reported by Judiciary Committee):

Recommendation: Do pass with the following amendments:

On page 1, line 15, after "police dog" insert "in the line of duty"

On page 1, line 22, after "wilfully" strike "or maliciously"

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendments were considered and adopted simultaneously.

On motion of Senator Hemstad, the rules were suspended, Engrossed House Bill No. 289, 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. 289, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Shinpoch, Talley—2.

ENGROSSED HOUSE BILL NO. 289, 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. 330, by Representatives Kreidler, Sanders, Dawson, Bond, Houchen and Sprague:

Requiring notification to secretary of transportation about plats of subdivisions near public airports.

## REPORT OF STANDING COMMITTEE

February 15, 1982.

HOUSE BILL NO. 330, requiring notification to the secretary of transportation about plats of subdivisions near public airports (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 20, after "transportation." Add "In the case of notification to the secretary of transportation, the secretary shall respond to the notifying authority within forty-five days of such notice as to the effect that the proposed subdivision will have on the state highway or the state or municipal airport."

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Gallaghan, Guess, Hansen, Peterson, Talley, Vognild.

The bill was read the second time by sections.

Senator von Reichbauer moved adoption of the committee amendment.

Senator von Reichbauer moved adoption of the following amendment to the committee amendment:

On the fourth line of the amendment, strike "forty-five" and insert "fifteen"

#### POINT OF INQUIRY

Senator Rasmussen: "Senator von Reichbauer, does this mean two miles around or two miles from either end of the runway?"

Senator von Reichbauer: "That is in the bill, I am just talking about the amendment now. The amendment we are dealing with now is the question of notification of whether 45 days or 15 days. We are not dealing yet with the distance. I will answer that when we get to that part of the amendment, we are now just dealing with the oral amendment."

Senator Rasmussen: "Well, I am speaking to that, too. I think shortening that up to 15 days; first place, there is a lot . . . a plat is filed and maybe doesn't even have a chance of getting approved. But you are going to have all plats filed with the department of transportation even before it has been processed by the planning commission, and I am just wondering about the huge amount of paper work that you are going to have involved there. More particularly if it is two miles surrounding any airport, there could be lots of plats filed in that area, so I don't know if that is considered in the bill."

Senator von Reichbauer: "Again, Senator Rasmussen, we are dealing now with the oral amendment and I will gladly discuss the merits of that question of the distance around the airport when we deal with the bill."

#### POINT OF INQUIRY

Senator Peterson: "Senator von Reichbauer, the committee amendment that you are amending, the reason that we put that amendment on in committee, from 15 days to 45 days, was that there was concern in testimony in the committee that 15 days was an unreasonably short period of time for them being able to get out and respond.

"Now your oral amendment, the substitute amendment, we are taking it right back to the original bill and I would like to know why after the testimony that was received in the committee, why you are reverting back to the original language when we had testimony that said that they needed that extra time?"

Senator von Reichbauer: "In consultation with the department, we were told that 15 days was adequate time for them to respond to the issue. This is subsequent to that meeting. As it happens I was not present at that one meeting of the committee on transportation; but in communication with the department, we were advised that 15 days was adequate time to respond. People that asked for 15 days response rather than 45, was obviously the folks who were directly affected by the Washington Association of Realtors."

Debate ensued.

The motion by Senator von Reichbauer carried and the amendment to the committee amendment was adopted on a rising vote.

The motion by Senator von Reichbauer carried and the committee amendment, as amended, was adopted.

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 330, 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. 330, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talmadge, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Hughes, Moore, Rasmussen, Ridder, Vognild, Wilson—6.

Excused: Senators Shinpoch, Talley—2.

HOUSE BILL NO. 330, 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. 183, by House Committee on State Government and Representatives Garson and Kreidler:

Establishing the 1989 Washington state centennial commission.

REPORT OF STANDING COMMITTEE

February 4, 1982.

ENGROSSED HOUSE BILL NO. 183, establishing the 1989 Washington state centennial commission (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. November 11, 1989, will mark the centennial of Washington's admission to the Union. It is fitting that an event of this magnitude should be commemorated by the state of Washington. Such an event symbolizes achievement and growth and should remind the people of Washington that the past shapes our present and gives hope for a productive future. Therefore, every community of the state is encouraged to commemorate this historic event, particularly those communities, such as the state capital, which have played an important role in the history of the territory and the state.

NEW SECTION. Sec. 2. (1) There is established the 1989 Washington centennial commission composed of thirteen members selected as follows:

(a) Two members of the house of representatives appointed by the speaker of the house, one from each political party;

(b) Two members of the senate appointed by the president of the senate, one from each political party;

(c) Nine citizens of the state, appointed by the governor, including a person from a minority culture to represent the state's minority communities, at least one person to represent small towns and rural areas, at least one person representing a state-wide historic preservation organization, and at least one person representing a state historical society.

(2) The chairperson of the commission shall be appointed by the governor from among the citizen members.

(3) The commission shall meet at such times as it is called by the governor or by the chairperson of the commission.

NEW SECTION. Sec. 3. Subject to legislative appropriation or grant, nonlegislative members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended. Legislative members shall be reimbursed as provided in RCW 44.04.120 as now or hereafter amended.

NEW SECTION. Sec. 4. The 1989 Washington centennial commission shall develop a comprehensive program for celebrating the centennial of Washington's admission to the union in 1889. The program shall be developed to represent the contributions of all peoples and cultures to Washington state history and to the maximum feasible extent shall be designed to encourage and support participation in the centennial by all interested communities in the state. Program elements shall include:

(1) An annual report to the governor and the legislature incorporating the commission's specific recommendations for the centennial celebration. The report shall recommend projects and activities including, but not limited to:

(a) Restoration of historic properties, with emphasis on those properties appropriate for use in the observance of the centennial;

(b) State and local historic preservation programs and activities;

(c) Publications, films, and other educational materials;

(d) Bibliographical and documentary projects;

(e) Conferences, lectures, seminars, and other programs;

(f) Museum, library, cultural center, and park services and exhibits, including mobile exhibits; and

(g) Ceremonies and celebrations.

(2) A funding proposal to the 1983 legislature which shall include, but not be limited to, a proposal for the issuance of general obligation bonds of the state of Washington.

NEW SECTION. Sec. 5. The commission may employ a staff to implement this chapter, subject to legislative appropriation or grant. The governor may designate an agency of state government for additional staff support.

NEW SECTION. Sec. 6. The 1989 Washington centennial commission as established by this chapter shall cease to exist on December 31, 1990.

NEW SECTION. Sec. 7. There is hereby appropriated from the general fund to the commission for the period ending June 30, 1983, twenty-five thousand dollars, or so much as may be necessary, to carry out this act.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 27 RCW."

On page 1, beginning on line 1, strike all of the title and insert "AN ACT Relating to the 1989 Washington centennial commission; adding a new chapter to Title 27 RCW; making an appropriation; and providing an expiration date."

Signed by: Senators Fuller, Chairman; Goltz, Guess, Haley, Hansen, Hughes, Hurley, Quigg, Williams, Zimmerman.

The bill was read the second time by sections.

Senator Fuller moved adoption of the committee amendment.

Senator Wilson moved adoption of the following amendment to the committee amendment:

On page 1, line 20, after "event" place a period and delete the remainder of the section.

Debate ensued.

The motion by Senator Wilson carried and the amendment to the committee amendment was adopted on a rising vote.

Senator Quigg moved adoption of the following amendment to the committee amendment:

On page 3, line 9, after "state" 'strike the period and insert: "PROVIDED, That the State Capitol area should be the focal point of the state centennial celebration"

Debate ensued.

The motion by Senator Quigg failed and the amendment to the committee amendment was not adopted.

The motion by Senator Fuller carried and the committee amendment, as amended, was adopted.

On motion of Senator Williams, the committee amendment to the title was adopted.

On motion of Senator William, the rules were suspended, Engrossed House Bill No. 183, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 183, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—40.

Voting nay: Senators Craswell, McCaslin, Pullen, Vognild, Woody—5.

Absent or not voting: Senators Conner, Patterson—2.

Excused: Senators Shinpoch, Talley—2.

ENGROSSED HOUSE BILL NO. 183, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 10:45 p.m., on motion of Senator Clarke, the Senate adjourned until 10:00 a.m., Thursday, February 25, 1982.

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

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**FORTY-SIXTH DAY**


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**MORNING SESSION**


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Senate Chamber, Olympia, Thursday, February 25, 1982.

The Senate was called to order at 10:00 a.m. by President Cherberg. At 10:02 a.m., the President declared the Senate to be at ease.

**PARLIAMENTARY INQUIRY**

Senator Rasmussen: "Mr. President, could I inquire, our rules provide that any committee that wants to meet while the Senate is in session requires the permission of the Senate. Has the judiciary committee acquired that permission?"

**REPLY BY THE PRESIDENT**

President Cherberg: "The President believes that no formal request has been made. However, as a matter of courtesy, I think that we should permit them a few minutes."

**REMARKS BY SENATOR RASMUSSEN**

Senator Rasmussen: "I will agree with that, but then they should be impressed with the fact that it is in the rules that they are required permission to meet."

**REPLY BY THE PRESIDENT**

President Cherberg: "Your remarks are very well taken, Senator."

**REMARKS BY SENATOR RASMUSSEN**

Senator Rasmussen: "Thank you, Mr. President."

The President called the Senate to order at 10:30 a.m.

The Secretary called the roll and announced to the President that all members were present except Senators Pullen, Sellar and Talley. There being no objection, Senator Talley was excused.

The Color Guard, consisting of Pages Gina Wadsworth and Patrick McBurney, presented the Colors. Father John Gretz, pastor of St. James Episcopal Church of Kent, offered the prayer.

Father Gretz was the guest of Senator Shinpoch.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 25, 1982.

**SUBSTITUTE HOUSE BILL NO. 15**, regulating the forfeiture of property exchanged for controlled substances (reported by Judiciary Committee):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen.

Passed to Committee on Rules for second reading.

February 25, 1982.

ENGROSSED HOUSE BILL NO. 22, making it unlawful to sell, give, dispose, or deliver explosives to persons under eighteen (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 25, 1982.

HOUSE BILL NO. 826, establishing the Washington law revision commission (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 25, 1982.

HOUSE BILL NO. 864, establishing a task force on court congestion (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 25, 1982.

SUBSTITUTE HOUSE BILL NO. 874, modifying provisions relating to the sentencing of criminal offenders (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Pullen, Woody.

Passed to Committee on Rules for second reading.

February 25, 1982.

SUBSTITUTE HOUSE BILL NO. 887, enlarging class of civil actions which may be subject to mandatory arbitration (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 25, 1982.

ENGROSSED HOUSE BILL NO. 1066, modifying provisions relating to the criminal justice training commission (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Talmadge, Woody.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 24, 1982.

Mr. President: The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 3549,

SUBSTITUTE SENATE BILL NO. 3679,  
 SENATE BILL NO. 3737,  
 SENATE BILL NO. 4635,  
 SENATE BILL NO. 4636, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 25, 1982.

Mr. President: The Speaker has signed: HOUSE BILL NO. 720, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### SIGNED BY THE PRESIDENT

The President signed:  
 HOUSE BILL NO. 720,  
 SUBSTITUTE HOUSE BILL NO. 834.

### MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of House Bill No. 884.

### SECOND READING

HOUSE BILL NO. 884, by House Committee on Ethics, Law and Justice and Representative Ellis (by Code Reviser request):

Correcting double amendments to various statutes.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, House Bill No. 884 was advanced to third reading, the second 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. 884 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, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senator Williams—1.

Absent or not voting: Senators Bauer, Sellar—2.

Excused: Senator Talley—1.

HOUSE BILL NO. 884, having received the 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 Clarke, the Senate commenced consideration of Senate Bill No. 4418.

## SECOND READING

SENATE BILL NO. 4418, by Senator Deccio:  
DSHS—financial responsibility.

## MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 4418 was substituted for Senate Bill No. 4418 and the substitute bill was placed on second reading and read the second time in full.

Senator Deccio moved adoption of an amendment.

On motion of Senator Talmadge, continuation of the reading of the amendment and Substitute Senate Bill No. 4418 was ordered held for consideration later today.

## MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 4586.

## SECOND READING

SENATE BILL NO. 4586, by Senators Metcalf, Hemstad and Wilson (by Governor Spellman request):

Reorganizing various agencies of state government.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 4586 was substituted for Senate Bill No. 4586 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 4586 was advanced to third reading, the second 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. 4586 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—43.

Voting nay: Senators Charnley, Conner, Hughes, Hurley—4.

Absent or not voting: Senator Woody—1.

Excused: Senator Talley—1.

SUBSTITUTE SENATE BILL NO. 4586, having received the 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 Clarke, the Senate commenced consideration of Senate Concurrent Resolution No. 134.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 134, by Senators Lee, Bluechel, Wojahn, Shinpoch, Charnley, Fleming and Gaspard:

Urging adoption of abuse prevention programs in Washington schools.

## MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Concurrent Resolution No. 134 was substituted for Senate Concurrent Resolution No. 134 and the substitute resolution was placed on second reading calendar and read the second time in full.

On motion of Senator Lee, the rules were suspended and Senators Charnley, Fleming and Gaspard were added as sponsors to the resolution.

On motion of Senator Kiskaddon, the rules were suspended, Substitute Senate Concurrent Resolution No. 134 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## POINT OF INQUIRY

Senator Pullen: "Senator Lee, I think it is important to set forth legislative intent as far as this being a new program is concerned. Is it your intent that this should be a new program which will cost money beyond our current expenditures?"

Senator Lee: "Senator Pullen, it is not the intent that this cost any additional funds. It is simply a provision that authorizes the superintendent of public instruction to, in fact, work with private groups and existing agencies. In fact, the first 'whereas' says 'The legislature has previously recognized that child abuse and sexual exploitation has existed and has enacted legislation,' so this is simply a means of carrying out an existing program."

## MOTION

On motion of Senator Ridder, Senator Bottiger was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 134 and the resolution passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Pullen—1.

Excused: Senator Talley—1.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 134, having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Clarke, the Senate resumed consideration of Substitute Senate Bill No. 4418.

SECOND READING

SUBSTITUTE SENATE BILL NO. 4418, by Committee on Social and Health Services (originally sponsored by Senator Deccio):

DSHS—financial responsibility.

The Senate resumed consideration of Substitute Senate Bill No. 4418 from earlier today. At that time, the Secretary had commenced reading an amendment by Senator Deccio. On motion of Senator Talmadge, the amendment and the bill were ordered held for later consideration.

On motion of Senator Talmadge, there being no objections, amendments by Senator Talmadge on the desk of the Secretary of the Senate were withdrawn.

On motion of Senator Deccio, the following amendment was adopted:

Beginning on page 4, line 15, strike all material down through line 12 on page 16

Re number remaining sections consecutively and change internal references accordingly.

On motion of Senator Wilson, the following amendment was adopted:

On page 17, line 30, after "license." insert "Municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees."

On motion of Senator Deccio, the following amendments were considered and adopted simultaneously:

Beginning on page 19, line 28, strike all material down through line 3 on page 21.

Re number remaining sections consecutively and change internal references accordingly.

Beginning on page 16, line 28, strike all material down through line 21 on page 17.

Re number remaining sections consecutively and change references accordingly.

Beginning on page 23, line 7, strike all material down through line 25 on page 24.

On page 1, strike all of line 12 of the title down through "43.20A.630;" on line 14.

Beginning on page 29, line 30, strike all material down through line 23 on page 30.

Re number remaining sections consecutively and change internal references accordingly.

Beginning on page 32, line 13, strike all material down through line 28 on page 34.

Re number remaining sections consecutively and change internal references accordingly.

Beginning on page 43, line 29, strike all material after "Sec. 53." down through line 28 on page 45 and insert "Section 1, chapter 91, Laws of 1965 ex. sess., section 307, chapter 141, Laws of 1979 and RCW 74.04.305 are each repealed."

Beginning on page 2, line 26 of the title, strike all material down through "72.33.700;" on page 4, line 10:

On page 45, line 29, strike all material down to and including "Title 43 RCW." on line 30.

Re number remaining sections consecutively and change internal references accordingly.

Senator McDermott moved adoption of the following amendment:

On page 40, line 14, after "RCW 74.09.010." insert

"No co-payment, deductible or co-insurance requirements shall be imposed on federally matched medical assistance programs unless mandated by the federal government."

Debate ensued.

### POINT OF INQUIRY

Senator Ridder: "Senator Deccio, we had, in social and health services and I think it passed out for action in the rules committee, the study resolution on mandated coverages. And I think one of the provisions of that was that we should not go ahead with additional mandated coverages until we had gone ahead with the study. Am I not correct on that? And would this not fall under a mandated coverage?"

Senator Deccio: "No, I don't think this would have any effect on the coverage that is now provided by any insurance company. It really says that whatever those costs are that are incurred, that there will be a co-payment on the part of those recipients. So this really has nothing to do with the resolution that we have dealing with mandated coverages."

Further debate ensued.

Senator Ridder 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 McDermott.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senator Talley—1.

On motion of Senator Deccio, the following amendment was adopted:

On page 17, line 34, after "based on" insert ", but shall not exceed,"

On motion of Senator Talmadge, the following amendments were considered and adopted simultaneously:

On page 38, line 18, after "section, RCW" delete "6.16.020 and"

On page 38, line 19, after "chapter" delete "((s))"

On page 38, line 19, after "6.12" reinstate the stricken material

On page 39, line 15, after "under RCW" strike "6.16.020 and"

On page 39, line 16, after "chapter" delete "((s))"

On page 39, line 16, after "6.12" reinstate the stricken material

Senator Deccio moved adoption of the following amendment:

On page 40, line 14, after "74.09.010" insert "but shall not establish co-payment, deductible or co-insurance requirements for legend drugs as defined in RCW 69.41.210"

Debate ensued.

The motion by Senator Deccio failed and the amendment was not adopted.

On motion of Senator Deccio, the following amendment was adopted:

On page 45, after line 34, insert a section as follows:

**"NEW SECTION.** Sec. 56. A joint select committee on financial responsibility for residential and nonresidential services shall be created. Such committee shall study the equity and fairness among the various services provided to clients and families of similar needs and the fees charged to clients and families of similar needs.

The speaker of the house of representatives and the president of the senate shall appoint the joint select committee composed of six members of the house of representatives and six members of the senate, three members of the majority caucus and three members of the minority caucus each. A report of the findings of this study shall be submitted to the speaker of the house of representatives and the president of the senate no later than January 17, 1983, along with recommendations for legislative action."

On motion of Senator Deccio, the following amendments to the title were considered and adopted simultaneously:

On page 2, line 25 of the title, strike "adding a new chapter to Title 43 RCW;"

On page 2, line 22 of the title, strike "adding a new section to chapter 13.34 RCW;"

On page 2, line 23 of the title, strike "new sections" and insert "a new section"

On page 1, line 3 of the title, strike all after "services;" down through "13.40-.220;" on line 7.

On page 1, line 25 of the title, strike all after "70.119.100;" down through "71.05.100;" on line 28

On page 2, line 1 of the title, after "71.12.490;" strike all down through "72.33.840;" on line 7, page 2.

On page 2, line 25 of the title, strike "adding a new chapter to Title 43 RCW;"

On page 2, line 25 of the title, after "43 RCW;" insert "creating a new section;"

#### POINT OF INQUIRY

Senator McDermott: "Mr. President, before we consider that amendment, I wonder if Senator Deccio would yield to a question?"

"Senator Deccio, on page 42 of the bill, line 25 in section 51, language has been deleted which puts in the office of support enforcement; it looks like the effect of this is to put support enforcement in the position of going after everybody. This language that was deleted, says 'No collection action shall be taken against parents of children eligible for admission to, or children who have been released from, a state hospital for the developmentally disabled as defined in chapter 72.33.' Now that would say that they can go after support enforcement for all children except these. We have now taken that exemption out which it seems to me says the department then has the power to go after the parents of developmentally disabled children. Is that the intention of this particular provision of the bill?"

Senator Deccio: "Senator McDermott, I cannot answer that for you at the moment but I would be very happy to check it and get back to you with the answer."

Senator McDermott: "Perhaps we ought to set the bill down then for a moment?"

Senator Deccio: "That's fine."

#### MOTION

On motion of Senator McDermott, there being no objection, Substitute Senate Bill No. 4418, as amended, will be held for consideration at a later time.

#### MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 4944.

## SECOND READING

SENATE BILL NO. 4944, by Senators Gallagher, Zimmerman, Guess, Hansen, Peterson and Newhouse:

Modifying provisions on oil and gas.

## MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 4944 was substituted for Senate Bill No. 4944 and the substitute bill was placed on second reading and read the second time in full.

Senator McDermott moved adoption of the following amendment:

On page 9, after line 15, insert:

"(3) The committee and the department are strictly prohibited from granting permits authorizing drilling, whether slant-drilling or otherwise, in or affecting the waters of Puget Sound without prior authorization of the legislature."

Debate ensued.

Senator McDermott 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 McDermott.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 26; absent or not voting, 2; excused, 1.

Voting yea: Senators Bottiger, Conner, Gaspard, Goltz, Guess, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody—20.

Voting nay: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Vognild, Zimmerman—26.

Absent or not voting: Senators Fleming, von Reichbauer—2.

Excused: Senator Talley—1.

Senator Bottiger moved adoption of the following amendment:

On page 5, line 9, after "others" insert "PROVIDED That any interest in coal, oil and gas, and other minerals, shall, if unused for a period of twenty years be extinguished and the ownership shall revert to the then owner of the surface rights out of which it was carved: PROVIDED FURTHER, That after the effective date of this act mineral rights shall not be separated from surface rights in any deed, deed of trust or other writing providing for the ownership of property"

## POINT OF INQUIRY

Senator Guess: "Senator Bottiger, what I fear here is that this is the state entering into the private arena to take the property of one and give it to another for unjust enrichment or for condemnation without any reimbursement. Makes no difference what the court said in the Indiana case, it still leaves me with a great deal of trepidation that we are walking in the area that has had no testimony in committee. There are thousands of people that this thing would affect, and I am sure if they had known that this was in the bill, then we would have heard from them. But we have not had testimony on it."

Senator Bottiger: "Senator Guess, for eighteen years I have heard from the railroads and the coal companies and the timber companies that exact argument. And that was addressed by the United States Supreme Court just last January. And it says that that argument doesn't hold, that the state can require people to pay

taxes on 'property they own,' and they have never paid; they can require them to use them or lose them which they have never done; and the argument was clearly before the Supreme Court and the Supreme Court turned it down."

Further debate ensued.

### POINT OF INQUIRY

Senator Talmadge: "Senator Bottiger, the question I had in particular was the doctrine of adverse possession in this state which says that if you use a piece of property contrary to the ownership of the actual owner, it becomes your property after a period of ten years.

"Why wouldn't the doctrine of adverse possession apply to the mineral rights in effect that you are talking about in your amendment, why wouldn't the right become that of the person in adverse possession after ten years instead of twenty?"

Senator Bottiger: "Senator, as you are aware, in order to have adverse possession you have to have conduct detrimental to the right of the property owner. So unless you went out and drilled and started extracting oil and got away with it for ten years, you wouldn't have done the adverse act that was necessary."

Senator Talmadge: "To pursue, Senator Bottiger, why wouldn't the opportunity to simply use my property without interference from another person, use my property in the full sense of the word, entitle me to bring an action to clear title when those mineral rights haven't been used for long periods of time, far beyond ten years?"

Senator Bottiger: "Senator, in responding, I don't know. The body of law as I understood it when we held all the other hearings is, these are valid and they are there and we tried to tax them, we tried to do everything else; we were never able to get it through the legislature."

Further debate ensued.

Senator Gaspard 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 Senators Bottiger.

### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 21; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Metcalf, Moore, Patterson, Peterson, Quigg, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wojahn, Woody, Zimmerman—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Pullen, Scott, Sellar, von Reichbauer, Wilson—21.

Absent or not voting: Senators Deccio, Newhouse—2.

Excused: Senator Talley—1.

### INTRODUCTION OF GUEST

Senator von Reichbauer announced the presence in the Senate today, Tom Flick, former University of Washington football star.

### MOTION

On motion of Senator Clarke, the Senate resumed consideration of Substitute Senate Bill No. 4418, as amended, from earlier today.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 4418, by Committee on Social and Health services (originally sponsored by Senator Deccio):

DSHS—financial responsibility.

The Senate resumed consideration of Substitute Senate Bill No. 4418 as amended earlier today.

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

On page 42 beginning on line 10, strike all of section 51:

## MOMENT OF SILENCE OBSERVED

At the request of Senator Peterson and in conjunction with the House, the Senate observed a moment of silent prayer at 12:15 p.m. for the recovery of the young son of Representative Fiske.

## MOTIONS

On motion of Senator Fleming, the following amendment by Senators Fleming, Talmadge and McDermott to the title was adopted:

On page 2, line 16 of the title, after "74.20.040" strike all material through "74.20A.030;" on line 18.

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute Senate Bill No. 4418 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 Deccio, as you know, a while back the body accepted an amendment exempting the volunteer fire departments, and so forth, from inspection or licensing fees applied by DSHS. It is my understanding that after that amendment was adopted, you proposed an amendment which was adopted which took out the whole passage that I had just amended. And if that is true, did you take out any authority for the DSHS to charge for licensing and inspecting emergency vehicles?"

"And I guess my question really is, does the bill in the present form permit the department to begin charging inspection and licensing fees to entities such as the volunteer fire departments with respect to their aid, first aid, and ambulance vehicles?"

Senator Deccio: "Senator, what now exists is what existed before this bill was written. Any sections that we took out would automatically revert to present law.

"Now the answer to your question fully, I don't know just exactly what jurisdiction the department had over those entities. If they did have under present law, that still exists."

Senator Wilson: "If the department did not have the authority to charge such fees previous to the passage of this bill, it will not have that authority following the passage of this bill?"

Senator Deccio: "That would be correct. If there was no authority in the present law, then with that passage out, why the state would revert back to the status quo, whatever that might be."

## REMARKS BY SENATOR GOULD

Senator Gould: "Mr. President and members of the body.

"In additional response to Senator Wilson's question, I would like to state that the fiscal note which enumerates the fees and licenses that can be added, does not include those that you are concerned about. So the answer would be 'No,' that does not include those."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4418 and the bill passed the Senate by the following vote: Yeas, 26; nays, 20; absent or not voting, 2; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Absent or not voting: Senators Gallagher, Pullen—2.

Excused: Senator Talley—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4418, having received the 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 12:28 p.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Friday, February 26, 1982.

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

## FORTY-SEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, February 26, 1982.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Hurley, Scott and Talley. On motion of Senator Ridder, Senator Talley was excused.

The Color Guard, consisting of Pages John Culton and Jerry Blunck, presented the Colors. Father Theo Marmo, pastor of St. Michaels Church, of Olympia, offered the prayer.

### MOTION

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

### PARLIAMENTARY INQUIRY

Senator Wilson: "An editorial from the Edmonds paper is being passed out without the name of a Senate sponsor on that, which is in contravention to the Senate rules, and I feel if we are going to enforce the rule the material should be picked up."

Senator Metcalf: "Mr. President and members of the Senate. I distributed the article and I have on, the sheet that I sent, I had distribution in the Senate and signed my name. And then I turned it in and when they folded it over, they folded that over, and so I am sorry, they made an error, I didn't. And if there is any question on who distributed it, I did, and I did have it signed."

President Cherberg: "Thank you, Senator Metcalf, and in that event, the matter is cleared up."

### REPORTS OF STANDING COMMITTEES

February 25, 1982.

**SUBSTITUTE HOUSE BILL NO. 43**, allowing voters confined to a hospital on election day to apply for and vote an absentee ballot (reported by Committee on Constitutions and Elections):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Pullen, Chairman; Conner, Gould, Metcalf.

Passed to Committee on Rules for second reading.

February 25, 1982.

**SUBSTITUTE HOUSE BILL NO. 148**, reducing minimum age qualifications to eighteen for all purposes except alcoholic beverage consumption (reported by Committee on State Government):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, McDermott, Moore, Sellar.

Passed to Committee on Rules for second reading.

February 23, 1982.

REENGROSSED HOUSE BILL NO. 286, continuing the displaced home-makers program (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Hemstad, Vice Chairman; Hayner, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 25, 1982.

HOUSE BILL NO. 472, modifying the penalty for unlawful political advertising (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

February 25, 1982.

SUBSTITUTE HOUSE BILL NO. 476, exempting certain library records from requirements for public disclosure (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

February 25, 1982.

ENGROSSED HOUSE BILL NO. 527, continuing the state board of geographic names (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

February 25, 1982.

HOUSE BILL NO. 572, transferring responsibility for voting devices to the secretary of state (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

February 25, 1982.

HOUSE BILL NO. 600, making various changes in criminal laws (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Woody.

Passed to Committee on Rules for second reading.

February 25, 1982.

HOUSE BILL NO. 623, modifying eligibility requirements for veterans' free license plates (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

February 23, 1982.

SECOND SUBSTITUTE HOUSE BILL NO. 658, providing energy conservation procedures for state buildings (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Hurley, Moore, Newhouse, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

February 25, 1982.

ENGROSSED HOUSE BILL NO. 728, revising definition of appraisals (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

February 25, 1982.

SUBSTITUTE HOUSE BILL NO. 849, making miscellaneous changes in laws relating to education (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Lee, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1982.

HOUSE BILL NO. 859, setting time limits for approval of certain permits under the environmental coordination procedures act (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Haley, Hansen, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

February 24, 1982.

SUBSTITUTE HOUSE BILL NO. 902, revising laws relating to insurance (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 923, creating a state center for voluntary action (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

February 25, 1982.

SUBSTITUTE HOUSE BILL NO. 931, modifying the handling of reserved funds for public contracts (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Rasmussen, Sellar.

MINORITY recommendation: Do not pass as amended.

Signed by: Senator Quigg.

Passed to Committee on Rules for second reading.

February 25, 1982.

SUBSTITUTE HOUSE BILL NO. 1006, revising law on compensation for taking of property by governments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hayner, Newhouse, Pullen, Talmadge.  
Passed to Committee on Rules for second reading.

February 25, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1011, defining and limiting the appearance of fairness doctrine (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen, Woody.

MINORITY recommendation: Do not pass as amended.

Signed by: Senators Hughes, Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1982.

SUBSTITUTE HOUSE BILL NO. 1125, limiting fund raising activities during legislative sessions (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Woody.

Passed to Committee on Rules for second reading.

February 25, 1982.

HOUSE BILL NO. 1174, requiring joint operating agencies to pay the costs of elections authorizing the sale of bonds for major public energy projects (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder.

Passed to Committee on Rules for second reading.

### MOTION

At 10:40 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 10:55 a.m.

### MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

### MOTIONS

Senator Clarke moved the Senate commence consideration of Senate Bill No. 4621.

Senator Fleming moved that Senate Bill No. 4621 be considered following Substitute House Bill No. 449 or Engrossed House Bill No. 46.

On motion of Senator Clarke, Senate Bill No. 4621 will be considered following Engrossed House Bill No. 46.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 449, by Committee on Agriculture (originally sponsored by Representatives Flanagan, Struthers, Barr, Amen and Thompson):

Modifying responsibility of supervisor of water resources in determining water rights.

The bill was read the second time by sections.

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 449 was advanced to third reading, the second 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. 449 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senators Hemstad, Hurley, Scott—3.

Excused: Senator Talley—1.

SUBSTITUTE HOUSE BILL NO. 449, having received the 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. 46, by Representatives Owen, Nisbet, Brown and Rosbach:

Protecting shellfish pots.

The bill was read the second time by sections.

On motion of Senator Gallagher, the rules were suspended, Engrossed House Bill No. 46 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

There being no objection, Senator Hurley was excused.

#### POINT OF INQUIRY

Senator Charnley: "Senator Gallagher, in reading the bill and in reading the synopsis, I agree. I think it is a good piece. I am just wondering why it is limited to Hood Canal? We have many other areas, particularly Padilla Bay, in which there is taking of shellfish and crab and so forth. Could you explain to me why this is limited to Hood Canal and not made for all state waters?"

Senator Gallagher: "That's a very interesting point. It is because that is the way they wrote it and we had no one testifying against it. I agree with you it should be in all waters of the state. There are occasions on the coast where large commercial pots would not be able to be pulled by anyone and I believe the isolation, and the biggest problem has been occurring in the Hood Canal area. That, the shrimp pots, and it is the greatest majority of those people that request the legislation."

Senator Charnley: "All right, thank you very much. I guess I will and urge the members to support it, but I am disappointed that there wasn't a question raised in the committee that maybe we should, if it's good and good in Hood Canal, it should be good everywhere. Thank you."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 46 and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senators Bottiger, Hansen, Scott—3.

Excused: Senators Hurley, Talley—1.

ENGROSSED HOUSE BILL NO. 46, having received the 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 Zimmerman served notice that he would, at the proper time, move for reconsideration of the vote by which the amendment by Senator Bottiger to Substitute Senate Bill No. 4944 was adopted.

### POINT OF ORDER

Senator Bottiger: "Mr. President, we were on the second reading of that bill, we passed off to another bill and have since enacted two bills since that period of time. And I raise the point of order that there has been intervening business and therefore the notice is too late."

### REMARKS BY SENATOR CLARKE

Senator Clarke: "I believe the practice has been that the Senate could reconsider the vote on any amendment at any time prior to final passage of the bill. I submit, therefore, that the notice is timely."

### REPLY BY THE PRESIDENT

President Cherberg: "The President will take the remarks of the individual Senators into consideration and try to have a Ruling when the Senate convenes again."

### MOTION

At 12:14 p.m., on motion of Senator Clarke, the Senate recessed until 7:30 p.m.

### EVENING SESSION

The President called the Senate to order at 7:30 p.m.

### POINT OF INQUIRY

Senator Bottiger: "Senator Hayner, every day I come out here and on my desk are missiles. Today Senator Pullen has two of them, yesterday it was a whole package, and I am wondering is there any limit to how much we can each run the Xerox machine and distribute the Communist Manifesto and editorials from the Tribune, and a whole bunch of things. Is there any limit, or are we all free to just run the thing 'til it comes off its wheels?"

Senator Hayner: "Senator Bottiger, I think that might be a nice thing to take up before the operation and facilities committee meeting."

## MOTION

On motion of Senator Clarke, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

February 26, 1982.

Mr. President: The Speaker has signed: HOUSE BILL NO. 884, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed: HOUSE BILL NO. 884.

## MOTION

On motion of Senator Scott, the Senate commenced consideration of the House Message on Substitute Senate Bill No. 4510.

## MESSAGE FROM THE HOUSE

February 26, 1982.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 4510 with the following amendments:

On page 2, beginning on line 8, after "domain," strike all material down to and including "land" on line 9 and insert "secure and lands or interest in lands by purchase or donation".

On page 3, line 8, strike "Recovery" and insert "Emergency recovery"

On page 3, line 12, after "county" insert ": PROVIDED, that the applicable legislative authority shall promptly notify the department of ecology of the emergency action taken and the emergent nature of the problem"

On page 3, line 16, strike "Recovery" and insert "Emergency recovery"

On page 3, line 20, after "county" insert ": PROVIDED, That the applicable legislative authority shall promptly notify the department of ecology of the emergency action taken and the emergent nature of the problem"

On page 3, line 24, strike "Recovery" and insert "Emergency recovery"

On page 3, line 28, after "county" insert ": PROVIDED, That the applicable legislative authority shall promptly notify the department of ecology of the emergency action taken and the emergent nature of the problem"

On page 3, line 32, strike "Recover" and insert "Emergency recovery"

On page 4, line 2, after "county" insert ": PROVIDED, That the applicable legislative authority shall promptly notify the department of ecology of the emergency action taken and the emergent nature of the problem"

On page 4, after line 5, strike all the material down to and including "1984." on line 12 and insert the following:

"(1) The legislature intends to expedite flood-control dredging operations in those rivers affected by the May 1980 eruption of Mt. St. Helens, while continuing to protect the fish resources of these rivers.

(2) The director of fisheries and director of game shall process hydraulic project applications submitted under RCW 75.20.100 within five working days of receipt of the application. This requirement is only applicable to flood control and dredging projects located in the Toutle river, at the Cowlitz river from the River Mile 22 to confluence with the Columbia and the volcano and affected tributaries to the Cowlitz and Toutle river and volcano affected areas of the Columbia river.

(3) The mandatory emergency provisions of RCW 75.20.100 for the purposes of this act may be initiated by the county legislative authority: PROVIDED, That the project is necessary to provide protection from flood hazards to human life and/or to reduce or prevent flood damages or destruction of property, including:

(a) Flood fight measures necessary to provide protection during a flood event; or  
 (b) Measures necessary to reduce or eliminate a potential flood threat when other alternative measures are not available or cannot be completed prior to the expected flood threat season; or

(c) Measures which must be initiated and completed within an immediate period of time and for which processing of the request through normal methods would cause a delay to the project and such delay would significantly increase the potential for damages from a flood event.

This section expires on June 30, 1984."

On page 4, after line 12, strike all the material down to and including "1984." on line 21

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

On page 4, line 28, after "Sec. 11." strike all material down to and including "act" on line 31 and insert "There is appropriated from the general fund to the department of transportation one million dollars for the required acquisition and related incidental expenses thereto or that portion of the required acquisition that can be accomplished with the funds appropriated herein"

On page 1, line 5 of the title, strike "adding a new section to chapter 77.12 RCW";, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### POINT OF ORDER

Senator Talmadge: "At least in my bill book for the floor, the amendments from the House are not even present."

Senator Bottiger: "Mr. President, Senator Clarke, I can't find it on my desk, I have thrown all of the Pullen material away and maybe I threw it away, too, but, could you set it down? Normally you have given us a little bit of a warning when we are going to concur on something."

Senator Clarke: "I am informed they had some trouble with the Xerox machine and they are on part of the desks but not the rest, so with the permission of the Senate, we will delay action until such time as they have been circulated to each member."

Senator Clarke: "Mr. President, I understand the amendment is now on the desk and ready to proceed with the message from the House."

Senator McDermott: "Mr. President, I don't know who to ask the question, is it you, Senator Scott? They have, in their amendment on page 3, for instance, line 16, stricken the word 'recovery' instead of 'emergency recovery.' Can you give me a definition of what an 'emergency' is, in terms of the meaning of this bill?"

Senator Scott: "Senator, it was defined in the early part of the bill. I would have to get my bill book out to read it to you, but it was defined as 'limited time duration' and specific to this project."

Senator McDermott: "I do not see that language in the bill."

"I think, Senator Scott, in talking with staff, I have clarified it for myself; maybe I can answer my own question."

Senator Scott: "Well, I think it is included in the specs set out in section 3 and also in section 5 where it refers to SEPA."

Senator McDermott: "Yes, I recognize that. The question was the use of the word 'emergency,' and I now recognize that in order to use their emergency powers

under the act, once they declare an emergency and tell the department of ecology, they can then go ahead and do so on an emergency basis."

#### MOTION

On motion of Senator Scott, the Senate concurred in the House amendments to Substitute Senate Bill No. 4510.

#### MOTION

On motion of Senator Ridder, Senator Gaspard was excused.

The President declared the question before the Senate to be the roll call on Substitute Senate Bill No. 4510, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4510, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—39.

Voting nay: Senators Charnley, Lysen, McDermott, Moore, Talmadge, Williams, Wilson—7.

Excused: Senators Gaspard, Hurley, Talley—3.

SUBSTITUTE SENATE BILL NO. 4510, 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 TO RECONSIDER

Senator Zimmerman: "Mr. President, having given notice and having voted on the prevailing side, I now move for reconsideration of the Bottiger amendment to Substitute Senate Bill 4944."

#### POINT OF ORDER

Senator Bottiger: "On Senator Zimmerman's motion, I believe we are on the wrong order of business to make that motion. We are not currently on the sixth order, and therefore the bill is not before us."

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Bottiger's remarks are well taken."

#### SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE SENATE BILL NO. 4510.

#### MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

## POINT OF ORDER

Senator Bottiger: "I believe that the rules require that we go to the unfinished business when we have now reached this point of order. As I remember there was another bill that was also under consideration when we left the sixth order of business."

## MOTION

On motion of Senator Clarke, the Senate resumed consideration of Substitute Senate Bill No. 4944.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 4944, by Committee on Ways and Means (originally sponsored by Senators Gallagher, Zimmerman, Guess, Hansen, Peterson and Newhouse:

Modifying provisions on oil and gas.

The Senate resumed consideration of Substitute Senate Bill No. 4944. On February 25, 1982, the following amendment by Senator Bottiger was adopted:

On page 5, line 9, after "others" insert "PROVIDED That any interest in coal, oil and gas, and other minerals, shall, if unused for a period of twenty years be extinguished and the ownership shall revert to the then owner of the surface rights out of which it was carved: PROVIDED FURTHER, That after the effective date of this act mineral rights shall not be separated from surface rights in any deed, deed of trust or other writing providing for the ownership of property"

Earlier today, Senator Zimmerman had given notice of reconsideration on adoption of the amendment.

## REMARKS BY SENATOR ZIMMERMAN

Senator Zimmerman: "Mr. President, I hope that it is now proper that I now move for reconsideration of the Bottiger amendment to Substitute Senate Bill 4944."

## RULING BY THE PRESIDENT

President Cherberg: "Actually, the President has to answer a parliamentary inquiry first, Senator.

"In responding to the point of parliamentary inquiry raised by Senator Bottiger, the President finds that senate rules provide that a motion to reconsider the vote upon which an amendment has been adopted, may be considered by the body at any time while the bill is still on second reading.

"If the Senate votes to reconsider the vote by which the amendment was adopted, the amendment is then returned to its original status — that is opening up the amendment to any action the members may care to take."

## MOTION FOR RECONSIDERATION

Having given prior notice, Senator Zimmerman moved the Senate reconsider the vote by which the amendment by Senator Bottiger to Substitute Senate Bill No. 4944 was adopted on February 25, 1982.

Senator Bottiger 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 Zimmerman that the Senate reconsider the vote by which the

amendment by Senator Bottiger was adopted to Substitute Senate Bill No. 4944 on February 25, 1982.

### ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion carried by the following: Yeas, 28; nays, 18; excused, 3.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talmadge, von Reichbauer, Wilson, Zimmerman—28.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Goltz, Hansen, Lysen, McDermott, Metcalf, Peterson, Rasmussen, Ridder, Shinpoch, Vognild, Williams, Wojahn, Woody—18.

Excused: Senators Gaspard, Hurley, Talley—3.

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger to Substitute Senate Bill No. 4944, on reconsideration.

On motion of Senator Zimmerman, the amendment by Senator Bottiger, on reconsideration, was not adopted.

On motion of Senator Charnley, the following amendments were considered and adopted simultaneously:

On page 5, line 2, after "oil," insert "condensate, distillate"

On page 27, line 35, after "crude oil," insert "condensate, distillate"

Senator Hansen moved adoption of the following amendment by Senators Hansen and Charnley:

On page 10, line 17, after "two" strike "thousand" and insert "hundred fifty"

Debate ensued.

Senator Hansen 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 Senators Hansen and Charnley.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 26; excused, 3.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Craswell, Deccio, Fuller, Goltz, Hansen, Hughes, Lysen, Peterson, Pullen, Rasmussen, Sellar, Shinpoch, Talmadge, Vognild, Williams, Wojahn—20.

Voting nay: Senators Benitz, Bluechel, Clarke, Fleming, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Quigg, Ridder, Scott, von Reichbauer, Wilson, Woody, Zimmerman—26.

Excused: Senators Gaspard, Hurley, Talley—3.

On motion of Senator Charnley, the following amendment was adopted:

On page 8, line 5, after "well logs," insert "core samples,"

On motion of Senator Deccio, there being no objection, the amendments to page 29, lines 11 and 23, on the desk of the Secretary of the Senate, were withdrawn.

Senator Deccio moved adoption of the following amendment:

On page 33, beginning on line 8, strike all material down through "required." on page 35, line 5 and insert the following:

**"NEW SECTION. Sec. 31. COLLECTION AND DISTRIBUTION OF REVENUE FROM THE SEVERANCE TAX—SHARING OF REVENUE FROM THE SEVERANCE TAX WITH LOCAL GOVERNMENTS. (1) The**

department of revenue shall deposit monthly in the general fund sixty-five and two-tenths percent of the money collected by it under section 25 of this act.

(2) The local government severance taxation account is hereby established in the general fund into which thirty-four and eight-tenths percent of the severance taxes collected under section 25 of this act shall be deposited monthly. This account shall be for the purpose of holding and making distributions of all severance tax revenues deposited in the account to those counties in which oil and gas production activity occurs. The state treasurer shall distribute monthly to each such county a percentage of the money deposited in this account equal to the county's proportionate share of the total oil and gas production in the state, as determined by the department of revenue.

(3) The treasurer of each county which receives a distribution under subsection (2) of this section shall establish an energy impact assistance account within the county current expense fund into which all such distributions to the county shall be deposited. Moneys in this account shall be disbursed to the county, and to cities and special purpose districts within the county, as determined by the energy impact advisory committee established for the county under this section.

(4) There is hereby created in each county in which oil and gas production occurs a county energy impact advisory committee which shall review the existing and potential impacts from oil and gas production and development in that county, including those areas indirectly affected, and distribute funds from the energy impact assistance account as provided in subsection (6) of this section. Joint committees created under this section shall make these determinations and distributions for the participating counties.

(5) Each energy impact advisory committee shall be composed as follows: Two members of the county legislative authority or their designees, two members of the legislative authorities of cities affected by oil and gas production and development, and one member representing affected special purpose districts.

If oil and gas production and development occur in two or more contiguous counties, a joint energy impact advisory committee may be created. Such committees shall be composed as follows: Two members from each county legislative authority or their designees, one member representing affected cities' legislative authorities from each county, and one member representing affected special purpose districts in each county.

The members of each energy impact advisory committee shall be appointed, and their terms set, by the legislative authority of the county which they represent.

(6) Each energy impact advisory committee created under this section shall consider the socio-economic impacts described in subsection (4) of this section and distribute funds from the county energy impact assistance account or, if a joint committee, from the participating counties' accounts, to mitigate those impacts to the maximum degree possible from the revenues available. Excess revenues not needed to mitigate socio-economic impacts shall be returned to the current expense fund of the county to which the revenues were initially distributed.

(7) The distribution formula provided for in this section shall be subject to legislative review during the 1985 regular legislative session."

Debate ensued.

#### POINT OF INQUIRY

Senator Hansen: "Senator Benitz, if Shell Oil ever comes to the time they want to release the knowledge they have and we don't [price little], (sic) I call them 'wildcatters' and was chastised for it, but I still call them the 'wildcatters,' will be drilling right across the line in Yakima county. Senator Deccio will profit from that end. At least, I think if there is oil found it will be found in all of those sagebrush countries over there that don't get to participate in the timber tax outside of the

portion that goes to the state. Sixty-six and two-tenths percent of this goes to the state so if one county could get more powerful or more rich than the state, they would just be more frugal with their percentage than the state is with their's.

"Senator Sam, I am surprised at you. I really am — talking about redistribution of wealth at your age? I can't believe it. And you know well and good that when, if any of these wells do come in, the county will write a bill to the OFM, it will be just like writing a bill to Santa Claus. And I have seen a lot of them written. Thank you."

Further debate ensued.

Senator Charnley 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 Deccio.

### 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 Bauer, Bottiger, Conner, Craswell, Deccio, Hansen, Lysen, McCaslin, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Vognild, von Reichbauer, Williams, Wilson—19.

Voting nay: Senators Benitz, Bluechel, Charnley, Clarke, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, Metcalf, Moore, Ridder, Scott, Shinpoch, Talmadge, Wojahn, Woody, Zimmerman—27.

Excused: Senators Gaspard, Hurley, Talley—3.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Craswell and McCaslin:

On page 31, line 5 after "act" insert:

"(5) The Director of the Department of Revenue shall use the taxes collected under sections 25 and 26 of this act to reduce the rate of taxation on both the state retail sales tax and the state use tax imposed in chapters 82.08 RCW and 82.12 RCW as now or hereafter amended: PROVIDED, That the director need not reduce the rate of taxation if the reduction would be less than one-hundredth of one percent in the existing tax rate. Prior to each fiscal year the director shall calculate the amount of taxes which would be collected under this act and adjust the sales and use tax rate accordingly for the fiscal year."

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

### MOTIONS

On motion of Senator Scott, the rules were suspended, Engrossed Substitute Senate Bill No. 4944 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Scott, the rules were suspended and Engrossed Substitute Senate Bill No. 4944 was returned to second reading.

Senator Hansen moved adoption of the following amendment:

On page 35, line 10, after "(2)" strike everything down to and including "legislature" on line 14 and insert "Money in this account shall be appropriated by the legislature for the administration of the oil and gas conservation laws. Excess funds after appropriation by the legislature shall be returned to the general fund"

### POINT OF INQUIRY

Senator Talmadge: "Senator Hayner, how high do you throw a dog — if you want to get it done?"

Debate ensued.

On motion of Senator Hansen, there being no objection, the amendment was withdrawn.

Senator Hansen moved adoption of the following amendment:

On page 35, line 15, strike all of section 33 and renumber the remaining sections accordingly.

Debate ensued.

On motion of Senator Hansen, there being no objection, the amendment was withdrawn.

On motion of Senator Scott, the rules were suspended, Engrossed Substitute Senate Bill No. 4944 was advanced to third reading, the second 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. 4944 and the bill passed the Senate by the following vote: Yeas, 29; nays, 16; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Fleming, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Ridder, Scott, Shinpoch, Talmadge, Vognild, Williams, Wojahn, Woody, Zimmerman—29.

Voting nay: Senators Charnley, Conner, Craswell, Deccio, Fuller, Hansen, Hughes, McCaslin, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, von Reichbauer, Wilson—16.

Absent or not voting: Senator Sellar—1.

Excused: Senators Gaspard, Hurley, Talley—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4944, having received the 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. 4786, by Senators Lee, Hayner, Deccio, Scott and Wojahn:

Modifying community mental health services act.

### MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 4786 was substituted for Senate Bill No. 4786 and the substitute bill was placed on second reading and read the second time in full.

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

On page 3, beginning on line 23, strike all material down to and including "RCW." on line 25 and insert:

"(3) "Mental health professional" means any mental health provider licensed by the state. For the purposes of this chapter, a "mental health professional" shall also be considered a certified service provider.

(4) "Certified service provider" means a public agency, private nonprofit organization, hospital, residential care facility, or similar facility which is certified by the department pursuant to section 5 of this act."

Renumber the remaining subsections consecutively.

On page 7, following line 11, insert a new section to read as follows:

"NEW SECTION. Sec. 5. Except where licensure or certification is otherwise provided by state law, the secretary shall certify service providers for the purpose of

providing services to mentally ill persons. Such certification shall extend to residential care facilities, community mental health centers, hospitals, and other organizations and individuals as may be necessary."

Renumber the remaining sections consecutively.

Debate ensued.

The motion by Senator Talmadge failed and the amendments were not adopted. Senator Talmadge moved the following amendments be considered and adopted simultaneously:

On page 4, following line 11, insert a new subsection to read as follows:

"(7) "Coordinator" means the chief executive officer of a community mental health program."

Renumber the remaining subsections consecutively.

On page 8, following line 36, insert a new subsection to read as follows:

"(6) Appoint a coordinator for its community mental health program."

Renumber remaining subsections consecutively.

Debate ensued.

The motion by Senator Talmadge failed and the amendments were not adopted on a rising vote.

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

On page 4, line 11, following "program." insert:

"If the department contracts directly with certified service providers for the provision of the community mental health program, the department shall have all the powers and duties of the county authority."

On page 8, following line 36, insert a new section to read as follows:

"NEW SECTION. Sec. 6. (1) In class AA and class A counties, and counties of the first and second class, as defined in RCW 36.13.010, the county authority shall administer the community mental health program.

(2) Two or more counties with a population of at least equivalent to the population of a county of the second class may enter into an agreement to provide a community mental health program, subject to the approval of the department."

Renumber the remaining sections consecutively.

Debate ensued.

The motion by Senator Talmadge failed and the amendments were not adopted. Senator Talmadge moved the following amendments be considered and adopted simultaneously:

On page 4, following line 16, insert a new subsection to read as follows:

"(9) "Residential care facility" means a facility or distinct part thereof which provide food, clothing, and shelter, and may include day treatment services as defined in section 5 of this act, for at least six acutely mentally ill, chronically mentally ill or seriously disturbed persons as defined in section 3 of this act.

Such facilities shall include, but are not limited to, congregate care facilities providing mental health client services as stipulated by contract with the department beginning January 1, 1982."

Renumber the remaining subsections consecutively.

On page 5, after line 25, insert "(B) Residential care facilities;"

Reletter the remaining items.

On page 6, line 15, after "Residential" insert "care facilities".

On page 6, line 15, after "services", strike ", if a county chooses to provide such optional services"

On page 7, line 31, strike all material down to and including "services;" on line 32 and insert:

"(f) Residential care facilities as defined in Section 3 of this act;"

Debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; nays, 24; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—24.

Absent or not voting: Senator Conner—1.

Excused: Senators Gaspard, Hurley, Talley—3.

Senator Talmadge moved adoption of the following amendment:

On page 4, beginning on line 35, strike all material down to and including "services." on page 5, line 4, and insert:

"(11) "State minimum standards" means:

(a) Minimum requirements for management and delivery of mental health services as established by departmental rules pursuant to chapter 34.04 RCW as necessary to implement this chapter, including, but not limited to, county administration, the management and delivery of services authorized by this chapter by certified service providers, information, accountability, contract standards, and a methodology for maximum allowable cost to be allowed each county authority for each service category as set forth in section 5(1) of this act; and

(b) Minimum service requirements for certified service providers for the provision of mental health services as established by departmental rules pursuant to chapter 34.04 RCW as necessary to implement this chapter, including, but not limited to, the intended result of each service for those priority groups identified in section (4) (4) (b) of this act, the rights and responsibilities of persons receiving mental health services pursuant to this chapter, and a methodology for quality assurance for each certified service provider."

On motion of Senator Talmadge, the following amendments to the amendment by Senator Talmadge were adopted:

In sub(a), line 6, following "by" strike "certified" and in sub(b), line 1, after "for" strike "certified"

The motion by Senator Talmadge failed and the amendment, as amended, was not adopted.

Senator Talmadge moved adoption of the following amendment:

On page 6, following line 22, insert:

"(f) Insure that not more than fifteen percent of the total available resources is spent by licensed service providers for administrative purposes."

Reletter the remaining items.

Debate ensued.

The motion by Senator Talmadge failed and the amendment was not adopted.

Senator Talmadge moved adoption of the following amendment:

On page 6, line 26, following "service" strike "or public program".

POINT OF INQUIRY

Senator McDermott: "Senator Lee, is there a fiscal note for this bill?"

Senator Lee: "There is not a fiscal note, and if your next question is 'How are we going to pay for this service?', there was a specific appropriation made in the budget that we passed, the biennial budget, and that appropriation remains, the software and so on is currently being put on line and the next step is the programming. And therefore this is the important time for this determination to be made so that that programming includes everything we really want to have, otherwise they have to go back and add it at other times."

#### POINT OF INQUIRY

Senator Talmadge: "Senator Lee, the money that you refer to in the budget for tracking system, was that money in the budget for the division of mental health? Or was it the whole of DSHS?"

Senator Lee: "The money is in the budget for the division of mental health. However, as you are probably aware, at the time when you do programming, when you decide what you are going to put on that computer, develop your software package, that is the time to determine what you want to use for your total matrix; costs you money if you have to go back and do it, in fact doesn't cost any more to put those little extra bites in at the beginning and the actual implementation, however, putting it on line and putting all the information into it, so that it is indeed usable, won't really be up to speed until the next biennium rolls around."

Further debate ensued.

The motion by Senator Talmadge failed and the amendment was not adopted on a rising vote.

On motion of Senator Talmadge, there being no objection, the amendments to page 8, following line 36 and page 12, line 9 on the desk of the Secretary of the Senate, were withdrawn.

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

On page 6, section 4(f), line 27 after "program." insert "provided under this chapter."

On page 6, section 4(g), line 32 after "license" insert "entities as" and after "providers" strike ((who)) and insert "which".

Debate ensued.

The motion by Senator Haley failed and the amendments were not adopted.

Senator Talmadge moved adoption of the following amendment:

On page 7, following line 11, insert a new subsection as follows:

"(6) The department shall propose in its biennial budget document the formulas used to distribute available resources to county authorities for the priorities listed in subsection (4)(b) of this section. The formula shall be based on the needs assessment required by section 5(1) of this act."

Debate ensued.

The motion by Senator Talmadge carried and the amendment was adopted.

Senator Haley moved adoption of the following amendment:

On page 8, section 5 (3), line 25 after "which" insert "protects client confidentiality and"

Debate ensued.

The motion by Senator Haley failed and the amendment was not adopted on a rising vote.

Senator Kiskaddon moved adoption of the following amendment by Senators Kiskaddon and Talmadge:

On page 8, line 33, after "act" insert ", EXCEPT THAT county authorities serving a county or combination of counties whose population is equal to or greater than that of a county of the first class shall be entitled to sufficient state-appropriated community mental health funds to employ up to one (1) full-time employee or

the equivalent thereof in addition to the 2% limit established in this subsection when such employee is providing staff services to a county mental health advisory board".

#### POINT OF INQUIRY

Senator Goltz: "Senator Kiskaddon, as I read your proposed amendment, you are talking about entitlement of state-appropriated mental health funds. How does that entitlement take place? Is that something that they get from other appropriated funds that other counties would have or is this an extra appropriation that the state would have to make?"

Senator Kiskaddon: "My understanding, the goal of the amendment is that each county, in essence, is entitled to 2% of the money they get for administration. This says that if they have a mental health advisory board, they will be able to get enough extra money to fund up to one full-time employee that would be used for the purpose."

Senator Goltz: "From whom do they get this extra money?"

Senator Kiskaddon: "From the state. It would be the same, they would be getting from the state, the 2% for administration plus the extra for this person, also."

Senator Goltz: "Well, this sounds to me like an appropriation bill. I wonder if this is really a backdoor appropriation? I think I would vote against the amendment on the basis that it is, in effect, committing the state to funds without having a budget in front of it."

Further debate ensued.

#### POINT OF INQUIRY

Senator Zimmerman: "Senator Kiskaddon, how many members, how often does a mental, county mental health advisory board meet? How often do they meet?"

Senator Kiskaddon: "That would be up to the work of the county to be an effective advisory board and one that would be understanding enough about what is going on. I would sense that they would need to meet once or twice a month and be able to have subcommittee meetings and working on other groups, so any board that would be effective towards really an input would have to put a fair amount of time in on it."

Senator Zimmerman: "I guess I am concerned about the fact that a board would meet once or twice a month, would not need a full-time person to be able to serve them. It seems to me that we could get into an incredible problem if we, for every advisory board that we offer or suggest at county level, that we would have full-time person serve that board. It could really be at a great deal of, additional money. I think we have a lot of voluntary boards that work in certain capacities on a lot of things, but certainly we don't expect a full-time person to be available to service them. I guess I am concerned that there would be a cost here that is really beyond measure and if we really aren't including it here, I guess I would have some questions about the amendment."

Further debate ensued.

The motion by Senator Kiskaddon failed and the amendment was not adopted on a rising vote.

Senator Lee moved adoption of the following amendment:

On page 9, line 1, insert:

**"NEW SECTION.** Sec. 6. A joint select committee on community residential beds for the mentally shall be created. Such committee shall study the types and locations of current residential bed resources. The committee shall also develop a community residential beds needs plan, which shall include alternative types of residential settings.

The speaker of the house of representative and the president of the senate shall appoint the joint select committee composed of six members of the house of representatives and six members of the senate, three members of the majority caucus and three members of the minority caucus each. A report of the findings of this study shall be submitted to the speaker of the house of representatives and the president of the senate no later than January, 17, 1983, along with recommendations for legislative action."

Renumber remaining sections.

On motion of Senator Lee, the following amendment to the amendment was adopted:

On the first line of the amendment, following "mentally" insert "ill"

Debate ensued.

The motion by Senator Lee carried and the amendment, as amended, was adopted.

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

On page 12, after line 6, insert the following:

"Sec. 15. Section 5, chapter 50, Laws of 1970 ex. sess. as amended by section 170, chapter 141, Laws of 1979 and RCW 72.01.454 are each amended to read as follows:

(1) The secretary may permit the use of the facilities of any state institution by any community service organization, nonprofit corporation, group or association for the purpose of conducting a program of education, training, entertainment or other purpose, for the residents of such institutions, if determined by the secretary to be beneficial to such residents or a portion thereof.

(2) The secretary may permit the nonresidential use of the facilities of any state institution by any county, community service organization, nonprofit corporation, group or association for the purpose of conducting programs under RCW 76.06.070."

Renumber the sections consecutively and correct any internal references accordingly.

On motion of Senator Talmadge, there being no objection, an amendment to page 12, line 9, on the desk of the Secretary of the Senate, was withdrawn.

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

On page 12, beginning on line 9, strike "by reason of mental infirmity"

Senator McDermott moved adoption of the following amendment:

On page 16, after line 14, insert a new section to read as follows:

"NEW SECTION. Sec. 24. (1) There is created a joint committee on community residential care to conduct a comprehensive study of the need for additional community beds in group homes, adult family homes, congregate care facilities, nursing homes and in-patient psychiatric facilities to serve the mentally ill, aged and chemically dependent residents in the state. The committee shall be bipartisan in nature and shall be composed of four senators appointed by the president of the senate and four representatives appointed by the speaker of the house.

(2) In conducting its study, the committee shall consider, but not be limited to, the following areas:

(a) Population trends;

(b) Projections of bed need; and

(c) Capability of existing reimbursement mechanisms to finance additional community bed capacity.

(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 and the legislative budget committee.

(4) The committee shall report its findings and recommendations to the legislature no later than January 1, 1983."

Renumber the remaining sections consecutively.

Debate ensued.

The motion by Senator McDermott failed and the amendment was not adopted.

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

On page 1, line 23 of the title, after "69.54.090;" insert "amending section 5, chapter 50, Laws of 1970 ex. sess. as amended by section 170, chapter 141, Laws of 1979 and RCW 72.01.454;"

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute Senate Bill No. 4786 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 Peterson: "Senator Lee, you half-way answered my question but not entirely. Now that we have gone through the debate and we have turned down most of the amendments that I thought most of them were good, I would like to know, for Senator Goltz' edification and my own, what have we done? Or what will we do if we pass this bill, for the mentally ill?"

Senator Lee: "I think that is an appropriate question on final passage because the bill, as it came out of the committee, is essentially intact. And what that bill does is to set up a uniform system of community mental health care by saying that the state is the agency that sets the minimum standards and requirements for licensing and contracts.

"Then we say it is the counties' responsibility to contract for the community mental health services from licensed service providers. And that the county itself may not set up its own program, it is there, in fact, as a licensed provider in that community. So the county isn't putting somebody out of business that is already there providing the service.

"We also say that if the county doesn't do its job or doesn't wish to, then in that case and that case only, then the state becomes, in fact, the county mental health authority.

"One of the reasons that these lines of responsibility have not been clear for some time is because the community mental health act grew by having individual groups within communities get together and say, 'Well, we want to provide a community mental health program.' They, in turn, went directly to the federal government for federal funding. After that, then, the state started providing funding, and so on. So it grew like Topsy and so we have now cleaned up the system. We know who is responsible for what; we will be able to take care of those folks that were, shall we say, kicked out of Northern State Hospital, know where they are, clear responsibility that says they shall be taken care of and this is what this bill does. It hopefully stops that revolving door and gets the care provided that all of us wish to see provided."

Senator Peterson: "Well, Senator Lee, we are going to study this thing some more. We are going to leave those people out there. This bill doesn't do anything to take care of them; we are going to study it some more, isn't that right?"

Senator Lee: "No, sir. The study portion was not adopted. There aren't any studies in this bill at all."

Senator Peterson: "But you said there wasn't any fiscal impact."

Senator Lee: "That is correct."

Senator Peterson: "How can we take care of the mentally ill without a fiscal impact?"

Senator Lee: "One of the things we discovered when we put a lid, for example, on the county administration and the amount of money that the state would repay out of community mental health funds, I asked the staff, I said 'Let's assume that this bill had been in place when this budget year began. Where would the money have gone?', and we found that in every case, if this bill had been in place, that the people who provide service to the mentally ill out there in the community, the mental health providers would have gotten from one-third to two times as much money to actually provide that service than what they are now receiving."

Senator Peterson: "You lose me some place along the line because the federal funds are being kept for the mentally ill and you say there is no fiscal impact on the state budget in this bill. If there is no fiscal impact, then we are not doing a damned thing for the mentally ill."

Senator Lee: "It uses current funds, it rearranges them so that they get to the folks that need the help and doesn't get siphoned off in administration. It also does what the federal block grant funding from Congress says we now must do, which is to provide a process for those funds to go to the communities. Well, it used to go directly from the Feds to the community and they now go from the state to the community. Well, this sets up the process to be sure that they get there."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4786 and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Lysen, Pullen, Wilson—3.

Absent or not voting: Senator Conner—1.

Excused: Senators Gaspard, Hurley, Talley—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4786, having received the 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 Clarke, the Senate returned to the first order of business.

#### REPORTS OF STANDING COMMITTEES

February 26, 1982.

SENATE BILL NO. 4663, relating to timber sales (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 4663 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

February 23, 1982.

SENATE JOINT MEMORIAL NO. 119, urging Congress to direct the BPA not to pay costs of nor to intervene in the lawsuit against Initiative 394 (reported by Committee on Energy and Utilities):

**MAJORITY recommendation:** That Substitute Senate Joint Memorial No. 119 be substituted therefor, and the substitute memorial do pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Hemstad, Hurlley, Moore, Williams, Wilson.

Passed to Committee on Rules for second reading.

February 25, 1982.

**SUBSTITUTE HOUSE BILL NO. 213**, modifying the scope of the Open Public Meetings Act (reported by Committee on Local Government):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, McCaslin.

Passed to Committee on Rules for second reading.

February 26, 1982.

**ENGROSSED HOUSE BILL NO. 621**, modifying provisions relating to cruelty to animals (reported by Committee on Agriculture):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Newhouse, Chairman; Benitz, Gaspard, Hansen.

Passed to Committee on Rules for second reading.

February 23, 1982.

**SUBSTITUTE HOUSE BILL NO. 696**, modifying the investment authority of municipal employees' pension system boards (reported by Committee on Local Government):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

February 25, 1982.

**ENGROSSED HOUSE BILL NO. 752**, modifying provision on taxation of motor carriers of freight for hire (reported by Committee on Local Government):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

February 26, 1982.

**SUBSTITUTE HOUSE BILL NO. 808**, providing for a 500-man medium security correction center (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf.

**MINORITY recommendation:** Do not pass.

Signed by: Senators Moore, Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1982.

**ENGROSSED HOUSE BILL NO. 829**, restricting the ability of local public officials to mail campaign material at public expense (reported by Committee on Constitutions and Elections):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

February 26, 1982.

**SUBSTITUTE HOUSE BILL NO. 834**, modifying penalties for violations of game laws (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1982.

SUBSTITUTE HOUSE BILL NO. 855, revising laws regulating audits of municipal corporations (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Lee, McCaslin.

Passed to Committee on Rules for second reading.

February 26, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 892, clarifying the laws governing underinsured motor vehicle coverage (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley.

Passed to Committee on Rules for second reading.

February 26, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 922, authorizing the parole board to reduce prison overcrowding (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf.

MINORITY recommendation: Do not pass.

Signed by: Senators Moore, Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 957, modifying provisions on competitive bidding for counties (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

February 26, 1982.

SUBSTITUTE HOUSE BILL NO. 965, authorizing the request of local law enforcement agencies assistance during prison riots (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf.

Passed to Committee on Rules for second reading.

February 26, 1982.

HOUSE BILL NO. 968, defining correctional institutions that contain prisoners sentenced from other jurisdictions (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf.

Passed to Committee on Rules for second reading.

February 25, 1982.

ENGROSSED HOUSE BILL NO. 999, authorizing island library districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

February 26, 1982.

ENGROSSED HOUSE BILL NO. 1074, authorizing banks or trust companies to make certain investments (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley.

Passed to Committee on Rules for second reading.

February 25, 1982.

HOUSE BILL NO. 1084, clarifying the law relating to terms and qualifications of state board of education members (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1982.

SUBSTITUTE HOUSE BILL NO. 1131, revising the Commercial Feed Act (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Newhouse, Chairman; Benitz, Gaspard, Hansen.

Passed to Committee on Rules for second reading.

February 26, 1982.

HOUSE BILL NO. 1144, establishing criteria for state funding of remodeling jails for use as holding facilities (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Moore, Talmadge.

Passed to Committee on Rules for second reading.

### MESSAGES FROM THE HOUSE

February 26, 1982.

Mr. President: The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 828,

REENGROSSED SUBSTITUTE HOUSE BILL NO. 926,

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1098,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105,

SUBSTITUTE HOUSE BILL NO. 1140, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 26, 1982.

Mr. President: The Speaker has signed: SUBSTITUTE SENATE BILL NO. 4510, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

**SECOND SUBSTITUTE HOUSE BILL NO. 828**, by Committee on Ways and Means (originally sponsored by Representatives Tilly, Johnson, Wilson, Wang, Cole, Kaiser, North, Granlund, Rust, Addison, Ellis, Greengo, King (J), Stratton, Tupper, Patrick, Winsley, Martinis, Hine, Pruitt, Galloway, Maxie, Barr and Armstrong):

Continuing compensation for crime victims.

Referred to Committee on Ways and Means.

**REENGROSSED SUBSTITUTE HOUSE BILL NO. 926**, by Committee on State Government (originally sponsored by Representatives Isaacson, Struthers, Hastings, Dickie, James and Houchen):

Modifying procedures of the human rights commission.

Referred to Committee on Social and Health Services.

**REENGROSSED SUBSTITUTE HOUSE BILL NO. 1098**, by Committee on Natural Resources and Environmental Affairs (originally sponsored by Representatives Van Dyken, Becker, Fiske and Lundquist):

Providing for review of decisions of the department of ecology concerning adjustments to local government master programs.

Referred to Committee on Commerce and Labor.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105**, by Committee on Appropriations-Human Services (originally sponsored by Representatives King (J), Lewis, Heck, Becker, Wang, Hine, Fiske, Chandler, Armstrong and Brekke):

Modifying appropriations to the department of social and health services.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 1140**, by Committee on Local Government (originally sponsored by Representatives Barr, Stratton, McCormick, Bond and Lundquist):

Relating to the prepayment of local sales and use taxes and the use of such tax revenues to mitigate socioeconomic impacts of large construction projects.

Referred to Committee on Local Government.

## MOTION

At 11:11 a.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Monday, March 1, 1982.

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

**FIFTIETH DAY****MORNING SESSION**

Senate Chamber, Olympia, Monday, March 1, 1982.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Haley, Hayner, Hemstad, Pullen, Rasmussen and Talley. On motion of Senator Ridder, Senators Bottiger, Rasmussen and Talley were excused. On motion of Senator Bluechel, Senator Hayner was excused.

The Color Guard, consisting of Pages Mary Kovacevich and Brent Frezzell, presented the Colors. Reverend William Gunter, pastor of Church of the Nazarene, Clearwater (Snohomish County), Washington, offered the prayer.

Reverend Gunter is the brother-in-law of Senator Williams.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 26, 1982.

**SENATE BILL NO. 4164**, relating to natural resources (reported by Committee on Natural Resources):

**MAJORITY** recommendation: That Substitute Senate Bill No. 4164 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1982.

**SENATE BILL NO. 4664**, relating to state trust lands (reported by Committee on Natural Resources):

**MAJORITY** recommendation: That Substitute Senate Bill No. 4664 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1982.

**SENATE BILL NO. 4668**, relating to the department of natural resources (reported by Committee on Natural Resources):

**MAJORITY** recommendation: That Substitute Senate Bill No. 4668 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1982.

**SENATE BILL NO. 4738**, transferring overall administration of vocational education to the commission for vocational education (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 4738 be substituted therefor, and the substitute bill do pass.

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

MINORITY recommendation: That it not be substituted.

Signed by: Senators Charnley, Goltz.

Passed to Committee on Rules for second reading.

February 26, 1982.

HOUSE BILL NO. 851, modifying eligibility for services for the developmentally disabled (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf.

Passed to Committee on Rules for second reading.

February 25, 1982.

SUBSTITUTE HOUSE BILL NO. 1007, revising procedures for notice of hearings by planning agencies (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Lee, McCaslin.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, March 1, 1982.

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

LADIES AND GENTLEMEN:

I have the honor to advise you that on February 27, 1982 Governor Spellman approved the following Senate Bill entitled:

SUBSTITUTE SENATE BILL NO. 4510: Relating to Mt. St. Helens recovery operations.

Sincerely,

MARILYN SHOWALTER

Counsel to the Governor.

#### MOTION

On motion of Senator Bluechel, Senator Hemstad was excused.

#### SECOND READING

HOUSE BILL NO. 131, by House Committee on Natural Resources and Environmental Affairs and Representative Rosbach:

Changing minimum value requirement and method of payment for sales of public land and materials.

#### REPORT OF STANDING COMMITTEE

February 12, 1982.

HOUSE BILL NO. 131, changing minimum value requirement and method of payment for sales of public land and materials (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 3, after "materials, or" and before "payment bonds" insert "bank letters of credit,"

On page 4, line 3, after "payment bonds" insert "2"

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, von Reichbauer, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Gallagher, the committee amendments were considered and adopted simultaneously.

On motion of Senator Gallagher, the rules were suspended, House Bill No. 131, 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. 131, as amended by Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Absent or not voting: Senators Jones, Pullen, Rasmussen—3.

Excused: Senators Bottiger, Hayner, Hemstad, Talley—4.

HOUSE BILL NO. 131, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Ridder, Senator Rasmussen was excused.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 135, by House Committee on Natural Resources and Environmental Affairs (originally sponsored by House Committee on Natural Resources and Environmental Affairs and Representatives Rosbach and Sanders):

Modifying provisions relating to forest protection.

### REPORT OF STANDING COMMITTEE

February 3, 1982.

SUBSTITUTE HOUSE BILL NO. 135, modifying provisions relating to forest protection (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. Section 11 (part), chapter 184, Laws of 1923 [RRS § 5813-1] and RCW 76.04.397 are each repealed."

On page 1, line 1 of the title, after "protection;" strike the remainder of the title and insert "and repealing section 11 (part), chapter 184, Laws of 1923 [RRS § 5813-1] and RCW 76.04.397."

Signed by: Senators Gallagher, Chairman; Patterson, Peterson, Vognild, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Gallagher, the committee amendment was adopted.

On motion of Senator Gallagher, the committee amendment to the title was adopted.

On motion of Senator Gallagher, the rules were suspended, Substitute House Bill No. 135, 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. 135, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vogild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Hughes, Lysen, Pullen—3.

Excused: Senators Bottiger, Hayner, Hemstad, Rasmussen, Talley—5.

SUBSTITUTE HOUSE BILL NO. 135, 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. 357, by House Committee on State Government and Representatives Addison and Walk:

Modifying provisions on preservation and destruction of public records.

### REPORT OF STANDING COMMITTEE

February 4, 1982.

HOUSE BILL NO. 357, modifying provisions on the preservation and destruction of public records (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 241, Laws of 1963 as amended by section 1, chapter 54, Laws of 1973 and RCW 40.10.010 are each amended to read as follows:

In order to provide for the continuity and preservation of civil government, each elected and appointed officer of the state shall designate those public documents which are essential records of his office and needed in an emergency and for the reestablishment of normal operations after any such emergency. A list of such records shall be forwarded to the state archivist (~~(and director of the department of emergency services)~~) on forms prescribed by the state archivist. This list shall be reviewed at least annually by the elected or appointed officer to insure its completeness. Any changes or revisions following this review shall be forwarded to the state archivist (~~(and the director of the department of emergency services)~~). Each such elected and appointed officer of state government shall insure that the security of essential records of his office is by the most economical means commensurate with adequate protection. Protection of essential records may be by vaulting, planned or natural dispersal of copies, or any other method approved by the state archivist (~~(and the director of the department of emergency services)~~). Reproductions of essential records may be by photo copy, magnetic tape, microfilm or other method approved by the state archivist. Local government offices may coordinate the protection of their essential records with the state archivist (~~(and director of the department of emergency services)~~) as necessary to provide continuity of local government under emergency conditions.

Sec. 2. Section 2, chapter 241, Laws of 1963 as amended by section 2, chapter 54, Laws of 1973 and RCW 40.10.020 are each amended to read as follows:

The state archivist is authorized to reproduce those documents designated as essential records by the several elected and appointed officials of the state and local government by microfilm or other miniature photographic process and to assist and cooperate in the storage and safeguarding of such reproductions in such place as is recommended by the ~~((director of the department of emergency services))~~ state archivist with the advice of the director of the department of emergency services. The state archivist shall coordinate the essential records protection program and shall carry out the provisions of the state emergency plan as they relate to the preservation of essential records. The state archivist is authorized to charge the several departments of the state and local government the actual cost incurred in reproducing, storing and safeguarding such documents: PROVIDED, That nothing herein shall authorize the destruction of the originals of such documents after reproduction thereof.

Sec. 3. Section 1, chapter 246, Laws of 1957 as last amended by section 4, chapter 32, Laws of 1981 and RCW 40.14.010 are each amended to read as follows:

As used in this chapter, the term "public records" shall include any paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, or other document, regardless of physical form or characteristics, and including such copies thereof, that have been made by or received by any agency of the state of Washington in connection with the transaction of public business, and legislative records as described in RCW 40.14.100.

For the purposes of this chapter, public records shall be classified as follows:

(1) Official public records shall include all original vouchers, receipts, and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use, and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which the state of Washington or any agency thereof may be a party; all fidelity, surety, and performance bonds; all claims filed against the state of Washington or any agency thereof; all records or documents required by law to be filed with or kept by any agency of the state of Washington; all legislative records as defined in RCW 40.14.100; and all other documents or records determined by the records committee, created in RCW 40.14.050, to be official public records.

(2) Office files and memoranda include such records(;) as correspondence, exhibits, drawings, maps, completed forms, or documents not above defined and classified as official public records; duplicate copies of official public records filed with any agency of the state of Washington; documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with such agency; and other documents or records as determined by the records committee to be office files and memoranda.

Sec. 4. Section 4, chapter 246, Laws of 1957 as last amended by section 51, chapter 151, Laws of 1979 and RCW 40.14.040 are each amended to read as follows:

Each department or other agency of the state government shall designate a records officer to supervise its records program and to represent the office in all contacts with the records committee, hereinafter created, and the division of archives and records management. The records officer shall:

(1) Coordinate all aspects of the records management program.

(2) Inventory, or manage the inventory, of all public records at least once during a biennium for disposition scheduling and transfer action, in accordance with procedures prescribed by the state archivist and state records committee: PROVIDED, That essential records shall be inventoried and processed in accordance with chapter 40.10 RCW at least annually.

(3) Consult with any other personnel responsible for maintenance of specific records within his state organization regarding records retention and transfer recommendations.

(4) Analyze records inventory data, examine and compare divisional or unit inventories for duplication of records, and recommend to the state archivist and state records committee minimal retentions for all copies commensurate with legal, financial and administrative needs.

(5) Approve all records inventory and destruction requests which are submitted to the state records committee.

(6) Review established records retention schedules at least annually to insure that they are complete and current.

(7) Exercise internal control over the acquisition of filming and file equipment.

~~((8) Report annually all savings resulting from records disposition actions to his management, the state archivist and the office of financial management.))~~

If a particular agency or department does not wish to transfer records at a time previously scheduled therefor, the records officer shall, within thirty days, notify the archivist and request a change in such previously set schedule, including his reasons therefor.

Sec. 5. Section 6, chapter 246, Laws of 1957 as last amended by section 52, chapter 151, Laws of 1979 and RCW 40.14.060 are each amended to read as follows:

~~((Official public records shall not be destroyed until they are either photographed, microphotographed, photostated, or reproduced on film, or until they are seven years old, except on a showing of the department of origin, as approved by the records committee, that the retention of such records for a minimum of seven years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs are involved: PROVIDED, That)) (1) Any destruction of official public records shall be pursuant to a schedule approved under RCW 40.14.050. Official public records shall not be destroyed unless:~~

~~(a) The records are six or more years old;~~

~~(b) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly if lesser federal retention periods for records generated by the state under federal programs have been established; or~~

~~(c) The originals of official public records less than six years old have been copied or reproduced by any photographic or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.~~

~~(2) Any lesser term of retention than ((seven)) six years must have the additional approval of the director of financial management, the state auditor and the attorney general, except ((where)) when records have federal retention guidelines the state records committee may adjust the retention period accordingly((:-PROVIDED, FURTHER, That)). An automatic reduction of retention periods from ((ten to)) seven to six years ((as provided for in this 1973 amendatory section)) for official public records on record retention schedules existing on the effective date of this 1982 act shall not be made ((as to records on existing record retention schedules)), but the same shall be reviewed individually by the state records committee for approval or disapproval of the change to a retention period of ((seven)) six years.~~

Recommendations for the destruction or disposition of office files and memoranda shall be submitted to the records committee upon approved forms prepared by the records officer of the agency concerned and the archivist. The committee shall determine the period of time that any office file or memorandum shall be preserved

and may authorize the division of archives and records management to arrange for its destruction or disposition.

Sec. 6. Section 7, chapter 246, Laws of 1957 as last amended by section 5, chapter 54, Laws of 1973 and RCW 40.14.070 are each amended to read as follows:

County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management ~~(;)~~ lists of such records ~~(; in triplicate;)~~ on forms prepared by the division. The archivist and the chief examiner of the division of municipal corporations of the office of the state auditor and a representative appointed by the attorney general shall constitute a committee ~~((to be))~~, known as the local records committee, which shall review such lists ~~(;)~~ and which may veto the destruction of any or all items contained therein.

A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

~~((No public record other than office files and memoranda of any local government agency shall be destroyed until it is either photographed, microphotographed, photostated, or reproduced on film, or until it is seven years old, and))~~ Except as otherwise provided by law, no public records shall be destroyed until approved for destruction by the local records committee ~~(; PROVIDED, That where records have federal retention guidelines the local records committee may adjust the retention period accordingly. PROVIDED FURTHER, That))~~. Official public records shall not be destroyed unless:

(1) The records are six or more years old;

(2) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or

(3) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from ~~((ten to))~~ seven to six years ~~((as provided for in this 1973 amendatory section))~~ for official public records on record retention schedules existing on the effective date of this 1982 act shall not be made ~~((as to records on existing record retention schedules))~~, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of ~~((seven))~~ six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency ~~((selected by the archivist, in order to relieve local offices of~~

the burden of housing them, to insure their preservation, and to make them available for reference or study))."

On page 1, line 2 of the title, after "records;" strike the remainder of the title and insert "amending section 1, chapter 241, Laws of 1963 as amended by section 1, chapter 54, Laws of 1973 and RCW 40.10.010; amending section 2, chapter 241, Laws of 1963 as amended by section 2, chapter 54, Laws of 1973 and RCW 40.10.020; amending section 1, chapter 246, Laws of 1957 as last amended by section 4, chapter 32, Laws of 1981 and RCW 40.14.010; amending section 4, chapter 246, Laws of 1957 as last amended by section 51, chapter 151, Laws of 1979 and RCW 40.14.040; amending section 6, chapter 246, Laws of 1957 as last amended by section 52, chapter 151, Laws of 1979 and RCW 40.14.060; and amending section 7, chapter 246, Laws of 1957 as last amended by section 5, chapter 54, Laws of 1973 and RCW 40.14.070."

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, Moore, Quigg, Rasmussen, Sellar.

The bill was read the second time by section.

On motion of Senator Metcalf, the committee amendment was adopted.

On motion of Senator Metcalf, the committee amendment to the title was adopted.

On motion of Senator Metcalf, the rules were suspended, House Bill No. 357, as amended by the Senate, was advanced to third reading, the second 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. 357, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Excused: Senators Bottiger, Hayner, Hemstad, Rasmussen, Talley—5.

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.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 454, by Representatives Clayton, King (R.), McGinnis; Lux and Sanders:

Enacting Workers' Compensation Vocational Rehabilitation Reform Act of 1981.

#### REPORT OF STANDING COMMITTEE

February 17, 1982.

ENGROSSED HOUSE BILL NO. 454, enacting the Workers' Compensation Vocational Rehabilitation Reform Act of 1981 (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 8, strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Section 1. The purpose of rehabilitation in workers' compensation is to return the injured worker to suitable gainful employment as soon as possible. The policy of the state is to provide early notification and referral of qualified injured workers to vocational rehabilitation services, development of comprehensive rehabilitation plans, and independent review and evaluation of service delivery. This policy shall be implemented with the express intent of assisting the qualified injured worker while avoiding expensive litigation and unnecessary time lost from work.

**NEW SECTION.** Sec. 2. For purposes of this chapter, a "qualified injured worker" means an employee who because of the effects of work-related injury or disease, whether or not combined with the effects of a prior industrial injury or disability:

(1) Is permanently precluded or likely to be precluded from engaging in the usual occupation or position in which the worker was engaged at the time of injury; and

(2) Can reasonably be expected to benefit from rehabilitation services which would significantly reduce or eliminate the decrease in the worker's employability.

**NEW SECTION.** Sec. 3. There is created an office of rehabilitation review within the industrial insurance division of the department of labor and industries. The office shall:

(1) Establish specific definitions, eligibility criteria, and timetables and procedures for the provision of vocational rehabilitation services;

(2) Mediate disputes;

(3) Review and approve or disapprove vocational rehabilitation plans; and

(4) Establish procedures for registration of rehabilitation counselors employed by the state, public, or private agencies and establish criteria and procedures for removal of registered rehabilitation counselors from the list for failure to comply with this chapter or the rules and regulations established by the department.

**NEW SECTION.** Sec. 4. The department of labor and industries shall have the authority to make, amend, and rescind in the manner prescribed by chapter 34.04 RCW such rules as may be necessary to carry out this chapter.

**NEW SECTION.** Sec. 5. (1) The vocational rehabilitation plan may include modification of the worker's occupation at the time of injury, provisions for alternative work with the same employer, modification of the worker's previous employment with a new employer, direct job placement assistance, on-the-job training, or short-term retraining subject to limitation by RCW 51.32.095. The plan shall define the responsibilities of the worker, employer, and other parties in implementing the plan.

(2) The following order of priorities is preferred in determining suitable gainful employment and developing vocational rehabilitation plans:

(a) Return to the previous job with the same employer;

(b) Modification of the previous job with the same employer including transitional return to work;

(c) A new job with the same employer in keeping with any limitations or restrictions;

(d) Modification of the previous job with a new employer;

(e) A new job with a new employer or self-employment based upon transferable skills;

(f) A new job with a new employer or self-employment involving on-the-job training;

(g) Short-term retraining and job placement.

Prior to any modification of the order of these priorities, the plan shall first be submitted in writing to the office of rehabilitation review for authorization. In the cases involving return to the previous job with the same employer, modification of the previous job with the same employer, or a new job with the same employer, self-

insurers shall submit a written, summary report to the office of vocational rehabilitation review but shall not be required to submit a complete, documented vocational rehabilitation plan.

**NEW SECTION.** Sec. 6. (1) If a determination of ineligibility is unacceptable to a worker or employer, or if a vocational rehabilitation plan is unacceptable to a worker or employer, the worker or employer may petition the supervisor of industrial insurance to review the decision. The supervisor, or the supervisor's designee, shall render a final decision within thirty days of receipt of the petition for review.

(2) The worker or employer may appeal a final decision of the supervisor, or the supervisor's designee, to the board of industrial insurance appeals for an expedited appeal which shall be heard as provided in this section. Board review of such decisions shall be limited to matters of law. A final decision rendered within thirty days of the closing of the hearing proceeding, and the procedures relating to recommended decisions and orders, and petitions for review of same, as contained in RCW 51.52.104 and 51.52.106, shall not be applicable to appeals filed under this section. Further appeals taken from the final decision of the board shall be governed by the provisions relating to judicial review of administrative decisions contained in RCW 34.04.130 and 34.04.140 as now existing or hereafter amended. The department shall have the same right of review of the board's decision as does any other aggrieved party.

(3) For purposes of this section, "expedited appeal" means an appeal filed with the board within fifteen working days after receipt of notice of the decision from the office of rehabilitation review. An expedited appeal shall be heard within thirty calendar days following receipt of (a) the notice of appeal from an aggrieved party, or (b) a legible copy of the records of the office of rehabilitation review, whichever is later. The hearing held under this section shall be recorded and shall be confined to review of the records of the office of rehabilitation review. However, in cases of alleged irregularities in procedure not revealed by the records, testimony concerning such irregularities may be received by the board. The board shall in addition have authority, upon request by the worker or the employer, to hear oral argument and receive written information concerning the matter in dispute.

(4) The board of industrial insurance appeals shall have the authority to make, amend, and rescind in a manner prescribed by chapter 34.04 RCW such rules as may be necessary to carry out this section.

**NEW SECTION.** Sec. 7. On or before January 1st of each year, the office of financial management shall submit to the legislature a rehabilitation performance audit of the activities of the office of rehabilitation review, the industrial insurance division, self-insurers, and private rehabilitation agencies. The performance audit shall include a statistical summary of all rehabilitation cases, a cost-benefit analysis of vocational rehabilitation plans, return-to-work data, and a comparison of public and private vocational rehabilitation services. The office of financial management may contract with a private firm to conduct the performance audit.

**NEW SECTION.** Sec. 8. Qualified injured workers shall participate in the approved vocational rehabilitation plan. For each week that a qualified injured worker does not participate without a showing of good cause, benefits shall be reduced by one-half on the order of the supervisor. Implementation of the plan shall begin as soon as the qualified injured worker is capable of participation.

**NEW SECTION.** Sec. 9. A qualified injured worker shall be entitled to continuation of temporary total disability benefits as defined in RCW 51.32.090:

(1) During rehabilitation; and

(2) During the pendency of any petition for review to the supervisor or appeal to the board of industrial insurance appeals.

**NEW SECTION.** Sec. 10. Except as otherwise expressly provided in this chapter, nothing in this chapter may be construed to annul or modify any lawful

employment agreement entered into before the effective date of this act between an employer and an organization of workers. If a conflict exists between an employment agreement and any resolution, rule, policy, or regulation adopted under this chapter, the terms of the employment agreement shall prevail only if the employment agreement was entered into before the effective date of this act.

Sec. 11. Section 10, chapter 14, Laws of 1980 and RCW 51.32.095 are each amended to read as follows:

One of the primary purposes of this title is the restoration of the injured worker to gainful employment. To this end, the department shall utilize the services of individuals and organizations, public or private, whose experience, training, and interests in vocational rehabilitation and retraining qualify them to lend expert assistance to the supervisor of industrial insurance in such programs of vocational rehabilitation ~~((or))~~, retraining, and job placement as may be reasonable to qualify the worker for employment consistent with his or her physical and mental status. Where, after evaluation and recommendation by such individuals or organizations and prior to final evaluation of the worker's permanent disability and in the sole opinion of the supervisor or supervisor's designee, whether or not medical treatment has been concluded, vocational rehabilitation or retraining with job placement is both necessary and likely to restore the injured worker to a form of gainful employment, including self-employment, the supervisor or supervisor's designee may, in his or her sole discretion, pay or, if the employer is a self-insurer, direct the self-insurer to pay the cost of books, tuition, fees, supplies, equipment, ~~((and))~~ transportation, child or dependent care, and other necessary expenses for any such worker in an amount not to exceed ~~((one))~~ three thousand ~~((five hundred))~~ dollars in any ~~((calendar year))~~ fifty-two week period, and continue the temporary total disability compensation under RCW 51.32.090 while the worker is actively and successfully undergoing a formal program of vocational rehabilitation or retraining with job placement. Such expenses may include training fees for on-the-job training and the cost of furnishing tools and other equipment necessary for self-employment or reemployment: PROVIDED, That such compensation or payment of ((such vocational rehabilitation or)) retraining with job placement expenses may not be authorized for a period of more than fifty-two weeks: PROVIDED FURTHER, That such period may, in the sole discretion of the supervisor after his or her review, be extended for an additional fifty-two weeks or portion thereof by written order of the supervisor.

In cases where the worker is required to reside away from his or her customary residence, the reasonable cost of board and lodging shall also be paid. Said costs shall be chargeable to the employer's cost experience or shall be paid by the self-insurer as the case may be.

Sec. 12. Section 51.36.020, chapter 23, Laws of 1961 as last amended by section 57, chapter 350, Laws of 1977 ex. sess. and RCW 51.36.020 are each amended to read as follows:

(1) When the injury to any worker is so serious as to require his or her being taken from the place of injury to a place of treatment, his or her employer shall, at the expense of the medical aid fund, or self-insurer, as the case may be, furnish transportation to the nearest place of proper treatment.

(2) Every worker whose injury results in the loss of one or more limbs or eyes shall be provided with proper artificial substitutes and every worker, who suffers an injury to an eye producing an error of refraction, shall be once provided proper and properly equipped lenses to correct such error of refraction and his or her disability rating shall be based upon the loss of sight before correction.

(3) Every worker ~~((;))~~ whose accident results in damage to or destruction of an artificial limb, eye, or tooth, shall have same repaired or replaced.

(4) Every worker whose hearing aid or eyeglasses or lenses are damaged, destroyed, or lost as a result of an industrial accident shall have the same restored or

replaced. The department or self-insurer shall be liable only for the cost of restoring damaged hearing aids or eyeglasses to their condition at the time of the accident.

(5) All mechanical appliances necessary in the treatment of an injured worker, such as braces, belts, casts, and crutches, shall be provided and all mechanical appliances required as permanent equipment after treatment has been completed shall continue to be provided or replaced without regard to the date of injury or date treatment was completed, notwithstanding any other provision of law.

(6) A worker, whose injury is of such short duration as to bring him or her within the time limit provisions of RCW 51.32.090, shall nevertheless receive during the omitted period medical, surgical, and hospital care and service and transportation under the provisions of this chapter.

(7) Whenever in the sole discretion of the supervisor it is reasonable and necessary to provide residence modifications necessary to meet the needs and requirements of the worker who has sustained catastrophic injury, the department or self-insurer may be ordered to pay an amount not to exceed the state's average annual wage for one year as determined under RCW 50.04.355, as now existing or hereafter amended, toward the cost of such modifications or construction. Such payment shall only be made for the construction or modification of a residence in which the injured worker resides. Only one residence of any worker may be modified or constructed under this subsection, although the supervisor may order more than one payment for any one home, up to the maximum amount permitted by this section.

(8) Whenever in the sole discretion of the supervisor it is reasonable and necessary to modify a motor vehicle owned by a worker who has become an amputee or becomes paralyzed because of an industrial injury, the supervisor may order up to fifty percent of the state's average annual wage for one year, as determined under RCW 50.04.355, as now existing or hereafter amended, to be paid by the department or self-insurer toward the costs thereof.

(9) The benefits provided by subsections (7) and (8) of this section are available to any otherwise eligible worker regardless of the date of industrial injury.

NEW SECTION. Sec. 13. There is added to chapter 51.32 RCW a new section to read as follows:

Modification of the injured worker's previous job is recognized as a desirable method of returning the injured worker to suitable gainful employment. In order to assist employers in meeting the costs of job modification, and to encourage employers to modify jobs to accommodate retaining or hiring workers with disabilities resulting from work-related injury, the supervisor in his or her discretion may pay job modification costs in an amount not to exceed five thousand dollars per worker per job modification. This payment is intended to be a cooperative participation with the employer and funds shall be taken from the appropriate account within the second injury fund.

Sec. 14. Section 51.44.040, chapter 23, Laws of 1961 as last amended by section 21, chapter 323, Laws of 1977 ex. sess. and RCW 51.44.040 are each amended to read as follows:

(1) There shall be in the office of the state treasurer, a fund to be known and designated as the "second injury fund", which shall be used only for the purpose of defraying charges against it as provided in RCW 51.16.120 and section 13 of this 1982 act, as now or hereafter amended. Said fund shall be administered by the director. The state treasurer shall be the custodian of the second injury fund and shall be authorized to disburse moneys from it only upon written order of the director.

(2) Payments to the second injury fund from the accident fund shall be made pursuant to rules and regulations promulgated by the director.

(3) Assessments for the second injury fund shall be imposed on self-insurers pursuant to rules and regulations promulgated by the director to ensure that self-

insurers shall pay to such fund in the proportion that the payments made from such fund on account of claims made against self-insurers bears to the total sum of payments from such fund.

Sec. 15. Section 51.12.020, chapter 23, Laws of 1961 as last amended by section 3, chapter 128, Laws of 1981 and RCW 51.12.020 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer (~~which does not exceed ten consecutive work days~~).

(3) A person whose (~~work is casual and the~~) employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners: PROVIDED, That after July 26, 1981, sole proprietors or partners who for the first time register under chapter 18.27 RCW or become licensed for the first time under chapter 19.28 RCW shall be included under the mandatory coverage provisions of this title subject to the provisions of RCW 51.32.030. These persons may elect to withdraw from coverage under RCW 51.12.115.

(6) Any employee, not regularly and continuously employed by the employer in agricultural labor, whose cash remuneration paid by or due from any one employer in that calendar year for agricultural labor is less than one hundred fifty dollars. Employees not regularly and continuously employed in agricultural labor by any one employer but who are employed in agricultural labor on a seasonal basis shall come under the coverage of this title only when their cash remuneration paid or due in that calendar year exceeds one hundred fifty dollars but only as of the occurrence of that event and only as to their work for that employer.

(7) Any child under eighteen years of age employed by his parent or parents in agricultural activities on the family farm.

(8) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(9) Any executive officer elected and empowered in accordance with the articles of incorporation or bylaws of a corporation who at all times during the period involved is also a director and shareholder of the corporation. Any officer who was considered by the department to be covered on and after June 30, 1977, shall continue to be covered until such time as the officer voluntarily elects to withdraw from coverage in the manner provided by RCW 51.12.110. However, any corporation may elect to cover such officers who are in fact employees of the corporation in the manner provided by RCW 51.12.110.

Sec. 16. Section 51.12.090, chapter 23, Laws of 1961 as last amended by section 20, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.090 are each amended to read as follows:

(1) The provisions of this title shall apply to employers and workers (other than railways and their workers) engaged in intrastate and also in interstate or foreign commerce, for whom a rule of liability or method of compensation now exists under or may hereafter be established by the congress of the United States, only to the extent that the payroll of such workers may and shall be clearly separable and distinguishable from the payroll of workers engaged in interstate or foreign commerce:

PROVIDED, That, except as provided under subsection (2) of this section, as to workers whose payroll is not so clearly separable and distinguishable the employer shall in all cases be liable in damages for injuries to the same extent and under the same circumstances as is specified in the case of railroads in the first proviso of RCW 51.12.080: PROVIDED FURTHER, That nothing in this title shall be construed to exclude goods or materials and/or workers brought into this state for the purpose of engaging in work.

(2) Common carrier employers engaged in intrastate commerce and also interstate or foreign commerce may exempt themselves from being liable for damages under this title as provided under subsection (1) of this section so long as at the time of such injury:

(a) The employer is domiciled in this state;

(b) The injured person is a worker as defined under this title;

(c) The employer has secured payment of compensation; and

(d) The employer has made election to cover all such persons in the manner provided by RCW 51.12.110.

Sec. 17. Section 6, chapter 14, Laws of 1980 and RCW 51.12.110 are each amended to read as follows:

Any employer who has in his or her employment any ~~((exempt))~~ person or persons excluded from mandatory coverage pursuant to RCW 51.12.020 (1), (2), (3), (4), (6), (7), (8), or (9) may file notice in writing with the director, on such forms as the department may provide, of his or her election to ~~((be))~~ make such persons otherwise excluded subject to this title~~((, and))~~. The employer shall forthwith display in a conspicuous manner about his or her works, and in a sufficient number of places to reasonably inform his or her workers of the fact, printed notices furnished by the department stating that he or she has so elected. Said election shall become effective upon the filing of said notice in writing. ~~((Any worker in the employ of such applicant shall be entitled at any time within five days after the posting of said notice by his or her employer, or within five days after he or she has been employed by an employer who has elected to become subject to this title as herein provided, to give a written notice to such employer and to the department of his or her election not to become subject to this title.))~~ The employer and ~~((such of))~~ his or her workers ~~((as shall not have given such written notice of their election to the contrary))~~ shall be subject to all the provisions of this title and entitled to all of the benefits thereof: PROVIDED, That those who have heretofore complied with the foregoing conditions and are carried and considered by the department as within the purview of this title shall be deemed and considered as having fully complied with its terms and shall be continued by the department as entitled to all of the benefits and subject to all of the liabilities without other or further action. Any employer who has complied with this section may withdraw his or her acceptance of liability under this title by filing written notice with the director of the withdrawal of his or her acceptance. Such withdrawal shall become effective thirty days after the filing of such notice or on the date of the termination of the security for payment of compensation, whichever last occurs. The employer shall, at least thirty days before the effective date of the withdrawal, post reasonable notice of such withdrawal where the affected worker or workers work and shall otherwise notify personally the affected workers. Withdrawal of acceptance of this title shall not affect the liability of the department or self-insurer for compensation for any injury occurring during the period of acceptance.

The department shall have the power to cancel the elective adoption coverage if any required payments or reports have not been made. Cancellation by the department shall be no later than thirty days from the date of notice in writing by the department advising of cancellation being made.

Sec. 18. 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 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed ~~((one))~~ two thousand dollars shall be paid.

(2) (a) Where death results from the injury, a surviving spouse of a deceased worker eligible for benefits under this title shall receive monthly for life or until remarriage ~~((the following sums: (a)))~~ payments according to the following schedule:

(i) If there are no children of the deceased worker, sixty percent of the wages of the deceased worker but not less than one hundred eighty-five dollars ~~((- (b)))~~;

(ii) If there is one child of the deceased worker and in the legal custody of such spouse, sixty-two percent of the wages of the deceased worker but not less than two hundred twenty-two dollars ~~((- (c)))~~;

(iii) If there are two children of the deceased worker and in the legal custody of such spouse, sixty-four percent of the wages of the deceased worker but not less than two hundred fifty-three dollars ~~((- (d)))~~;

(iv) If there are three children of the deceased worker and in the legal custody of such spouse, sixty-six percent of the wages of the deceased worker but not less than two hundred seventy-six dollars ~~((- (e)))~~;

(v) If there are four children of the deceased worker and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased worker but not less than two hundred ninety-nine dollars ~~((- (f)))~~; or

(vi) If there are five or more children of the deceased worker and in the legal custody of such spouse, seventy percent of the wages of the deceased worker but not less than three hundred twenty-two dollars. ~~((g))~~

(b) Where the surviving spouse does not have legal custody of any child or children of the deceased worker or where after the death of the worker legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the ~~((wages of the deceased worker))~~ monthly benefits payable as a result of the worker's death for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children.

(c) Payments to the surviving spouse of the deceased worker shall cease at the end of the month in which remarriage occurs: PROVIDED, That the monthly payment made to the child or children of the deceased worker shall from the month following such remarriage be a sum equal to five percent of the wages of the deceased worker for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children.

(d) In no event shall the monthly payments provided in subsection (2) of this section exceed seventy-five percent of the average monthly wage in the state as computed under RCW 51.08.018.

(e) In addition to the monthly payments ~~((above))~~ provided for in (2)(a) through (2)(c) of this section, a surviving spouse or child or children of such worker

if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased worker shall be forthwith paid the sum of (~~(eight)~~) one thousand six hundred dollars, any such children, or parents to share and share alike in said sum.

(f) Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs(~~(-and;)~~). However, after September 8, 1975, an otherwise eligible surviving spouse of a worker who died at any time prior to or after September 8, 1975, shall have an option of:

(i) (~~(He or she shall receive)~~) Receiving, once and for all, a lump sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser: PROVIDED, That if the injury occurred prior to July 1, 1971, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect(~~(-);~~); or

(ii) If a surviving spouse does not choose the option specified in (~~(subsection (2)(i))~~) (2)(f)(i) of this section(~~(-);~~) to accept the lump sum payment, the remarriage of the surviving spouse of a worker shall not bar him or her from (~~(exercising the option granted in subsection (2)(i))~~) claiming the lump sum payment authorized in (2)(f)(i) of this section during the life of the remarriage (~~(and)~~), or shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment ((provided in this section: PROVIDED, HOWEVER, That));

(g) If the surviving spouse during the remarriage should die without having previously received the lump sum payment provided ((herein)) in (2)(f)(i) of this section, his or her estate shall be entitled to receive the sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser((-PROVIDED FURTHER, That if it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of this 1976 amendatory act the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund)).

(h) The effective date of ((an award)) resumption of payments under (2)(f)(ii) of this section to a surviving spouse based upon termination of a remarriage by death, annulment, or dissolution shall be the date of the death((-);) or the date the judicial decree of annulment or dissolution becomes final and when application for the payments has been received.

(i) If it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of the amendments in chapter 45, Laws of 1975-76 2nd ex. sess., the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

(3) If there is a child or children and no surviving spouse of the deceased worker or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the wages of the deceased worker shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) shall not exceed sixty-five percent of the wages of the deceased worker at the time of his or her death or seventy-five percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums.

(4) In the event a surviving spouse receiving monthly payments dies, the child or children of the deceased worker shall receive the same payment as provided in subsection (3) of this section.

(5) If the worker leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the worker during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed sixty-five percent of the wages of the deceased worker at the time of the death or seventy-five percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) If the injured worker dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits as if death resulted from the injury as provided in subsections (2) through (4) of this section. Upon remarriage or death of such surviving spouse the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased worker remarries.

Sec. 19. 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 are each amended to read as follows:

(1) For persons under the age of (~~sixty-two~~) sixty-five receiving compensation for temporary or permanent total disability pursuant to the provisions of chapter 51.32 RCW, such compensation shall be reduced by an amount equal to the benefits payable under the federal old-age, survivors and disability insurance act as now or hereafter amended not to exceed the amount of the reduction established pursuant to 42 USC 424a. However, such reduction shall not apply when the combined compensation provided pursuant to chapter 51.32 RCW and the federal old-age, survivors and disability insurance act is less than the total benefits to which the federal reduction would apply, pursuant to 42 USC 424a. Where any person described in this section refuses to authorize the release of information concerning the amount of benefits payable under said federal act the department's estimate of said amount shall be deemed to be correct unless and until the actual amount is established and no adjustment shall be made for any period of time covered by any such refusal.

(2) Any reduction under subsection (1) of this section shall be effective the month following the month in which the department or self-insurer is notified by the federal social security administration that the person is receiving disability benefits under the federal old-age, survivors and disability insurance act: **PROVIDED**, That in the event of an overpayment of benefits the department or self-insurer may not recover more than the overpayments for the six months immediately preceding the date the department or self-insurer notifies the worker that an overpayment has occurred: **PROVIDED FURTHER**, That upon determining that there has been an overpayment, the department or self-insurer shall immediately notify the person who received the overpayment that he or she shall be required to make repayment pursuant to this section and RCW 51.32.230.

(3) Recovery of any overpayment must be taken from future temporary or permanent total disability benefits or permanent partial disability benefits provided by

this title. In the case of temporary or permanent total disability benefits, the recovery shall not exceed twenty-five percent of the monthly amount due from the department or self-insurer or one-sixth of the total overpayment, whichever is the lesser.

(4) No reduction may be made unless the worker receives notice of the reduction prior to the month in which the reduction is made.

(5) In no event shall the reduction reduce total benefits to less than the greater amount the worker may be entitled to under this title or the federal old-age, survivors and disability insurance act.

(6) The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.04 RCW, may exercise his discretion to waive, in whole or in part, the amount of any overpayment where the recovery would be against equity and good conscience.

(7) The amendment in subsection (1) of this section by this 1982 act raising the age limit during which the reduction shall be made from age sixty-two to age sixty-five shall apply with respect to workers whose effective entitlement to total disability compensation begins after the effective date of this 1982 act.

Sec. 20. Section 51.48.010, chapter 23, Laws of 1961 as last amended by section 69, chapter 350, Laws of 1977 ex. sess. and RCW 51.48.010 are each amended to read as follows:

Every employer shall be liable for the penalties described in this title and ~~((shall))~~ may also be liable if an injury or occupational disease has been sustained by a worker prior to the time he or she has secured the payment of such compensation to a penalty in a sum ~~((equal to))~~ not less than fifty percent nor more than one hundred percent of the cost for such injury or occupational disease~~(;)~~. Any employer who has failed to secure payment of compensation for his or her workers covered under this title may also be liable to a maximum penalty in a sum of two hundred dollars or in a sum double the amount of premiums incurred prior to securing payment of compensation under this title, whichever is greater, for the benefit of the medical aid fund.

Sec. 21. Section 51.48.030, chapter 23, Laws of 1961 as amended by section 64, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.030 are each amended to read as follows:

Every employer who fails to keep the records required by this title or fails to make the reports provided in this title shall be subject to a penalty of not to exceed ~~((one hundred dollars))~~ two hundred percent of the quarterly premium for each such offense.

Sec. 22. Section 51.52.120, chapter 23, Laws of 1961 as last amended by section 81, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.120 are each amended to read as follows:

(1) It shall be unlawful for an attorney engaged in the representation of any worker or beneficiary to charge for services in the department any fee in excess of a reasonable fee, of not more than thirty percent of the increase in the award secured by the attorney's services. Such reasonable fee shall be fixed by the director for services performed by an attorney for such worker or beneficiary, prior to the notice of appeal to the board if written application therefor is made by the attorney, worker, or beneficiary.

(2) If, on appeal to the board, the order, decision, or award of the department is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained by the board, the board shall fix a reasonable fee for the services of his or her attorney in proceedings before

the board if written application therefor is made by the attorney, worker, or beneficiary. In fixing the amount of such attorney's fee, the board shall take into consideration the fee allowed, if any, by the director, for services before the department, and the board may review the fee fixed by said director. Any attorney's fee set by the department or the board may be reviewed by the superior court upon application of such attorney, worker, or beneficiary. The department or self-insured employer, as the case may be, shall be served a copy of the application and shall be entitled to appear and take part in the proceedings. Where the board, pursuant to this section, fixes the attorney's fee, it shall be unlawful for an attorney to charge or receive any fee for services before the board in excess of that fee fixed by the board. Any person who violates any provision of this section shall be guilty of a misdemeanor.

Sec. 23. 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 are each amended to read as follows:

If, on appeal to the court from the decision and order of the board, said decision and order is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained by the court, a reasonable fee for the services of the worker's or beneficiary's attorney shall be fixed by the court. In fixing the fee the court shall take into consideration the fee or fees, if any, fixed by the director and the board for such attorney's services before the department and the board. If the court finds that the fee fixed by the director or by the board is inadequate for services performed before the department or board, or if the director or the board has fixed no fee for such services, then the court shall fix a fee for the attorney's services before the department, or the board, as the case may be, in addition to the fee fixed for the services in the court. If the decision and order of the board is reversed or modified and if the accident fund is affected by the litigation then the attorney's fee fixed by the court for services before the court only, and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund of the department. In the case of self-insured employers, if the decision and order of the board is reversed or modified resulting in additional benefits by the litigation that would be paid from the accident fund if the employer were not self-insured, then the attorney fees fixed by the court for services before the court, only, and the fees of medical and other witnesses and the costs shall be payable directly by the self-insured employer.

NEW SECTION. Sec. 24. Sections 1 through 10 of this act constitute a new chapter in Title 51 RCW.

NEW SECTION. Sec. 25. There is appropriated from the medical aid fund to the department of labor and industries for the biennium ending June 30, 1983, the sum of one million dollars, or so much thereof as may be necessary, for the establishment, maintenance, and operation of the office of rehabilitation review established under this act.

There is also appropriated from the medical aid fund to the office of financial management for the biennium ending June 30, 1983, the sum of fifty thousand dollars, or so much thereof as may be necessary for the performance audit to be conducted under section 7 of this act.

There is also appropriated from the medical aid fund to the board of industrial insurance appeals for the biennium ending June 30, 1983, the sum of one hundred forty-five thousand six hundred eighty-five dollars, or so much thereof as may be necessary, for the processing and completion of expedited appeals conducted under this act.

NEW SECTION. Sec. 26. Section 4 of 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. All other

sections of this act shall take effect on January 1, 1983. The director of the department of labor and industries is authorized to immediately take such steps as are necessary to insure that this act is implemented on its effective dates."

On page 1, line 1 of the title, after "An ACT Relating to" strike the remainder of the title and insert "industrial insurance; amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 3, chapter 128, Laws of 1981 and RCW 51.12.020; amending section 51.12.090, chapter 23, Laws of 1961 as last amended by section 20, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.090; amending section 6, chapter 14, Laws of 1980 and RCW 51.12.110; 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 10, chapter 14, Laws of 1980 and RCW 51.32.095; 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; amending section 51.36.020, chapter 23, Laws of 1961 as last amended by section 57, chapter 350, Laws of 1977 ex. sess. and RCW 51.36.020; amending section 51.44.040, chapter 23, Laws of 1961 as last amended by section 21, chapter 323, Laws of 1977 ex. sess. and RCW 51.44.040; amending section 51.48.010, chapter 23, Laws of 1961 as last amended by section 69, chapter 350, Laws of 1977 ex. sess. and RCW 51.48.010; amending section 51.48.030, chapter 23, Laws of 1961 as amended by section 64, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.030; amending section 51.52.120, chapter 23, Laws of 1961 as last amended by section 81, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.120; 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 a new section to chapter 51.32 RCW; adding a new chapter to Title 51 RCW; making appropriations; providing an effective date; and declaring an emergency."

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

The bill was read the second time by sections.

On motion of Senator Quigg, the committee amendment was adopted.

On motion of Senator Quigg, the committee amendment to the title was adopted.

### POINT OF INQUIRY

Senator Talmadge: "Would Senator Newhouse or Senator Quigg yield to a question?"

"The question I had, in specific, it is not clear from the reading of the Senate committee amendment that a vocational rehabilitation plan is required in each instance in which a worker is seriously injured. Is that the intent of this bill?"

Senator Newhouse: "Senator Talmadge, I think you would have to answer two ways, that "Yes, there is a plan required in new section 5 and I think this would apply except in the case of the self-insured; and obviously in the case of the self-insured company, it is very much to their advantage to have a similar plan, but it need not be quite so structured as it would be for an employer who is covered directly with labor and industries."

Senator Talmadge: "The second question I had, Senator Newhouse, was in the list of priorities in subsection 2 of section 5, it provides that the preferable order is first 'To return to the previous job with the same employer.' One of the controversies, as you know, is the question of whether or not it is mandatory that an injured worker be rehired by that injured worker's employer in the event that they sustain a disabling injury."

"Is it intended by that list of priorities that there be a right vested in the employee to return to the employ of that particular employer with whom they were employed prior to the time of the injury?"

Senator Newhouse: "I don't believe that we can legislate such a right, would have to be my answer, but we indicate that this is the most highly preferable answer to this situation."

On motion of Senator Quigg, the rules were suspended, Engrossed House Bill No. 454, 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. 454, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Excused: Senators Bottiger, Hayner, Hemstad, Rasmussen, Talley—5.

ENGROSSED HOUSE BILL NO. 454, 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. 462, by House Committee on Education (originally sponsored by Representatives Erickson, Taylor, Winsley, Ellis, Van Dyken, Tupper, Walk, Hine and Brown):

Implementing law relating to injury or defacement of school property and liability therefor.

### REPORT OF STANDING COMMITTEE

February 23, 1982.

SUBSTITUTE HOUSE BILL NO. 462, implementing law relating to the injury or defacement of school property and liability therefor (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 1 line 14 after "parent" insert "or guardian"

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Talmadge, Wojahn.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the committee amendment was adopted.

On motion of Senator Kiskaddon, the rules were suspended, Substitute House Bill No. 462, 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. 462, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar,

Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Absent or not voting: Senator Jones—1.

Excused: Senators Bottiger, Hayner, Hemstad, Rasmussen, Talley—5.

SUBSTITUTE HOUSE BILL NO. 462, 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. 500, by House Committee on Ethics, Law and Justice and Representatives Ellis and Salatino (by Code Reviser request):

Adopting a rule of statutory construction that a reference includes any amendments to the referenced statute.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, House Bill No. 500 was advanced to third reading, the second reading considered the third, and the bill was placed on final.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 500 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senator Pullen—1.

Excused: Senators Bottiger, Hayner, Hemstad, Rasmussen, Talley—5.

HOUSE BILL NO. 500, having received the 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. 896, by Representatives Tilly, Stratton, Nickell and North: Revising laws regulating snowmobiles.

The bill was read the second time by sections.

On motion of Senator Fuller, the rules were suspended, House Bill No. 896 was advanced to third reading, the second 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. 896 and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Pullen, Wilson—2.

Excused: Senators Bottiger, Hayner, Hemstad, Talley—4.

HOUSE BILL NO. 896, having received the 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. 920, by House Committee on State Government (originally sponsored by Representatives Hankins, Walk and Addison)(by Governor Spellman request):

Establishing an occupational information service.

## REPORT OF STANDING COMMITTEE

February 15, 1982.

SUBSTITUTE HOUSE BILL NO. 920, establishing an occupational information service (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 28, after "agency;" strike "and" and insert on the following line "(8) Commission for vocational education; and"

On page 2, line 1, strike "(8)" and insert "(9)"

On page 2, line 6, strike all of new section 4 and renumber the remaining sections consecutively.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Vognild.

The bill was read the second time by sections.

On motion of Senator Newhouse, the committee amendments were adopted.

On motion of Senator Quigg, the rules suspended, Substitute House Bill No. 920, 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 call the roll on the final passage of Substitute House Bill No. 920, as amended by the Senate, and the bill passed Senate by the following vote: Yeas, 45; excused, 4.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 920, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Excused: Senators Bottiger, Hayner, Hemstad, Talley—4.

SUBSTITUTE HOUSE BILL NO. 920, 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 Clarke, House Bill No. 907 was ordered placed at the end of the second reading calendar for today.

On motion of Senator Clarke, House Bill No. 1067 will be considered previous to House Bill No. 907.

## SECOND READING

**SUBSTITUTE HOUSE BILL NO. 70**, by House Committee on Natural Resources and Environmental Affairs (originally sponsored by Representatives Martinis and Rosbach):

Providing for distribution of federal funds for fish restoration and management projects.

## REPORT OF STANDING COMMITTEE

January 27, 1982.

**SUBSTITUTE HOUSE BILL NO. 70**, providing for the distribution of federal funds for fish restoration and management projects (reported by Committee on Natural Resources):

**MAJORITY recommendation:** Do pass with the following amendments:

On page 1, line 11, strike "1981" and insert "1982"

On page 1, line 14, after "fisheries." insert "Such funds shall be subject to appropriation by the legislature."

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Gallagher, the committee amendments were adopted.

On motion of Senator Gallagher, the rules were suspended, Substitute House Bill No. 70, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 70, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Hemstad, Talley—2.

**SUBSTITUTE HOUSE BILL NO. 70**, 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 Clarke, House Bill No. 461 was ordered placed at the end of today's second reading calendar.

## SECOND READING

HOUSE JOINT MEMORIAL NO. 15, by House Committee on State Government and Representative Lewis:

Requesting U.S. postal service issue a stamp commemorating eruption of Mount St. Helens.

The memorial was read the second time in full.

On motion of Senator Metcalf, the rules were suspended, House Joint Memorial No. 15 was advanced to third reading, the second reading considered the third, and the memorial was placed on third reading and final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 15 and the memorial passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Hemstad, Talley—2.

HOUSE JOINT MEMORIAL NO. 15, having received the constitutional majority, was declared passed.

## MOTIONS

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

On motion of Senator Lee, the Committee on Financial Institutions and Insurance was relieved from further consideration of House Bill No. 933.

On motion of Senator Lee, House Bill No. 933 was rereferred to the Committee on Ways and Means.

At 11:42 a.m., on motion of Senator Clarke, the Senate adjourned until 9:00 a.m., Tuesday, March 2, 1982.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-FIRST DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, March 2, 1982.

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 Bauer, Bottiger, Conner, Fleming, Hughes, Rasmussen, Talley, Williams and Zimmerman. On motion of Senator Ridder, Senator Talley was excused.

The Color Guard, consisting of Pages Leslie Strand and Lisa Nino, presented the Colors, Reverend Ray Morrison, pastor of the First Church of the Nazarene of Olympia, offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

March 1, 1982.

HOUSE BILL NO. 375, modifying the regulation of automotive repairs (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

March 1, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 436, requiring auctioneer licensing (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

February 26, 1982.

SUBSTITUTE HOUSE BILL NO. 778, revising provisions for licensing and regulation of certain professions (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

March 2, 1982.

HOUSE BILL NO. 836, studying the feasibility of veterans' memorial parks and cemeteries (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, McDermott, Moore, Quigg, Sellar.

Passed to Committee on Rules for second reading.

March 1, 1982.

SUBSTITUTE HOUSE BILL NO. 848, modifying provisions relating to child welfare services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Moore.

Passed to Committee on Rules for second reading.

March 1, 1982.

SUBSTITUTE HOUSE BILL NO. 852, modifying provisions relating to nursing homes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Talmadge.

Passed to Committee on Rules for second reading.

February 26, 1982.

SUBSTITUTE HOUSE BILL NO. 871, modifying provisions relating to funeral directors (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

March 1, 1982.

HOUSE BILL NO. 950, modifying provisions relating to the health care facilities authority (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Ridder.

Passed to Committee on Rules for second reading.

March 1, 1982.

ENGROSSED HOUSE BILL NO. 955, revising laws regulating public hospital districts (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Talmadge.

Passed to Committee on Rules for second reading.

March 1, 1982.

HOUSE BILL NO. 967, providing additional conditions for prisoners' leave of absence (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, Moore, Talmadge.

Passed to Committee on Rules for second reading.

March 1, 1982.

ENGROSSED HOUSE BILL NO. 980, modifying the energy allowance for public assistance recipients (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf.

MINORITY recommendation: Do not pass.

Signed by: Senator Talmadge.

Passed to Committee on Rules for second reading.

February 26, 1982.

SUBSTITUTE HOUSE BILL NO. 1047, authorizing dentists qualified in anesthesiology to administer anesthetics for any operation (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Vognild, Williams.  
Passed to Committee on Rules for second reading.

February 26, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1063, modifying provisions relating to alcoholic beverages (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Vognild, Williams.  
Passed to Committee on Rules for second reading.

March 2, 1982.

HOUSE BILL NO. 1072; designating a portion of a state-employed chaplain's salary as rental value for a home (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, McDermott, Moore, Quigg, Sellar.

Passed to Committee on Rules for second reading.

### GUBERNATORIAL APPOINTMENTS

March 1, 1982.

JAMES P. BISHOP, to the position of Member of the Board of Trustees for Skagit Community College District 4, appointed by the Governor on October 28, 1981 for the term ending September 30, 1985, succeeding Barbara Manor (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

MINORITY recommends that said appointment be not confirmed.

Signed by: Senator Charnley.

Passed to Committee on Rules.

March 1, 1982.

BETTY J. MAGE, to the position of Member of the Council for Postsecondary Education, appointed by the Governor on February 11, 1982 for the term ending June 30, 1987, succeeding Dorothy W. McClellan (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

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

Passed to Committee on Rules.

March 1, 1982.

JAMES E. ANDERSON, to the position of Member of the Board of Trustees for Skagit Community College District 4, appointed by the Governor on February 11, 1982 for the term ending September 30, 1987, succeeding William F. Johnston (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson, von Reichbauer.

Passed to Committee on Rules.

March 1, 1982.

PHILIP S. HAYES, to the position of Member of the State Board for Community College Education, appointed by the governor on February 11, 1982 for the term ending April 3, 1986, succeeding Louis Soriano (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson.  
Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

Office of the Governor, March 1, 1982.

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:

David Justice appointed February 11, 1982, for a term ending September 30, 1986, succeeding Charles W. Votaw as a member of the Board of Trustees for Community College District No. 20.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 1, 1982.

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:

Avery K. Loposer appointed February 17, 1982, for a term ending September 30, 1983, succeeding Donald K. Anderson as a member of the Board of Trustees for Community College District No. 3.

Sincerely,  
JOHN SPELLMAN  
Governor.

Referred to Committee on Higher Education.

MESSAGES FROM THE HOUSE

March 1, 1982.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 46,  
SUBSTITUTE HOUSE BILL NO. 449, and the same are herewith  
transmitted.

VITO T. CHIECHI, Chief Clerk.

March 2, 1982.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 500,  
HOUSE BILL NO. 896,  
HOUSE JOINT MEMORIAL NO. 15, and the same are herewith  
transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 46,  
HOUSE BILL NO. 449,  
HOUSE BILL NO. 500,  
HOUSE BILL NO. 896,

## HOUSE JOINT MEMORIAL NO. 15.

## MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of House Bill No. 1067.

## SECOND READING

HOUSE BILL NO. 1067, by House Committee on Transportation and Representatives Garrett and Wilson:

Updating statutory references within the Model Traffic Ordinance.

The bill was read the second time by sections.

## POINT OF ORDER

Senator Pullen: "Point of order, Mr. President. It seems to me this bill is improperly before us because it is in violation of rule 25 in that it is amending the law by mere reference to the title, and it is not setting forth the entire section to be revised."

## RULING BY THE PRESIDENT

President Cherberg: "In ruling on the point of order raised by Senator Pullen, the President finds that House Bill number 1067 does not violate Senate rule 25 in that the three RCW sections being amended in the bill are set forth in full."

On motion of Senator Guess, the rules were suspended, House Bill No. 1067 was advanced to third reading, the second 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. 1067 and the bill passed the Senate by the following vote: Yeas, 37; nays, 3; absent or not voting, 8; excused, 1.

Voting yea: Senators Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody—37.

Voting nay: Senators Hurley, Lysen, Pullen—3.

Absent or not voting: Senators Bauer, Bottiger, Conner, Fleming, Hughes, Rasmussen, Williams, Zimmerman—8.

Excused: Senator Talley—1.

HOUSE BILL NO. 1067, having received the 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. 461, by Representatives Prince, Burns, Isaacson, Amen and Stratton:

Authorizing educational reciprocity as to institutions of higher education with state of Idaho.

The bill was read the second time by sections.

## POINT OF INQUIRY

Senator Benitz: "Senator Wilson, in view of time, might I ask you the question, are we waiting on the BC reciprocity amendment that might be added to this bill?"

Senator Wilson: "That is correct, Senator Benitz, and it is now being Xeroxed in the work room."

Senator Benitz: "Mr. President and members, I think we should wait for it, it is rather lengthy and fairly heavy, then I don't think we should attack it without having it before us."

Senator Wilson: "I concur and I appreciate that."

Senator Wilson moved adoption of the following amendment:

Beginning on page 2 after line 27 insert the following sections after section 3 of the bill:

**NEW SECTION.** Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Notwithstanding any repeal of RCW 28B.15.710, those residents of the Canadian province of British Columbia who were enrolled as full-time students in undergraduate programs during the spring quarter or second semester of the 1980-81 academic year at Washington state universities and regional universities and The Evergreen State College shall be entitled to pay, while completing their present or planned programs or courses of study and as long as they hereafter remain continuously enrolled except for summer quarter or semester as full-time undergraduate students, the same amount of general tuition, operating, and services and activities fees charged Washington residents enrolled in the same programs.

The council for postsecondary education shall seek to negotiate with appropriate governmental officials or agencies of the Canadian province of British Columbia on establishing a fair and equitable cost-sharing tuition and fee reciprocity program for the residents of the state of Washington and the Canadian province of British Columbia. The council shall present any proposed agreement, finding, and recommendations to the legislative session beginning January, 1983.

**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.

**NEW SECTION.** Sec. 6. Section 4 of 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."

Debate ensued.

## POINT OF ORDER

Senator Pullen: "Mr. President, it would appear to me that the amendment clearly expands the scope and object of the bill."

## MOTION

On motion of Senator Clarke, House Bill No. 461, together with the pending amendment by Senator Wilson and the Point of Order raised by Senator Pullen, was ordered held pending a Ruling by the President.

## MOTIONS

On motion of Senator Clarke, House Bill No. 907 will be considered following House Bill No. 461.

On motion of Senator Ridder, Senators Rasmussen and Bottiger were excused.

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 4507.

## SECOND READING

SENATE BILL NO. 4507, by Senators Clarke and Rasmussen (by State Treasurer request):

Extending state treasurer's authority to invest treasury surplus.

## REPORT OF STANDING COMMITTEE

February 10, 1982.

SENATE BILL NO. 4507, extending the state treasurer's authority to invest treasury surplus (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments by the Committee on Way & Means:

On page 2, strike everything on line 13 and insert "(6) Negotiable certificates of deposit of"

On page 2, line 14, after "bank" insert "or savings and loan association"

On page 2, line 15, after "States" and before the semicolon insert ": PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state investment board"

On page 2, beginning on line 16, after "paper" strike all material down to and including "agencies." on line 18 and insert ": PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state investment board."

Signed by: Senators Sellar, Chairman; Bluechel, Bottiger, Clarke, Haley, Wojahn.

The bill was read the second time by sections.

On motion of Senator Scott, the committee amendments were adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Senate Bill No. 4507 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 Scott, the last paragraph of section 7, says 'Commercial paper, so long as it is given the highest attainable rating by at least two nationally recognized rating agencies.' I am thinking about the bond rating of the state of Washington and compared to that of the state of Georgia as they discussed in our caucus. Would this mean that the state would not be allowed to invest in its own paper because there is a higher rating in other states?"

Senator Scott: "Senator, this means that unless Moodys or both major bond rating agencies give a triple A rating and it is also on the state financial investment board's list, that 'No, we would not be able to invest.'"

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4507 and the bill passed the Senate by the following vote: Yeas, 33; nays, 11; absent or not voting, 1; excused, 4.

Voting yea: Senators Benitz, Bluechel, Charnley, Clarke, Conner, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Moore, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—33.

Voting nay: Senators Bauer, Craswell, Deccio, Guess, Hansen, Lysen, McCaslin, McDermott, Metcalf, Pullen, Wilson—11.

Absent or not voting: Senator Newhouse—1.

Excused: Senators Bottiger, Fleming, Rasmussen, Talley—4.

ENGROSSED SENATE BILL NO. 4507, having received the 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 Clarke, the Senate commenced consideration of Engrossed Substitute House Bill No. 626.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 626, by House Committee on Ethics, Law and Justice (originally sponsored by House Committee on Ethics, Law and Justice and Representatives Ellis, Walk and Owen):

Providing civil and criminal penalties for certain acts relating to pornography and moral nuisances.

### REPORT OF STANDING COMMITTEE

February 18, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 626, providing civil and criminal penalties for certain acts relating to pornography and moral nuisances (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. The definitions set forth in this section shall apply throughout this chapter.

(1) "Knowledge" or "knowledge of such nuisance" means having knowledge of the contents and character of the patently offensive sexual or violent conduct which appears in the lewd matter, or knowledge of the acts of lewdness or prostitution which occur on the premises.

(2) "Lewd matter" is synonymous with "obscene matter" and means any matter:

(a) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and

(b) Which explicitly depicts or describes patently offensive representations or descriptions of:

(i) Ultimate sexual acts, normal or perverted, actual or simulated; or

(ii) Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or

(iii) Violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture; and

(c) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value.

(3) "Lewdness" shall have and include all those meanings which are assigned to it under the common law.

(4) "Matter" shall mean a motion picture film or a publication or both.

(5) "Motion picture film" shall include any:

(a) Film or plate negative;

(b) Film or plate positive;

(c) Film designed to be projected on a screen for exhibition;

(d) Film, glass slides, or transparencies, either in negative or positive form, designed for exhibition by projection on a screen;

(e) Video tape or any other medium used to electronically reproduce images on a screen.

(6) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

(7) "Place" includes, but is not limited to, any building, structure, or places, or any separate part or portion thereof, whether permanent or not, or the ground itself.

(8) "Prurient" means that which incites lasciviousness or lust.

(9) "Publication" shall include any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, or coin-operated machine.

(10) "Sale" means a passing of title or right of possession from a seller to a buyer for valuable consideration, and shall include, but is not limited to, any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of, or transfer of possession of, lewd matter.

NEW SECTION. Sec. 2. The following are declared to be moral nuisances:

(1) Any and every place in the state where lewd films are publicly exhibited as a regular course of business, or possessed for the purpose of such exhibition;

(2) Any and every lewd film which is publicly exhibited, or possessed for such purpose at a place which is a moral nuisance under this section;

(3) Any and every place of business in the state in which lewd publications constitute a principal part of the stock in trade;

(4) Every place which, as a regular course of business, is used for the purpose of lewdness or prostitution, and every such place in or upon which acts of lewdness or prostitution are conducted, permitted, carried on, continued, or exist.

NEW SECTION. Sec. 3. Any of the following parties may bring a civil action in the superior court of any county where a moral nuisance is alleged to have been maintained:

(1) The prosecuting attorney for the county where the alleged moral nuisance is located;

(2) The city attorney for the city where the alleged moral nuisance is located;

or  
(3) The attorney general.

The rules of evidence, burden of proof, and all other rules of court shall be the court rules generally applicable to civil cases in this state: PROVIDED, That the standard of proof on the issue of obscenity shall be clear, cogent, and convincing evidence.

NEW SECTION. Sec. 4. (1) No person shall with knowledge maintain a moral nuisance.

(2) Upon a determination that a defendant has with knowledge maintained a moral nuisance, the court shall impose a civil penalty and judgment of an amount as the court may determine to be appropriate. In imposing the civil penalty, the court shall consider the wilfulness of the defendant's conduct and the profits made by the defendant attributable to the moral nuisance.

NEW SECTION. Sec. 5. All civil penalties assessed under section 4 of this act shall be paid into the general treasury of the governmental unit commencing the civil action.

NEW SECTION. Sec. 6. Nothing in this chapter applies to the circulation of any material by any recognized historical society or museum, any library of any college or university, or to any archive or library under the supervision and control of the state, county, municipality, or other political subdivision.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 7 RCW.

NEW SECTION. Sec. 8. There is added to chapter 9.68 RCW a new section to read as follows:

A person who, for profit-making purposes and with knowledge, sells, exhibits, displays, or produces any lewd matter as defined in section 1 of this act is guilty of promoting pornography. Promoting pornography is a class C felony and shall bear

the punishment prescribed for that class of felony, except that upon conviction of promoting pornography the court shall impose a fine of not less than five thousand dollars per count nor more than fifty thousand dollars per count. In imposing the criminal penalty, the court shall consider the wilfulness of the defendant's conduct and the profits made by the defendant attributable to the felony. All fines assessed under this chapter shall be paid into the general treasury of the state.

NEW SECTION. Sec. 1. 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. 2. The following acts or parts of acts are each repealed:

(1) Section 118, page 96, Laws of 1854, section 124, page 226, Laws of 1869, section 130, page 210, Laws of 1873, section 850, Code of 1881, section 1, page 122, Laws of 1886, section 24, chapter 69, Laws of 1891, section 207, chapter 249, Laws of 1909, section 1, chapter 260, Laws of 1959, section 1, chapter 146, Laws of 1961, section 1, chapter 92, Laws of 1969 and RCW 9.68.010; and

(2) Section 209, chapter 249, Laws of 1909 and RCW 9.68.020."

On page 1, line 1 of the title, after "nuisances;" strike the remainder of the title and insert "adding a new chapter to Title 7 RCW; adding a new section to chapter 9.68 RCW; repealing section 118, page 96, Laws of 1854, section 124, page 226, Laws of 1869, section 130, page 210, Laws of 1873, section 850, Code of 1881, section 1, page 122, Laws of 1886, section 24, chapter 69, Laws of 1891, section 207, chapter 249, Laws of 1909, section 1, chapter 260, Laws of 1959, section 1, chapter 146, Laws of 1961, section 1, chapter 92, Laws of 1969 and RCW 9.68.010; repealing section 209, chapter 249, Laws of 1909 and RCW 9.68.020; and prescribing penalties."

Signed by: Senators Clarke, Chairman; Hayner, Newhouse, Pullen and Woody.

The bill was read the second time by sections.

Senator Hemstad moved adoption of the committee amendment.

### POINT OF INQUIRY

Senator Ridder: "Senator Woody, I understand that you proposed in the Senate committee amendment, the insertion of the term 'bestiality' in House Bill 626. What did you intend that that word imply?"

Senator Woody: "Senator Ridder, I intended that 'bestiality' would be defined as 'sexual relations between humans and animals.' The general intent of this legislation is to comply as closely as possible with the U.S. Supreme Court approved Miller guidelines."

On motion of Senator Clarke, the following amendment to the committee amendment was adopted:

On page 6, after line 20 insert the following new section:

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."

Senator Talmadge moved adoption of the following amendment by Senators Talmadge and Hemstad to the committee amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 118, page 96, Laws of 1854 as last amended by section 1, chapter 92, Laws of 1969 and RCW 9.68.010 are each amended to read as follows:

Every person who —

(1) Having knowledge of the contents thereof shall exhibit, sell, distribute, display for sale or distribution, or having knowledge of the contents thereof shall have in his possession with the intent to sell or distribute any book, magazine, pamphlet, comic book, newspaper, writing, photograph, motion picture film, phonograph record, tape or wire recording, picture, drawing, figure, image, or any object or thing which is obscene; or

(2) Having knowledge of the contents thereof shall cause to be performed or exhibited, or shall engage in the performance or exhibition of any show, act, play, dance or motion picture which is obscene;

Shall be guilty of a (~~gross misdemeanor~~) class C felony.

The provisions of this section shall not apply to acts done in the scope of his employment by a motion picture operator or projectionist employed by the owner or manager of a theatre or other place for the showing of motion pictures, unless the motion picture operator or projectionist has a financial interest in such theatre or place wherein he is so employed or unless he caused to be performed or exhibited such performance or motion picture without the knowledge and consent of the manager or owner of the theatre or other place of showing.

Sec. 2. Section 14, chapter 256, Laws of 1969 ex. sess. and RCW 9.68.060 are each amended to read as follows:

(1) When it appears that material which may be deemed erotic is being sold, distributed, or exhibited in this state, the prosecuting attorney of the county in which the sale, distribution, or exhibition is taking place may apply to the superior court for a hearing to determine the character of the material with respect to whether it is erotic material.

(2) Notice of the hearing shall immediately be served upon the dealer, distributor, or exhibitor selling or otherwise distributing or exhibiting the alleged erotic material. The superior court shall hold a hearing not later than five days from the service of notice to determine whether the subject matter is erotic material within the meaning of RCW 9.68.050.

(3) If the superior court rules that the subject material is erotic material, then, following such adjudication:

(a) If the subject material is written or printed, the court shall issue an order requiring that an "adults only" label be placed on the publication, if such publication is going to continue to be distributed. Whenever the superior court orders a publication to have an "adults only" label placed thereon, such label shall be impressed on the front cover of all copies of such erotic publication sold or otherwise distributed in the state of Washington. Such labels shall be in forty-eight point bold face type located in a conspicuous place on the front cover of the publication. All dealers and distributors are hereby prohibited from displaying erotic publications in their store windows, on outside newsstands on public thoroughfares, or in any other manner so as to make them readily accessible to minors.

(b) If the subject material is a motion picture, the court shall issue an order requiring that such motion picture shall be labeled "adults only". The exhibitor shall prominently display a sign saying "adults only" at the place of exhibition, and any advertising of said motion picture shall contain a statement that it is for adults only. Such exhibitor shall also display a sign at the place where admission tickets are sold stating that it is unlawful for minors to misrepresent their age.

(c) Failure to comply with a court order issued under the provisions of this section shall subject the dealer, distributor, or exhibitor to contempt proceedings.

(d) Any person who, after the court determines material to be erotic, sells, distributes, or exhibits the erotic material to a minor shall be guilty of violating RCW 9.68.050 through 9.68.120, such violation to carry the following penalties:

(i) For the first offense a misdemeanor and upon conviction shall be fined not more than (~~five hundred~~) one thousand dollars, or imprisoned in the county jail not more than six months;

(ii) For the second offense a gross misdemeanor and upon conviction shall be fined not more than one thousand dollars, or imprisoned not more than one year;

(iii) For all subsequent offenses a felony and upon conviction shall be fined not more than five thousand dollars, or imprisoned not less than one year.

(4) Any person, not already subject to a court order, who voluntarily designates, labels, codes, or advertises material as restricted to adults only and knowingly sells, distributes, or exhibits the material to a minor shall be required to pay damages upon action by the prosecuting attorney of the county or city attorney of the city where the sale, distribution, or exhibit occurs. Notwithstanding RCW 3.20.020 or any other provision to the contrary, the action may be brought in any district court or superior court of this state where the event occurs. The prevailing party shall recover its costs, including a reasonable attorneys' fee. In addition to such other damages as may be recoverable, exemplary damages not to exceed one thousand dollars may be recovered.

NEW SECTION. Sec. 3. The senate judiciary committee and the ethics, law and justice committee of the house of representatives shall constitute a special committee to review the issue of zoning for adult literature and exhibits. The special committee shall report its findings and legislative recommendations to the legislature no later than December 1, 1982.

NEW SECTION. Sec. 4. Section 209, chapter 249, Laws of 1909 and RCW 9.68.020 are each repealed."

Debate ensued.

Senator Newhouse 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 Talmadge and Hemstad to the committee amendment.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 14; nays, 32; absent or not voting, 1; excused, 2.

Voting yea: Senators Charnley, Conner, Haley, Hemstad, Hughes, Kiskaddon, Lysen, McDermott, Moore, Shinpoch, Talmadge, Vognild, Williams, Wilson—14.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Gallaghan, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hurley, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, von Reichbauer, Wojahn, Woody, Zimmerman—32.

Absent or not voting: Senator Fuller—1.

Excused: Senators Rasmussen, Talley—2.

The motion by Senator Hemstad carried and the committee amendment, as amended, was adopted.

Senator Hemstad moved adoption of the committee amendment to the title.

On motion of Senator Clarke, the following amendment by Senators Clarke and Ridder to the committee amendment to the title was adopted:

On page 7, line 22, after ";," insert "declaring an emergency;"

The motion by Senator Hemstad carried and the committee amendment to the title, as amended, was adopted.

On motion of Senator Hemstad, the rules were suspended, Engrossed Substitute House Bill No. 626, 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. 626, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Moore, Talmadge, Williams, Wilson—4.

Absent or not voting: Senator Charnley—1.

Excused: Senators Rasmussen, Talley—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 626, 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.

## REMARKS BY SENATOR HAYNER

Senator Hayner: "I want to explain that we have chosen to consider the Senate bill first because we feel it is important that any bills that we want out of here and have a chance of passing, must get over to the House soon. So that is the reason for changing this order somewhat."

## MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 4963.

## SECOND READING

SENATE BILL NO. 4963, by Senators von Reichbauer and Talley:  
Relating to port districts.

## MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 4963 was substituted for Senate Bill No. 4963 and the 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 18, delete the underlined language.

Senator Talmadge demanded a roll call.

Debate ensued.

## POINT OF INQUIRY

Senator Ridder: "Senator Talmadge, if I heard you correctly that your language is just the same as the language in the first Craswell amendment, if we defeat your amendment, we then will not be able to consider that particular language of the Craswell amendment, is that correct?"

Senator Talmadge: "That is my understanding, Senator Ridder."

## PARLIAMENTARY INQUIRY

Senator Clarke: "Is it correct that a negative vote on this amendment would have the effect of preventing consideration of the Craswell amendment which

embodies, in part, the same and some additional? If that is so, I would request delay in consideration of this amendment until we do consider the Craswell which is sort of a combination of a perfecting and striking."

### REPLY BY THE PRESIDENT

President Cherberg: "Senator Clarke's remarks are well taken in that the Secretary has just advised the President that the amendment by Senator Craswell should be considered first. If no objection, the amendment by Senator Craswell."

The amendment by Senator Talmadge will be considered following the amendment by Senator Craswell and others.

On motion of Senator Craswell, the following amendment by Senators Craswell, Patterson, Shinpoch and Sellar was adopted:

On page 1, line 18, strike "and chapter 84.55 RCW"

On page 1, after line 25, insert the following:

"NEW SECTION. Sec. 2. There is added to chapter 84.55 RCW a new section to read as follows:

For purposes of applying the provisions of this chapter:

(1) A levy by or for a port district pursuant to RCW 53.36.100 shall be created in the same manner as a separate regular property tax levy made by or for a separate taxing district; and

(2) The first levy by or for a port district pursuant to RCW 53.36.100 after the effective date of this act shall not be subject to RCW 84.55.010."

Senator Vognild moved adoption of the following amendment:

On page 1, following line 25, insert a new paragraph to read as follows:

"Any improvement or development and levy therefor, authorized by this section shall be submitted to the voters of the district for their approval or rejection at the next regularly scheduled election following authorization of the improvement or development."

Debate ensued.

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

Further debate ensued.

### POINT OF INQUIRY

Senator Quigg: "Senator Patterson, I did not catch all of that historical perspective you were giving us a little earlier. When these development districts were established initially, was the vote of the district voters required to set up this bonding?"

Senator Patterson: "Well, as I understand, originally it was a constitutional amendment that provided the port districts this opportunity. Now I could be corrected on that, I am not that familiar with it, historically. All I can say is that back in 1955 was when this law was put in place and at that time there was no consideration of a 106% limit. None of us were concerned about it at the time. But by law, we gave the port districts the opportunity of levying on their own vote, the commissioners, this 45¢ a thousand.

"This legislation merely extends and for a six-year period. There are fifteen court districts that have run out their original 15, 45¢ a thousand, would be in that six-year period. And what this does, this bill would do, is give them an opportunity to extend that for another six-year period.

"And what I am suggesting to you is that if we do not adopt our amendment, what we are doing, is we are placing all of those districts that did not opt back in the early days into a situation where now they would have to put their levy to a vote of the people before it could be put in place."

Further debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Senator Craswell, Senator Talmadge has got me at least interested in this amendment in this respect. If there is a total 106% limit on how much my property tax can go up and we create a new taxing district that can get its own budget over and above the revenue that it was getting formerly, who is the loser? Where will this money that I now pay, where would it have gone? The fire districts? The county? The city? How are we going to share with this new taxing district that you created in your amendment?"

Senator Craswell: "Thank you, Senator Bottiger, I am glad you gave me a chance to speak to that. That was what I was rising to do.

"The original bill as it came out of the Senate committee was the breach in the 106% levy lid. It wiped out the 106% limit for the port and my amendment puts the 106% lid back on as Senator Talmadge wanted to do, but also treats the industrial revenue levy separately so that when it goes off after six years, it does not expand that total base. They are separate. They are all under the 106% lid.

"I agree with Senator Talmadge, we do need Senator Vognild's amendment and I urge you to support that."

Senator Bottiger: "Well, Senator Craswell, you didn't answer my question. If we created a new district and they are going to get some money, but there is still this magic limit of 106% for all of government on that property tax, who is the loser? If a dollar goes to this new revenue bond, who used to get it?"

Senator Craswell: "The taxpayer is the loser, that is why they need to be able to vote on it."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the amendment by Senator Vognild.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 16; nays, 29; absent or not voting, 2; excused, 2.

Voting ye: Senators Craswell, Deccio, Hughes, Hurley, Lysen, McCaslin, Metcalf, Moore, Pullen, Scott, Shinpoch, Talmadge, Vognild, Wilson, Wojahn, Woody—16.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McDermott, Patterson, Peterson, Quigg, Ridder, Sellar, von Reichbauer, Zimmerman—29.

Absent or not voting: Senators Newhouse, Williams—2.

Excused: Senators Rasmussen, Talley—2.

Senator Patterson moved adoption of the following amendment by Senators Patterson and Charnley:

On page 1, after line 25, insert the following:

"If a port district intends to levy a tax under this section for one or more years after the first six years authorized in this section, the port commission shall publish notice of this intention, in one or more newspapers of general circulation within the district, by June 1 of the year in which the first levy of the seventh through twelfth year period is to be made. If within sixty days of the date of publication a petition is filed with the county auditor containing the signatures of eight percent of the number of voters registered and voting in the port district for the office of the governor at the last preceding gubernatorial election, the county auditor shall canvass the signatures in the same manner as prescribed in RCW 29.79.200 and certify their sufficiency to the port commission within two weeks. The proposition to make these levies in the seventh through twelfth year period shall be submitted to the voters of

the port district at a special election, called for this purpose, no later than the date on which a primary election would be held under RCW 29.13.070. The levies may be made in the seventh through twelfth year period only if approved by a majority of the voters of the port district voting on the proposition.

### POINT OF INQUIRY

Senator Pullen: "Senator Patterson, I was wondering if the staff of the Senate constitutions and elections committee, or the secretary of state's office, or any auditor associations, have taken a look at the wording of your amendment?"

Senator Patterson: "I have no knowledge as to whether they have or not."

Senator Pullen: "Okay, thank you."

Senator Pullen moved adoption of the following amendment to the amendment by Senators Patterson and Charnley:

On line 16 of the amendment, strike "sixty" and insert "ninety"

The motion by Senator Pullen carried and the amendment to the amendment was adopted on a rising vote.

Senator Pullen moved adoption of the following amendment to the amendment by Senators Patterson and Charnley:

On line 19 of the amendment, strike "eight" and insert "four"

The motion by Senator Pullen failed and the amendment to the amendment was not adopted on a rising vote.

The President declared the question before the Senate to be the amendment by Senators Patterson and Charnley to page 1, line 25 as amended.

Senator Lysen 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 Senators Patterson and Charnley as amended by Senator Pullen.

### ROLL CALL

The Secretary called the roll and the amendment, as amended, was adopted by the following vote: Yeas, 31; nays, 15; absent or not voting, 1; excused, 2.

Voting yea: Senators Bottiger, Charnley, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Guess, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Ridder, Scott, Shinpoch, Talmadge, Vogniid, Wilson, Wojahn, Woody, Zimmerman—31.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Fleming, Gould, Haley, Hansen, Hayner, Jones, Lee, Quigg, Sellar, von Reichbauer—15.

Absent or not voting: Senator Williams—1.

Excused: Senators Rasmussen, Talley—2.

Senator Patterson moved adoption of the following amendment by Senators Patterson and Charnley:

"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 May 1, 1982."

Senator Patterson moved adoption of the following amendment to the amendment:

On the last line of the amendment, strike "May" and insert "April"

## PARLIAMENTARY INQUIRY

Senator Metcalf: "Mr. President, I thought that when we adopted the last amendment as amended, that that emergency clause with that date was adopted with that amendment. The issue divided, or was it?"

President Cherberg: "The Secretary advises that the question was divided, Senator."

Senator Metcalf: "Thank you very much."

## POINT OF INQUIRY

Senator Goltz: "Senator Patterson, if I understood your explanation correctly, you should change 'May' to 'June' instead of back to April. Is that not correct? Are you trying to extend the time or are you trying to contract the time?"

Senator Patterson: "Well, by putting the emergency clause in, then the effective date would be, Senator, on April first. That allows for the 90-day period for petitioning. That is the effective date through the emergency clause, that will be the effective date of the act, rather than becoming law upon the signature of the Governor."

The motion by Senator Patterson carried and the amendment to the amendment was adopted.

The motion by Senator Patterson carried and the amendment, as amended, was adopted.

On motion of Senator Craswell, the following amendment by Senators Craswell, Patterson, Shinpoch and Sellar to the title was adopted:

On page 1, on line 1 of the title, strike "and" and on line 3, after "53.36.100" insert "; and adding a new section to chapter 84.55 RCW"

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

On page 1, line 1 of the title, after "districts;" delete "and" and on line 3, after "53.36.100" insert "; providing an effective date; and declaring an emergency"

On motion of Senator Talmadge, there being no objection, the amendment proposed earlier today to page 1, line 18 was withdrawn.

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Substitute Senate Bill No. 4963 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. 4963 and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Sellar, Vogniild, von Reichbauer, Wojahn, Zimmerman—33.

Voting nay: Senators Charnley, Craswell, Hughes, Hurley, Lysen, McCaslin, Metcalf, Pullen, Scott, Shinpoch, Talmadge, Wilson, Woody—13.

Absent or not voting: Senator Williams—1.

Excused: Senators Rasmussen, Talley—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4963, having received the 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 Clarke, the Senate commenced consideration of Senate Bill No. 4877.

## SECOND READING

SENATE BILL NO. 4877, by Senators Newhouse and Lee:  
Authorizing expenditure of certain bond moneys for new sewer lines.

## REPORT OF STANDING COMMITTEE

February 15, 1982.

SENATE BILL NO. 4877, authorizing the expenditure of certain bond moneys for new sewer lines (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 16, insert the following:

"NEW SECTION. Sec. 2. The Department shall give priority to projects in counties having countywide average unemployment exceeding the statewide average unemployment.

The Department shall also give priority to projects which expedite development of industrial districts which are currently delayed due to inadequate sewer line development.

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 to existing public institutions, and shall take effect immediately."

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse.

The bill was read the second time by sections.

On motion of Senator Quigg, the committee amendment was adopted.

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

On page 1, line 3 of the title, after "050" insert "and declaring an emergency"

On motion of Senator Quigg, the rules were suspended, Engrossed Senate Bill No. 4877 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 Talmadge: "Senator Newhouse, the question I have is whether or not the proposed language in this bill has been passed by bond counsel? The concern that I have heard expressed is that this is an amendment to referendum 39, and there have been bond contracts outstanding with language that was incorporated from the original bond issue. The concern that has been expressed to us by Mr. Johnson, the lobbyist for the city of Seattle, is that there may be, in fact, a problem with the bond counsel, should the language of referendum 39 be amended."

Senator Newhouse: "I have not consulted bond counsel. The issue was not raised. I cannot conceive that it would create any problem. Obviously the referendum was passed by the people in 1980, sets down certain types of projects that would be available, could use these types of funds.

"Partly in answer to Senator Metcalf's remarks, the bonds are already approved and all this bill does, would expand and include under the statute that the referendum now has become a statute, that new sewer lines are part of the facilities that could be approved.

"And I think it is very clear in our law that by a 60% vote, we can amend the statutes."

Further debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4877 and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Scott, Sellar, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—36.

Voting nay: Senators Bottiger, Fleming, Hurley, Lysen, Metcalf, Pullen, Ridder, Shinpoch, Talmadge, Williams, Wojahn—11.

Excused: Senators Rasmussen, Talley—2.

ENGROSSED SENATE BILL NO. 4877, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 4200.

## SECOND READING

SENATE BILL NO. 4200, by Senators Metcalf, Rasmussen and Deccio (by Department of General Administration request):

Revising law on public works.

## MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 4200 was substituted for Senate Bill No. 4200 and the substitute bill was placed on second reading and read the second time in full.

Senator Metcalf moved adoption of the following amendment by Senator Fleming:

On page 3, line 19 after "roster" insert:

" : PROVIDED, That whenever possible, the agency shall invite at least one proposal from a minority contractor who shall otherwise qualify to perform such work. Such invitation shall involve an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished."

Debate ensued.

## POINT OF INQUIRY

Senator Vognild: "Senator Fleming, I believe I understand what you are trying to do here but do you intend that this be from a contractor who is presently within the state of Washington, or do you intend that this would be a nationwide search?"

Senator Fleming: "No, I intend, if you read the bill, Senator Vognild, it says 'If the agency is unable to solicit quotations from five qualified contractors on small works roster for a particular project, then the project shall be advertised and competitively bid. The agency shall solicit quotations randomly from contractors on the small works roster in a manner which will equitably distribute the opportunity for these contracts among contractors,' and basically it is setting out a criteria and all I am saying is, within that criteria they ought to at least consider within those contractors, the minority contractors. Basically, one of the reasons, contrary to what Senator Pullen said, one of the reasons that you put forth a small works roster is to

allow the small contractors and minority and women contractors an opportunity to participate in the process because if not all the large contractors would gobble all this up.

"And so what we are saying is, if we are going to try to deal in this and we are going to be putting out these contracts, then these people ought to at least be considered from wherever they seek these contractors. But I am not specifically saying where you seek these people from when you set forth this project, at least consider this."

Further debate ensued.

### POINT OF INQUIRY

Senator Guess: "Senator Fleming, the last line of that last sentence of your proposal, the amendment, says 'Such invitations shall involve an estimate of the scope and the nature of the work to be performed and the materials and equipment to be furnished.' All bids have the proposal but they do not tell you what the materials are or what equipment is to be used. The thing that I am bothered about your amendment is that it goes further than the normal bid procedure.

"Now contractors are equipped and used to making materials take off. Do you mean by this amendment that you re now going to require the department to do the materials take off for them?"

Senator Fleming: "Senator Guess, this language was taken directly out of the small works roster bill that we passed here, 3361, if you would like to look in your book. It is the identical language, I have not added anything to it or taken anything from it. I just felt as though that if it was good for the support then the state ought to participate also.

"And it is identical, identical language."

Senator Guess: "Well, Senator, the passage of one measure in one bill does not make it sacrosanct in any way."

Senator Fleming: "I am not saying that it is sacrosanct but evidently it didn't bother you there or you didn't catch it."

Senator Guess: "I didn't catch it."

Senator Fleming: "That is what I was pointing out, not that it was sacrosanct. And you don't usually miss too many things.

"Senator Guess, if that bothers you, I don't think it does anything to the amendment. If you want to strike that last sentence, I have no problem with that. It is not that big of a problem. But this was, and I think the language that was in the small works roster for the ports as I recall several years ago, I am the one that put that language in there, and you . . . at that particular time you didn't have an objection then, that is why it is in there."

On motion of Senator Guess, the following amendment to the amendment by Senator Fleming was adopted:

Strike the last sentence of the amendment.

The President declared the question before the Senate to be the amendment by Senator Fleming, as amended by Senator Guess.

Debate ensued.

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 amendment by Senator Fleming as amended by Senator Guess.

### ROLL CALL

The Secretary called the roll and the amendment, as amended, was adopted by the following vote: Yeas, 34; nays, 13; excused, 2.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Conner, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, Moore, Patterson, Peterson, Quigg, Ridder, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—34.

Voting nay: Senators Benitz, Clarke, Craswell, Deccio, Gallagher, Haley, Hansen, Lysen, McCaslin, Metcalf, Newhouse, Pullen, Scott—13.

Excused: Senators Rasmussen, Talley—2.

Senator Goltz moved adoption of the following amendment by Senators Goltz and Metcalf:

On page 4, line 17, delete "and regional universities" and after "state universities" add ", the Evergreen State College and regional universities"

Debate ensued.

### POINT OF INQUIRY

Senator Scott: "Senator Goltz, I wasn't privy to the discussions as to the purpose of this bill in committee and I am wondering what rationale was offered. Is it supposedly more streamlined or less expensive? What is the counter argument?"

Senator Goltz: "There are a number of provisions in this bill, you know, the public works' roster that we just talked about still would apply to all these other institutions and places.

"But the section of the bill we are dealing with here is the administration of the department activity over other state agencies with respect to contracting and contract management. And if you look at the bill, this is new language, and I think for all I know they may very well have meant to exclude the regional universities. Regional universities now prepare all their capital projects' budgets. They do all of their contract administration and supervision; they issue contracts through the department of administration and that still would be available to them.

"But the section that we are in right here is a section which has two or three purposes. It sets the qualifications for the assistant to the director, or the supervisor of engineering and architecture as is his title; it then defines the state facilities which are included; it then goes down to describe some of the functions, eliminating some of the previous language; it talks about the materials and cost estimates and technical information to accompany the capital budget and in these cases, all of these institutions do this now themselves.

"So I think this is a perfectly good amendment."

The motion by Senator Goltz carried and the amendment was adopted.

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 4200 was advanced to third reading, the second 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. 4200, and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Scott, Shinpoch, Wojahn, Woody, Zimmerman—33.

Voting nay: Senators Craswell, Hughes, Hurley, Lysen, Pullen, Quigg, Ridder, Sellar, Talmadge, Vognild, von Reichbauer, Williams, Wilson—13.

Absent or not voting: Senator Conner—1.

Excused: Senators Rasmussen, Talley—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4200, having received the 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 12:29 p.m., on motion of Senator Clarke, the Senate recessed until 1:45 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 1:56 p.m.

#### MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Joint Resolution No. 111.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 111, by Senators Williams, Fuller, McCaslin and Bauer:

Authorizing loans for energy conservation and renewable energy resources.

#### MOTIONS

On motion of Senator Gould, Second Substitute Senate Joint Resolution No. 111 was substituted for Senate Joint Resolution No. 111 and the second substitute resolution was placed on second reading and read the second time in full.

On motion of Senator Williams, the following amendment was adopted:

On page 1, line 12, after "state" insert "which is engaged in the sale or distribution of energy"

On motion of Senator Gould, the following amendment was adopted:

On page 1, line 12, after "may" insert ", as authorized by the legislature."

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

On page 1, line 14, before "revenue" strike "and issue" and insert "financed by the issuance of"

Senator Williams moved adoption of the following amendment:

On page 1, line 14, after "issue" delete "revenue bonds" and insert "debt instruments secured solely by revenues"

#### POINT OF INQUIRY

Senator Quigg: "Senator Williams, would this include hell-or-high-water revenue bonds?"

Senator Williams: "I am not an expert in this area, but I would assume that a dead instrument secured solely by revenue could be hell-or-high-water revenue bonds.

"We can check on that, but that is the best answer I can give at the moment."

The motion by Senator Williams carried and the amendment was adopted.

Senator Pullen moved adoption of the following amendment:

On page 1, line 16, after "developing" strike "renewable and decentralized"

The motion by Senator Pullen failed and the amendment was not adopted.

Senator Pullen moved adoption of the following amendment by Senators Pullen and Benitz:

On page 1, line 19, after "hydropower," insert "nuclear,"

Debate ensued.

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 amendment by Senators Pullen and Benitz.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 6; nays, 38; absent or not voting, 3; excused, 2.

Voting yea: Senators Benitz, Guess, Hayner, Metcalf, Pullen, Woody—6.

Voting nay: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—38.

Absent: Senators Fleming, Haley, Sellar—3.

Excused: Senators Rasmussen, Talley—2.

Senator Williams moved adoption of the following amendment:

On page 1, line 16, after "energy" strike all of the material down to and including "fuels" on line 20.

Debate ensued.

Senator Williams 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 Williams.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 34; nays, 12; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Deccio, Fleming, Gaspard, Goltz, Gould, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—34.

Voting nay: Senators Clarke, Craswell, Fuller, Gallagher, Guess, Haley, Hayner, Jones, McCaslin, Pullen, Quigg, Sellar—12.

Absent or not voting: Senator Lee—1.

Excused: Senators Rasmussen, Talley—2.

#### MOTION

Senator Gould moved the rules be suspended and Engrossed Second Substitute Senate Joint Resolution No. 111 be advanced to third reading, the second reading considered the third, and the resolution be placed on final passage.

Debate ensued.

Senator Lysen 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 Gould that the rules be suspended and Engrossed Second Substitute Senate Joint Resolution No. 111 be advanced to third reading and final passage.

## ROLL CALL

The Secretary called the roll and the motion by Senator Gould carried by the following vote: Yeas, 29; nays, 17; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Moore, Peterson, Quigg, Ridder, Scott, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—29.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Jones, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Sellar, von Reichbauer—17.

Absent or not voting: Senator Lee—1.

Excused: Senators Rasmussen, Talley—2.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Joint Resolution No. 111.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Joint Resolution No. 111 and the resolution failed to pass the Senate by the following vote: Yeas, 31; nays, 16; excused, 2.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Haley, Hansen, Hemstad, Jones, Kiskaddon, Lee, Lysen, McDermott, Moore, Patterson, Peterson, Quigg, Ridder, Scott, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—31.

Voting nay: Senators Benitz, Clarke, Craswell, Deccio, Gould, Guess, Hayner, Hughes, Hurley, McCaslin, Metcalf, Newhouse, Pullen, Sellar, Shinpoch, von Reichbauer—16.

Excused: Senators Rasmussen, Talley—2.

ENGROSSED SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 111, having failed to receive the constitutional two-thirds majority, was declared lost.

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Gould served notice that she would, on the next working day, move for reconsideration of the vote by which Engrossed Second Substitute Senate Joint Resolution No. 111 failed to pass the Senate.

## REMARKS BY THE PRESIDENT

President Cherberg: "Senator Gould, at this stage of the session, it will be necessary for you to make your motion to reconsider some time on this working day, per rule 37."

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Gould, the motion for reconsideration on the failure of Engrossed Second Substitute Senate Joint Resolution No. 111 was made a special order of business for 4:30 p.m. today.

## MOTION

On motion of Senator Clarke, the Senate commenced consideration of Engrossed House Bill No. 554.

## SECOND READING

ENGROSSED HOUSE BILL NO. 554, by Representatives Burns, Eng, Maxie, Bender, Tupper and Isaacson:

Allowing cities or towns to borrow on expected revenues from utility projects.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Engrossed House Bill No. 554 was advanced to third reading, the second 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. 554 and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—39.

Voting nay: Senators Craswell, Deccio, Hughes, Hurley, Lysen, McCaslin, Metcalf—7.

Absent or not voting: Senator Pullen—1.

Excused: Senators Rasmussen, Talley—2.

ENGROSSED HOUSE BILL NO. 554, having received the 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. 1015, by House Committee on Ways and Means (originally sponsored by Representatives Greengo, Sommers, Chandler, O'Brien, Struthers, Warnke, Tilly, Thompson, Williams, Armstrong, Ellis, Sanders, Maxie, Cantu, Teutsch and Johnson):

Providing for construction of state convention and trade center.

## REPORT OF STANDING COMMITTEE

February 17, 1982.

SUBSTITUTE HOUSE BILL NO. 1015, providing for the construction of the state convention and trade center (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 8, after "account." insert "Chapter 82.32 RCW applies to the tax imposed under this section."

On page 2, beginning on line 26, after "general" strike all material down to and including "bond retirement" on line 27

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Fleming, Haley, Jones, Lee, McDermott, Ridder, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Scott, the committee amendment to page 5, line 8 was adopted.

Senator Scott moved adoption of the committee amendment to page 2, beginning on line 26.

## POINT OF INQUIRY

Senator Lysen: "Senator Scott, with your amendment we just adopted, is it not true that if this is financially not fully successful, the bond obligation will revert to the general taxpayers of the state of Washington, is that correct?"

Senator Scott: "That is true, Senator Lysen. It is also true that the proposed tax on hotels and motels which I will describe when we are on third reading, has a large reserve ratio in it so that it is virtually impossible, short of a full depression situation where you come anywhere near the margin. The second provision in the bill is that the state has the power to cause those rates to be raised to cover whatever is needed in the way of revenues. The state is never left with its back to the wall as it were, holding the bag."

The motion by Senator Scott carried and the committee amendment to page 2, line 26 was adopted.

Senator Pullen moved adoption of the following amendment:

On page 1, line 12, after "a" and before "lesser" insert "measurable but much"

On motion of Senator Scott, the amendment by Senator Pullen was laid upon the table.

On motion of Senator Kiskaddon, the following amendment by Senators Kiskaddon and Scott was adopted:

On page 1, line 18, strike everything beginning with "The" and ending with "corporation." on line 20, and add the following:

"The Governor is authorized to form a public nonprofit corporation in the same manner as a private nonprofit corporation is formed under chapter 24.03 RCW. The public corporation shall be an instrumentality of the state and have all the powers and be subject to the same restrictions as are permitted or prescribed to private nonprofit corporations, but shall exercise those powers only for carrying out the purposes of this act and those purposes necessarily implied therefrom. The governor shall appoint a board of nine directors for the corporation who shall serve terms of six years, except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. The directors may provide for the payment of their expenses."

Senator Pullen moved adoption of the following amendment by Senator Pullen, Craswell and McCaslin:

On page 2, line 1, after "purchase," strike "condemnation of privately owned land,"

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:

On page 2, line 4, after "is" strike "necessary or appropriate" and insert "authorized by law"

On motion of Senator Scott, the amendment was laid upon the table.

## MOTION

On motion of Senator Bluechel, Senator Pullen was excused.

Senator Goltz moved adoption of the following amendment by Senators Rasmussen and Pullen:

On page 2, line 12, after "offering" insert "at an interest rate not to exceed twelve percent"

Debate ensued.

Senator Goltz 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 Senators Rasmussen and Pullen.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; nays, 27; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Bottiger, Conner, Gallagher, Gaspard, Goltz, Hughes, Hurley, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Shinpoch, Talmadge, Vognild, Williams, Wojahn—18.

Voting nay: Senators Benitz, Bluechel, Charnley, Clarke, Craswell, Fleming, Fuller, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McDermott, Moore, Peterson, Quigg, Ridder, Scott, Sellar, von Reichbauer, Wilson, Woody, Zimmerman—27.

Absent or not voting: Senator Deccio—1.

Excused: Senators Pullen, Rasmussen, Talley—3.

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

On page 4, line 11, after "may" insert "increase the rate of tax imposed in section 9(1) and 9(2) or may".

Senator Pullen moved adoption of the following amendment:

On page 5, line 2, after "Seattle" strike "and two percent in King County outside the city of Seattle" and on line 5, after "Seattle" strike "and two percent in King County outside the city of Seattle"

On motion of Senator Scott, the amendment by Senator Pullen was laid upon the table.

Senator Metcalf moved adoption of the following amendment:

On page 5, line 35 after "units." insert "NEW SECTION. Sec. 11. The provisions of RCW 43.17.200 as now or hereafter amended shall not apply to projects built under this chapter."

Renumber the remaining sections accordingly.

Debate ensued.

## POINT OF INQUIRY

Senator Metcalf: "Senator Shinpoch, perhaps, I don't mean to put you on the spot, could anybody say how much is the art work, you said that the art is cheap, and I just wondered how much was the art work for this chamber? Does anyone know?"

Senator Shinpoch: "Well, I am sure that Representative O'Brien knows, but I do not recall. For the two chambers, I think it was something in the neighborhood of a quarter of a million dollars. However, I don't know how many hours of man-hours went in on it. I was talking with representatives of the arts commission last night and in the portion that they have looked at, that most artists on their grants that they receive out of the arts commission, most artists do not make minimum wage. And that was the basis of my statement."

Further debate ensued.

## POINT OF INQUIRY

Senator Wojahn: "Senator Metcalf, it occurs to me that it might be possible, and I wonder if you would believe that this might be a good idea, that we perhaps sell what we have here and could we use that money to sell these pictures or acrylics to the convention center, because I think they would fit quite nicely?"

Senator Metcalf: "I think that would be an excellent idea. If we can get anybody to pay anything at all for these I think we should sell them. Maybe this is a good thing too if they will agree to buy these I would withdraw my amendment."

The motion by Senator Metcalf failed and the amendment was not adopted.

On motion of Senator Scott, the rules were suspended, Substitute House Bill No. 1015, 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 Patterson: "Senator Scott, I have, as you well know, a lot of concern with down the road, the possibility that the state of Washington will be asked to pick up a default on the bonds that will be issued. And I would like to have, for the record, what kind of assurance you can give this body that this convention center will not come back to us with a request that we generate additional dollars to pay off the bonded indebtedness."

Senator Scott: "Senator Patterson, in these days, I would be unwise indeed to give you absolute assurance that there is no risk in this project. There is, however, the provision that Senator Shinpoch added that the state legislature has the authority to raise the local revenue base to whatever level is required to pay the bonds.

"And I think the second assurance is that the operating, projected operating costs for the center are less than the surplus, one being \$4,000,000, and the other \$5,000,000 and that the amount required to retire the bonds on a regular basis is less than two-thirds of the amount of the surplus.

"A third assurance is that the taxes levied only on those hotels and motels with more than sixty units and by that we mean the biggest and nationally based operations, places like the Benjamin Franklin and the new Olympic and the new Sheraton, and so forth, that have financial stability. I think that if you had looked at the proforma that came with the bill as carefully as the committee did, you would be convinced it is a very conservative document."

Senator Patterson: "Thank you, that is on the record and the reason I wanted it on the record was to remind of some other projects that the state of Washington was not going to be asked to come back and fund and that came home to haunt us.

"We are talking about \$100,000,000 just in the principal and I am expressing deep concern, that at this particular point in time, we are going into a bond market that is bad, at best, and I am extremely concerned and I think all of you should be that we may be in over our heads and we may be asked to pick up the tab.

"I am going to support it based upon the assurances that were just given, but I hope I am not around here long enough to have to stand up and say 'We told you so.'"

Further debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Scott, in all the consideration and deliberation in putting this bill together, can you tell me why it wasn't King county or Seattle who guaranteed these bonds, for example, King County did the Kingdome, the city of Seattle has done other projects. Why is it they didn't do that, and why did they come to the state?"

Senator Scott: "Senator Bottiger, the answer has to do with two things, one, the limitations on the city of Seattle for a bonding base; secondly, under current market situations and given the budget in the city of Seattle, its known needs over the next three years versus its income base which was restricted by the state of Washington. The state credit is at least as good, even at 13.3, as the city of Seattle."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1015, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; excused, 3.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, Moore, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Talmadge, von Reichbauer, Williams, Woody, Zimmerman—33.

Voting nay: Senators Bauer, Bottiger, Charnley, Craswell, Deccio, Lysen, McCaslin, Metcalf, Newhouse, Shinpoch, Vognild, Wilson, Wojahn—13.

Excused: Senators Pullen, Rasmussen, Talley—3.

SUBSTITUTE HOUSE BILL NO. 1015, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS  
MOTION FOR RECONSIDERATION

The time having come, on motion of Senator Gould, and having given prior notice, the Senate moved to reconsider the vote by which Engrossed Second Substitute Senate Joint Resolution No. 111 failed to pass the Senate earlier today.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Joint Resolution No. 111, on reconsideration.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Joint Resolution No. 111, on reconsideration, and the resolution passed the Senate by the following vote: Yeas, 35; nays, 11; excused, 3.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McDermott, Moore, Peterson, Quigg, Ridder, Scott, Sellar, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—35.

Voting nay: Senators Benitz, Clarke, Craswell, Deccio, Hayner, Hurley, McCaslin, Metcalf, Newhouse, Patterson, Shinpoch—11.

Excused: Senators Pullen, Rasmussen, Talley—3.

ENGROSSED SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 111, having received the constitutional two-thirds percent majority, on reconsideration, was declared passed.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

March 1, 1982.

SENATE BILL NO. 4502, modifying funds apportioned by the superintendent of public instruction (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4502 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bluechel, Craswell, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1982.

SENATE BILL NO. 4578, assessing insurers to support the office of the insurance commissioner (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Bauer, Gaspard, Haley, Jones, Lee, Ridder, Wojahn, Zimmerman.

MINORITY recommendation: Do not pass as amended.

Signed by: Senator Pullen.

Passed to Committee on Rules for second reading.

February 25, 1982.

SENATE BILL NO. 4603, providing the means for the payment of public indebtedness on public improvements (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 4603 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Deccio, Haley, Jones, Lee, McDermott, Ridder, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1982.

SENATE JOINT RESOLUTION NO. 143, providing the means for payment of indebtedness on public improvements (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 143, as originally proposed by Committee on Local Government, be substituted therefor, and that Substitute Joint Resolution Do Pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Deccio, Haley, Jones, Lee, McDermott, Ridder, Zimmerman.

Passed to Committee on Rules for second reading.

## MESSAGES FROM THE HOUSE

March 2, 1982.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 973, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 2, 1982.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 330 and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

March 2, 1982.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 289 and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

March 2, 1982.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 174 and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 973, by Committee on Human Services (originally sponsored by Representatives Wang, Mitchell, Barnes, Kreidler, Vander Stoep, Nelson (D.), Rinehart, Tupper, Stratton, Pruitt, Sherman, Lux and Armstrong):

Providing for reduced temperature settings of residential water heaters.

Referred to Committee on Energy and Utilities.

### MOTION

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

### MOTIONS

On motion of Senator Lee, the Committee on Parks and Ecology was relieved from further consideration of Substitute House Bill No. 914.

On motion of Senator Lee, Substitute House Bill No. 914 was rereferred to the Committee on Labor.

On motion of Senator Lee, the Committee on Natural Resources was relieved from further consideration of House Bill No. 1071.

On motion of Senator Lee, House Bill No. 1071 was rereferred to the Committee on Labor.

At 5:06 p.m., on motion of Senator Clarke, the Senate adjourned until 9:30 a.m., Wednesday, March 3, 1982.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary called the Senate.

## FIFTY-SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 3, 1982.

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 Senator Talley. There being no objection, Senator Talley was excused. The Color Guard, consisting of Pages Leslie Strand and Lisa Nino, presented the Colors. Reverend Ray Morrison, pastor of the Church of the Nazarene of Olympia, offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

March 1, 1982.

**SENATE BILL NO. 3783**, authorizing the physical revaluation of property every six years if statistical adjustments are made (reported by Committee on Ways and Means):

**MAJORITY recommendation:** That Substitute Senate Bill No. 3783 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Craswell, Deccio, Haley, Jones, Lee, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 2, 1982.

**SUBSTITUTE HOUSE BILL NO. 1014**, delineating restrictions on taxing powers of counties, cities, and towns (reported by Committee on Local Government):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Lee, Wilson.

Passed to Committee on Rules for second reading.

March 2, 1982.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1156**, permitting the establishment of cultural arts, stadium, and convention districts (reported by Committee on Local Government):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, Lee.

Passed to Committee on Rules for second reading.

### MESSAGE FROM THE HOUSE

March 2, 1982.

Mr. President: The House has passed: **HOUSE BILL NO. 458**, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE JOINT MEMORIAL NO. 130, by Senators Quigg, Gallagher, Fuller and Haley:

Requesting Congress to pass legislation permitting the shipment of lumber from the west coast by sea.

Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 458, by Representatives Monohon, King (R), Erak and Rosbach:

Establishing commercial salmon net fishing areas.

Referred to Committee on Natural Resources.

## MOTION

At 9:41 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 11:00 a.m.

## MOTION

On motion of Senator Clarke, the Senate was declared to be at ease until 1:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

## MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 4686.

## SECOND READING

SENATE BILL NO. 4686, by Senators Fuller, Hurley, Charnley, Gould and Hemstad:

Providing for energy conservation through the recycling of used oil.

## REPORT OF STANDING COMMITTEE

February 11, 1982.

SENATE BILL NO. 4686, providing for energy conservation through the recycling of used oil (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 17, after "(2)" strike "Establish" and insert "Develop a list of"

On page 2, line 21, strike "adopt rules requiring" and insert "provide"

On page 2, line 21, after "sellers" strike "of more than five hundred gallons"

On page 2, line 22, after "oil" strike "annually,"

On page 2, line 23, after "premises" insert "signs"

On page 2, line 24, after "law," strike "signs"

Signed by: Senators Fuller, Chairman; Bluechel, Goltz, Guess, Hurley, Williams, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Fuller, the committee amendments were adopted.

On motion of Senator Fuller, the rules were suspended, Engrossed Senate Bill No. 4686 was advanced to third reading, the second 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. 4686, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senators Bluechel, Conner, Fleming—3.

Excused: Senator Talley—1.

ENGROSSED SENATE BILL NO. 4686, having received the 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. 4616, by Senators Gould, Moore, Hemstad and Williams: Requiring inverted electric rate structure.

The bill was read the second time by sections.

Senator Bauer moved adoption of the following amendment by Senators Bauer and Zimmerman:

On page 2, line 32, after "structure." insert ": PROVIDED, That locally regulated utilities which have adopted an inverted rate structure by January 1, 1983, are exempt from the provisions of this section"

## POINT OF INQUIRY

Senator Guess: "Senator Bauer, will you please explain to me the proviso, 'Provided that locally regulated utilities . . . Are you now claiming that a PUD is a regulated utility?'"

Senator Bauer: "Regulated in the sense that they elect a board of commissioners that make those determinations. It is strictly local control and locally regulated and that is where the decision ought to be made."

Senator Guess: "I was afraid that you were trying to confuse me by posing that the PUDs are regulated by the UTC and I just wanted to make sure of that."

Senator Bauer: "Senator, I would never try to do that to you, you are too wise for that."

Senator Guess: "That doesn't get my support on the bill, though — only amendments."

The motion by Senator Bauer carried and the amendment was adopted on a rising vote.

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

On page 2, line 18, delete "and cooperatives and mutual corporations"

On page 2, after line 19 add "(8) self regulated private utility" means a private electric company not regulated by the utilities and transportation commission, including cooperatives and mutual corporations."

On page 2, after line 33 add "(3) Each self regulated private utility shall establish by January 1, 1983 a schedule of rates for residential customers which incorporates at least two blocks of electricity (an initial block and at least one additional block) and an inverted rate structure. Each self regulated private utility shall specify the size of the blocks of electricity."

Renumber the remaining paragraphs accordingly.

Debate ensued.

The motion by Senator Sellar carried and the amendments were adopted.

On motion of Senator Gould, the following amendment was adopted:

On page 3, after "rates shall" on line 5, strike all of the material down through "The cost shall" on line 7.

On motion of Senator Gould, the following amendment by Senators Gould and Benitz was adopted:

On page 3, after line 9 insert a new subsection as follows:

"(5) Any utility may exclude from the definition of residential customer any customer with a single billing for both residential and farm uses."

#### MOTION

On motion of Senator Clarke, Senate Bill No. 4616, as amended, was ordered held following consideration of Senate Concurrent Resolution No. 139.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 139, by Senator Guess:

Establishing a joint select committee on state building code.

The resolution was read the second time in full.

On motion of Senator Guess, the rules were suspended, Senate Concurrent Resolution No. 139 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

#### POINT OF INQUIRY

Senator Wilson: "Senator Guess, as we prepare to vote on this, can you give me some assurance that if this resolution is passed and such a select committee is created that it will give at least some consideration to developing a feasible means of acquainting members of the legislature with the more important changes that will be made in various revised codes before they are called upon to vote on those changes?"

Senator Guess: "Senator Wilson, there is a document put out with each code and each time a new code is suggested by the UBC or the National Fire Underwriters code, it is what they call the addenda to the old code. And this could be digested, I think, you wouldn't want the whole thing because it sometimes gets pretty involved. The last one that I remember reading had about 75 pages of changes that were bringing the new standards in so that you could take advantage of the advancing technology in construction.

"We could, as a part of the legislative report, suggest that each time that that digest be further digested for perusal by the legislature and I think that it would help educate them."

Senator Wilson: "Yes, I am sure you are as familiar as I am with the problem where every year or every other year we all vote for a bill out here that adopts certain revised codes having no idea as to what is in them.

"So what is needed, clearly, is not only greatly condensed material, but also the material that will translate certain important technical areas of these codes into terms all the members can understand; and if the joint select committee created by SJR 139 will consider this aspect of the entire process, I would be most grateful and I am sure many members of the legislature would, too."

Senator Guess: "Senator, the science and technology committee that has been meeting regularly on Monday mornings has just this past Monday adopted the procedure that we will have a short bulletin on the advancing technology that we believe is of interest to all legislators, and this could be the vehicle by which this new information could be disseminated and I think your idea is a very good suggestion."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 139 and the resolution passed the Senate by the following vote: Yeas, 39; nays, 8; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—39.

Voting nay: Senators Hansen, Hughes, Lysen, McDermott, Patterson, Peterson, Pullen, Talmadge—8.

Absent or not voting: Senator Conner—1.

Excused: Senator Talley—1.

SENATE CONCURRENT RESOLUTION NO. 139, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE BILL NO. 4616, by Senators Gould, Moore, Hemstad and Williams: Requiring inverted electric rate structure.

The Senate resumed consideration of Senate Bill No. 4616, as amended earlier today.

There being no objection, the Senate moved to reconsider the vote by which the following amendment by Senators Bauer and Zimmerman was adopted:

On page 2, line 32, after "structure," insert ": PROVIDED, That locally regulated utilities which have adopted an inverted rate structure by January 1, 1983, are exempt from the provisions of this section."

On motion of Senator Woody, the following amendment by Senators Woody, Gould and Williams to the amendment by Senators Bauer and Zimmerman was adopted:

On line 5 of the amendment to page 2, line 33, after "section" insert: ": PROVIDED, That the public hearings must be held prior to the adoption of an inverted rate structure"

On motion of Senator Bauer, the amendment by Senators Bauer and Zimmerman as amended by Senators Woody, Gould and Williams was adopted on reconsideration.

## MOTIONS

On motion of Senator Clarke, Senate Bill No. 4616, as amended, will be considered following Engrossed House Bill No. 844.

## SECOND READING

SENATE BILL NO. 4578, by Senators Scott, Deccio, Talmadge, Goltz, Charnley, Benitz and Fleming:

Assessing insurers to support office of insurance commissioner.

## REPORT OF STANDING COMMITTEE

February 26, 1982.

SENATE BILL NO. 4578, assessing insurers to support the office of the insurance commissioner (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 .14.02, chapter 79, Laws of 1947 as last amended by section 2, chapter 233, Laws of 1979 ex. sess. and RCW 48.14.020 are each amended to read as follows:

(1) Subject to other provisions of this chapter, each authorized insurer except title insurers shall on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax on premiums. Except as provided in subsection (2) of this section, such tax shall be in the amount of two and sixteen one-hundredths percent of all premiums, excluding amounts returned to or the amount of reductions in premiums allowed to holders of industrial life policies for payment of premiums directly to an office of the insurer, collected or received by the insurer during the preceding calendar year in the case of foreign and alien insurers, and in the amount of one and sixteen one-hundredths percent of all such premiums in the case of domestic insurers, for direct insurances, other than ocean marine and foreign trade insurances, after deducting premiums paid to policyholders as returned premiums, upon risks or property resident, situated, or to be performed in this state. For the purposes of this section the consideration received by an insurer for the granting of an annuity shall not be deemed to be a premium.

(2) In the case of insurers which require the payment by their policyholders at the inception of their policies of the entire premium thereon in the form of premiums or premium deposits which are the same in amount, based on the character of the risks, regardless of the length of term for which such policies are written, such tax shall be in the amount of two and sixteen one-hundredths percent of the gross amount of such premiums and premium deposits upon policies on risks resident, located, or to be performed in this state, in force as of the thirty-first day of December next preceding, less the unused or unabsorbed portion of such premiums and premium deposits computed at the average rate thereof actually paid or credited to policyholders or applied in part payment of any renewal premiums or premium deposits on one-year policies expiring during such year.

(3) Each authorized insurer shall with respect to all ocean marine and foreign trade insurance contracts written within this state during the preceding calendar year, on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax of ~~((three-quarters))~~ ninety-one one-hundredths of one percent on its gross underwriting profit. Such gross underwriting profit shall be ascertained by deducting from the net premiums (i.e., gross premiums less all return premiums and premiums for reinsurance) on such ocean marine and foreign trade insurance contracts the net losses paid (i.e., gross losses paid less salvage and recoveries on reinsurance ceded) during such calendar year under such contracts. In the case of insurers issuing participating contracts, such gross underwriting profit shall not include, for computation of the tax prescribed by this subsection, the amounts refunded, or paid as participation dividends, by such insurers to the holders of such contracts.

(4) The state does hereby preempt the field of imposing excise or privilege taxes upon insurers or their agents, other than title insurers, and no county, city, town or other municipal subdivision shall have the right to impose any such taxes upon such insurers or their agents.

(5) If an authorized insurer collects or receives any such premiums on account of policies in force in this state which were originally issued by another insurer and which other insurer is not authorized to transact insurance in this state on its own account, such collecting insurer shall be liable for and shall pay the tax on such premiums.

(6) This section shall be effective as to and shall govern the payment of all taxes ~~((falling due after the effective date of this code))~~ due for calendar year 1982 and thereafter.

**NEW SECTION.** Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, strike everything after "commissioner;" and insert "amending section .14.02, chapter 79, Laws of 1947 as last amended by section 2, chapter 233, Laws of 1979 ex. sess. and RCW 48.14.020; and declaring an emergency."

Signed by: Senators Scott, Chairman; Bauer, Gaspard, Haley, Jones, Lee, Ridder, Wojahn, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Scott, the committee amendment was adopted.

On motion of Senator Scott, the committee amendment to the title was adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Senate Bill No. 4578 was advanced to third reading, the second 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. 4578, and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McDermott, Metcalf, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—36.

Voting nay: Senators Craswell, Hughes, Hurley, Lysen, McCaslin, Moore, Newhouse, Pullen, Sellar, Shinpoch, von Reichbauer—11.

Absent or not voting: Senator Conner—1.

Excused: Senator Talley—1.

ENGROSSED SENATE BILL NO. 4578, having received the 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 Clarke, Senate Bill No. 4603 and Senate Joint Resolution No. 143 will be considered during the evening session tonight.

### SECOND READING

SENATE BILL NO. 4616, by Senators Gould, Moore, Hemstad and Williams: Requiring inverted electric rate structure.

The Senate resumed consideration of Senate Bill No. 4616, as amended earlier today.

On motion of Senator Bauer, the Senate moved to reconsider the vote by which the following amendment, as amended, was adopted on reconsideration earlier today.

On page 2, line 32, after "structure," insert ": PROVIDED: That locally regulated utilities which have adopted an inverted rate structure by January 1, 1983, are exempt from the provisions of this section: PROVIDED, That the public hearings must be held prior to the adoption of an inverted rate structure."

On motion of Senator Bauer, the following amendment to the amendment was adopted:

On line 4 of the amendment, strike "1983" and insert "1982"

The motion by Senator Bauer carried and the amendment, as amended, on reconsideration was adopted.

On line 4 of the amendment, strike "1983" and insert "1982"

The motion by Senator Bauer carried and the amendment, as amended, on reconsideration was adopted.

On motion of Senator Gould, the rules were suspended, Engrossed Senate Bill No. 4616 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. 4616, and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; absent or not voting, 1; excused, 1.

Voting yea: Senators Bluechel, Bottiger, Charnley, Fleming, Gaspard, Goltz, Gould, Guess, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Moore, Peterson, Quigg, Ridder, Scott, Shinpoch, Talmadge, Vognild, Williams, Wojahn, Woody—27.

Voting nay: Senators Bauer, Benitz, Clarke, Craswell, Deccio, Fuller, Gallagher, Haley, Hansen, Hayner, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer, Wilson, Zimmerman—20.

Absent or not voting: Senator Conner—1.

Excused: Senator Talley—1.

ENGROSSED SENATE BILL NO. 4616, having received the 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 2:03 p.m., on motion of Senator Clarke, the Senate recessed until 7:30 p.m.

### EVENING SESSION

The President called the Senate to order at 7:30 p.m.

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

### REPORTS OF STANDING COMMITTEES

March 3, 1982.

SENATE BILL NO. 4609, revising laws governing labor relations for ferry workers (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 4609 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Hansen, Kiskaddon, Lysen, Metcalf, Peterson, Vognild.

Passed to Committee on Rules for second reading.

March 3, 1982.

SENATE JOINT MEMORIAL NO. 118, petitioning Congress to oppose further reductions in federal funds for postsecondary student assistance programs (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 118 be substituted therefor, and the substitute memorial do pass.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

March 3, 1982.

SENATE JOINT MEMORIAL NO. 128, requesting support of bill to encourage investment of pension funds in home mortgages (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Newhouse, Vognild, Williams.

Passed to Committee on Rules for second reading.

March 3, 1982.

SENATE CONCURRENT RESOLUTION NO. 138, establishing a Joint Select Committee on Expo '86 (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Vognild, Williams.

Passed to Committee on Rules for second reading.

March 3, 1982.

SUBSTITUTE HOUSE BILL NO. 448, prohibiting pull-tab beverage containers (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Newhouse, Vognild, Williams.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

March 3, 1982.

Mr. President: The House has passed: ENGROSSED HOUSE BILL NO. 795, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 3, 1982.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 4469, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 3, 1982.

Mr. President: The House has passed: HOUSE JOINT RESOLUTION NO. 20, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 3, 1982.

Mr. President: The House has passed: SUBSTITUTE HOUSE BILL NO. 733, HOUSE BILL NO. 796, HOUSE BILL NO. 997, SUBSTITUTE HOUSE BILL NO. 1128, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 3, 1982.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 174, HOUSE BILL NO. 289, HOUSE BILL NO. 330, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 3, 1982.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 554,

HOUSE BILL NO. 1067, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE SENATE BILL NO. 4469.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 174,

HOUSE BILL NO. 289,

HOUSE BILL NO. 330,

HOUSE BILL NO. 554,

HOUSE BILL NO. 1067.

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 145, by Senators Gould, McCaslin, Williams, Fuller, Woody, Quigg, Moore, Wilson, Hurley, Newhouse and Hemstad:

Providing for monitoring WPPSS by a legislative subcommittee.

Referred to Committee on Energy and Utilities.

SUBSTITUTE HOUSE BILL NO. 733, by Committee on State Government (originally sponsored by Committee on State Government and Representative Garson):

Extending provisions permitting deductions from state retirement benefits.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 795, by Committee on Labor and Economic Development and Representative Sanders (by Department of Labor and Industries request):

Establishing user fees to allow the department of labor and industries to defray the cost of administering the prevailing wage law and the minor work permit law.

Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 796, by Committee on Labor and Economic Development and Representatives Sanders and Tilly (by Department of Labor and Industries request):

Revising laws on review of apprenticeship programs.

Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 997, by Representatives McDonald, Chandler, Salatino, Johnson, O'Brien, Tupper, Hankins and North:

Abolishing forty percent validation requirement for school districts in certain bond elections, but contingent upon passage of constitutional amendment.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1128, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representatives Ellis and Van Dyken):

Enacting the uniform unclaimed property act.

Referred to Judiciary Committee.

HOUSE JOINT RESOLUTION NO. 20, by Representatives McDonald, Chandler, Salatino, Tupper, North, Johnson and O'Brien:  
 Removing forty percent validation requirement for excess levy elections.  
 Referred to Committee on Ways and Means.

## MESSAGE FROM THE HOUSE

February 24, 1982.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3743 with the following amendments:

On page 2, line 2, after "section" insert "31"

On page 3, line 11, after "section" insert "31"

On page 4, line 1, after "section" insert "31"

On page 4, line 24, after "section" insert "31"

On page 5, line 15, after "section" insert "31", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION

Senator Scott moved the Senate do concur in the House amendments to Substitute Senate Bill No. 3743.

## MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 3743, together with the House amendments and the motion by Senator Scott that the Senate do concur in the House amendments, was made a special order of business for 9:00 p.m. tonight.

## MOTION

On motion of Senator Clarke, the Senate commenced consideration of Engrossed House Bill No. 844.

## SECOND READING

ENGROSSED HOUSE BILL NO. 844, by Representatives Ellis, Johnson and Maxie:

Authorizing public agencies to contract with collection agencies.

The bill was read the second time by sections.

Senator Woody moved adoption of the following amendment by Senators Woody, Quigg and McDermott:

On page 1, line 21, after "debts." insert: "(5) No collection agency may be used in any case in which the collection involves a government error in payment or assessment."

Debate ensued.

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 Senators Woody, Quigg and McDermott.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 28; excused, 1.

Voting yea: Senators Bottiger, Charnley, Conner, Fleming, Gaspard, Hansen, Hughes, Hurley, Lysen, McDermott, Peterson, Quigg, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wojahn, Woody—20.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Scott, Sellar, von Reichbauer, Wilson, Zimmerman—28.

Excused: Senator Talley—1.

Senator Lysen moved adoption of the following amendment by Senators Lysen, Metcalf, Hurley and Quigg:

On page 1, after line 21, insert:

"(5) The provisions of this 1982 act shall not apply to operating agencies formed pursuant to RCW chapter 43.52."

Debate ensued.

Senator Ridder 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 Senators Lysen, Metcalf, Hurley and Quigg.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Craswell, Fleming, Gaspard, Hansen, Hughes, Hurley, Lysen, McDermott, Metcalf, Peterson, Pullen, Quigg, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Moore, Newhouse, Patterson, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senator Talley—1.

On motion of Senator Quigg, the rules were suspended, Engrossed House Bill No. 844 was advanced to third reading, the second 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. 844, and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Vognild, von Reichbauer, Zimmerman—30.

Voting nay: Senators Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody—18.

Excused: Senator Talley—1.

ENGROSSED HOUSE BILL NO. 844, having received the 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. 4061, by Senator Goltz:  
Relating to educational services registration act.

## MOTIONS

On motion of Senator Benitz, Substitute Senate No. 4061 was substituted for Senate Bill No. 4061 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Benitz, the rules were suspended, Substitute Senate Bill No. 4061 was advanced to third reading, the second 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. 4061, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Shipoch, Williams—2.

Excused: Senator Talley—1.

SUBSTITUTE SENATE BILL NO. 4061, having received the 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 ORDER

Senator Rasmussen: "Point of order. I believe Senator Jones has spoken before he made a motion."

Senator Jones: "I always do that, Senator. I did ask for the indulgence of the body. Please indulge me."

Senator Rasmussen: "Well, you are abject enough it will never happen again I presume."

Senator Jones: "Never."

President Cherberg: "The President recognizes Senator Jones again. Senator."

## MOTION TO ENVOKE THREE-MINUTE RULE

Senator Jones: "Thank you. The motion, and I would be willing to wait twenty-four hours or whatever is necessary, but I will speak to the motion.

"I move that each member be limited to one three-minute speech on each subject or motion that comes before the Senate for the remainder of the session, except the mover of the motion or the sponsor of a bill or amendment may have that privilege of closing debate.

"I further move that members be prohibited from yielding time to another member."

## SECOND READING

SENATE BILL NO. 4864, by Senators Goltz and Kiskaddon:

Relating to school districts purchasing school sites owned by department of natural resources or leasing sites at fair rental value.

## MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 4864 was substituted for Senate Bill No. 4864 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Zimmerman, the rules were suspended, Substitute Senate Bill No. 4864 was advanced to third reading, the second 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. 4864, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senators Bluechel, Bottiger, Williams—3.

Excused: Senator Talley—1.

SUBSTITUTE SENATE BILL NO. 4864, having received the 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. 878, by House Committee on Deregulation and Productivity (originally sponsored by Committee on Deregulation and Productivity and Representatives Williams, Johnson, Hastings, Wang, Addison, James and Greengo):

Expanding business license program including creating business license center.

## REPORT OF STANDING COMMITTEE

February 15, 1982

SUBSTITUTE HOUSE BILL NO. 878, expanding the business license program including creating the business license center (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 8, beginning on line 16, after "(i)" strike "~~((Secretary, department of social and health services, and (j))) State radiological control officer,~~ and insert "Secretary, department of social and health services; ~~((and))"~~

On page 8, line 23, after "designee;" strike "and" and insert "~~((and))"~~

On page 8, following line 24, insert "~~((iii)) A representative of a recognized statewide organization of employers, representing a large cross section of the Washington business community, to be appointed by the Governor.~~"

On page 15, line 10, strike all of Section 17 and renumber the remaining sections consecutively.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Vognild.

The bill was read the second time by sections.

On motion of Senator Quigg, the committee amendments were adopted.

On motion of Senator Quigg, the rules were suspended, Substitute House Bill No. 878, 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 Talmadge: "Senator Quigg, no corporate welfare references, Senator. The question I had was, is there any general fund obligation involved in the passage of this bill?"

Senator Quigg: "Senator Talmadge, I don't believe there is an appropriation in the bill, but I think that really what we are doing here is consolidating these license procedures, and we are using existing positions within the state government, existing agency heads come together to serve on their board from time-to-time as needed. So I think that our fiscal impact is negligible, if any at all, and that is the initial. Down the road, though, if it is at all successful as a pilot program, we will have substantial savings as those licensing activities are centralized and made more efficient."

Senator Talmadge: "There is no commitment by the passage of this bill that there be a general fund obligation for the additional areas subject to the business license center down the road?"

Senator Quigg: "That is correct."

## POINT OF INQUIRY

Senator Shinpoch: "Senator Quigg, my question relates to the data processing requirement. You had answered Senator Talmadge's question there was no general fund money and I guess I was wondering how you are going to handle the data processing requirements if there is no general fund money in it?"

Senator Quigg: "As I mentioned earlier, Senator Shinpoch, there is no appropriation in this bill for such a data processing function. From what I can see from the operation of the present pilot program, the data processing system presently handling the pilot program, as I understand, should be sufficient to handle this initial expansion of the program to the additional half-dozen or so licenses that will come under the bill we have here. So to my knowledge there will not be a need for additional or expanded data processing capacity on the part of the business license center."

"Down the road, if the board we are setting up here expands the business license center operations substantially, greater than it is under this bill, such a need could arise, but as you know the state presently, going through a review of its DP operation and we will probably see capacity changes there as well. So quite frankly the data processing requirements of this act, presently, are within the business license center's ability to handle them without additional expenditures. Down the road there may be additional data processing authorities, or requirements, but once again we are simply shifting a lot of those from licensing agencies to this business license center. So I think we would see a concurrent reduction in those, in the business licenses that are being reduced at those other agencies."

Senator Shinpoch: "Senator Quigg, you may be correct, however, the testimony that was in Representative Williams' committee, as I recall, indicated that it would require about 1.6 million of new data processing equipment in order to handle this. Maybe there has been something worked out that was not presented in front of that committee that I am not aware of, but that is my recollection of it, that it was about 1.6 and if that is correct, well, then, somewhere soon there certainly has to be an appropriation."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 878, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Hughes, Lysen, McDermott, Ridder, Shinpoch—5.

Excused: Senator Talley—1.

SUBSTITUTE HOUSE BILL NO. 878, 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. 946, by House Committee on Transportation (originally sponsored by Representatives Patrick, Walk and Lundquist) (by Governor Spellman request):

Modifying provisions relating to traffic safety commission.

## REPORT OF STANDING COMMITTEE

February 15, 1982.

SUBSTITUTE HOUSE BILL NO. 946, modifying provisions relating to the traffic safety commission (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 23, after "office" insert "familiar with the traffic safety commission"

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Hansen, Peterson, Talley, Vognild.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the committee amendment was adopted.

On motion of Senator von Reichbauer, the rules were suspended, Substitute House Bill No. 946, 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. 946, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Hughes, Lysen—2.

Excused: Senator Talley—1.

SUBSTITUTE HOUSE BILL NO. 946, 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. 1013, by House Committee on Labor and Economic Development and Representatives Nelson (G.), Sanders, King (J.), Patrick, Cole, Barr, Lux and Johnson:

Establishing a limited small business innovators' opportunity program.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, House Bill No. 1013 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 Quigg, this appears to be a service that is needed and the bill proposes that the costs will be recovered so the people paying the service will be charged for it. This being the case if there is a needed service, one that people will be willing to pay for, why shouldn't private enterprise supply this service rather than the government getting involved?"

Senator Quigg: "Senator Wilson, the universities, the colleges of the state of Washington are going to be involved in this; provides an opportunity for university students to work with the innovators and inventors in developing these programs and as such it is, I think, a legitimate role for the state to be involved in, and since we have these resources available, and that is students interested in learning their professions in a real world application to provide them with pilot project opportunities develop these inventions and innovations, I think it is something the public sector can do and do quite well."

## POINT OF INQUIRY

Senator Bottiger: "Senator Quigg, I think this is an excellent idea but I do have one problem with it. The small business inventors and innovators that I have had contact with, their highest cost is the patent search which is something that has turned off more good ideas than I have ever seen. You will have somebody come in with what looks like a good idea to me, I take it from this we can submit that to the school of engineering or whatever other department of one of our institutions of higher learning, they will evaluate it and we will sort out the perpetual motion machines and things like that.

"But is there anything in here that will help them pick up that patent search cost or the patent attorney cost which is what usually turns off more good ideas than anything else I have seen?"

Senator Quigg: "Well, Senator Bottiger, responding to your first point that patent searches turn off products development innovation, I guess it depends, maybe as you know, on the intensity and detail of the patent search; there are patent searches and patent searches and as you get further along the path of development, you get involved in much more detailed and much broader patent searches, and this bill, on page 2, Sec. 3 sub (3), says that the department will 'Cooperate with institutions of higher education to evaluate proposals for marketability, suitability for patent rights and for . . . professional research and counseling;'. So while that is probably not paying the attorney fees, I think that some of those cursory searches could be accomplished with the assistance of these folks in the higher education institutions."

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Senator Quigg, would the state institution be bound by the terms of confidentiality that would apply to an attorney-client relationship so that submitting it to a state university and the use of state funds would not be a publication that would render the patent inapplicable because it had been published with a public institution?"

Senator Quigg: "That is the intent of the legislation, Senator Bottiger."

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1013, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Clarke, Hughes, Lysen, McDermott, Rasmussen—5.

Excused: Senator Talley—1.

HOUSE BILL NO. 1013, having received the 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. 268, by House Committee on Ethics, Law and Justice (originally sponsored by House Committee on Ethics, Law and Justice and Representatives Ellis, Hine, Burns and Rust):

Delaying vehicle license renewal until unpaid parking fines are paid.

The Senate commenced consideration of Substitute House Bill No. 268 and the committee amendment to page 9, line 24. There being no objection, the measure was held for consideration later tonight.

## MOTION

On motion of Senator Clarke, the Senate returned to the fourth order of business.

## SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate resumed consideration of the following House Message on Substitute Senate Bill No. 3743 and the House amendments. Earlier today, Senator Scott had moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3743.

## MESSAGE FROM THE HOUSE

February 24, 1982.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3743 with the following amendments:

On page 2, line 2, after "section" insert "31"

On page 3, line 11, after "section" insert "31"

On page 4, line 1, after "section" insert "31"

On page 4, line 24, after "section" insert "31"

On page 5, line 15, after "section" insert "31", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

The motion by Senator Scott carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 3743.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3743, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talmadge, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Ridder—1.

Excused: Senator Talley—1.

SUBSTITUTE SENATE BILL NO. 3743, 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 24, 1982.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 4437 with the following amendments:

On page 5, line 2, after "sale" insert "unless otherwise specified in an agreement between the producer and the dealer in livestock"

On page 5, beginning on line 5, strike all of subsection (1) and insert:

"(1) ((Any person is guilty of a gross misdemeanor who assumes or attempts to act or acts as a commission merchant, dealer, broker, cash buyer, or agent without a license, or any licensee who)) Except as provided in subsection (2) of this section, a person who violates the provisions of this chapter or fails to comply with the rules adopted under this chapter is guilty of a gross misdemeanor.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Substitute Senate Bill No. 4437.

### POINT OF INQUIRY

Senator Bottiger: "Senator Hansen, would you explain to us what this does? I realize that Senator Newhouse is doing what I asked him to do, but we had hoped to have some circulation before this bounces up on the calendar."

Senator Hansen: "Really and truly what it does, the House is playing its usual act that they have to change things so they change it out of one section, put it in another section and then had to change the section they had taken it out of. They haven't changed the bill two bits worth but they had to make a change."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4437, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talley—1.

SUBSTITUTE SENATE BILL NO. 4437, 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. 1041, by House Committee on Agriculture (originally sponsored by Representatives Fiske, Galloway, Van Dyken and Smith):

Applying marketing contract provisions to foreign agricultural cooperative associations.

The bill was read the second time by sections.

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1041 was advanced to third reading, the second 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. 1041, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talley—1.

SUBSTITUTE HOUSE BILL NO. 1041, having received the 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. 457, by House Committee on Transportation and Representative Garson:

Revising common carrier requirements.

## REPORT OF STANDING COMMITTEE

February 17, 1982.

REENGROSSED HOUSE BILL NO. 457, revising common carrier requirements, (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 22, after "commission." insert the following new section:

**"NEW SECTION.** Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing public institutions and shall take effect immediately."

On page 1, line 4 of the title, after "RCW 81.29.020" insert "; and declaring an emergency"

Signed by: Senators Patterson, Vice Chairman; Benitz, Conner, Gallagher, Guess, Hansen, Peterson, Talley, Vognild.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the committee amendment was adopted.

On motion of Senator von Reichbauer, the committee amendment to the title was adopted.

### POINT OF INQUIRY

Senator Rasmussen: "Senator von Reichbauer, you are going to strike this, has this label, how are they going to be labeled? What colors are you going to use so you know whether they are handling . . ."

Senator von Reichbauer: "Under United States department of transportation, the lading requirement is not encircled with red but the list is on the sheet itself that it is hazardous material in it. The United States department of transportation has declared that it must be listed as hazardous on the sheet itself."

Senator Rasmussen: "Well, Senator, suppose that tanker truck overturns out here some place, the bill of lading is not available, how are the fire fighters or whomever, even the state patrolmen, going to know whether they can approach this vehicle safely or whether it has an extra-hazardous cargo? It should have something else besides the bill of lading."

Senator von Reichbauer: "Senator Rasmussen, as you are well aware of the transportation, trucks in this state and nationally under the United States department of transportation, are placarded if they are hazardous. So there would be placards on it. It would be clearly listed as 'hazardous.' This is a new law put forth by the United States department of transportation."

Debate ensued.

On motion of Senator von Reichbauer, the rules were suspended, Reengrossed House Bill No. 457, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 457, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—39.

Voting nay: Senators Charnley, Fleming, Hughes, Hurley, Lysen, Moore, Ridder, Talmadge, Williams—9.

Excused: Senator Talley—1.

REENGROSSED HOUSE BILL NO. 457, 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 JOINT MEMORIAL NO. 14, by Representatives Flanagan, Polk, Scott, Barrett, O'Brien, Sanders, Hankins, Garrett, Thompson, Barr, Warnke, Brown, Smith, King (J.), James, Lundquist, Johnson, Lewis, Bickham, Chamberlain, Prince and Clayton:

Requesting mutually beneficial foreign trade agreements.

The memorial was read the second time in full.

On motion of Senator Newhouse, the rules were suspended, Engrossed House Joint Memorial No. 14 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 Engrossed House Joint Memorial No. 14, and the memorial passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Guess, Pullen—2.

Excused: Senator Talley—1.

ENGROSSED HOUSE JOINT MEMORIAL NO. 14, having received the constitutional majority, was declared passed.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 762, by House Committee on State Government (originally sponsored by House Committee on State Government and Representatives Addison and Berleen):

Reorganizing commissions, boards, and councils.

## REPORT OF STANDING COMMITTEE

February 16, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 762, reorganizing commissions, boards, and councils (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause, and insert the following:

"NEW SECTION. Section 1. There is added to chapter 2.10 RCW a new section to read as follows:

The Washington judicial retirement board established by this chapter is abolished. All powers, duties, and functions of the board are transferred to the director of retirement systems.

Sec. 2. Section 7, chapter 149, Laws of 1979 and RCW 28A.41.412 are each amended to read as follows:

The remediation program provided for in RCW 28A.41.400 through 28A.41.410 shall constitute an integral portion of the state urban, rural, racial and disadvantaged program provided for in RCW 28A.41.250 through 28A.41.290, but shall not be subject to the provisions of RCW (~~28A.41.260 through~~) 28A.41.270 and 28A.41.280.

Sec. 3. Section 28B.20.402, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.402 are each amended to read as follows:

The management and control of such institute shall be vested in a director appointed by the board of regents of the University of Washington (~~(-and an advisory board of not more than seven members to be appointed by the president of the university from the faculty thereof)).~~

Sec. 4. Section 28B.20.412, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 62, Laws of 1973 and RCW 28B.20.412 are each amended to read as follows:

The center shall be administered by the board of regents of the University of Washington (~~(with the assistance of a nonsalaried advisory committee consisting of the dean of the school of medicine of the University of Washington, the assistant secretaries for the divisions of health services, social services, service delivery, and vocational rehabilitation services of the department of social and health services, the superintendent of public instruction, and three other members approved by the president of the University of Washington)).~~

NEW SECTION. Sec. 5. There is added to chapter 41.26 RCW a new section to read as follows:

The Washington law enforcement officers' and fire fighters' retirement board established by this chapter is abolished. All powers, duties, and functions of the board are transferred to the director of retirement systems.

Sec. 6. Section 6, chapter 209, Laws of 1969 ex. sess. as last amended by section 27, chapter 3, Laws of 1981 and RCW 41.26.060 are each amended to read as follows:

The administration of this system is hereby vested in the ~~((board of the Washington public employees'))~~ director of retirement systems ~~((pursuant to RCW 41.26.050)),~~ and the ~~((board))~~ director shall:

(1) Keep in convenient form such data as shall be deemed necessary for actuarial evaluation purposes;

(2) As of March 1, 1970, and at least every two years thereafter, through its actuary, make an actuarial valuation as to the mortality and service experience of the beneficiaries under this chapter and the various accounts created for the purpose of showing the financial status of the retirement fund;

(3) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary;

(4) Keep a record of all its proceedings, which shall be open to inspection by the public;

(5) From time to time adopt such rules and regulations not inconsistent with this chapter, for the administration of the provisions of this chapter, for the administration of the fund created by this chapter and the several accounts thereof, and for the transaction of the business of the ~~((board))~~ system;

(6) Prepare and publish annually a financial statement showing the condition of the fund and the various accounts thereof, and setting forth such other facts, recommendations and data as may be of use in the advancement of knowledge concerning the Washington law enforcement officers' and fire fighters' retirement system, and furnish a copy thereof to each employer, and to such members as may request copies thereof;

(7) ~~((Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;~~

~~(8))~~ Perform such other functions as are required for the execution of the provisions of this chapter;

~~((9) No member of the board shall be liable for the negligence, default or failure of any employee or of any other member of the board to perform the duties of his office and no member of the board shall be considered or held to be an insurer of the funds or assets of the retirement system but shall be liable only for his own personal default or individual failure to perform his duties as such member and to~~

~~exercise reasonable diligence in providing for the safeguarding of the funds and assets of the system;~~

~~((10))~~ (8) Fix the amount of interest to be credited at a rate which shall be based upon the net annual earnings of the fund for the preceding twelve-month period and from time to time make any necessary changes in such rate;

~~((11))~~ (9) Pay from the department of retirement systems expense fund the expenses increased in administration of the retirement system from those funds appropriated for that purpose;

~~((12))~~ (10) Perform any other duties prescribed elsewhere in this chapter(~~: PROVIDED, That all disability claims shall be submitted and approved or disapproved by the disability boards established by this chapter and the retirement board shall have authority to approve or disapprove disability retirement requests only~~);

~~((13))~~ (11) Issue decisions relating to appeals initiated pursuant to RCW 41.16.145 and 41.18.104 as now or hereafter amended and shall be authorized to order increased benefits pursuant to RCW 41.16.145 and 41.18.104 as now or hereafter amended.

NEW SECTION. Sec. 7. There is added to chapter 41.32 RCW a new section to read as follows:

The retirement board (or board of trustees) established by this chapter is abolished. All powers, duties, and functions of the board are transferred to the director of retirement systems.

NEW SECTION. Sec. 8. There is added to chapter 41.40 RCW a new section to read as follows:

The retirement board established by this chapter is abolished. All powers, duties, and functions of the board are transferred to the director of retirement systems.

NEW SECTION. Sec. 9. There is added to chapter 41.50 RCW a new section to read as follows:

(1) The director shall assume all powers, duties, and functions of the retirement boards abolished by sections 1, 5, 7, 8, and 17 of this act except as otherwise assigned in this section.

(2) There is hereby created a state advisory committee to the department of retirement systems which shall serve in an advisory capacity to the director of retirement systems. The committee shall consist of twelve members appointed by the governor as provided in this section:

(a) Three active members and one retired member of the public employees' retirement system;

(b) Two active members, one a law enforcement officer and the other a fire fighter, and one retired fire fighter, of the law enforcement officers' and fire fighters' retirement system;

(c) Two active members, one a teacher and the other an administrator, and one retired member of the teachers' retirement system;

(d) One active member of the state patrol retirement system;

(e) One active member of the judicial retirement system.

The active members appointed under subsections (a), (b), (c), and (d) of this subsection shall be selected from a list of three nominees submitted by each organization representing active members. The retired members appointed under subsections (a), (b), and (c) of this subsection shall be selected from a list of three nominees submitted by each organization representing retired members. The member appointed under subsection (e) of this subsection shall be appointed from a list of three nominees submitted by the state supreme court.

Members shall serve staggered three-year terms as determined by the governor. Members shall serve without compensation but shall be reimbursed for travel

expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) The advisory committee shall at its first meeting of each fiscal year elect a chairperson and vice chairperson.

(4) The chairperson shall annually appoint from the committee members a subcommittee for each retirement system covered by this chapter. Each subcommittee shall have one committee member representing the system for which appointed and two other committee members who represent any other system. The subcommittees shall meet upon the call of the director to review all disability appeals cases which have been heard by a hearings examiner. Having considered the report of the hearings examiner and all other legally pertinent material, the subcommittee shall make a recommendation to the director for the disposition of the appeal.

**NEW SECTION.** Sec. 10. There is added to chapter 43.19 RCW a new section to read as follows:

The automotive policy board established by this chapter is abolished. All powers, duties, and functions of the board are transferred to the department of general administration.

Sec. 11. Section 4, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.570 are each amended to read as follows:

(1) The department shall direct and be responsible for the acquisition, operation, maintenance, storage, repair, and replacement of state motor vehicles under its control. The department shall utilize state facilities available for the maintenance, repair, and storage of such motor vehicles, and may provide directly or by contract for the maintenance, repair, and servicing of all motor vehicles, and other property related thereto and under its control;

(2) The department may arrange, by agreement with agencies, for the utilization by one of the storage, repair, or maintenance facilities of another, with such provision for charges and credits as may be agreed upon. (~~Any such agreement shall be subject to the approval of the automotive policy board established pursuant to RCW 43.19.580.~~) The department may acquire and maintain storage, repair, and maintenance facilities for the motor vehicles under its control from such funds as may be appropriated by the legislature.

Sec. 12. Section 10, chapter 167, Laws of 1975 1st ex. sess. as amended by section 102, chapter 151, Laws of 1979 and RCW 43.19.600 are each amended to read as follows:

(1) On or after July 1, 1975, any passenger motor vehicles currently owned or hereafter acquired by any state agency, except vehicles acquired from federal granted funds and over which the federal government retains jurisdiction and control, may be purchased by or transferred to the department of general administration with the consent of the state agency concerned. The director of general administration may accept vehicles subject to the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 prior to July 1, 1975, if he deems it expedient to accomplish an orderly transition.

(2) The department, in cooperation with the office of financial management, shall study and ascertain current and prospective needs of state agencies for passenger motor vehicles and shall recommend transfer to a state motor pool or other appropriate disposition of any vehicle found not to be required by a state agency.

(3) The (~~automotive policy board~~) department shall direct the transfer of passenger motor vehicles from a state agency to a state motor pool or other disposition as appropriate, based on a study under subsection (2) of this section, or after a public hearing held by the department, if a finding is made based on testimony and data therein submitted that the economy, efficiency, or effectiveness of state government would be improved by such a transfer or other disposition of passenger motor vehicles. Any dispute over the accuracy of testimony and data submitted as to the

benefits in state governmental economy, efficiency, and effectiveness to be gained by such transfer shall be resolved by ~~((a majority vote of the automotive policy board established by RCW 43.19.580))~~ the governor or the governor's designee.

Sec. 13. Section 5, chapter 167, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 169, Laws of 1980 and RCW 43.41.130 are each amended to read as follows:

The director of financial management, after consultation with other interested or affected state agencies ~~((and approval of the automotive policy board established pursuant to RCW 43.19.580)),~~ shall establish overall policies governing the acquisition, operation, management, maintenance, repair, and disposal of, all passenger motor vehicles owned or operated by any state agency. Such policies shall include but not be limited to a definition of what constitutes authorized use of a state owned or controlled passenger motor vehicle and other motor vehicles on official state business. The definition shall include, but not be limited to, the use of state-owned motor vehicles for commuter ride sharing so long as the entire capital depreciation and operational expense of the commuter ride-sharing arrangement is paid by the commuters. Any use other than such defined use shall be considered as personal use.

Such policies shall also include the widest possible use of gasohol and cost-effective alternative fuels in all motor vehicles owned or operated by any state agency. As used in this section, "gasohol" means motor vehicle fuel which contains more than nine and one-half percent alcohol by volume.

Sec. 14. Section 2, chapter 169, Laws of 1975 1st ex. sess. as amended by section 128, chapter 158, Laws of 1979 and RCW 46.08.066 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the department of licensing is authorized to issue confidential motor vehicle license plates to units of local government and to agencies of the federal government for law enforcement purposes only.

(2) Except as provided in subsections (3) and (4) of this section the use of confidential plates on vehicles owned or operated by the state of Washington by any officer or employee thereof, shall be limited to confidential, investigative, or undercover work of state law enforcement agencies, confidential public health work, and confidential public assistance fraud or support investigations.

(3) Any state official elected on a state-wide basis shall be provided on request with one set of confidential plates for use on official business. When necessary for the personal security of any other public officer, or public employee, the chief of the Washington state patrol may recommend that the director issue confidential plates for use on an unmarked publicly owned or controlled vehicle of the appropriate governmental unit for the conduct of official business for the period of time that the personal security of such state official, public officer, or other public employee may require. The office of the state treasurer may use an unmarked state owned or controlled vehicle with confidential plates where required for the safe transportation of either state funds or negotiable securities to or from the office of the state treasurer.

(4) The director of licensing ~~((; with the approval of the automotive policy board established pursuant to RCW 43.19.580;))~~ may issue rules and regulations governing applications for, and the use of, such plates by law enforcement and other public agencies. The legislative auditor shall periodically examine or require filing of a current listing of the total number of such plates issued to any law enforcement or other public agency. Reports on the utilization of such plates shall be submitted to the legislative budget committee and to the legislature.

NEW SECTION. Sec. 15. There is added to chapter 43.22 RCW a new section to read as follows:

The industrial welfare committee established by this chapter is abolished. All powers, duties, and functions of the committee are transferred to the director of labor and industries.

NEW SECTION. Sec. 16. The department of commerce and economic development advisory council established by RCW 43.31.090 is abolished.

NEW SECTION. Sec. 17. There is added to chapter 43.43 RCW a new section to read as follows:

The retirement board established by this chapter is abolished. All powers, duties, and functions of the board are transferred to the director of retirement systems.

NEW SECTION. Sec. 18. The youth development and conservation committee established by RCW 43.51.520 is abolished.

NEW SECTION. Sec. 19. The oceanographic commission established by RCW 43.94.020 is abolished.

Sec. 20. Section 20, chapter 87, Laws of 1980 and RCW 43.03.028 are each amended to read as follows:

(1) There is hereby created a state committee on salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the president of Washington State University; the chairperson of the State Personnel Board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

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

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

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

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

committee report to the governor shall be provided to the appropriate standing committees of the house and senate upon request.

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

NEW SECTION. Sec. 21. The technical advisory committee for the Washington Poison Prevention Packaging Act established by RCW 70.106.130 is abolished.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

- (1) Section 5, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.050;
- (2) Section 6, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.060;
- (3) Section 2, chapter 85, Laws of 1974 ex. sess. and RCW 28A.41.260;
- (4) Section 17, chapter 130, Laws of 1943 and RCW 38.12.040;
- (5) Section 18, chapter 130, Laws of 1943 and RCW 38.12.050;
- (6) Section 5, chapter 209, Laws of 1969 ex. sess., section 3, chapter 6, Laws of 1970 ex. sess., section 7, chapter 257, Laws of 1971 ex. sess., section 4, chapter 131, Laws of 1972 ex. sess., section 2, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.050;
- (7) Section 4, chapter 80, Laws of 1947, section 1, chapter 17, Laws of 1975 1st ex. sess. and RCW 41.32.040;
- (8) Section 5, chapter 80, Laws of 1947 and RCW 41.32.050;
- (9) Section 6, chapter 80, Laws of 1947, section 89, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.32.060;
- (10) Section 7, chapter 80, Laws of 1947, section 2, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.070;
- (11) Section 8, chapter 80, Laws of 1947 and RCW 41.32.080;
- (12) Section 9, chapter 80, Laws of 1947 and RCW 41.32.090;
- (13) Section 10, chapter 80, Laws of 1947, section 3, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.100;
- (14) Section 3, chapter 274, Laws of 1947, section 2, chapter 291, Laws of 1961, section 2, chapter 174, Laws of 1963, section 3, chapter 271, Laws of 1971 ex. sess., section 3, chapter 190, Laws of 1973 1st ex. sess., section 1, chapter 195, Laws of 1974 ex. sess., section 1, chapter 34, Laws of 1977 ex. sess. and RCW 41.40.030;
- (15) Section 4, chapter 274, Laws of 1947, section 3, chapter 291, Laws of 1961, section 3, chapter 174, Laws of 1963 and RCW 41.40.040;
- (16) Section 5, chapter 274, Laws of 1947, section 90, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.40.050;
- (17) Section 6, chapter 274, Laws of 1947, section 3, chapter 240, Laws of 1949, section 4, chapter 174, Laws of 1963 and RCW 41.40.060;
- (18) Section 6, chapter 167, Laws of 1975 1st ex. sess., section 93, chapter 158, Laws of 1979 and RCW 43.19.580;
- (19) Section 1, chapter 44, Laws of 1975 1st ex. sess. and RCW 43.21E.010;
- (20) Section 2, chapter 44, Laws of 1975 1st ex. sess. and RCW 43.21E.020;
- (21) Section 3, chapter 44, Laws of 1975 1st ex. sess., section 102, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.21E.030;
- (22) Section 4, chapter 44, Laws of 1975 1st ex. sess. and RCW 43.21E.900;
- (23) Section 6, chapter 44, Laws of 1975 1st ex. sess. and RCW 43.21E.910;
- (24) Section 43.22.280, chapter 8, Laws of 1965, section 84, chapter 154, Laws of 1973 1st ex. sess., section 4, chapter 16, Laws of 1973 2nd ex. sess. and RCW 43.22.280;
- (25) Section 43.31.090, chapter 8, Laws of 1965, section 1, chapter 292, Laws of 1975 1st ex. sess., section 108, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.090;
- (26) Section 43.31.100, chapter 8, Laws of 1965 and RCW 43.31.100;

- (27) Section 7, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.950;  
 (28) Section 8, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.952;  
 (29) Section 9, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.954;  
 (30) Section 43.43.140, chapter 8, Laws of 1965 and RCW 43.43.140;  
 (31) Section 43.43.150, chapter 8, Laws of 1965 and RCW 43.43.150;  
 (32) Section 43.43.160, chapter 8, Laws of 1965 and RCW 43.43.160;  
 (33) Section 43.51.520, chapter 8, Laws of 1965, section 2, chapter 96, Laws of 1969 ex. sess. and RCW 43.51.520;  
 (34) Section 1, chapter 243, Laws of 1967 and RCW 43.94.010;  
 (35) Section 2, chapter 243, Laws of 1967 and RCW 43.94.020;  
 (36) Section 3, chapter 243, Laws of 1967 and RCW 43.94.030;  
 (37) Section 4, chapter 243, Laws of 1967 and RCW 43.94.040;  
 (38) Section 5, chapter 243, Laws of 1967 and RCW 43.94.050;  
 (39) Section 6, chapter 243, Laws of 1967 and RCW 43.94.900;  
 (40) Section 7, chapter 243, Laws of 1967 (uncodified);  
 (41) Section 1, chapter 307, Laws of 1955 and RCW 43.96.010 (decodified);  
 (42) Section 2, chapter 307, Laws of 1955, section 1, chapter 15, Laws of 1957, section 1, chapter 109, Laws of 1959, section 5, chapter 152, Laws of 1961 and RCW 43.96.020 (decodified);  
 (43) Section 3, chapter 307, Laws of 1955, section 2, chapter 15, Laws of 1957 and RCW 43.96.030 (decodified);  
 (44) Section 3, chapter 15, Laws of 1957 and RCW 43.96.040 (decodified);  
 (45) Section 4, chapter 15, Laws of 1957 and RCW 43.96.050 (decodified);  
 (46) Section 2, chapter 109, Laws of 1959 and RCW 43.96.060 (decodified);  
 (47) Section 1, chapter 129, Laws of 1961 and RCW 43.96.070 (decodified);  
 (48) Section 4, chapter 1, Laws of 1971 ex. sess. and RCW 43.96B.040;  
 (49) Section 5, chapter 1, Laws of 1971 ex. sess. and RCW 43.96B.050;  
 (50) Section 7, chapter 3, Laws of 1971 ex. sess. and RCW 43.96B.130;  
 (51) Section 1, chapter 315, Laws of 1977 ex. sess. (uncodified);  
 (52) Section 2, chapter 315, Laws of 1977 ex. sess. (uncodified);  
 (53) Section 3, chapter 315, Laws of 1977 ex. sess. (uncodified);  
 (54) Section 41, chapter 99, Laws of 1979 and RCW 43.131.229;  
 (55) Section 83, chapter 99, Laws of 1979 and RCW 43.131.230; and  
 (56) Section 13, chapter 49, Laws of 1974 ex. sess., section 163, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 70.106.130.

**NEW SECTION.** Sec. 23. 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. 24. This act shall take effect June 30, 1982."

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending section 7, chapter 149, Laws of 1979 and RCW 28A.41-.412; amending section 28B.20.402, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.402; amending section 28B.20.412, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 62, Laws of 1973 and RCW 28B.20.412; amending section 6, chapter 209, Laws of 1969 ex. sess. as last amended by section 27, chapter 3, Laws of 1981 and RCW 41.26.060; amending section 4, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.570; amending section 10, chapter 167, Laws of 1975 1st ex. sess. as amended by section 102, chapter 151, Laws of 1979 and RCW 43.19.600; amending section 5, chapter 167, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 169, Laws of 1980 and RCW 43.41.130; amending section 2, chapter 169, Laws of 1975 1st ex. sess. as amended by section 128, chapter 158, Laws of 1979 and RCW 46.08.066; amending section 20, chapter 87, Laws of 1980 and RCW 43.03.028; adding a new section to chapter 2.10 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW;

adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.50 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 43.43 RCW; creating new sections; repealing section 5, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.050; repealing section 6, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.060; repealing section 2, chapter 85, Laws of 1974 ex. sess. and RCW 28A.41.260; repealing section 17, chapter 130, Laws of 1943 and RCW 38.12.040; repealing section 18, chapter 130, Laws of 1943 and RCW 38.12.050; repealing section 5, chapter 209, Laws of 1969 ex. sess., section 3, chapter 6, Laws of 1970 ex. sess., section 7, chapter 257, Laws of 1971 ex. sess., section 4, chapter 131, Laws of 1972 ex. sess., section 2, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.050; repealing section 4, chapter 80, Laws of 1947, section 1, chapter 17, Laws of 1975 1st ex. sess. and RCW 41.32.040; repealing section 5, chapter 80, Laws of 1947 and RCW 41.32.050; repealing section 6, chapter 80, Laws of 1947, section 89, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.32.060; repealing section 7, chapter 80, Laws of 1947, section 2, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.070; repealing section 8, chapter 80, Laws of 1947 and RCW 41.32.080; repealing section 9, chapter 80, Laws of 1947 and RCW 41.32.090; repealing section 10, chapter 80, Laws of 1947, section 3, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.100; repealing section 3, chapter 274, Laws of 1947, section 2, chapter 291, Laws of 1961, section 2, chapter 174, Laws of 1963, section 3, chapter 271, Laws of 1971 ex. sess., section 3, chapter 190, Laws of 1973 1st ex. sess., section 1, chapter 195, Laws of 1974 ex. sess., section 1, chapter 34, Laws of 1977 ex. sess. and RCW 41.40.030; repealing section 4, chapter 274, Laws of 1947, section 3, chapter 291, Laws of 1961, section 3, chapter 174, Laws of 1963 and RCW 41.40.040; repealing section 5, chapter 274, Laws of 1947, section 90, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.40.050; repealing section 6, chapter 274, Laws of 1947, section 3, chapter 240, Laws of 1949, section 4, chapter 174, Laws of 1963 and RCW 41.40.060; repealing section 6, chapter 167, Laws of 1975 1st ex. sess., section 93, chapter 158, Laws of 1979 and RCW 43.19.580; repealing section 1, chapter 44, Laws of 1975 1st ex. sess. and RCW 43.21E.010; repealing section 2, chapter 44, Laws of 1975 1st ex. sess. and RCW 43.21E.020; repealing section 3, chapter 44, Laws of 1975 1st ex. sess., section 102, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.21E.030; repealing section 4, chapter 44, Laws of 1975 1st ex. sess. and RCW 43.21E.900; repealing section 6, chapter 44, Laws of 1975 1st ex. sess. and RCW 43.21E.910; repealing section 43.22.280, chapter 8, Laws of 1965, section 84, chapter 154, Laws of 1973 1st ex. sess., section 4, chapter 16, Laws of 1973 2nd ex. sess. and RCW 43.22.280; repealing section 43.31.090, chapter 8, Laws of 1965, section 1, chapter 292, Laws of 1975 1st ex. sess., section 108, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.090; repealing section 43.31.100, chapter 8, Laws of 1965 and RCW 43.31.100; repealing section 7, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.950; repealing section 8, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.952; repealing section 9, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.954; repealing section 43.43.140, chapter 8, Laws of 1965 and RCW 43.43.140; repealing section 43.43.150, chapter 8, Laws of 1965 and RCW 43.43.150; repealing section 43.43.160, chapter 8, Laws of 1965 and RCW 43.43.160; repealing section 43.51.520, chapter 8, Laws of 1965, section 2, chapter 96, Laws of 1969 ex. sess. and RCW 43.51.520; repealing section 1, chapter 243, Laws of 1967 and RCW 43.94.010; repealing section 2, chapter 243, Laws of 1967 and RCW 43.94.020; repealing section 3, chapter 243, Laws of 1967 and RCW 43.94.030; repealing section 4, chapter 243, Laws of 1967 and RCW 43.94.040; repealing section 5, chapter 243, Laws of 1967 and RCW 43.94.050; repealing section 6, chapter 243, Laws of 1967 and RCW 43.94.900; repealing section 1, chapter 307, Laws of 1955 and RCW 43.96.010 (decodified); repealing section 2, chapter 307, Laws of 1955, section 1,

chapter 15, Laws of 1957, section 1, chapter 109, Laws of 1959, section 5, chapter 152, Laws of 1961 and RCW 43.96.020 (decodified); repealing section 3, chapter 307, Laws of 1955, section 2, chapter 15, Laws of 1957 and RCW 43.96.030 (decodified); repealing section 3, chapter 15, Laws of 1957 and RCW 43.96.040 (decodified); repealing section 4, chapter 15, Laws of 1957 and RCW 43.96.050 (decodified); repealing section 2, chapter 109, Laws of 1959 and RCW 43.96.060 (decodified); repealing section 1, chapter 129, Laws of 1961 and RCW 43.96.070 (decodified); repealing section 4, chapter 1, Laws of 1971 ex. sess. and RCW 43.96B.040; repealing section 5, chapter 1, Laws of 1971 ex. sess. and RCW 43.96B.050; repealing section 7, chapter 3, Laws of 1971 ex. sess. and RCW 43.96B.130; repealing section 7, chapter 243, Laws of 1967 (uncodified); repealing section 1, chapter 315, Laws of 1977 ex. sess. (uncodified); repealing section 2, chapter 315, Laws of 1977 ex. sess. (uncodified); repealing section 3, chapter 315, Laws of 1977 ex. sess. (uncodified); repealing section 41, chapter 99, Laws of 1979 and RCW 43.131.229; repealing section 83, chapter 99, Laws of 1979 and RCW 43.131.230; repealing section 13, chapter 49, Laws of 1974 ex. sess., section 163, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 70.106.130; and providing an effective date."

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Moore, Quigg, Sellar.

The bill was read the second time by sections.

Senator Metcalf moved adoption of the committee amendment.

Senator Guess moved adoption of the following amendment to the committee amendment:

On page 14, after line 2 insert the following new section:

"**NEW SECTION.** Sec. 15. There is added to Chapter 43.21E RCW a new section to read as follows:

Notwithstanding RCW 43.21E.900, within thirty days or after the effective date of this 1982 act, the director shall re-activate the grass burning research advisory committee by appointing new members to the committee. The provisions of this chapter, other than RCW 43.21E.900, shall apply to the re-activated committee."

Renumber the remaining sections consecutively.

### POINT OF INQUIRY

Senator Fleming: "Senator Guess, I might have missed it, but did Representative Barr indicate to you why this was not put on in the house?"

Senator Guess: "Yes, sir, he had it on his desk, let the thing slip by him, Senator, and he is trying to solicit the help of the Senate in correcting the oversight."

The motion by Senator Guess carried and the amendment to the committee amendment was adopted.

On motion of Senator Guess, the following amendment to the committee amendment was adopted:

On page 19, beginning on line 21 through and including line 36, strike all of subsections (19), (20), (21), (22), and (23).

Renumber the remaining subsections consecutively.

The motion by Senator Metcalf carried and the committee amendment, as amended, was adopted.

Senator Metcalf moved adoption of the committee amendment to the title.

On motion of Senator Guess, the following amendment to the committee amendment to the title was adopted:

On page 25, beginning on line 23, after ";" strike everything through and including ";" on line 36 and insert "adding a new section to chapter 43.21E RCW;"

The motion by Senator Metcalf carried and the committee amendment to the title, as amended, was adopted.

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute 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.

### MOTION

On motion of Senator Ridder, Senator Williams excused.

### POINT OF INQUIRY

Senator Talmadge: "Senator Metcalf, I had a couple of questions. The first one was, is this a major gubernatorial reorganization request bill for this session?"

Senator Metcalf: "No, Senator, it isn't. If you will remember we passed that a few days ago when we reorganized the planning and community affairs agency. This is just the one that they were abolishing the unneeded boards and commissions."

Senator Talmadge: "The second question I had, Senator, was after putting back in the grass burners, are we going to save a whole lot of money by the passage of this piece of legislation?"

Senator Metcalf: "We will save a little money but I don't think, most of these we are not spending a lot of money. But it is a money-saving operation, too; not a lot of money but we are in times where every dollar counts, Senator."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 762, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Bottiger, Charnley, Moore, Rasmussen, Ridder—5.

Excused: Senators Talley, Williams—2.

ENGROSSED SUBSTITUTE 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

SUBSTITUTE HOUSE BILL NO. 268, by House Committee on Ethics, Law and Justice (originally sponsored by House Committee on Ethics, Law and Justice and Representatives Ellis, Hine, Burns and Rust):

Delaying vehicle license renewal until unpaid parking fines are paid.

### REPORT OF STANDING COMMITTEE

February 16, 1982.

SUBSTITUTE HOUSE BILL NO. 268, delaying vehicle license renewal until unpaid parking fines are paid (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 9, line 24, strike "1981" and insert "1984"

On page 9, line 26, strike "1981" and insert "1984"

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Pullen, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendments were not adopted.

On motion of Senator Hemstad, the following amendment was adopted:

On page 9, line 21, after "act" strike all the material down through "institutions, and" on line 24.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Guess, this question is out of order because it is probably best asked on final passage. But as I read this bill, if a truck gets a parking ticket and one of those trucks that says on the back 'We paid \$7,000 in highway transportation costs,' and if they get a parking ticket and they come up to renewal time, there will be a 25% surcharge on their \$7,000 because they didn't pay the parking ticket in time. Is that your understanding?"

Senator Guess: "The bill has been discussed in the context of automobiles that make a habit of parking on the streets and ignoring the tickets. And the bill has actually, that concept has not been discussed at all."

Senator Bottiger: "Senator Guess, I would suggest you look at section 1 on page 1 which relates to a vehicle license; and then over on page 2, subsection (2) that imposes 25% fine, and I would suggest Senator, that there would be a 25% surcharge on the renewal of that truck."

Senator Guess: "Senator, I don't think they would ignore a parking ticket with that kind of a 'meat cleaver' hanging over their heads."

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Hemstad, the Senate moved to reconsider the vote by which the committee amendments to Substitute House Bill No. 268 were not adopted.

On motion of Senator Hemstad, the committee amendments, on reconsideration, were adopted.

On motion of Senator Hemstad, the following amendment by Senators Clarke and Hemstad was adopted:

On page 6, beginning on line 8, strike all of section 4, and insert the following:

"Sec. 4. Section 13, chapter 136, Laws of 1979 ex. sess. as last amended by section 6, chapter 19, Laws of 1981 and by section 7, chapter 330, Laws of 1981 and RCW 46.63.110 are each reenacted and amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court may prescribe by rule a schedule of monetary penalties for designated traffic infractions.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to overtime parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. The monetary penalty for failure to respond to a notice of a traffic infraction relating to overtime parking as defined by local law, ordinance, regulation, or resolution shall be set by the local legislative body which originally enacted the local law, ordinance, regulation, or resolution creating the parking offense. The local court, whether a municipal, police, or district court may impose the monetary penalty set by the local legislative body. Such locally set monetary penalty is not subject to the assessments required by RCW 46.81.030 and 43.101.210 and related court rules.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW

relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty and the department may not renew the person's driver's license, or in the case of a standing, stopping, or parking violation the vehicle license, until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid.

(6) There shall be levied and paid into the general fund of the state treasury, a five-dollar fee in addition to the monetary penalty imposed for a traffic infraction other than a parking, standing, stopping, or pedestrian infraction. The five-dollar fee shall not be suspended by the court."

### POINT OF INQUIRY

Senator Rasmussen: "Senator Clarke, on page 8, line 15, 'Every municipality having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles . . . .' So this enlarges the scope of the bill in that it is not related just to standing, stopping, or parking. Is that correct?"

Senator Clarke: "I do not believe so, because if you will read the rest of the underlined language there, that relates to 'a violation of any statute, ordinance, or regulation relating to standing, stopping, or parking, . . .', so forth and so on. I believe that is adequately covered by the following language."

Senator Rasmussen: "I pose another question to you, Senator Clarke. Of course Senator Guess has admitted that his favorite truck driver has a ticket blown off of his windshield, or rained off, that he will pay a 25% increase in his license fee of \$7,000. But in this case, presume that our municipality says 'No truck may stop within the city limits of the town,' and that then if the truck did stop, that then would be a traffic infraction that would be subject to this penalty?"

Senator Clarke: "Well, what you are assuming in effect is that if there is a law and it is broken that is an infraction and I would have to agree with you."

Senator Rasmussen: "Well, I think places like Roseburg where they had a dynamite truck blow up and blew the town apart, why I think they have ordinances like that so this would be taking something else besides just general parking violations?"

Senator Clarke: "I do not think that that is the intent of the bill."

On motion of Senator Hemstad, the following amendments by Senators Clarke and Hemstad to the title were adopted:

On page 1, line 11 of the title, after "RCW;" strike "declaring an emergency;"

In line 6 of the title after "46.63.070;" insert "reenacting and"

In line 7 of the title after "as" strike everything through and including "1980" on line 8, and insert "last amended by section 6, chapter 19, Laws of 1981 and by section 7, chapter 330, Laws of 1981"

On motion of Senator Hemstad, the rules were suspended, Substitute House Bill No. 268, 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 Bottiger: "Senator Hemstad, there is some confusion as to what the 25% applies to. Does it apply to the ticket that you got which is a surcharge; if you

get a ten-dollar ticket, it now becomes twelve-fifty? Or does it apply to the license for the vehicle which might, for a truck or a very expensive car, be, in the case of a new car, I hesitate to say a Datsun or Thunderbird, but it might be up in the two- or three-hundred dollar class as the surcharge for the failure to pay the ticket."

(No reply from Senator Hemstad.)

Senator Guess: "In answer to that, Senator Bottiger, it appears to me from reading page 1 and page 2, that the surcharge goes on to the amount of fine that is posted against that licensed truck."

Senator Bottiger: "Mr. President, Senator Guess, then why, on line 16, does it refer to 'To renew a vehicle license, . . .', and on page 2, ' . . . twenty-five percent' of the 'surcharge referred to in subsection (1) . . .' and the only place I can find a surcharge referred to in section 1 applies to the license fee, not to the ticket."

#### REMARKS BY SENATOR HEMSTAD

Senator Hemstad: "My reading of the section it applies to the surcharge on the ticket itself."

Debate ensued.

#### POINT OF INQUIRY

Senator Vognild: "Senator Hemstad, is there anything in this bill that says that you have to be notified that you have a parking ticket outstanding?"

Senator Hemstad: "Well, if one has a parking ticket outstanding, you have been notified of that because you have been given the infraction itself. And that has happened, and typically what would happen then would have been the followup notices that occur on a local ordinance; and then again the mechanisms of this bill triggered only after there are at least three of those against a particular offender."

Senator Vognild: "But if a parking ticket blows off your car, rained off, as somebody mentioned, is there anything that says you have to be notified before that 25% surcharge can be levied?"

Senator Hemstad: "I can't respond to that with regard to state law, but as a typical local ordinance would do exactly that, and again I repeat, you would have to have at least three of those events occur before this would trigger in. It is a little bit hard to imagine that it would blow off the front of your car three times in a row. The typical situation is one where you have multiple offenders who can have anywhere from fifteen to a hundred of these violations and the impact of the bill will tend to be focused on those repeat violators."

Further debate ensued.

Senators Wilson, Clarke and Guess 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 Substitute House Bill No. 268, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 268, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 17; nays 30; excused, 2. Voting yea: Senators Bluechel, Charnley, Clarke, Craswell, Fuller, Gould, Guess, Hemstad, Hughes, Hurley, Jones, Metcalf, Scott, Talmadge, Wilson, Woody, Zimmerman—17.

Voting nay: Senators Bauer, Benitz, Bottiger, Conner, Deccio, Fleming, Gallagher, Gaspard, Goltz, Haley, Hansen, Hayner, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Vognild, von Reichbauer, Wojahn—30.

Excused: Senators Talley, Williams—2.

SUBSTITUTE HOUSE BILL NO. 268, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 837, by House Committee on State Government (originally sponsored by House Committee on State Government and Representatives Addison, Johnson, Brown, Hankins, James, Greengo, Sprague, Salatino, Tupper, Nisbet, Tilly and Garson):

Providing incentive pay for state employees.

## REPORT OF STANDING COMMITTEE

February 16, 1982.

SUBSTITUTE HOUSE BILL NO. 837, providing incentive pay for state employees (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 7, after line 1, add a new subsection as follows:

"(6) Incentive pay or awards provided under the provisions of this section shall not be included for the purpose of computing a retirement allowance under any public retirement system of this state."

Signed by: Senators Metcalf, Chairman; Benitz, Gallagher, Moore, Quigg, Sellar.

The bill was read the second time by sections.

Senator Metcalf moved adoption of the committee amendment.

On motion of Senator Lee, the following amendment by Senators Lee, Rasmussen and Metcalf to the committee amendment was adopted:

Strike the entire committee amendment and insert the following:

On page 7, after line 1, insert the following:

"NEW SECTION. Sec. 10. There is added to chapter 41.60 RCW a new section to read as follows:

Incentive pay or awards provided under this chapter shall not be included for the purpose of computing a retirement allowance under any public retirement system of this state."

Renumber the sections consecutively and correct any internal references accordingly.

The motion by Senator Metcalf carried and the committee amendment, as amended, was adopted.

On motion of Senator Lee, the following amendments by Senators Lee, Rasmussen and Metcalf were adopted:

On page 3, line 9, after "itself" insert "from documentation submitted by the organizational unit"

On page 4, on line 32, strike "committee's" and insert "board's"

On page 7, after line 10, strike all material down through line 22.

On page 8, on line 2, after "41.60.040;" insert the following:

"(2) Section 6, chapter 142, Laws of 1965 ex. sess., section 7, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.060;"

On page 4, after line 29, insert the following:

"In addition to the amount awarded, the agency shall transfer two percent of the savings to the department of personnel for deposit in the department of personnel service fund. Moneys so transferred shall be used exclusively for the operations of the productivity board. Any moneys remaining unexpended at the end of the fiscal biennium shall revert to the original fund source."

On page 7, line 1, after "suggestion." insert "In addition to the amount awarded, the agency shall transfer two percent of the savings to the department of

personnel for deposit in the department of personnel service fund. Moneys so transferred shall be used exclusively for the operations of the productivity board. Any moneys remaining unexpended at the end of the fiscal biennium shall revert to the original fund source."

On page 7, line 6, after "chapter" insert "shall not exceed fifty thousand dollars per year and"

On page 7, after line 31, insert the following:

"Sec. 13. Section 28, chapter 1, Laws of 1961 as amended by section 1, chapter 215, Laws of 1963 and RCW 41.06.280 re each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "Department of Personnel Service Fund", to be used by the board as a revolving fund for the payment of salaries, wages and operations required for the administration of the provisions of this chapter and chapter 41.60 RCW. An amount not to exceed one percent of the approved allotments of salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher learning and the department of highways, shall be charged to the operations appropriations of each agency and credited to the department of personnel service fund as such allotments are approved pursuant to chapter ~~((328, Laws of 1959 [chapter 43.80 RCW]))~~ 43.88 RCW. Subject to the above limitations, such amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the department with funds to meet its anticipated expenditures during the allotment period.

The director of personnel shall fix the terms and charges for services rendered by the department of personnel pursuant to RCW 41.06.080, which amounts shall be credit to the department of personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a quarterly basis; payment for services so rendered under RCW 41.06.080 shall be made on a quarterly basis to the state treasurer and by him deposited in the department of personnel service fund.

Moneys from the department of personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board."

Renumber the sections consecutively.

On page 8, after line 8, insert the following:

"**NEW SECTION.** Sec. 15. There is appropriated from the department personnel service fund to the department of personnel for the fiscal year ending June 30, 1983, the sum of fifty thousand dollars, or so much thereof as may be necessary, for the operations of the productivity board. Funds expended under this section shall not exceed the revenue to the department of personnel service fund under sections 4 and 9 of this act."

Renumber the sections consecutively.

On page 8, after line 6, insert the following:

"**NEW SECTION.** Sec. 14. There is added to chapter 43.131 RCW a new section to read as follows:

Chapter 41.60 RCW as now existing or hereafter amended shall terminate on June 30, 1987."

Renumber the sections consecutively.

On page 1, on line 10 of the title, after "41.60.050;" strike all material down through "41.60.060;" on line 13

On page 1, on line 18 of the title, after "41.60.040;" insert "repealing section 6, chapter 142, Laws of 1965 ex. sess., section 7, chapter 152, laws of 1969 ex. sess. and RCW 41.60.060;"

On page 1, line 14 of the title, after "41.60.080;" insert "amending section 28, chapter 1, Laws of 1961 as amended by section 1, chapter 215, Laws of 1963 and RCW 41.06.280;"

On page 1, on line 21 of the title, before "decodifying" strike "and" and after "41.60.905" insert "; and making an appropriation"

On page 1, on line 15 of the title, after "41.60 RCW;" insert "adding a new section to chapter 43.131 RCW:"

On page 1, on line 20 of the title, after "41.60.070;" insert "providing an expiration date;"

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 837, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 837, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 3; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senator Sellar—1.

Absent or not voting: Senators Gallagher, Newhouse, Patterson—3.

Excused: Senators Talley, Williams—2.

SUBSTITUTE HOUSE BILL NO. 837, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 751, by House Committee on Ethics, Law and Justice and Representatives Tupper and Monohon:

Increasing maximum salaries for part-time justices of the peace.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Engrossed Substitute House Bill No. 751 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 Hemstad, maybe this is obvious to everyone else but me, but I would like to ask, 'How is a point within the range determined as to what the salary will be?' Is that set by the county commissioners?"

Senator Hemstad: "That is a matter entirely for the county commissioners to determine."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 751, and the bill passed the Senate by the following vote: Yeas, 36; nays 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, Newhouse, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—36.

Voting nay: Senators Craswell, Deccio, Gallagher, Hansen, Lysen, McCaslin, Metcalf, Moore, Patterson, Pullen, Rasmussen—11.

Excused: Senators Talley, Williams—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 751, having received the 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 Moore gave notice that he would, as a special order of business at the end of tonight's consideration of the calendar, move for reconsideration of the vote by which Substitute House Bill No. 268, as amended by the Senate, failed to pass the Senate tonight.

#### PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, if someone who voted on the prevailing side were to move to suspend the rule to allow reconsideration on the next working day, would that be in order?"

#### REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator."

#### SECOND READING

HOUSE BILL NO. 832, by House Committee on Agriculture and Representative Padden:

Authorizing energy conservation programs by irrigation districts.

The bill was read the second time by sections.

On motion of Senator Newhouse, the rules were suspended, House Bill No. 832 was advanced to third reading, the second 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. 832 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senators Conner, Vognild—2.

Excused: Senators Talley, Williams—2.

HOUSE BILL NO. 832, having received the 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

SECOND SUBSTITUTE HOUSE BILL NO. 378, by House Committee on Labor and Economic Development (originally sponsored by Committee on Labor and Economic Development and Representative Sanders):

Revising laws regulating cosmetology.

## REPORT OF STANDING COMMITTEE

February 15, 1982.

SECOND SUBSTITUTE HOUSE BILL NO. 378, revising laws regulating cosmetology (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 32, after "instruction" insert "approved by the examining committee"

On page 5, beginning on line 7, after "who" strike all material down to and including "training," on line 9, and insert "holds a degree in education from an accredited post-secondary institution shall"

On page 13, beginning on line 6, after "as" strike all material down to and including "be" on line 7, and insert "~~((committee secretary. The secretary shall be))~~"

On page 14, line 17, strike the word "other"

Signed by: Senator Quigg, Chairman; Hurley, Jones, Newhouse, Vognild.

The bill was read the second time by sections.

On motion of Senator Quigg, the committee amendments were adopted.

On motion of Senator Quigg, the rules were suspended, Second Substitute House Bill No. 378, 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 Charnley: "Senator Quigg, I just have one concern and I wish to draw a corollary to you. In the areas of nursing we have had some, shall we say, fractious discussions between the state board of nursing and the community colleges and other post-secondary schools that offered nursing because the board of nursing wants to write rules as to what the nurses should pass and what kind of courses, and yet the institutions themselves feel that that is an infringement in their area.

"In the area of cosmetology, I recognize it is different and there are some different areas, different questions, but I just want to be, I guess have your views on, is there any potential here for a similar conflict between the mechanisms being set up here and those schools and voc-tech colleges that do offer cosmetology in terms of that conflict? I think you know what . . . ."

Senator Quigg: "Yes, Senator Charnley, the portion of the law we are dealing with here is not going to affect that relationship at all. And the training that was suitable to get into voc-tech or community college curriculum would be consistent and didn't fit into the law as it is being amended now. So there is no problem there.

"Really the only relationship between the education, the government education programs for cosmetology and the private education programs for cosmetology is that we are, in this bill, requiring that before another program is set up or an existing one is expanded, that they consider the existing supply of that cosmetology education service in that area and if it is not there and they decide to go ahead with it, then that is fine."

Senator Charnley: "Thank you very much, Senator. I appreciate your words on that and I certainly agree with the concept of checking the market for that thing. In that case I urge the members' support."

## POINT OF INQUIRY

Senator Bauer: "Senator Quigg, sorry I didn't ask you about this earlier, but I had some communication relative to whether or not anything in this bill denies access to those schools by the students of the common schools. Would they be denied any access, or change it in any way that junior or seniors or whatever now are allowed to enter as part of their high school program, is that changed in any way?"

Senator Quigg: "Senator Bauer, that access is not impacted by this bill in any way. As I said in my response to Senator Charnley, the only real connection between, as I say, the private cosmetology school and the public is this will simply require the public to evaluate the market before they initiate or expand the cosmetology program."

### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 378, 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 Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senator Rasmussen—1.

Absent or not voting: Senator Conner—1.

Excused: Senators Talley, Williams—2.

SECOND SUBSTITUTE HOUSE BILL NO. 378, 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 FOR RECONSIDERATION

Having voted on the prevailing side, Senator Ridder moved the Senate do now reconsider the vote by which Engrossed Substitute House Bill No. 751 passed the Senate tonight.

Debate ensued.

### POINT OF INQUIRY

Senator Deccio: "Senator Hayner? Would anybody on this bill yield to a question? I guess I want to find out just exactly what is happening. Somebody said we are really not raising the salaries but the way that I read this bill, for districts of 20,000 or more the upper limit is raised from \$22,000 to \$40,000; must mean something I guess; I want somebody to explain it to me."

Senator Hayner: "Mr. President, this just gives the local options to them, to raise them if they want to. It does not require it at all. And if they locally, they do not have the funds and they do not think that they want to do that, they certainly do not have to."

### REMARKS BY SENATOR HEMSTAD

Senator Hemstad: "Mr. President, in further response to Senator Deccio's inquiry, this is the responsibility of the county and the county commissioners. And they have to determine the level of need in that county and we are talking about part-time justices of the peace, and they have to negotiate with somebody at a level to take of whatever the volume of workload is in that particular area. That is why you have the upper and lower limits. I suppose . . . (sic) we have this in state law at all, because, at least it has to have some relationship to the level that other judges are paid. But this is a local issue and we put these lids on, but then allow the county commissioners to negotiate that based upon their level of need. That is all we are doing here."

The President declared the question before the Senate to be the motion by Senator Ridder that the Senate reconsider the vote by which Engrossed Substitute House Bill No. 751 passed the Senate.

The motion for reconsideration by Senator Ridder failed on a rising vote.

**SPECIAL ORDER OF BUSINESS  
MOTION FOR RECONSIDERATION**

The time having arrived, on motion of Senator Moore, the Senate moved to reconsider on a rising vote the vote by which Substitute House Bill No. 268, as amended by the Senate, failed to pass tonight.

**MOTION**

On motion of Senator Clarke, further consideration of Engrossed Substitute House Bill No. 268, on reconsideration, was ordered held for March 4, 1982.

**MOTION**

On motion of Senator Lee, the Committee on Labor was relieved from further consideration of House Bill No. 1071.

On motion of Senator Lee, House Bill No. 1071 was rereferred to the Committee by Natural Resources.

On motion of Senator Lee, the Committee on Parks and Ecology was relieved from further consideration of Senate Bill No. 4841.

On motion of Senator Lee, Senate Bill No. 4841 was rereferred to the Committee on Ways and Means.

**MOTION**

At 11:04 p.m., on motion of Senator Clarke, the Senate adjourned until 9:30 a.m., Thursday, March 4, 1982.

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

## FIFTY-THIRD DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, March 4, 1982.

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 Lysen and Talley. On motion of Senator Ridder, Senators Lysen and Talley were excused.

The Color Guard, consisting of Pages Sara Palmer and Casey Brown, presented the Colors. Reverend Ray Morrison, pastor of the First Church of the Nazarene of Olympia, offered the prayer.

### MOTION

On motion of Senator Clarke, 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 of the Apple Blossom Royalty from Wenatchee and appointed Senators Newhouse, Sellar, Shinpoch, Hansen, Williams and Craswell as a committee of honor to escort the honored guests to the Senate rostrum.

The President turned the gavel over to Senator Sellar to introduce the honored guests: Princess Nancy, Princess Sally and Queen Lisa.

With the permission of the Senate, business was suspended to permit Queen Lisa Spargo to address the Senate.

Senator Sellar returned the gavel to President Cherberg.

The committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

### MOTION

At 9:55 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 11:15 a.m.

At 11:16 a.m., on motion of Senator Clarke, the Senate recessed until 1:00 p.m.

### AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

### REPORTS OF STANDING COMMITTEES

March 4, 1982.

SENATE CONCURRENT RESOLUTION NO. 145, providing for monitoring WPPSS by a legislative subcommittee (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Hurley, Quigg, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

March 3, 1982.

HOUSE BILL NO. 458, establishing commercial salmon net fishing areas (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lysen, Patterson, Peterson, Rasmussen, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1982.

ENGROSSED HOUSE BILL NO. 822, modifying the filing officer's duties and filing fees for amendments under Article 9 of the UCC (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Bauer, Craswell, Deccio, Fleming, Gaspard, Haley, Hughes, Lee, McDermott, Ridder, Zimmerman.

Passed to Committee on Rules for second reading.

February 24, 1982.

HOUSE BILL NO. 841, extending the buy-back program for commercial salmon fishing vessels (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lysen, Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1982.

SUBSTITUTE HOUSE BILL NO. 868, modifying distribution procedures of federal forest funds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Bauer, Craswell, Fleming, Gaspard, Haley, McDermott, Ridder, Zimmerman.

Passed to Committee on Rules for second reading.

March 2, 1982.

SUBSTITUTE HOUSE BILL NO. 890, raising minimum bidding requirements for fire districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, McCaslin.

Passed to Committee on Rules for second reading.

March 3, 1982.

SUBSTITUTE HOUSE BILL NO. 1012, authorizing fees for surveys and maps supplied from DNR (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gallagher, Chairman; Lysen, Patterson, Peterson, Rasmussen, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1982.

HOUSE BILL NO. 1023, increasing the fee for driving record abstracts (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Gallagher, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Vognild.

MINORITY recommendation: Do not pass.

Signed by: Senator Conner.

Passed to Committee on Rules for second reading:

March 3, 1982.

SUBSTITUTE HOUSE BILL NO. 1130, funding the uniform crime reports program of the sheriffs and police chiefs association (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Bauer, Gaspard, Haley, Jones, Lee, McDermott, Ridder, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1149, modifying the state fireworks law (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

### GUBERNATORIAL APPOINTMENTS

March 3, 1982.

CHESTER A. RICHMOND, to the position of Member of the Board of Pilotage Commissioners, reappointed by the Governor on February 1, 1982 for the term ending December 26, 1985 (reported by Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Vognild.

Passed to Committee on Rules.

### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3743,

SUBSTITUTE SENATE BILL NO. 4437.

### MESSAGES FROM THE HOUSE

March 4, 1982.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 751,

HOUSE BILL NO. 832,

HOUSE BILL NO. 844,

HOUSE BILL NO. 1013,

SUBSTITUTE HOUSE BILL NO. 1041,

HOUSE JOINT MEMORIAL NO. 14, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 751,

HOUSE BILL NO. 832,

HOUSE BILL NO. 844,

HOUSE BILL NO. 1013,

SUBSTITUTE HOUSE BILL NO. 1041,

HOUSE JOINT MEMORIAL NO. 14.

## MESSAGES FROM THE HOUSE

March 4, 1982.

Mr. President: The Speaker has signed:  
 SUBSTITUTE SENATE BILL NO. 3743,  
 SUBSTITUTE SENATE BILL NO. 4437, and the same are herewith  
 transmitted.

VITO T. CHIECHI, Chief Clerk.

March 4, 1982.

Mr. President: The Speaker has signed: SUBSTITUTE SENATE BILL NO.  
 4469, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## SECOND READING

SENATE JOINT RESOLUTION NO. 143, by Senators Gallagher, Fleming,  
 Bottiger, Zimmerman, Hemstad, Bauer and Benitz (by Governor Spellman request):  
 Providing means for payment of indebtedness on public improvements.

## MOTIONS

On motion of Senator Zimmerman, Substitute Senate Joint Resolution No. 143  
 was substituted for Senate Joint Resolution No. 143 and the substitute resolution  
 was placed on second reading and read the second time in full.

Senator Hurley moved adoption of the following amendment by Senators  
 Hurley, Talmadge, Hughes, McCaslin, Metcalf and Craswell:

On page 1, line 23, after "indebtedness." insert "A taxing authority incurring  
 public obligations under this section shall provide for public hearings regarding these  
 obligations and shall fully inform the people of any potential for the use of eminent  
 domain."

Debate ensued.

The motion by Senator Hurley carried and the amendment was adopted.

## MOTIONS

On motion of Senator Ridder, Senators Lysen and Hansen were excused.

On motion of Senator Zimmerman, the rules were suspended, Engrossed Sub-  
 stitute Senate Joint Resolution No. 143 was advanced to third reading, the second  
 reading considered the third, and the resolution was placed on final passage.

Senator Williams moved that further action on Engrossed Substitute Senate  
 Joint Resolution No. 143 be deferred following consideration of Senate Bill No.  
 4603.

Debate ensued.

The motion by Senator Williams failed on a rising vote.

The President declared the question before the Senate to be the roll call on final  
 passage of Engrossed Substitute Senate Joint Resolution No. 143.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Sen-  
 ate Joint Resolution No. 143 and the resolution passed the Senate by the following  
 vote: Yeas, 34; nays, 12; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner,  
 Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner,  
 Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, Moore, Patterson, Peterson,

Quigg, Ridder, Scott, Sellar, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Zimmerman—34.

Voting nay: Senators Clarke, Craswell, Deccio, Hurley, McCaslin, Metcalf, Newhouse, Pullen, Rasmussen, Shinpoch, Williams, Woody—12.

Excused: Senators Hansen, Lysen, Talley—3.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 143, having received the constitutional two-thirds majority, was declared passed.

## SECOND READING

SENATE BILL NO. 4603, by Senators Zimmerman, Fleming, Bottiger, Hemstad, Bauer, Benitz and Fuller (by Governor Spellman request):

Providing means for payment of public indebtedness on public improvements.

## MOTIONS

On motion of Senator Scott, Second Substitute Senate Bill No. 4603 was substituted for Senate Bill No. 4603 and the second substitute bill was advanced to second reading and read the second time in full.

On motion of Senator Williams, there being no objection, an amendment to page 2, line 5, on the desk of the Secretary of the Senate, was withdrawn.

Senator Williams moved adoption of the following amendment:

On page 2, line 11, after "provide", insert "in order to eliminate areas which, by reason of deterioration, faulty planning, inadequate or improper facilities, or the existence of unsafe structures, or any combination of these factors, are detrimental to the safety, health or welfare of the community, and are characterized by the existence of the following condition;

(1) The existence of buildings and structures used or intended to be used for living, commercial, industrial or other purposes, or any combination of these uses, which are unfit or unsafe to occupy for these purposes because of any one or any combination of the following conditions:

(A) Defective design and quality of physical construction;

(B) An economic dislocation, deterioration or disuse of property resulting from faulty planning;

(C) The laying out of property or lots in disregard of contours, drainage and other physical characteristics of the terrain and surrounding conditions;

(D) The existence of inadequate streets and other right-of-way, open spaces and utilities;

(E) The existence of property or lots or other areas which are subject to inundation by water;

(F) A prevalence of depreciated values, impaired investments and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered;

(G) A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety, and welfare; or

(H) A loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayers for the creation of new public facilities and services elsewhere"

Debate ensued.

The motion by Senator Williams failed and the amendment was not adopted.

Senator Hurley moved adoption of the following amendment by Senators Hurley, Talmadge, Hughes, McCaslin, Metcalf and Craswell:

On page 2, line 26, after "act." insert " 'Public improvement costs' shall not include costs which may be incurred for eminent domain purposes."

Debate ensued.

The motion by Senator Hurley failed and the amendment was not adopted.

On motion of Senator Lee, the following amendments by Senators Lee, Zimmerman and Charnley were considered and adopted simultaneously:

On page 3, after line 7, strike all material down through line 14 and insert the following:

"(12) "Urbanized area" means an area characterized by intensive use of the land for the location of structures and receiving such urban services as sewers, water, fire and police protection, street lighting, public transportation, and other public utilities and services associated with urban areas and not formally associated with nonurban areas. Not more than twenty-five percent of the area within the proposed apportionment district may be vacant land."

On page 3, line 20, strike "incorporated city or town or an unincorporated"

On motion of Senator Hurley, the amendments to page 3, line 28 and page 4, line 26, on the desk of the Secretary of the Senate, were withdrawn.

Senator Hurley moved adoption of the following amendment by Senators Hurley, Talmadge, Hughes, McCaslin, Metcalf and Craswell:

On page 4, line 34, after "sets" strike "a public hearing" and insert "at least three public hearings"

Debate ensued.

Senator Hurley 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 Senators Hurley, Talmadge, Hughes, McCaslin, Metcalf and Craswell.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 23; nays, 20; absent or not voting, 3; excused, 3.

Voting yea: Senators Conner, Craswell, Deccio, Fuller, Gaspard, Hughes, Hurley, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vogniid, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Bauer, Bluechel, Charnley, Clarke, Fleming, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Peterson, Quigg, Scott, von Reichbauer, Zimmerman—20.

Absent or not voting: Senators Benitz, Bottiger, Sellar—3.

Excused: Senators Hansen, Lysen, Talley—3.

Senator Williams moved adoption of the following amendment:

On Page 4, Section 4, strike all of subsection C and insert:

"The bonds which are to be issued for an improvement are subject to the following conditions and limitations: (1) The amount of bonds which are to issued for an improvement within a taxing district with a population of one hundred thousand or more may not exceed eight-tenths of one percent of the assessed valuation of the property within such taxing district at the time the plan is submitted to the appropriate legislative authority; (2) In any taxing district with a population of less than one hundred thousand but greater than fifty-thousand, the amount of the bonds shall not exceed one and one-half percent of the total assessed valuation of the property within such taxing district at the time the plan is submitted to the appropriate legislative authority; (3) In any taxing district with a population of fifty thousand or less, the amount of the bonds shall not exceed two percent of the total assessed valuation of the property within such taxing district at the time the plan is submitted to the appropriate legislative authority."

Debate ensued.

The motion by Senator Williams failed and the amendment was not adopted.

Senator Hurley moved adoption of the following amendment by Senators Hurley, Hughes, McCaslin, Metcalf and Craswell:

On page 6, line 7, after "act" insert ": PROVIDED, That prior to enactment the ordinance shall be submitted to the voters of the affected legislative authority for their approval and ratification or rejection within the time limitations set forth in this subsection"

Debate ensued.

The motion by Senator Hurley failed and the amendment was not adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Second Substitute Senate Bill No. 4603 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 Williams: "Senator Scott, we have had a general discussion of what the bill might be used for and so forth, but I have never really heard of any specifics and I know that the city of Seattle is very interested in the bill.

"Can you tell me if, after all the planning and the number of years we have worked on this, some particular things that it might be used for in the city of Seattle?"

Senator Scott: "Senator Williams, I cannot give you a list of specifics. I know that most of the areas that are south of Yesler Way, down through the Duwamish valley where there are old hotels that can be remodeled into senior citizen housing was a project that I was cooperating with between the banks and the city as little as four years ago.

"The same might be the case in decayed commercial areas in smaller towns. I think of the downtown area, I use Tenino as an example. A lot of sixty- and seventy-year-old buildings there that are dilapidated. It is the only commercial area for ten or fifteen or twenty miles around. And soon they are going to need renewal and I don't think it is exclusive to city by size, it is more a case of age and deterioration. It may be also a case of opportunity where a developer comes in, wants to put up some commercial structures and is willing to, in effect, help pay for the extension of the utilities and the improvement of streets that have to go therewith.

"So I can't give you a specific list. I would suspect that every major city in the state, including Vancouver, Seattle and Spokane can give you one, though."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 4603, and the bill passed the Senate by the following vote: Yeas, 32; nays, 12; absent or not voting, 2; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McDermott, Moore, Patterson, Peterson, Quigg, Ridder, Scott, Talmadge, Vognild, Wilson, Wojahn, Zimmerman—32.

Voting nay: Senators Clarke, Craswell, Hurley, McCaslin, Metcalf, Newhouse, Pullen, Rasmussen, Shipoch, von Reichbauer, Williams, Woody—12.

Absent or not voting: Senators Deccio, Sellar—2.

Excused: Senators Hansen, Lysen, Talley—3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4603, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 2:45 p.m., on motion of Senator Clarke, the Senate recessed until 7:00 p.m.

## EVENING SESSION

The President called the Senate to order at 7:00 p.m.

## MOTIONS

On motion of Senator Shinpoch, Senator McDermott was excused.

On motion of Senator Fleming, Senator Hughes was excused.

On motion of Senator Clarke, the Senate returned to the third order of business.

## MESSAGE FROM THE GOVERNOR

Office of the Governor, March 4, 1982.

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

LADIES AND GENTLEMEN:

I have the honor to advise you that on March 4, 1982 Governor Spellman approved the following Senate Bills entitled:

SENATE BILL NO. 3737: Relating to the parks and recreation commission.

SENATE BILL NO. 4635: Relating to law enforcement officers' and fire fighters' retirement.

SENATE BILL NO. 4636: Relating to retirement from public employment.

Sincerely,

MARILYN SHOWALTER

Counsel to the Governor.

## MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business to consider gubernatorial appointments.

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Pullen, the appointment of Bertha Cohen, as a member of the Public Disclosure Commission, was confirmed.

## APPOINTMENT OF BERTHA COHEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 34; absent or not voting, 11; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Gould, Haley, Hayner, Hemstad, Hurley, Jones, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Vognild, von Reichbauer, Wilson, Wojahn, Zimmerman—34.

Absent or not voting: Senators Charnley, Deccio, Gallagher, Goltz, Guess, Kiskaddon, Sellar, Shinpoch, Talmadge, Williams, Woody—11.

Excused: Senators Hansen, Hughes, McDermott, Talley—4.

## MOTION

On motion of Senator Wilson, Senators Bottiger, Charnley, Fleming, Goltz, Talmadge and Williams were excused.

## MOTION

On motion of Senator Pullen, the appointment of Hugh R. McGough as a member of the Public Disclosure Commission, was confirmed.

## APPOINTMENT OF HUGH R. MCGOUGH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent or not voting, 3; excused, 8.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—38.

Absent or not voting: Senators Kiskaddon, Lysen, Scott—3.

Excused: Senators Bottiger, Charnley, Fleming, Goltz, Hughes, McDermott, Talley, Talmadge, Williams—8.

## MOTION

On motion of Senator Benitz, the appointment of James P. Bishop as a member of the Board of Trustees, Skagit Community College District 4, was confirmed.

## MOTION

On motion of Senator Wilson, Senator Lysen was excused.

## APPOINTMENT OF JAMES P. BISHOP

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; nays, 1; absent or not voting, 2; excused, 9.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—37.

Voting nay: Senator Wilson—1.

Absent or not voting: Senators Kiskaddon, Scott—2.

Excused: Senators Bottiger, Charnley, Fleming, Hughes, Lysen, McDermott, Talley, Talmadge, Williams—9.

## MOTION

On motion of Senator Jones, Senators Scott and Kiskaddon were excused.

## MOTION

On motion of Senator Benitz, the appointment of Betty Mage as a member of the Council for Postsecondary Education, was confirmed.

## APPOINTMENT OF BETTY MAGE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; absent or not voting, 3; excused, 9.

Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Ridder, Sellar, Shipoch, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—37.

Absent or not voting: Senators Gould, Quigg, Vognild—3.

Excused: Senators Bottiger, Charnley, Fleming, Hughes, Kiskaddon, McDermott, Scott, Talley, Talmadge—9.

### MOTIONS

On motion of Senator Gaspard, Senators Wojahn and Ridder were excused.

On motion of Senator Wilson, Senator Goltz was excused.

### MOTION

On motion of Senator Benitz, the appointment of James E. Anderson as a member of the Board of Trustees, Skagit Community College District 4, was confirmed.

### APPOINTMENT OF JAMES E. ANDERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 32; absent or not voting, 5; excused, 12.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Sellar, Shipoch, von Reichbauer, Wilson, Woody, Zimmerman—32.

Absent or not voting: Senators Gould, Pullen, Quigg, Vognild, Williams—5.

Excused: Senators Bottiger, Charnley, Fleming, Goltz, Hughes, Kiskaddon, McDermott, Ridder, Scott, Talley, Talmadge, Wojahn—12.

### MOTION

On motion of Senator Benitz, the appointment of Philip S. Hayes as a member of the State Board for Community College Education, was confirmed.

### APPOINTMENT OF PHILIP S. HAYES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 31; absent or not voting, 7; excused, 11.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gallagher, Gaspard, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Sellar, Shipoch, von Reichbauer, Wilson, Woody, Zimmerman—31.

Absent or not voting: Senators Deccio, Gould, Lysen, Pullen, Quigg, Vognild, Williams—7.

Excused: Senators Charnley, Fleming, Goltz, Hughes, Kiskaddon, McDermott, Ridder, Scott, Talley, Talmadge, Wojahn—11.

### MOTIONS

On motion of Senator Sellar, Senators Quigg and Vognild were excused.

On motion of Senator Clarke, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 4, 1982.

Mr. President: The House has concurred in the Senate amendment/s/ to the following listed House bills and has passed these bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 70,  
 HOUSE BILL NO. 131,  
 SUBSTITUTE HOUSE BILL NO. 135,  
 HOUSE BILL NO. 357,  
 ENGROSSED HOUSE BILL NO. 454,  
 SUBSTITUTE HOUSE BILL NO. 462,  
 SUBSTITUTE HOUSE BILL NO. 920,  
 SUBSTITUTE HOUSE BILL NO. 1015.

VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Clarke, the Senate commenced consideration of Engrossed Substitute House Bill No. 875.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 875, by House Committee on State Government (originally sponsored by Representatives Lundquist, Walk and Addison)(by Governor Spellman request):

Providing for review of certain agencies under the Sunset Act.

## REPORT OF STANDING COMMITTEE

February 23, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 875, providing for review of certain agencies under the Sunset Act (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 7, line 9, strike "1984" and insert "1986"

On page 11, after line 9, insert the following:

"NEW SECTION. Sec. 17. Sections 11 and 12 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. The remainder of this act shall take effect in accordance with Article II, section 41 of the state Constitution."

Renumber the sections consecutively.

On page 4, line 26 of the title, after "70.93.910;" strike "and"

On page 4, line 27 of the title, after "70.93.920" and before the period insert "; and declaring an emergency"

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, Moore, Quigg, Rasmussen.

The bill was read the second time by sections.

On motion of Senator Metcalf, the committee amendment to page 7, line 9 was not adopted.

On motion of Senator Metcalf, the committee amendment to page 11, following line 9 was adopted.

On motion of Senator Metcalf, the committee amendments to the title were adopted.

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

On page 7, line 14, after "June 30," strike "1987" and insert "1985"

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 875, 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. 875, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 2; excused, 10.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Sellar, Shinpoch, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—37.

Absent or not voting: Senators Gould, Lysen—2.

Excused: Senators Charnley, Hughes, Kiskaddon, McDermott, Quigg, Ridder, Scott, Talley, Talmadge, Vognild—10.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 875, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

##### MEMORANDUM

TO: Dorothy Greeley  
 FROM: Senator Phil Talmadge  
 DATE: March 5, 1982  
 RE: Journal Entry - Senate Journal

Due to my excused absence from the Senate March 4, 1982, I was not present for the vote on House Bill 875. Please be advised that I wish it to be recorded that my vote would have been "NO" on that measure.

Thank you for your compliance with this request.

#### SECOND READING

HOUSE BILL NO. 826, by Representatives Ellis, Bickham and Armstrong:  
 Establishing Washington law revision commission.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, House Bill No. 826 was advanced to third reading, the second 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. 826 and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Absent or not voting: Senators Deccio, Gould, Lysen—3.

Excused: Senators Hughes, McDermott, Scott, Talley—4.

HOUSE BILL NO. 826, having received the 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 Goltz was excused.

### SECOND READING

HOUSE BILL NO. 916, by House Committee on Ethics, Law and Justice and Representatives Ellis and Wang:

Modifying interest rate on judgments.

### REPORT OF STANDING COMMITTEE

February 23, 1982.

HOUSE BILL NO. 916, modifying the interest rate on judgments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 11, after "contracts," strike "not in any case, however, to exceed twelve percent per annum" and insert "~~((not in any case, however, to exceed twelve percent per annum))~~"

Signed by: Senators Hemstad, Vice Chairman; Hayner, Newhouse, Pullen, Woody.

The bill was read the second time by sections.

Senator Hemstad moved adoption of the committee amendment.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the committee amendment.

### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 27; nays, 17; absent or not voting, 1; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Scott, Sellar, von Reichbauer, Zimmerman—27.

Voting nay: Senators Bottiger, Charnley, Conner, Fleming, Gaspard, Hurley, Lysen, Quigg, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—17.

Absent or not voting: Senator Gould—1.

Excused: Senators Goltz, Hughes, McDermott, Talley—4.

On motion of Senator Hemstad, the rules were suspended, Engrossed House Bill No. 916, 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. 916, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, von Reichbauer, Woody, Zimmerman—32.

Voting nay: Senators Charnley, Fleming, Gaspard, Goltz, Hurley, Lysen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn—13.

Absent or not voting: Senator Gould—1.

Excused: Senators Hughes, McDermott, Talley—3.

ENGROSSED HOUSE BILL NO. 916, 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 SENATE BILL NO. 824, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives McGinnis, Heck, Leonard, Bickham, Lux and Dawson):

Modifying provisions relating to assignment of dental insurance benefits.

## REPORT OF STANDING COMMITTEE

February 24, 1982.

SUBSTITUTE HOUSE BILL NO. 824, modifying provisions relating to assignment of dental insurance benefits (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 6, strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 48.44 RCW a new section to read as follows:

Checks in payment for claims pursuant to any health care service contract for health care services provided by persons licensed or regulated under chapters 18.22, 18.25, 18.29 or 18.32 RCW, where the provider is not a participant under a contract with the health care service contractor, shall be made out to both the provider and the insured, jointly, to require endorsement by each: PROVIDED, That payment shall be made in the single name of the insured if the insured as part of his or her claim furnishes evidence of prepayment to the health care service provider: AND PROVIDED FURTHER, That nothing in this act shall preclude a health care service contractor from voluntarily issuing payment in the single name of the provider."

In line 1 of the title, after "AN ACT Relating to" strike the remainder of the title and insert "payment of health care insurance benefits; adding a new section to chapter 48.44 RCW."

Signed by: Senators Sellar, Chairman; Bauer, Clarke, Haley, Pullen, Wojahn.

The bill was read the second time by sections.

Senator Sellar moved adoption of the committee amendment.

Senator Sellar moved adoption of the following amendment to the committee amendment:

On page 1, line 3, after "18.22" insert "18.53"

## POINT OF INQUIRY

Senator Rasmussen: "Senator Sellar, this health insurance is provided by the state?"

Senator Sellar: "Yes, sir."

Senator Rasmussen: "It is counted as part of the employee's wages?"

Senator Sellar: "That would, yes, fringe benefits to me are part of wages; other people say they are not but I guess that is a debatable issue, to me they should be."

Senator Rasmussen: "Okay. Then my question is, 'Why should the health provider have his name on that check that comes from the insurance company?' It is part of the employee's wages just the same as his paycheck. Now there isn't any health provider going to have his name on the employee's paycheck, the state employees, or any other.

"But here, with this amendment, you are proposing that that state employee have the health provider's name on the check. It does not make sense; and the fact of the matter is, it is probably illegal what you are providing here. The health provider can pay the employee, give him the check, and then the employee in turn pays the health provider. But the state shall be joined, I can't go along with that and that is why I am asking you where you could get the authority to take part of the employee's wages by insisting the health provider's name be on his check."

Senator Sellar: "Senator Rasmussen, the answer to that, I guess, about 50% of the providers are participants, and if they are participating in the contract, they have a hold-harmless clause and the check goes directly to the provider and the employee never sees that check.

"In the case where they go to a provider that is not a participant then there is not a hold-harmless clause and the patient can be charged the difference . . . . In that case the check goes directly to the patient in this case, or the employee. Of course, this deals with other than employees of the state, obviously, and it also deals with people who pay for them, the service out of their own.

"Now what is happening is this particular case is the health care provider is providing this service and in many instances, not all, but in some, they are not receiving their money and as a result they have a bad debt. If this continues, then the only alternative that the health care provider will have, would be to charge cash up front for the service. Now that is not good for the patient to have every patient that comes in have to pay cash up front for their service and this prevents that. It gets out of the problem, it will give the health care provider the confidence that he is, in fact, going to receive his money for his services that he performs, and solves the problem that is getting to be more. I think it will be a benefit to the employees rather than a disservice to the employee."

Further debate ensued.

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, members of the Senate. Senator Rasmussen, you have it a little bit backwards. The bill, as it came over from the House, provides that if the patient desires, he can sign an assignment of the benefit and the check will go directly to the health care provider. Some of the insurance companies objected to that; the amendment says that if the employee signs the slip, the check will come to the employee with both names on it.

"Now, frankly, I would have preferred the way the bill came from the House but sometimes you have to make compromises. But this bill gives the employee the check with the doctor's name on it and his name on it, ONLY if he signs the slip in the doctor's office.

"The problem that Senator Sellar mentioned out there is the accounts receivable are going up on the part of the provider and they are reaching the position where they are no longer agreeing to accept these covered employees unless the employee pays them in advance. They will continue to accept them if the check is made copayment. And I think it is a compromise, while I would prefer the original bill, that is the way it is probably going to pass."

## REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "In further answer, perhaps, I do not believe, Senator Rasmussen, that it is wages or salary. As a matter of fact, it is the insurance payment and there would be no check were it not for services delivered to that employee as the insured. And the one who provides those services is the health care provider. And I have had word from some of the providers in my area that of the checks made to the employee for services which they have provided, about 10% do not get to the dentist or whoever provided the services because the employee has cashed that check. And I don't really believe that it is his money, I believe that money should go to the health care provider and this will see that that no longer happens."

## POINT OF INQUIRY

Senator Fleming: "Senator Sellar, Senator Bottiger mentioned something about a compromise, and I realize that no bill or amendment that comes out here on this floor is sacrosanct. But speaking of that compromise, I was told that the bill as it came out of committee was one of those bills that would delicately compromise, that all the people involved were very interested in the measure staying as it is and if certain amendments were attached to it, it might fall apart over in the House, or what have you.

"Is this that amendment that is supposed to make this compromise fall apart?"

Senator Sellar: "Senator Fleming, the amendment to the amendment includes optometrists into the bill. That is not the delicately balanced amendment. In committee they wanted out because they don't have any contracts; however, we now find that they are negotiating a contract . . ."

Senator Fleming: "Who wanted out?"

Senator Sellar: "The optometrists. They asked to be out. And now we find out that they are negotiating a contract and if they are successful, then they would like the provisions of the bill. So that is that amendment; there is no controversy there.

"The main amendment is the one that is the result of the compromise and the moving to the center; and I would be very candid with you. I would fault if I said that everybody is totally happy with that compromise, but I think that the opposite poles are at least accepting that as a compromise."

Senator Fleming: "Are they going to be less satisfied with your amendment?"

Senator Sellar: "No, that will have no effect on that, really it won't."

The motion by Senator Sellar carried and the amendment to the committee amendment was adopted.

The motion by Senator Sellar carried and the committee amendment, as amended, was adopted.

On motion of Senator Sellar, the committee amendment to the title was adopted.

On motion of Senator Sellar, the rules were suspended, Substitute House Bill No. 824, 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. 824, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 2; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar,

Shinpoeh, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Goltz, Rasmussen—2.

Absent or not voting: Senators Conner, Craswell—2.

Excused: Senators Hughes, McDermott, Talley—3.

SUBSTITUTE HOUSE BILL NO. 824, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### STATEMENT FOR THE JOURNAL

March 5, 1982.

I hereby affirm that although the record indicates I voted "nay" on House Bill 824 on final passage on March 4, 1982, in fact I voted "yea" and I request that the record be changed.

Senator H. A. "Barney" Goltz

### MOTIONS

On motion of Senator Clarke, House Bill No. 1017 will be considered following Senate Concurrent Resolution No. 142.

On motion of Senator Clarke, the Senate commenced consideration of Substitute Senate Bill No. 3044.

### SECOND READING

SENATE BILL NO. 3044, by Senators Sellar and Talley.

Authorizing department of revenue to set county auditor's fee for collecting vehicle use tax.

On motion of Senator Scott, Substitute Senate Bill No. 3044 was substituted for Senate Bill No. 3044 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. 3044 was advanced to third reading, the second 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. 3044 and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 3; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoeh, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Lysen, Pullen—2.

Absent or not voting: Senators Conner, Craswell, Lee—3.

Excused: Senators Hughes, McDermott, Talley—3.

SUBSTITUTE SENATE BILL NO. 3044, having received the 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. 757, by House Committee on Human Services and Representative Mitchell (by Department of Social and Health Services request):

Modifying provisions of certificate of need program.

The bill was read the second time by sections.

Senator Bluechel moved adoption of the following amendment by Senators Bluechel and Deccio:

On page 10, after line 25, insert the following:

"Sec. 4. Section 11, chapter 161, Laws of 1979 ex. sess. as amended by section 8, chapter 139, Laws of 1980 and RCW 70.38.115 are each amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the secretary of the department, or his designee, in accord with the provisions of this chapter and rules and regulations proposed by the department and adopted by the board of health pursuant to this chapter. Rules and regulations shall establish review procedures and criteria for the certificate of need program. The secretary may reconsider a decision of denial based on evidence, justification, or other information not considered in the certificate of need review process.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

(a) The relationship of the health services being reviewed to the applicable health plans;

(b) The relationship of services reviewed to the long-range development plan, if any, of the persons providing or proposing such services;

(c) The need that the population served or to be served by such services has for such services;

(d) The availability of less costly or more effective alternative methods of providing such services;

(e) The immediate and the long-range financial feasibility of the proposal as well as the probable impact of the proposal on the cost of and charges for providing health services by the persons proposing the new institutional health service, including findings and recommendations of the Washington state hospital commission in the case of applications submitted by hospitals;

(f) The relationship of the services proposed to be provided to the existing health care system of the area in which such services are proposed to be provided;

(g) In the case of health services to be provided, (i) the availability of resources including health manpower, management personnel, and funds for capital and operating needs for the provision of the services, (ii) the availability of alternative uses of such resources for the provision of other health services, (iii) the effect of the means proposed for the delivery of such services on the clinical needs of health professional training programs in the area in which such services are to be provided, (iv) the extent to which health professions schools in the area will have access to the services for training purposes if such services are to be available in a limited number of facilities, and (v) the extent to which such proposed services will be accessible to all residents of the area to be served. When an application is made by an osteopathic or allopathic facility for a certificate of need to construct, expand, or modernize a health care facility, acquire major medical equipment, or add services, the need for that construction, expansion, modernization, acquisition of equipment, or addition of services shall be considered on the basis of the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The department shall consider the application in terms of its impact

on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels;

(h) Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas;

(i) The special needs and circumstances of health maintenance organizations;

(j) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;

(k) The special needs and circumstances of osteopathic hospitals and nonallopathic services;

(l) The special circumstances of health service institutions and the need for conserving energy;

(m) The factors which affect the effect of competition on the supply of the health services being reviewed;

(n) Improvements or innovations in the financing and delivery of health services which foster competition and serve to promote quality assurance and cost-effectiveness;

(o) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed; and

(p) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds (in accordance with criteria prescribed by the secretary of the United States department of health and human services by regulation):

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its institutional health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility (or any part thereof) or medical equipment with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or equipment or in a lease of such facility or equipment may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) When a hospital has developed a long-range health facility plan, pursuant to RCW 70.38.145, and the proposed new institutional health service is consistent with such plan, an expedited review process shall be instituted by the department as it has been done since the enactment of chapter 70.38 RCW in 1971.

(5) The decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being

reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(6) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

(7) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked shall be afforded an opportunity for administrative review in accordance with chapter 34.04 RCW and a hearing shall be held within one hundred twenty days of a request therefor. If the applicant is a hospital licensed under chapter 70.41 RCW, any substantial evidence, justification, or other information developed subsequent to the decision of the secretary may be introduced at the hearing.

(8) An application for a certificate of need for a capital expenditure which is required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved as specified in PL 93-641, section 1527(c)."

Renumber the sections consecutively.

On motion of Senator Bluechel, the following amendment to the amendment by Senators Bluechel and Deccio was adopted:

On page 1, line 27, after "process" insert ", if the applicant is a hospital licensed under chapter 70.41 RCW"

Debate ensued.

The motion by Senator Bluechel carried and the amendment, as amended, was adopted.

On motion of Senator Deccio, the following amendment by Senators Bluechel and Deccio to the title was adopted:

On page 1, line 7 of the title, after "70.38.111;" insert "amending section 11, chapter 161, Laws of 1979 ex. sess. as amended by section 8, chapter 139, Laws of 1980 and RCW 70.38.115;"

On motion of Senator Deccio, the rules were suspended, Engrossed House Bill No. 757, 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. 757, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shipoch, von Reichbauer, Woody, Zimmerman—32.

Voting nay: Senators Bottiger, Charnley, Fleming, Gaspard, Hughes, Lysen, Moore, Pullen, Rasmussen, Talmadge, Vognild, Williams, Wilson, Wojahn—14.

Absent or not voting: Senator Conner—1.

Excused: Senators McDermott, Talley—2.

ENGROSSED HOUSE BILL NO. 757, 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 Clarke, Engrossed House Bill No. 1087 was ordered held for consideration on March 5, 1982.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 142, by Senator Guess:  
State comprehensive emergency management program.

The resolution was read the second time in full.

On motion of Senator Guess, the rules were suspended, Senate Concurrent Resolution No. 142 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 Concurrent Resolution No. 142 and the resolution passed the Senate by the following vote: Yeas, 42; nays, 4; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Peterson, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Woody, Zimmerman—42.

Voting nay: Senators Hughes, Patterson, Pullen, Wojahn—4.

Absent or not voting: Senator Sellar—1.

Excused: Senators McDermott, Talley—2.

SENATE CONCURRENT RESOLUTION NO. 142, having received the constitutional majority, was declared passed.

## SECOND READING

HOUSE BILL NO. 1017, by Representatives Barrett, Granlund, Bickham, King (J.), Schmidt, Kreidler, Sanders, Brekke, Johnson, Kaiser, Houchen, Cole, Prince, Lux, Owen, Stratten, Smith, Chamberlain, Ehlers, Heck, McGinnis and Struthers:

Modifying the law on camping clubs.

The bill was read the second time by sections.

On motion of Senator Quigg, the following amendments by Senators Quigg and Vognild were adopted:

On page 6, line 13, after "purchasers", insert "and the offering of camping club contracts is essentially non-commercial"

On page 10, line 30 strike "twelfth", and insert "((twelfth)) sixth".

On page 11, line 23, strike "twelfth" and insert "((twelfth)) sixth".

On page 16, line 18, after "chapter", strike "or any rule or order under this chapter".

On page 16, line 19, after "misdemeanor", strike ", but no person may be convicted for the violation of any order if he proves that he had no knowledge of the order".

On page 16, line 34, after "information", strike ", or (5) To violate any rule or order of the director".

On page 18, line 7, after "chapter" strike "and may issue interpretive opinions with respect to this chapter".

## MOTION OF RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Vognild, the Senate moved to reconsider the vote by which the following amendment was adopted:

On page 11, line 23, strike "twelfth" and insert "((twelfth)) sixth"

On motion of Senator Vognild, the following amendment to the amendment was adopted:

Strike "twelfth" and insert "twelve" and strike "sixth" and insert "six"

The motion by Senator Vognild carried and the amendment, as amended, on reconsideration, was adopted.

On motion of Senator Quigg, the rules were suspended, House Bill No. 1017, 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 Vognild, I could swear that we had on our desks two or three days ago a letter from the attorney general expressing the hope that this bill could be passed without amendments. I guess we have heard, in fact, Senator Rasmussen has provided a copy of it. Now I think we have heard this evening that all parties agree to these amendments. May I ask if the attorney general agreed to them?"

Senator Vognild: "Yes, Mr. Adams was there at the meeting and agreed."

Senator Wilson: "And it is felt that Senator Goltz has suggested that twelve days is too long for people who may buy an allotment at a campground, in an office in some community, and should not have twelve days to go out and look at the property that he is, or the right that he has invested in. Can you tell me why that was agreed upon and decided?"

Senator Vognild: "Senator, I think you should be aware that under the present law as it stands today, the time is three days for either on-sight or off-sight sales; it is only three days. By going to the sixth, we were able to achieve a consumer protection bill that there was enough agreement on that we all felt could pass.

"I had some concerns along that line and I have requested of the attorney general's office that by next year that they furnish me — if I am here — with a list of what kinds of complaints they have had throughout the year so that we may review this and be sure that the six working days is long enough. I think it is vastly improved over the three we presently have. And if it is not sufficient, I am sure we will know it by next year and we can look at it again."

Senator Wilson: "Thank you, Senator Vognild. I can't help but feel while not being an expert in this area at all, that the bill has been considerably weakened and I am certainly going to vote against it."

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1017, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2:

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Conner, Moore, Pullen, Ridder, Scott, Wilson—6.

Excused: Senators McDermott, Talley—2.

HOUSE BILL NO. 1017, 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. 593, by House Committee on State Government (originally sponsored by House Committee on State Government and Representatives Addison, Berleen, Garson, Pruitt, Walk, Wang, Ellis, Patrick, Burns, Rust and Brown):

Protecting state employees who report improper governmental actions.

The bill was read the second time by sections.

On motion of Senator Metcalf, the following amendment was adopted:

On page 6, line 11, after "January 1," strike "1982" and insert "1983"

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 593, 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. 593, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Absent or not voting: Senators Deccio, Jones, Peterson, Sellar—4.

Excused: Senators McDermott, Talley—2.

SUBSTITUTE HOUSE BILL NO. 593, 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. 4663, by Senator Gallagher:

Relating to timber sales.

## MOTIONS

On motion of Senator Quigg, Substitute Senate Bill No. 4663 was substituted for Senate Bill No. 4663 and the substitute bill was placed on second reading and read the second time in full.

Senator Quigg moved adoption of the following amendment by Senators Quigg, Vognild, Goltz, Conner and Bottiger:

On page 3, line 28 after "1985." strike all material down to and including "act." on page 5, line 32 and insert:

"NEW SECTION. Sec. 5. (1) In addition to the extension provisions of section 4 of this act, any person who purchased state timber under a timber sale contract prior to October 1, 1980, may elect before the expiration date, or before the termination date of any previously allowed extension thereof, to extend the contract under the conditions specified in subsection (2), (3), or (4) of this section. The election shall be made by written notification to the commissioner.

(2) Any person extending a timber sale contract pursuant to this section during calendar year 1982 or 1983 may pay the applicable extension fee. The extension fee paid on the contract during calendar years 1982 and 1983 shall be credited to the purchase price for any state timber contract. The credits earned pursuant to this

subsection may only be utilized as a credit toward the purchase of any state timber contract until December 31, 1985.

(3) Any person extending a timber sale contract on which that person has paid extension fees prior to the effective date of this act is entitled to an equivalent extension of time without payment on that contract up to a maximum of one year per contract.

**NEW SECTION.** Sec. 6. (1) Prior to July 15, 1982, any purchaser who defaults on any state timber sale contract entered into prior to October 1, 1980, is subject to the forfeitures provided in subsections (2) and (3) of this section.

(2) Any purchaser of state timber sale contracts purchased prior to October 1, 1980, may default on the timber contract or contracts up to a total of fifteen million board feet of timber, one time only, and forfeit only his initial bid deposit. That person shall also be charged a fee of twenty-five hundred dollars for the administrative costs of reselling the timber.

(3) Any person defaulting on a contract shall not be refunded any cash moneys paid to the department or any other moneys expended as a result of the contract including but not limited to cash deposits, extension fees, bond deposit, or interest charges.

(4) Any purchaser defaulting under subsection (2) of this section shall receive a credit from the department for the value of any road work completed. The credit of the road work shall be the value of the percentage of road work completed based on the original appraisal for the entire road work on the sale as determined by the department of natural resources.

(5) The credit shall be used, at the choice of the purchaser of state timber, as an off-setting dollar amount of up to one half of the price of stumpage being purchased, or as an off-setting dollar amount of up to one-half of any cash security deposits required on a contract for the purchase of state timber, or as an off-setting dollar amount of up to one-half for any extension fee due on a contract for the purchase of state timber.

(6) Any purchaser defaulting on any timber contract or contracts which, in the aggregate, exceed fifteen million board feet shall be liable for such amounts in excess of fifteen million board feet as provided for in the applicable provisions of state law, regulations, and timber sale contracts in existence prior to the effective date of this act."

#### POINT OF INQUIRY

Senator Pullen: "Senator Quigg, I am all in favor of providing relief for the forest products industry, but Article I, Section 23 of the State constitution says the legislature shall pass no law impairing the obligations of contracts. I was wondering how you reconcile this amendment and the bill itself with Article I, Section 23 of the Constitution."

Senator Quigg: "Senator Pullen, the state of Washington is a part to the contract that we are discussing here, these sales contracts and they are the party to those contracts. I imagine the people that are going to be taking advantage of these do so with their own volition, and for that reason, the impairment of contract provision would not apply and the amendment would not be affected by it."

Debate ensued.

The motion by Senator Quigg carried and the amendment was adopted.

Senator Vognild moved adoption of the following amendment by Senators Vognild, Conner, McDermott, Bottiger and Talmadge:

On page 5, line 32, after subsection (6), insert:

"(7) All timber covered by contracts made before October 1, 1980 and defaulted pursuant to this section must be resold, harvested and processed in the United States within two year of the date of default, and resale contracts will so

provide. Where timber formerly covered by a defaulted contract is resold the new contract may not be extended; if resold timber is not harvested and processed within two years the contract will be terminated, the defaulting buyer will be liable for loss of income to the state related to timber remaining unharvested, and payments made on the contract will be forfeited. The amount forfeited will be the percentage of total payment equal to the percentage of timber covered by the contract that remains unprocessed at the end of the two year period. 'Processed' means (1) sawed into lumber; (2) pulp and pulp products broken down to a condition of separation of wood fibers; (3) veneer or plywood; (4) poles, posts or pilings, cut and treated with preservative, intended for use as such and not intended to be processed further; (5) rendered into chips; or (6) rendered into shakes or shingles conforming to the uniform building code as in effect in this state. Any timber harvested but not processed at the end of the two year period remains the property of the owner at that time (the buyer of harvested timber paid for; the state of harvested timber not paid for)."

Debate ensued.

Senator Ridder 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 Vognild, Conner, McDermott and Bottiger and Talmadge.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 27; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Goltz, Hansen, Hughes, Lysen, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—27.

Excused: Senators McDermott, Talley—2.

#### MOTIONS

Senator Quigg moved the rules be suspended and Substitute Senate Bill No. 4663, as amended, be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator Bottiger moved that Substitute Senate Bill No. 4663, as amended, be referred to the committee on Ways and Means.

Debate ensued.

On motion of Senator Scott, as amended by Senator Bottiger, Substitute Senate Bill No. 4663, as amended, will be made a special order of business as the first order of business on March 5, 1982.

#### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 571**, by House Committee on Labor and Economic Development (originally sponsored by Representatives Hankins, Owen, Issacson, Grimm, Bickham, Erak, Smith, Hastings, King (R.), Scott, Struthers and Heck):

Implementing law relating to control of alcoholic beverages.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, Substitute House Bill No. 571 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 Quigg, I didn't hear any mention of the liquor board's position in this regard. Do you recall the liquor board's testimony at this committee hearing?"

Senator Quigg: "Senator Rasmussen, the liquor board attended the committee hearings, it did not testify against the bill."

Senator Rasmussen: "Did they testify for it?"

Senator Quigg: "I don't recall."

Senator Rasmussen: "Were they mute?"

Senator Quigg: "They attended the hearing when the bill was heard, Senator Rasmussen, and they did not testify against the bill."

Senator Rasmussen: "Beer under 8%, is that sixteen by volume?"

Senator Quigg: "That is 8% by weight."

Senator Rasmussen: "Sixteen percent by volume?"

Senator Quigg: "That is 8% by weight."

Senator Rasmussen: "You are leaning again, Senator Quigg. That is pretty strong beer. Thank you."

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Mr. President, could Senator Quigg or somebody explain to me whether we are changing the alcohol content of malt liquor, whether it be beer or otherwise, that can be sold in a grocery store? Are we increasing the percentage of alcohol in the Safeway store, and if so, we are taking it from 3.2 to what?"

Senator Newhouse: "I don't claim to be an expert but I learned this much, that we presently have a 4% maximum alcoholic content on beer that is sold in a grocery store or tavern or whatever. But that doesn't mean that that beer is really 4%, actually the taste of the American consumer is for a beer with somewhat less alcoholic content, and in fact the light beers, they tell me, are about 3.2, which is a famous percentage we remember from our boyhood days, maybe.

"Now, this is a strong beer and it is accomplished and makes a different tasting beverage and probably not that appealing to most of us. Strong beer would be up to 8% and we have some beers that are only sold now in the liquor store, I think it is 'Country Club' and so forth, that are strong beer and are up to 8%.

"Even with raising the allowed alcoholic percentage to the 8%, the present varieties of beer that we have on the shelves will probably remain the same because they very carefully blend their taste for the taste of the American consumer, which is quite mild and not very high in alcoholic content."

Senator Bottiger: "Just a simple question: will the 8% be available in the Safeway store?"

(no reply by Senator Newhouse)

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 571 and the bill passed the Senate by the following vote: Yeas, 25; nays, 21; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Guess, Haley, Hansen, Hughes, Jones, Lysen, McCaslin, Moore, Newhouse, Patterson, Peterson, Quigg, Sellar, Talmadge, Vognild, von Reichbauer, Williams—25.

Voting nay: Senators Bluechel, Bottiger, Charnley, Clarke, Gaspard, Goltz, Gould, Hemstad, Hurley, Kiskaddon, Lee, Metcalf, Pullen, Rasmussen, Ridder, Scott, Shinpoch, Wilson, Wojahn, Woody, Zimmerman—21.

Absent or not voting: Senator Hayner—1.

Excused: Senators McDermott, Talley—2.

SUBSTITUTE HOUSE BILL NO. 571, having received the 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. 874, by House Committee on Institutions (originally sponsored by Representatives Houchen, Struthers and Wang):

Modifying provisions relating to sentencing of criminal offenders.

## REPORT OF STANDING COMMITTEE

February 25, 1982.

SUBSTITUTE HOUSE BILL NO. 874, modifying provisions relating to the sentencing of criminal offenders (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 9, line 4, after "hearing" insert "or within sixty days"

On page 15, line 16, after "type of" strike "automatic"

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Pullen, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendments were considered and adopted simultaneously.

Senator Talmadge moved adoption of the following amendment:

On page 10, line 29, and 33, following "years," strike "no more than" and on line 30 and 34 strike "may" and reinsert the stricken language.

Debate ensued.

The motion by Senator Talmadge failed and the amendment was not adopted.

On motion of Senator Hemstad, the rules were suspended, Substitute House Bill No. 874, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Ridder, Senator Peterson was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 874, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators McDermott, Peterson, Talley—3.

SUBSTITUTE HOUSE BILL NO. 874, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 810, by House Committee on Appropriations – General Government and Compensation (originally sponsored by House Committee on Appropriations – General Government and Compensation and Representative Williams):

Expanding authority of department of general administration as it pertains to state facilities.

The bill was read the second time by sections.

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 810 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. 810 and the bill passed the Senate by the following vote: Yeas, 26; nays, 19; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Quigg, Scott, Shinpoch, Woody, Zimmerman—26.

Voting nay: Senators Charnley, Gaspard, Goltz, Guess, Hansen, Hughes, Hurley, Moore, Patterson, Pullen, Rasmussen, Ridder, Sellar, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—19.

Absent or not voting: Senator Gould—1.

Excused: Senators McDermott, Peterson, Talley—3.

SUBSTITUTE HOUSE BILL NO. 810, having received the 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. 823, by House Committee on Ethics, Law and Justice (originally sponsored by Representatives Bickham, Lewis, Dickie, Johnson, Smith, Ellis and Dawson):

Requiring notice to property owner and occupant before issuing local improvement assessment deeds.

## REPORT OF STANDING COMMITTEE

February 23, 1982.

SUBSTITUTE HOUSE BILL NO. 823, requiring notice to property owner and occupant before issuing local improvement assessment deeds (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 6, line 15, after "parcel" strike all of the material down to and including "proceeding" on line 17.

Signed by: Senators Hemstad, Vice Chairman; Hayner, Newhouse, Shinpoch, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendment was adopted.

On motion of Senator Charnley, the following amendment by Senators Charnley and Hemstad was adopted:

On page 2, line 22, after "by" strike "registered" and insert "certified"

On motion of Senator Hemstad, the rules were suspended, Substitute House Bill No. 823, 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. 823, 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 Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senator Conner—1.

Excused: Senators McDermott, Peterson, Talley—3.

SUBSTITUTE HOUSE BILL NO. 823, 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. 1036, by House Committee on Higher Education and Representative Teutsch:

Implementing law relating to vendor payments by treasurer for state board for community college districts.

The bill was read the second time by sections.

On motion of Senator Benitz, the rules were suspended, House Bill No. 1036 was advanced to third reading, the second 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. 1036 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senator Conner—1.

Excused: Senators McDermott, Peterson, Talley—3.

HOUSE BILL NO. 1036, having received the 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 10:36 p.m., on motion of Senator Clarke, the Senate adjourned until 9:30 a.m., Friday, March 6, 1982.

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

## FIFTY-FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, March 5, 1982.

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 Senator Talley. There being no objection, Senator Talley was excused.

The Color Guard, consisting of Pages Troy Westendorf and Gwen Vlatch, presented the Colors. Reverend Ray Morrison, pastor of The Church of the Nazarene of Olympia, offered the prayer.

#### MOTION

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

#### MOTION

At 9:47 a.m., on motion of Senator Clarke, the Senate recessed until 11:30 a.m.

### SECOND MORNING SESSION

The President called the Senate to order at 11:30 a.m.

### REPORTS OF STANDING COMMITTEES

March 5, 1982.

SENATE BILL NO. 4285, relating to social and health services (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 4285 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Deccio, Chairman; McCaslin, Metcalf, Moore, Rasmussen, Ridder.

Passed to Committee on Rules for second reading.

March 3, 1982.

SENATE BILL NO. 4620, imposing a tax on the off-shore extraction of titaniferous magnetite (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4620 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bauer, Craswell, Gaspard, Jones, Lee, McDermott, Ridder, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1982.

SENATE BILL NO. 4841, relating to winter recreation (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4841 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Deccio, Fleming, Gaspard, Haley, Hayner, Jones, Lee, Pullen, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1982.

SENATE BILL NO. 4854, establishing Olympic County (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 4854 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Bauer, Charnley, Fuller, Gould, Wilson.

Passed to Committee on Rules for second reading.

March 3, 1982.

ENGROSSED HOUSE BILL NO. 223, modifying provisions on forest protection (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gallagher, Chairman; Lysen, Patterson, Peterson, Rasmussen, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1982.

ENGROSSED HOUSE BILL NO. 894, appropriating funds for razor clam programs (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Craswell, Deccio, Gaspard, Haley, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1982.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 987, placing limitations on certain payments to school employees (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Bluechel, Craswell, Deccio, Gaspard, Haley, Lee, Ridder, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1982.

HOUSE BILL NO. 1071, allowing commercial fisherman to sell fish directly to consumers from their boats once in port (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lysen, Patterson, Peterson, Rasmussen, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1982.

HOUSE BILL NO. 1162, providing for an intensive management plan for geoducks (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Craswell, Deccio, Fleming, Gaspard, Haley, Lee, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

March 4, 1982.

Mr. President: The House has passed: HOUSE JOINT MEMORIAL NO. 1, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 4, 1982.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 915,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1102, and the same are  
 herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 147, by Senators Gould,  
 Vognild, McCaslin, Jones and Ridder:

Establishing a Task Force to plan investment of state funds.  
 Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 915, by Committee on Transportation and  
 Representatives Ellis, Wilson and Johnson:

Exempting used cars sold by a dealer from emission control testing.  
 Referred to Committee on Parks and Ecology.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1102, by Committee on  
 Labor and Economic Development (originally sponsored by Representatives Nelson  
 (G), Martinis, Struthers, Scott, Monohon, Hastings and Owen):

Implementing law relating to the control of gambling.  
 Referred to Committee on Commerce and Labor.

HOUSE JOINT MEMORIAL NO. 1, by Representatives Tilly, Padden,  
 Leonard, Barrett, Isaacson, Addison, Sanders, Eberle, Patrick, Barr, Schmitt,  
 Lewis, Taylor, Tupper, Berleen, Schmidt, Smith, Bond, Hastings, Clayton, Mitchell,  
 McGinnis, Ellis and Owen:

Requesting Congress to amend the Constitution to require a balanced Federal  
 Budget.

### MOTIONS

Senator Talmadge moved that House Joint Memorial No. 1 be referred to the  
 Judiciary Committee.

On motion of Senator Clarke, House Joint Memorial No. 1 was held on the  
 desk for March 6, 1982.

### SPECIAL ORDER OF BUSINESS

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 4663, by Committee on  
 Natural Resources (originally sponsored by Senator Gallagher):

Relating to timber sales.

The time having arrived, the Senate resumed consideration of Engrossed Sub-  
 stitute Senate Bill No. 4663 from March 4, 1982.

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

### POINT OF INQUIRY

Senator Bottiger: "Senator Scott, we were supplied in our caucus this morning  
 with three documents which purported to show the impact of this bill in the current  
 biennium as well as in future bienniums. And I am concerned only with the current  
 biennium.

"The information we received indicated that if we do nothing, according to the department of natural resources, we will suffer a fifteen to thirty-five million dollar reduction in current expected income. That is a new figure for any of our discussions on our status of the deficit as far as I know."

Senator Scott: "No, there has already been a \$19,000,000 deduct out of the local timber funds that are, let me back up. Nineteen million dollars has been accounted for that will not now be present in local timber funds that is, of course, credited against the apportionment schedule. There is another \$4,000,000 in other types of timber money that has already been accounted for."

"The answer is that \$23,000,000 has been accounted for. Another \$7,000,000 has to do with the cash flow that goes to the University of Washington's timber account which is \$7,000,000 that you will not see in this afternoon's budget document. We are very much aware of it, we are working with the University to find other ways of covering it; so that gets you to \$32,000,000 of the figure you gave of thirty-three."

Senator Bottiger: "Secondly, if the bill passes, according to the industry, they are claiming that we will have a plus \$15,000,000, but department of natural resources says if the bill passes we will have a negative \$34,000,000; so I have a \$50,000,000 spread here and my only question is, which figure or what figure are we going to be using in determining the amount of the deficit that we are currently faced with?"

Senator Scott: "Senator Bottiger, there are two halves to the picture. The first half is the figure you just gave and the fiscal note you saw this morning. It shows that minus \$77,000,000 figure which was the one Senator Bauer was asking about last night."

"On page 2 of that same memo, there are outlined four major components that have been changed in this edition of the bill that should be subtracted from that original \$77,000,000. The lieu-time provision has been changed and that takes a \$47,000,000 loss out. The extension payments have changed for 9.6. The initial deposit provision has been changed for 9.3. The extension credits have been changed for 2.2. All of that eliminates \$69,000,000 of the \$77,000,000 minus cited in this fiscal note. That is the net effect of the bill. The overall position, when you come out in the year 1985 using the economic assumptions that are in the bill and the overall provisions, is the original \$37,000,000 plus figure that we have dealt with for the past three days."

Senator Bottiger: "To wrap it up and get it down to my simple . . ."

Senator Scott: "The wrap-up, Senator, is that on the best assumptions of those in the industry and timber economists as a result of cutting more timber, albeit at a lower rate of return per board foot, for the state, you show a net over the next three-and-one-half years plus to the trust fund of \$37,000,000. Inside that figure are the costs of this particular bill which are minus \$9,000,000, not the minus \$77,000,000 reflected on the original note. We are dealing with a revised bill, not the bill that this note was originally written for. So you have two different things: the effect of the bill which is a minor downside and the overall 5-year effect of the change of approach which leaves you plus thirty-seven."

Senator Bottiger: "Senator Scott, I just want to get the next sixteen months."

Senator Scott: "Well, Senator, I am telling you that is the simplest way of doing it. The next sixteen months will be a minor plus."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Scott, you said by cutting more timber at a lower cost, lower receipts for the price of timber, we are going to have more money. Number 1, how are you going to increase the logging when the mills are shutting down all of the time now because there is no demand?"

"The other thing is because of your cutting more timber at lower cost, you are depleting the trust fund which would have a chance, educational, school trust fund, because the next two to three years, that trust fund will probably expand by increasing prices. I don't understand your reasoning. If the mills wanted to log, they would be logging right now but there is no demand for the lumber."

Senator Scott: "On several high points, the mechanics of the bill, Senator Quigg will go over some of those particulars that he did last night."

"The problem is now that in 1979 and '80, in part due to the export market, in part, due to the demand curve, and part of the time interest rates took off and crimped the building industry, the price of timber being sold on public lands was bid up from \$200 figure to over \$400 per thousand board feet so there is a; if you look at the bar chart from DNR, it goes along like this for a decade, it goes up like this for two years, and now we are back down to where we were two years ago."

"On the one hand what you are losing if you buy this bill, is those paper profits from the two years, those high contracts that are in there, now the companies are down, they can't sell the timber in the same volume, although there is some being sold, but they can't get the price for it. The price is back down to where it should have normally been before the bid-up period."

"So they have, they are in this situation, particularly the small and middle-sized ones. They have to pay a penalty of about 10% of their contract price to get an extension. They don't have any cash flow so they can't put up the added prices so they go out of business, some of them never to come back in."

"By getting rid of that penalty and secondly giving them credit for cutting at a lower price, credit against a future contract, it improves their cash flow situation, it keeps them cutting at a level that the economists believe can be sold, 220, 280 board feet per thousand, and the result is that the state shows no net loss and a minor gain over the next three-and-one-half years."

"Again the basic principle is to keep them cutting, albeit at a smaller rate per board foot, and keep the trust funds up. The alternative is to have defaults of which there are now twelve, there has never been one before, and get nothing."

#### POINT OF INFORMATION

Senator Clarke: "Mr. President, a matter of parliamentary inquiry. The questions and answers have obviously related to Senate Bill 4663 and I think an error which was my error, the bill originally called was House Bill 1087, so I would ask to have the record corrected to show that the remarks and calling have to do with Senate Bill 4663."

Debate ensued.

#### POINT OF INQUIRY

Senator Vognild: "Senator Hayner, I attempted to amend this bill last night to take care of what I thought was the second half of the problem. And at the same time I was aware that there were negotiations on this bill and a companion House Concurrent Resolution 42, or possibly a Senate Concurrent Resolution, regarding timber sales which DNR felt would help the small mills that I was concerned about."

"If this bill passes, could I have reasonable assurance from you that we will hear one of these two?"

Senator Hayner: "I am not even aware of those other bills to which you refer." Further debate ensued.

#### POINT OF INQUIRY

Senator Goltz: "Mr. President, I would like to ask a question of someone who is more familiar with the Constitution than I am with regard to the contract rights

which would be in jeopardy, I believe, or the contract responsibility which would be in jeopardy if this bill passes.

"I have in my possession a memorandum written by a staff member from the Senate natural resources committee relative to legislation of this type in which, as I read it, makes a fairly clear case that this probably is unconstitutional legislation, both with respect to the U. S. Constitution as well as the state Constitution. And the U.S. Constitution says that no state may pass a law impairing the obligation of contracts. That is in Sec. 10 of Article I of the Constitution.

"The Washington State Constitution, Article IX, Sec. 3, with amendment 43, also commits timber revenues exclusively to school purposes. And it seems that there is a possibility that if we pass this legislation, we will be in litigation over a constitutional issue which would, as it were, close down the whole process of cutting timber in the state; and that seems to me to be a serious enough threat to raise the question, either of Senator Clarke or Senator Hemstad or our jurist, Senator Pullen (our in-house jurist)."

Senator Clarke: "In response to your question, I will say first that I have not researched the problem and for that reason anyone who gives a legal opinion without having researched it, has that caveat.

"You will recall, however, that in response to a similar question yesterday, Senator Quigg pointed out that one of the parties to the contract is, in substance, the state itself. Now the prohibition against impairment of contracts, prevents the state in substance, from in any way interfering or detracting with the rights of contracts between two persons other than the state itself. And I would suggest to you that it is a rather different situation when the state, as incidentally many times is done with private contracts, when there has been a change of situation where it is indicated that perhaps it would be to the interest of the state to change or renegotiate a contract that has previously been put into existence, that the state should have the right as with any other private party to a contract, to renegotiate or change the terms of such contract with the consent of the other contracting party."

Senator Goltz: "I take that that Senator Quigg is rising to further answer the question that I was . . . ."

Senator Quigg: "Yes, Mr. President. In response to the second part of Senator Goltz' question about the fund and the use of these lands as assets of the fund, and the management of the lands and the income from those lands for the benefit of the fund, I think that you can see from the debate out here there is developing a very clear picture that if these contracts are allowed to default and if the industry is broken down . . . ."

President Cherberg: "Time, Senator."

Senator Quigg: ". . . the trust would be in worse shape . . . ."

President Cherberg: "Your time is his time."

Senator Goltz: "Would you sing a few bars of that Governor?"

Senator Quigg: ". . . the trust would be worse off without the law, the bill we have before us."

Further debate ensued.

Senator Jones, Clarke and Gallagher demanded the previous question.

The demand was not sustained.

#### POINT OF INQUIRY

Senator McCaslin: "Thank you, Mr. President, and ladies and gentlemen of the Senate. I don't have any knowledge on this bill but I would like to ask one question and I don't know who could answer it. But I believe Senator Vognild said the bidding procedures were different on the east side versus the west side. Now do we have an attorney here, somebody that could answer that question?"

Senator Peterson: "I am not an attorney but I can partially answer your question, I think.

"The difference in the bidding procedures on the east side and the west side is, that if you bid timber and these eighty-some people that are subject to default that we are speaking to, or eighty-some corporations, if we bid it on the west coast and we bid \$450 a thousand for it, and that is our contract bid, that is what you are bound to pay for every board foot of timber that is harvested.

"On the east side of the mountains, if they bid \$250 a thousand for the timber, the market goes down, fluctuates, either down or up, that \$250 could go down to \$125 a thousand for the amount that is harvested; or it could go up to theoretically, \$350 a thousand.

"So that is the difference in the bidding procedure."

Senator McCaslin: "Thank you, Senator. Would Senator Patterson yield to a question? Senator Patterson, have you found a difference in the bidding procedures on the east and west?"

Senator Patterson: "I have been advised by people on the east side that when you are bidding on state timber that the bidding procedures are the same. Now that comes from the people that are involved in the timber business; talking only about state timber.

"Now there is a difference when you are bidding on Federal timber, as I understand it. But on state timber there is no difference regardless of where you are in the state."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4663, 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, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, Metcalf, Moore, Newhouse, Peterson, Quigg, Scott, Vognild, von Reichbauer, Woody, Zimmerman—29.

Voting nay: Senators Bauer, Charnley, Fleming, Goltz, Hansen, Hughes, Hurley, McCaslin, McDermott, Patterson, Pullen, Rasmussen, Ridder, Sellar, Talmadge, Williams, Wilson, Wojahn—18.

Absent or not voting: Senator Shipoch—1.

Excused: Senator Talley—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4663, having received the 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

March 5, 1982.

I strongly support the intent of Senate Bill 4663, which is to provide relief for the depressed forest products industry. However, I believe the bill to be an unconstitutional violation of Article 1, Section 23 of the state constitution. Because I have taken an oath of office and have sworn before God to uphold the constitution, I feel compelled to vote "no" on the bill.

Signed: Senator Kent Pullen

#### \* MOTION

On motion of Senator Clarke, Engrossed Substitute Senate Bill No. 4663 was ordered immediately transmitted to the House.

## MOTION

At 12:30 p.m., on motion of Senator Clarke, the Senate recessed until 3:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 3:00 p.m.

## MOTION

At 3:03 p.m., on motion of Senator Clarke, the Senate adjourned until 9:00 a.m., Saturday, March 6, 1982.

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

## FIFTY-FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Saturday, March 6, 1982.

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 Senator Talley. There being no objection, Senator Talley was excused.

The Color Guard, consisting of Pages Jeanne Ogle and Lucy Bielec, presented the Colors. Reverend Ray Patterson, pastor of the First Church of the Nazarene of Olympia, offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

March 5, 1982.

SENATE JOINT MEMORIAL NO. 130, requesting Congress to pass legislation permitting the shipment of lumber from the west coast by sea (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

March 5, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 973, providing for reduced temperature settings of residential water heaters (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Gould, Chairman; Fuller, Hemstad, Hurley, Moore, Williams, Woody.

Passed to Committee on Rules for second reading.

### MESSAGE FROM THE GOVERNOR

Office of the Governor, February 25, 1982.

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

LADIES AND GENTLEMEN:

I have the honor to advise you that on February 25, 1982 Governor Spellman approved the following Senate Bill entitled:

SUBSTITUTE SENATE BILL NO. 3679: Relating to mutual savings banks.

Sincerely,

MARILYN SHOWALTER

Counsel to the Governor.

### MESSAGES FROM THE HOUSE

March 5, 1982.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 571,  
 SUBSTITUTE HOUSE BILL NO. 810,  
 HOUSE BILL NO. 826,  
 HOUSE BILL NO. 1036, and the same are herewith transmitted.  
 VITO T. CHIECHI, Chief Clerk.

March 5, 1982.

Mr. President: The Speaker has signed:  
 SUBSTITUTE HOUSE BILL NO. 70,  
 HOUSE BILL NO. 131,  
 SUBSTITUTE HOUSE BILL NO. 135,  
 HOUSE BILL NO. 357,  
 HOUSE BILL NO. 454,  
 SUBSTITUTE HOUSE BILL NO. 462,  
 SUBSTITUTE HOUSE BILL NO. 920,  
 SUBSTITUTE HOUSE BILL NO. 1015, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE HOUSE BILL NO. 70,  
 HOUSE BILL NO. 131,  
 SUBSTITUTE HOUSE BILL NO. 135,  
 HOUSE BILL NO. 357,  
 ENGROSSED HOUSE BILL NO. 454,  
 SUBSTITUTE HOUSE BILL NO. 462,  
 SUBSTITUTE HOUSE BILL NO. 571,  
 SUBSTITUTE HOUSE BILL NO. 810,  
 HOUSE BILL NO. 826,  
 SUBSTITUTE HOUSE BILL NO. 920,  
 SUBSTITUTE HOUSE BILL NO. 1015,  
 HOUSE BILL NO. 1036.

#### MOTION

At 9:16 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 11:50 a.m.

#### MOTION

Senator Bottiger moved the Committee on Commerce and Labor be relieved from further consideration of House Bill No. 1033.

Debate ensued.

#### MOTION

At 11:53 a.m., on motion of Senator Clarke, the Senate recessed until 1:00 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

At 1:02 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 2:24 p.m.

The President declared the question before the Senate to be the motion by Senator Bottiger that the Committee on Commerce and Labor be relieved from further consideration of House Bill No. 1033.

The motion by Senator Bottiger carried.

On motion of Senator Bottiger, the rules were suspended and House Bill No. 1033 was placed on the second reading calendar.

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

March 5, 1982.

SENATE BILL NO. 4264, relating to appropriations (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4264 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bluechel, Craswell, Deccio, Hayner, Jones, Lee, Pullen, Zimmerman.

#### MOTION

On motion of Senator Clarke, the rules were suspended and Senate Bill No. 4264 was placed on second reading for immediate consideration.

#### SECOND READING

SENATE BILL NO. 4264, by Senator Scott:  
Relating to appropriations.

#### MOTION

On motion of Senator Scott, Substitute Senate Bill No. 4264 was substituted for Senate Bill No. 4264 and the following substitute bill was read the second time in full.

AN ACT Relating to appropriations; modifying appropriations and expenditures for the operations and capital projects of state agencies for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983; amending section 2, chapter 340, Laws of 1981 as amended by section 3, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 3, chapter 340, Laws of 1981 as amended by section 4, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 4, chapter 340, Laws of 1981 as amended by section 5, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 5, chapter 340, Laws of 1981 as amended by section 6, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 6, chapter 340, Laws of 1981 as amended by section 7, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 7, chapter 340, Laws of 1981 as amended by section 8, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 8, chapter 340, Laws of 1981 as amended by section 9, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 9, chapter 340, Laws of 1981 as amended by section 10, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 10, chapter 340, Laws of 1981 as amended by section 11, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 11, chapter 340, Laws of 1981 as amended by section 12, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 12, chapter 340, Laws of 1981 as amended by section 13, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 13, chapter 340, Laws of 1981 as amended





amended by section 93, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 120, chapter 340, Laws of 1981 as amended by section 94, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 121, chapter 340, Laws of 1981 as amended by section 95, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 122, chapter 340, Laws of 1981 as amended by section 96, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 123, chapter 340, Laws of 1981 as amended by section 97, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 124, chapter 340, Laws of 1981 as amended by section 98, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 37, chapter 67, Laws of 1981 as amended by section 101, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 2, chapter 69, Laws of 1981 as amended by section 102, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 123, chapter 136, Laws of 1981 as amended by section 103, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 42, chapter 137, Laws of 1981 as amended by section 104, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 16, chapter 268, Laws of 1981 as amended by section 106, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 10, chapter 330, Laws of 1981 as amended by section 112, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); adding new sections to chapter 340, Laws of 1981; creating a new section; and declaring an emergency.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:**

Section 1. Section 2, chapter 340, Laws of 1981 as amended by section 3, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund Appropriation ..... \$ ~~((15,944,000))~~  
15,466,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$8,000 is for the house ethics committee.
- (2) \$9,000 is for the western forest practices task force.
- (3) \$49,000 is for dues of the national conference of state legislatures.
- (4) \$49,000 is for dues of the council of state governments.

Sec. 2. Section 3, chapter 340, Laws of 1981 as amended by section 4, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund Appropriation ..... \$ ~~((13,846,000))~~  
13,431,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$8,000 is for the senate ethics committee.
- (2) \$9,000 is for the western forest practices task force.
- (3) \$49,000 is for dues of the national conference of state legislatures.
- (4) \$49,000 is for dues of the council of state governments.

Sec. 3. Section 4, chapter 340, Laws of 1981 as amended by section 5, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE BUDGET COMMITTEE**

General Fund Appropriation ..... \$ ~~((1,163,000))~~  
1,128,000

Sec. 4. Section 5, chapter 340, Laws of 1981 as amended by section 6, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund Appropriation . . . . . \$ ~~((1,180,000))~~  
1,145,000

Sec. 5. Section 6, chapter 340, Laws of 1981 as amended by section 7, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE STATE ACTUARY**

General Fund Appropriation . . . . . \$ ~~((296,000))~~  
292,000

Sec. 6. Section 7, chapter 340, Laws of 1981 as amended by section 8, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE STATUTE LAW COMMITTEE**

General Fund Appropriation . . . . . \$ ~~((4,275,000))~~  
4,147,000

Sec. 7. Section 8, chapter 340, Laws of 1981 as amended by section 9, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE SUPREME COURT**

General Fund Appropriation . . . . . \$ ~~((5,710,000))~~  
5,630,000

The appropriation in this section is subject to the following condition or limitation: \$1,325,000 is provided solely for indigent appeal cases.

Sec. 8. Section 9, chapter 340, Laws of 1981 as amended by section 10, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE LAW LIBRARY**

General Fund Appropriation . . . . . \$ ~~((1,658,000))~~  
1,608,000

The appropriation in this section is subject to the following condition or limitation: All nonstate agency users of the Westlaw system shall be charged a service fee sufficient to cover the costs of their usage.

Sec. 9. Section 10, chapter 340, Laws of 1981 as amended by section 11, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund Appropriation . . . . . \$ ~~((7,820,000))~~  
7,720,000

The appropriation in this section is subject to the following condition or limitation: \$1,273,000 is provided solely for lease and associated costs for Division I relocation, and no other moneys may be expended for these purposes.

Sec. 10. Section 11, chapter 340, Laws of 1981 as amended by section 12, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund Appropriation . . . . . \$ ~~((10,485,000))~~  
10,295,000

General Fund—Judiciary Education Account Appropriation . . . . . \$ 359,000

Total Appropriation . . . . . \$ ~~((10,844,000))~~  
10,654,000

The appropriations in this section are subject to the following conditions (or) and limitations:

(1) A maximum of \$8,185,000 of the general fund appropriation may be spent for the superior court judges, including prior claims. Of this amount, \$310,000 is provided solely for criminal cost bills, including prior claims; \$300,000 is provided solely for mandatory arbitration costs, including prior claims; and \$114,000 is provided solely for judges pro tempore for the superior courts. The administrator for the courts shall authorize and approve all such expenditures.

(2) Effective July 1, 1982, costs associated with the operation of the judicial council shall be borne by the administrator for the courts.

Sec. 11. Section 12, chapter 340, Laws of 1981 as amended by section 13, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE JUDICIAL COUNCIL**

General Fund Appropriation .....	\$	<del>((264,000))</del>
		<u>129,000</u>

The appropriation in this section is subject to the following condition or limitation: \$129,000 is provided solely for fiscal year 1982.

Sec. 12. Section 13, chapter 340, Laws of 1981 as amended by section 14, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund Appropriation .....	\$	<del>((3,195,000))</del>
		<u>3,099,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$2,851,000 may be spent for executive operations.

(2) A maximum of \$193,000 may be spent for extradition expenses to carry out the provisions of RCW 10.34.030 providing for the return of fugitives by the governor, including prior claims and for extradition-related legal services as determined by the attorney general.

(3) A maximum of \$151,000 is provided solely for mansion maintenance, and no other moneys may be expended for this purpose.

(4) A maximum of \$1,000 may be spent for implementation of the corporate responsibilities award program under which appropriate recognition shall be awarded by the governor to those private businesses or corporations which contribute at least two percent of their before-tax profit to programs which result in a reduction in state government costs, especially those programs which aid the poor and infirm.

Sec. 13. Section 14, chapter 340, Laws of 1981 as amended by section 15, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE GOVERNOR—SPECIAL APPROPRIATIONS**

General Fund Appropriation—State .....	\$	<del>((137,236,000))</del>
		<u>108,281,000</u>
General Fund Appropriation—Federal .....	\$	<del>((24,211,000))</del>
		<u>19,506,000</u>

**Special Fund Salary and Insurance Contribution**

Increase Revolving Fund Appropriation .....	\$	<del>((48,687,000))</del>
		<u>39,075,000</u>

Total Appropriation .....	\$	<del>((210,134,000))</del>
		<u>166,862,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$~~((2,247,000))~~ 2,180,000 is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

(2) (a) A maximum of \$~~((129,349,000))~~ 100,919,000 of general fund moneys (including \$~~((19,049,000))~~ 15,178,000 in federal funds) may be expended to implement salary increases, effective October 1, 1981, averaging 7.5% for higher education classified employees and 7.2% for commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-

year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board)(, and effective February 1, 1983, a salary increase averaging 7.0% for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board)): PROVIDED, That the October 1, 1981, salary increase for higher education classified employees and state personnel board classified and exempt employees shall implement the salary ranges adopted by the higher education and state personnel boards resulting from the 1980 salary survey (catch-up results): PROVIDED, That increases granted in this subsection for higher education faculty and administrative exempt employees are inclusive of increments: PROVIDED FURTHER, That exclusive of merit pool and Washington state university (143) increase funds no higher education institution or community college district may grant from any fund source whatsoever any salary increases greater than that provided in this subsection.

(b) A maximum of ~~\$(29,851,000)~~ 24,689,000 of general fund moneys (including ~~\$(5,162,000)~~ 4,328,000 in federal funds) may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$22,339,000 of this amount (including \$3,947,000 in federal funds) may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of ~~\$(7,512,000)~~ 4,423,000 of this amount (including ~~\$(1,215,000)~~ 381,000 in federal funds) may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to ~~\$(137.00)~~ 126.00 per month per eligible employee.

(c) A maximum of ~~\$(39,155,000)~~ 31,084,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect salary increases for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board) calculated in accordance with the procedures outlined in subsection (2)(a) of this section.

(d) A maximum of ~~\$(9,532,000)~~ 7,991,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$7,289,000 of this amount may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of ~~\$(2,243,000)~~ 702,000 of this amount may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to ~~\$(137.00)~~ 126.00 per month per eligible employee.

(e) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund

hereby created in accordance with schedules provided by the office of financial management.

(f) Notwithstanding any other provision of this subsection (2), Walla Walla community college may fund additional actual increments or their equivalents in salaries for each year of the biennium to equalize salaries to the state-wide average salaries as reflected by the average base salary of the annually contracted professional personnel of the Washington community colleges.

(g) Health care or insurance plan benefits shall not be increased above the dollar amounts provided in subsection (2)(b) of this section without the prior approval of the legislature. Any moneys retained by any carrier as a result of a dividend or refund attributable to the experience of an insurance or health care plan calculated at the end of the contract year shall be remitted to the state general fund.

Sec. 1. Section 15, chapter 340, Laws of 1981 as amended by section 16, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE LIEUTENANT GOVERNOR**

General Fund Appropriation .....	\$	<del>((203,000))</del>
		<u>197,000</u>

Sec. 2. Section 16, chapter 340, Laws of 1981 as amended by section 17, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund Appropriation .....	\$	<del>((3,800,000))</del>
		<u>3,686,000</u>

Archives and Records Management Account Appropria- tion .....	\$	1,135,000
Total Appropriation .....	\$	<del>((4,935,000))</del>
		<u>4,821,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$923,000 is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(2) \$559,000 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$25,000 is provided solely for costs associated with redistricting.

Sec. 3. Section 17, chapter 340, Laws of 1981 as amended by section 18, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS, THE COMMISSION ON ASIAN-AMERICAN AFFAIRS, AND THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

**Commission on Mexican-American Affairs**

General Fund Appropriation .....	\$	<del>((105,000))</del>
		<u>103,000</u>

**Commission on Asian-American Affairs**

General Fund Appropriation .....	\$	<del>((105,000))</del>
		<u>103,000</u>

**Governor's Office of Indian Affairs**

General Fund Appropriation .....	\$	<del>((105,000))</del>
		<u>103,000</u>

Total Appropriation .....	\$	<del>((315,000))</del>
		<u>309,000</u>

The appropriations in this section are subject to the following condition (~~and~~) or limitation: The position of executive director for each commission or office shall be retained. The agencies for which appropriations are provided by this section shall jointly fund a common secretarial/clerical pool and consolidate their respective office spaces (~~upon expiration of current lease agreements~~).

Sec. 17. Section 18, chapter 340, Laws of 1981 as amended by section 19, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

Motor Vehicle Fund Appropriation—State .....	\$	37,000
State Treasurer's Service Fund Appropriation .....	\$	<del>((4,930,000))</del>
		5,124,000
Total Appropriation .....	\$	<del>((4,967,000))</del>
		5,161,000

The appropriations in this section are subject to the following condition or limitation: \$194,000 of the state treasurer's service fund appropriation is provided solely for the development, implementation, and operation of an integrated agency financial reporting system with the treasury accounting system.

Sec. 18. Section 19, chapter 340, Laws of 1981 as amended by section 20, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund Appropriation—State .....	\$	<del>((1,906,000))</del>
		1,849,000
General Fund Appropriation—Federal .....	\$	352,000
General Fund Appropriation—Private/Local .....	\$	48,000
Motor Vehicle Fund Appropriation .....	\$	267,000
Auditing Services Revolving Fund Appropriation .....	\$	5,265,000
Total Appropriation .....	\$	<del>((7,838,000))</del>
		7,781,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of municipal corporations shall give high priority to examining the accuracy of local school district reporting of staff mix and enrollment data for state reimbursement purposes. Beginning with the 1981-82 school year, any significant inaccuracies shall be reported to the attorney general and the superintendent of public instruction. The superintendent shall take action to recover any overpayment which results from the reporting of inaccurate data.

(2) No general fund moneys may be expended for the training of municipal auditors or other local personnel.

(3) Legal costs incurred by the attorney general to insure compliance with the findings of the state auditor in state agency audits shall be charged to the agency that received the audit. (~~Costs to audited agencies shall not exceed the budget preparation estimates provided by the state auditor to the committees on ways and means of the senate and house of representatives which were based on the governor's requested staff level plus seven positions.~~)

(4) The total of all billings submitted to state agencies shall reflect a 10.1% reduction from the original budget preparation estimates submitted to the ways and means committee of the senate and house of representatives in the 1981 regular session of the legislature. Such reduction shall be offset by an amount not to exceed \$338,000 which reflects the impact of salary and insurance costs not provided to the Auditing Services Revolving Fund in the original budget.

Sec. 19. Section 22, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

Net savings of general fund—state moneys realized by agencies as a result of 10.1% reductions in billings to agencies from the following funds shall be placed in

reserve status by the director of financial management and shall not be expended until appropriated by law:

- (1) Auditing services revolving fund;
- (2) ~~((Legal services revolving fund;~~
- ~~(3))~~ General administration facilities and services revolving fund (excluding the portion reflecting utilities);
- ~~((4))~~ (3) Department of personnel service fund; and
- ~~((5))~~ (4) Higher education personnel board service fund.

Sec. 20. Section 20, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund Appropriation .....	\$	<del>((4,300,000))</del>
		3,956,000
Legal Services Revolving Fund Appropriation .....	\$	<del>((19,513,000))</del>
		18,537,000
Total Appropriation .....	\$	<del>((23,813,000))</del>
		22,493,000
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		317.1
<del>FTE Staff Years—Fiscal Year 1983.....</del>		320.1)

The appropriations in this section are subject to the following conditions ~~((or))~~ and limitations:

- (1) \$150,000 of the general fund appropriation is provided solely for the continuation of the crime watch program.
- (2) Net savings of state general fund moneys realized by agencies as a result of the 5% reduction in legal services revolving fund billings shall be placed in reserve status by the director of financial management. These funds shall not be expended until appropriated by law.

Sec. 21. Section 21, chapter 340, Laws of 1981 as amended by section 24, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund Appropriation—State .....	\$	<del>((12,752,000))</del>
		12,674,000
General Fund Appropriation—Federal .....	\$	6,300,000
Total Appropriation .....	\$	<del>((19,052,000))</del>
		18,974,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$675,000 of the general fund—state appropriation is provided solely for the completion of the higher education personnel/payroll system.
- (2) \$70,000 of the general fund—state appropriation is provided solely for the payment of assessments against state-owned land.
- (3) ~~\$((1,568,000))~~ 1,821,000 of the general fund—state appropriation is provided solely for the completion, implementation, and operation of the state budget and accounting systems development.

(4) A maximum of \$1,553,000 of the general fund—state appropriation is provided ~~((solely))~~ for payment of supplies and services furnished in previous biennia.

(5) \$5,000 of the general fund—state appropriation is provided solely for payment of claims against the state.

(6) \$5,000 of the general fund—state appropriation is provided solely as state matching funds for federal law enforcement assistance administration (LEAA) carry forward funds for local government projects.

**NEW SECTION.** Sec. 22. There is added to chapter 340, Laws of 1981 a new section to read as follows:

FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation ..... \$ 330,000

Sec. 23. Section 24, chapter 340, Laws of 1981 as amended by section 26, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DATA PROCESSING AUTHORITY

General Fund Appropriation ..... \$ ~~((398,000))~~  
804,000

The appropriation in this section is subject to the following conditions ~~((or))~~ and limitations: ~~((398,000 is provided solely for one year. Funding for the second fiscal year of the biennium shall be considered in the 1982 regular session of the legislature based upon interim recommendations.))~~

(1) \$386,000 is provided for fiscal year 1982.

(2) \$418,000 is provided to the data processing authority or its successor agency solely for fiscal year 1983. If House Bill No. 941 is enacted with an appropriation during the 1982 regular session of the legislature, the \$418,000 provided under this section shall revert to the general fund.

Sec. 24. Section 25, chapter 340, Laws of 1981 as amended by section 27, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation ..... \$ ~~((31,000))~~  
30,000

Sec. 25. Section 26, chapter 340, Laws of 1981 as amended by section 28, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation ..... \$ ~~((36,493,000))~~  
36,074,000

General Fund—State Timber Tax Reserve Account

Appropriation ..... \$ 2,794,000

Motor Vehicle Fund Appropriation ..... \$ 110,000

Total Appropriation ..... \$ ~~((39,397,000))~~  
38,978,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$393,000 of the state timber tax reserve account appropriation is provided solely for reimbursement to counties with timberland for the costs of establishing forest land grades for each parcel of classified or designated forest land.

(2) The department of revenue shall maintain advisory appraisals as required by RCW 84.41.060.

(3) The department of revenue shall add one full time equivalent staff year for the 1982 fiscal year only to help conduct a new study of the financial impact of tax exemptions and a review of the effectiveness and problems of the current use law.

(4) That portion of the general fund—state appropriation which is allotted to the inheritance tax division for fiscal year 1983 is reduced by \$125,000 in this 1981 amendatory act in recognition of the passage of Initiative No. 402 and the resultant workload decrease in the inheritance tax division.

(5) ~~\$((2,444,000))~~ 2,310,000 of the general fund—state appropriation is provided solely for costs incurred by the excise tax division and the interpretation and appeals division as a result of the expanded effort at revenue recovery and appeals resolution.

(6) The department of revenue shall make every effort to implement the 1982 revisions to this section by making program reductions which will cause minimal loss of state revenues.

Sec. 26. Section 27, chapter 340, Laws of 1981 as amended by section 29, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund Appropriation .....	\$	<del>(885,000)</del>
		<u>858,000</u>

Sec. 27. Section 28, chapter 340, Laws of 1981 as amended by section 30, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State .....	\$	<del>(6,505,000)</del>
		<u>6,450,000</u>
General Fund Appropriation—Private/Local .....	\$	89,000
General Fund—Motor Transport Account Appropria- tion .....	\$	8,688,000
General Administration Facilities and Services Revolv- ing Fund Appropriation .....	\$	13,378,000
Total Appropriation .....	\$	<del>(28,660,000)</del>
		<u>28,605,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of general administration shall not expend any of the general fund appropriation for the replacement of motor transport division vehicles.

(2) The department of general administration shall provide insurance coverage for all state-owned, state-chartered, state-rented, or state employee-owned aircraft being used on authorized state business, including passengers. This coverage shall be in force for all such aircraft whether piloted by a state employee or employees of a charter or rental firm. The department may require reimbursement for premium costs from user agencies on a pro rata basis.

(3) The department of agriculture shall transfer \$21,000 from its local fund accounts to the motor transport account. The state treasurer shall transfer to the motor transport account \$29,000 from the grain and hay inspection fund, \$8,000 from the community college capital projects account, and \$24,000 from the highway safety fund. These transfers shall be in accordance with schedules provided by the office of financial management.

(4) \$140,000 of the state general fund appropriation shall be expended to convert the existing storage area in the basement of the public lands building to office space for support service functions.

Sec. 28. Section 29, chapter 340, Laws of 1981 as amended by section 31, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund Appropriation .....	\$	<del>(7,189,000)</del>
		<u>6,973,000</u>

Sec. 29. Section 30, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premi- ums tax distribution .....	\$	4,360,000
General Fund Appropriation for refund of deferred property tax .....	\$	<del>(33,000)</del>
		<u>123,000</u>
General Fund Appropriation for public utility district excise tax distribution .....	\$	12,673,000
General Fund Appropriation for prosecuting attorneys' salaries .....	\$	1,449,000
General Fund Appropriation for motor vehicle excise tax distribution .....	\$	56,632,000

General Fund Appropriation for local mass transit assistance.....	\$	104,279,000
General Fund Appropriation for camper and travel trailer excise tax distribution.....	\$	1,940,000
General Fund Appropriation for local fire protection costs.....	\$	720,000
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution.....	\$	728,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution.....	\$	22,389,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution.....	\$	172,480,000
Liquor Revolving Fund Appropriation for liquor profits distribution.....	\$	52,775,000
State Timber Tax Account 'A' Appropriation for distribution to "Timber" counties.....	\$	21,400,000
State Timber Tax Reserve Account Appropriation for distribution to "Timber" counties.....	\$	56,000,000
Total Appropriation.....	\$	<del>((507,858,000))</del> <u>507,948,000</u>

Sec. 30. Section 33, chapter 340, Laws of 1981 as amended by section 33, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation.....	\$	<del>((897,000))</del> <u>870,000</u>
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Sec. 31. Section 36, chapter 340, Laws of 1981 as amended by section 35, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE BOARD OF ACCOUNTANCY**

General Fund Appropriation.....	\$	<del>((556,000))</del> <u>539,000</u>
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The appropriation in this section is subject to the following condition(~~s~~ and) or limitation(~~s~~): (~~((+))~~) The board of accountancy shall not restrict entrance to CPA examinations as a result of reductions in state funding.

~~((2) \$20,000 of this appropriation shall not be expended unless, by February 1, 1982, the board of accountancy has increased its CPA examination fees to the maximum level authorized under RCW 18.04.160:))~~

Sec. 32. Section 37, chapter 340, Laws of 1981 as amended by section 36, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE BOXING COMMISSION**

General Fund Appropriation.....	\$	<del>((64,000))</del> <u>62,000</u>
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Sec. 33. Section 40, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE LIQUOR CONTROL BOARD**

Liquor Revolving Fund Appropriation.....	\$	<del>((75,823,000))</del> <u>72,032,000</u>
<del>((FTE Staff Years—Fiscal Year 1982.....</del>		<del>1,355.0</del>
<del>FTE Staff Years—Fiscal Year 1983.....</del>		<del>1,354.9))</del>

Sec. 34. Section 41, chapter 340, Laws of 1981 as amended by section 37, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE PHARMACY BOARD**

General Fund Appropriation.....	\$	<del>((966,000))</del> <u>937,000</u>
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The appropriation in this section is subject to the following condition or limitation: No moneys appropriated in this section may be expended for continuation of the diversion investigation unit.

Sec. 35. Section 44, chapter 340, Laws of 1981 as amended by section 38, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation—State .....	\$	<del>((1,005,000))</del>
		975,000
General Fund Appropriation—Federal .....	\$	2,227,000
Total Appropriation .....	\$	<del>((3,232,000))</del>
		<u>3,202,000</u>

The appropriations in this section are subject to the following condition or limitation: \$242,000 of the general fund—state appropriation is provided solely to reimburse the federal emergency management agency for the state's share of costs of individual and family grants provided for disaster relief: PROVIDED, That the department of emergency services, in conjunction with the department of social and health services, will reinstate an appeal process to the federal emergency management agency with respect to the \$87,102 in audit exceptions relative to the 1977 floods.

Sec. 36. Section 45, chapter 340, Laws of 1981 as amended by section 39, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State .....	\$	<del>((6,330,000))</del>
		6,140,000
General Fund Appropriation—Federal .....	\$	1,764,000
Total Appropriation .....	\$	<del>((8,094,000))</del>
		<u>7,904,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$279,000 of the general fund—state appropriation is provided solely for the continuation of the educational assistance grant program, of which a maximum of \$10,000 may be expended for administrative costs.

(2) \$32,000 of the general fund—state appropriation is provided solely for the Washington state guard.

(3) The military department shall make every effort to implement the 1982 revisions to this section by reducing programs whose funding does not affect the receipt of federal grants or contracts.

Sec. 37. Section 46, chapter 340, Laws of 1981 as amended by section 40, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation .....	\$	<del>((1,173,000))</del>
		<u>1,138,000</u>

NEW SECTION. Sec. 38. There is added to chapter 340, Laws of 1981 a new section to read as follows:

The department of corrections may modify allotments to include transfers within the programs established in chapter 340, Laws of 1981, as amended. The modifications shall not be made without prior approval of the office of financial management in consultation with the committees on ways and means of the senate and house of representatives.

Sec. 39. Section 50, chapter 340, Laws of 1981 as amended by section 44, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State .....	\$	<del>((53,186,000))</del>
		<u>52,911,000</u>
General Fund Appropriation—Federal .....	\$	<del>((14,821,000))</del>
		<u>14,759,000</u>
General Fund Appropriation—Local .....	\$	922,000
Total Appropriation .....	\$	<del>((68,929,000))</del>
		<u>68,592,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~\$((49,212,000))~~ 48,864,000 of which ~~\$((34,815,000))~~ 34,547,000 is from the general fund—state appropriation is provided solely for community mental health services. Of this amount, \$1,150,000 of the general fund—state appropriation is provided solely for 90 new residential treatment facility beds: PROVIDED, That Substitute House Bill No. 353 is passed during the 1981 legislative session: PROVIDED FURTHER, That if Substitute House Bill No. 353 should not pass, the funds provided for these beds shall be transferred to the institutional category of the mental health divisions appropriation. These beds are to be phased in according to the following schedule: 30 beds available January 1, 1982; an additional 30 beds available July 1, 1982; and an additional 30 beds available January 1, 1983. The department of social and health services shall contract for these beds at a rate not exceeding \$35.00 per day. These beds shall serve the chronically mentally ill.

(b) ~~\$((19,717,000))~~ 19,644,000 of which ~~\$((18,371,000))~~ 18,298,000 is from the general fund—state appropriation is provided solely for Involuntary Treatment Act costs. Up to \$2,200,000 of the general fund—state appropriation is provided for 60 new evaluation and treatment beds. These beds are for 72-hour and 14-day commitments. All 60 beds shall be available no later than January 1, 1983. The department of social and health services shall contract for these beds at a rate not to exceed \$50.00 per day.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State .....	\$	77,511,000
General Fund Appropriation—Federal .....	\$	5,085,000
Total Appropriation .....	\$	82,596,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$49,931,000, of which \$47,464,000 is from state funds, is provided solely for Western State Hospital.

(b) \$24,410,000, of which \$22,717,000 is from state funds, is provided for Eastern State Hospital.

(c) \$4,856,000, of which \$4,105,000 is from state funds, is provided solely for the PORTAL program at the Northern State facility. The secretary of social and health services shall prepare a report for submittal to the legislature by October 1, 1982, on the feasibility and method for implementing the residential treatment program utilized by PORTAL, in communities around the state.

(d) \$3,399,000, of which \$3,225,000 is from state funds, is provided solely for the child study and treatment center.

(e) Upon completion of the new hospital beds at the state hospitals, the department may, by contract, allow other public agencies to utilize the beds made surplus by the opening of the new facility if those agencies provide the funds to cover the full cost of such operation. The hospital shall account for these patients separately from state-supported patients. The care of these patients shall not be subject to the staff-to-patient ratio required in this act.

(3) SPECIAL PROJECTS

General Fund Appropriation—State . . . . .	\$	1,410,000
General Fund Appropriation—Federal . . . . .	\$	320,000
Total Appropriation . . . . .	\$	1,730,000

The appropriations in this subsection are subject to the following condition or limitation: \$579,000 from the general fund—state appropriation is provided solely for the continuation of the case management projects in Snohomish, King, Pierce, and Clark counties, and such other counties as funds allow: PROVIDED, That each county receiving these funds shall develop a method of funding case management within its 1983-85 grant-in-aid awards.

#### (4) PROGRAM SUPPORT

General Fund Appropriation—State . . . . .	\$	1,851,000
General Fund Appropriation—Federal . . . . .	\$	549,000
Total Appropriation . . . . .	\$	2,400,000

Sec. 4. Section 51, chapter 340, Laws of 1981 as amended by section 45, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

### FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— DEVELOPMENTAL DISABILITIES PROGRAM

#### (1) COMMUNITY SERVICES

General Fund Appropriation—State . . . . .	\$	((47,179,000))
		46,778,000
General Fund Appropriation—Federal . . . . .	\$	9,434,000
Total Appropriation . . . . .	\$	((56,613,000))
		56,212,000

The appropriations in this subsection are subject to the following condition ((and)) or limitation: \$1,000,000 of which \$500,000 is from federal funds is provided solely for the fragile children's program to be implemented during fiscal year 1982: PROVIDED, That \$70,000 may be expended for start-up costs for group homes. If the fragile children's program is not developed by January 1, 1983, then these funds shall revert to the general fund except for those funds expended for group home start-up costs.

#### (2) INSTITUTIONAL SERVICES

General Fund Appropriation—State . . . . .	\$	84,028,000
General Fund Appropriation—Federal . . . . .	\$	49,036,000
Total Appropriation . . . . .	\$	133,064,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of social and health services in conjunction with the superintendent of public instruction and a legislative study committee shall study the services provided by the School for the Deaf and the School for the Blind. The study shall be prepared in consultation with the parents of students enrolled in these schools as well as members of the deaf and blind community. The study shall include the role these schools play in the provision of education to sensory handicapped pupils in the state. The study shall further include an assessment of the advantages and disadvantages of continuing the operation of the schools; changing the operation of the schools; and closing the schools and serving the students through public schools' special programs. The report shall be completed and submitted to the legislature for review by December 30, 1981.

(b) \$6,781,000 is provided solely for the School for the Deaf, of which \$3,356,000 is for fiscal year 1982 and \$3,424,000 is for fiscal year 1983. \$4,529,000 is provided solely for the School for the Blind, of which \$2,256,000 is for fiscal year 1982 and \$2,273,000 is for fiscal year 1983.

(c) It is the assumption of the legislature that the appropriations in this subsection initially provide:

- (i) \$32,544,000 for the Fircrest School to operate at a biennial average daily population of 491;
- (ii) \$15,264,000 for the Interlake School to operate at a biennial average daily population of 248;
- (iii) \$34,237,000 for the Rainier School to operate at a biennial average daily population of 531;
- (iv) \$24,651,000 for Lakeland Village to operate at a biennial average daily population of 359;
- (v) \$10,020,000 for the Yakima Valley School to operate at a biennial average daily population of 148;
- (vi) \$3,921,000 for the Francis Haddon Morgan Children's Center to operate at a biennial average daily population of 55; and
- (vii) \$1,117,000 for the Cerebral Palsy Center to operate at a biennial average daily population of 16.

(3) SPECIAL PROJECTS

General Fund Appropriation—State .....	\$	984,000
General Fund Appropriation—Federal .....	\$	2,397,000
Total Appropriation .....	\$	3,381,000

(4) PROGRAM SUPPORT

General Fund Appropriation—State .....	\$	3,056,000
General Fund Appropriation—Federal .....	\$	227,000
Total Appropriation .....	\$	3,283,000

Sec. 5. Section 52, chapter 340, Laws of 1981 as amended by section 46, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
NURSING HOMES PROGRAM

General Fund Appropriation—State .....	\$	<del>((169,475,000))</del>
		<u>166,775,000</u>
General Fund Appropriation—Federal .....	\$	<del>((169,527,000))</del>
		<u>166,827,000</u>
Total Appropriation .....	\$	<del>((339,002,000))</del>
		<u>333,602,000</u>

The appropriations in this section are subject to the following condition or limitation: This appropriation assumes passage of Senate Bill No. 3765 and a two-year delay of implementation of chapter 74.46 RCW.

Sec. 6. Section 53, chapter 340, Laws of 1981 as amended by section 47, chapter 14, Laws of 1981 2nd 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 .....	\$	<del>((308,220,000))</del>
		<u>308,198,000</u>
General Fund Appropriation—Federal .....	\$	<del>((319,215,000))</del>
		<u>319,194,000</u>
Total Appropriation .....	\$	<del>((627,435,000))</del>
		<u>627,392,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$20,000,000 is provided solely for implementation of the consolidated emergency assistance program to provide specifically directed cash or in-kind benefits to meet the specific emergent need(s) of the applicant. Aid may be provided for

up to two months in any consecutive twelve-month period to low-income families with children who are ineligible for other state or federal assistance. It is the intent of the legislature that eligibility requirements shall be stricter than AFDC requirements. The department of social and health services shall immediately apply for waivers under Title XI, section 1115 of the federal social security act to allow federal matching funds to be used for the consolidated emergency assistance program as provided for in this section and in chapter 74.04 RCW (Senate Bill No. 4299).

(2) \$45,282,000 of the general fund—state appropriation is provided solely for income maintenance grants for the general assistance—unemployable program.

(3) The department of social and health services shall immediately evaluate federal proposals which are presently legal options to the states and implement those which are found to be cost-effective. In addition, the department shall seek waivers for any specific federal proposals which are cost-effective and are not now authorized. When waivers are obtained, changes shall be implemented. The department of social and health services shall provide proper notification, in accordance with state and federal laws and regulations, of any changes that are implemented. Furthermore, the department of social and health services shall draft rules to implement enacted changes to Title IV-A of the federal social security act prior to the issuance of federal regulations in order to avoid overexpenditure of state funds.

(4) The department of social and health services shall submit a report no later than November 2, 1981, to the committees on ways and means, social and health services, and human services of the senate and house of representatives detailing the implementation schedule and fiscal and program impact of these changes.

(5) It is the assumption of the legislature that the appropriations in this section initially provide:

- (a) \$44,220,000 from federal funds for energy assistance;
- (b) \$61,220,000 from federal funds for Indochinese refugees;
- (c) \$20,000,000 from the state general fund for the consolidated emergency assistance program;
- (d) \$453,334,000 (including \$219,086,000 from the state general fund) for aid to families with dependent children, with a caseload assumption for fiscal year 1982 of 59,890 cases and a caseload assumption for fiscal year 1983 of 61,797 cases;
- (e) \$31,103,000 from the state general fund for the supplemental security income state supplement;
- (f) \$53,428,000 from the state general fund for general assistance, with a caseload assumption for fiscal year 1982 of 9,075 cases and a caseload assumption for fiscal year 1983 of 9,692 cases;
- (g) \$2,034,000 from the state general fund for supplemental security income—additional requirements;
- (h) \$2,116,000 from the state general fund for burial assistance;
- (i) \$2,361,000 (including \$1,475,000 from the state general fund) for employment and training day-care; and
- (j) \$2,468,000 (including \$247,000 from the state general fund) for work incentive payments.

Sec. 43. Section 54, chapter 340, Laws of 1981 as amended by section 48, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
COMMUNITY SOCIAL SERVICES GRANTS PROGRAM**

General Fund Appropriation—State .....	\$	<del>((135,974,000))</del> 129,951,000
General Fund Appropriation—Federal .....	\$	<del>((61,049,000))</del> 60,976,000
General Fund Appropriation—Local .....	\$	105,000

Total Appropriation . . . . . \$ ~~((197,128,000))~~  
191,032,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(45,868,000)~~ 40,911,000 of which \$16,044,000 is from federal funds is provided solely for the provision of chore services to persons at risk of institutionalization who meet the eligibility criteria in RCW ~~((74.08.540))~~ 74.08.541, and for the support of programs utilizing volunteers to provide chore services. ~~((Of that amount, \$28,568,000 is provided for))~~ A limited chore service program shall be provided in which services are provided solely on an hourly basis, with a monthly lid on chore service hours which may be authorized. ~~(\$12,800,000 is provided for)~~ In addition, chore services shall be provided to clients in need of attendant care whose services are authorized on a monthly rate basis. The department of social and health services shall immediately seek waivers which allow the use of Title XX funds in a lidded program.

~~((2))~~ ~~\$1,698,000 is provided solely for the provision of)~~ Chore services may additionally be provided on a case-by-case exception-to-policy basis to severely handicapped persons in need of attendant care whose income exceeds 30% of the state median income but does not exceed 57% of the state median income. Services may be provided under this subsection only to the extent necessary to allow the individual to remain in his or her own home, and no services may be authorized for more than ninety days at any one time.

~~((3))~~ ~~(2)~~ ~~\$(1,226,000))~~ 1,201,000 of the general fund—state appropriation is provided solely for long-term alcoholism beds.

~~((4))~~ ~~(3)~~ ~~\$(1,330,000))~~ 13,840,000 of the general fund—state appropriation is provided solely for implementation of the senior citizens services act. At least 7.0% of these funds shall be used to develop and implement programs which utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the state chore service program.

~~((5))~~ ~~(4)~~ \$1,148,000 of the general fund—state appropriation is provided solely for the victims of domestic violence program.

~~((6))~~ ~~(5)~~ ~~\$(1,335,000))~~ 833,000 of the general fund—state appropriation, or so much thereof as may be necessary, is provided solely for the migrant day-care program.

~~((7))~~ ~~(6)~~ \$40,000 of the general fund—state appropriation in this subsection is provided solely to complete the child abuse demonstration project directed by RCW 74.13.200.

~~((8))~~ ~~(7)~~ It is the assumption of the legislature that the appropriations in this section initially provide:

(a) \$15,851,000 (including \$11,559,000 from the state general fund) for alcoholism grants;

(b) \$5,475,000 (including \$4,590,000 from the state general fund) for detoxification;

(c) \$9,558,000 (including \$3,545,000 from the state general fund) for substance abuse grants;

(d) \$2,500,000 from federal funds for Indochinese refugees;

(e) \$17,642,000 from federal funds for aging services under Title III of the federal older Americans act;

(f) \$14,960,000 from the state general fund for the senior citizens services act;

(g) \$4,482,000 (including \$2,275,000 from the state general fund) for crisis residential centers;

(h) \$28,887,000 from the state general fund for congregate care facilities;

(i) \$45,072,000 (including \$38,120,000 from the state general fund) for foster care payments, with a caseload assumption of 5,433 for fiscal year 1982 and a caseload assumption of 5,327 for fiscal year 1983;

(j) \$8,931,000 (including \$1,758,000 from the state general fund) for child care payments;

(k) \$4,816,000 (including \$4,372,000 from the state general fund) for adoption support;

(l) \$43,698,000 (including \$24,132,000 from the state general fund) for chore services;

(m) \$1,148,000 from the state general fund for victims of domestic violence;

(n) \$831,000 (including \$150,000 from the state general fund) for adult day care;

(o) \$2,537,000 (including \$634,000 from the state general fund) for crisis intervention services;

(p) \$1,200,000 from the state general fund for adult family homes; and

(q) \$144,000 from the state general fund for nursing home discharge allowances.

Sec. 44. Section 55, chapter 340, Laws of 1981 as amended by section 49, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MEDICAL ASSISTANCE GRANTS PROGRAM**

General Fund Appropriation—State .....	\$	((246,389,000))
		253,219,000
General Fund Appropriation—Federal .....	\$	((212,923,000))
		212,081,000
Total Appropriation .....	\$	((459,312,000))
		465,300,000

The appropriations in this section are subject to the following conditions or limitations:

(1) \$43,999,000 of the general fund—state appropriation is provided solely for the medical care of individuals not eligible for categorical assistance. Eligibility standards and scope of service shall be determined by the department of social and health services.

(2) \$34,146,000 of the general fund—state appropriation is provided solely for the medical component of the general assistance—unemployable program.

(3) The legislature supports efforts to maximize the cost benefits of pre-paid risk-sharing contracts in the provision of medical services through health maintenance organizations (HMOs) and individual practice associations (IPAs). The department is directed to seek increased participation of recipients enrolled in these programs. The legislature further supports the use of a hospital reimbursement system based on prospectively established rates. The department shall cooperate with the hospital commission in determining the possible savings to the state of using such a system.

(4) The department of social and health services shall establish by rule a system to insure that these funds are not expended to cover persons who are already covered by private or public programs.

(5) \$7,700,000 of the general fund—state appropriation is provided solely to lower the deductible for medically indigent persons from \$1,500 per year to \$500 per year, effective April 1, 1982.

Sec. 45. Section 57, chapter 340, Laws of 1981 as amended by section 51, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State .....	\$	((16,154,000))
		<u>16,146,000</u>
General Fund Appropriation—Federal .....	\$	((27,468,000))
		<u>27,443,000</u>
Total Appropriation .....	\$	((43,622,000))
		<u>43,589,000</u>

Sec. 46. Section 61, chapter 340, Laws of 1981 as amended by section 54, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

General Fund Appropriation—State .....	\$	((14,727,000))
		<u>14,285,000</u>
General Fund Appropriation—Local .....	\$	2,496,000
Total Appropriation .....	\$	((17,223,000))
		<u>16,781,000</u>

Sec. 47. Section 62, chapter 340, Laws of 1981 as amended by section 55, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY**

General Fund Appropriation—State .....	\$	((4,226,000))
		<u>4,206,000</u>
General Fund Appropriation—Federal .....	\$	28,152,000
Total Appropriation .....	\$	((32,378,000))
		<u>32,358,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation is provided solely for City Fair—Seattle.

(2) In anticipation of significant reductions in federal support, the agency shall prepare a contingency expenditure plan which adjusts the allotments to reflect the anticipated loss of federal funds and required state matching funds. This contingency plan shall include necessary program changes and a redefinition of services. As a result of any loss of federal funds, subsequent state matching funds shall be placed in reserve. The contingency plan shall be transmitted to the legislature upon completion.

(3) A maximum of \$1,132,000 of the general fund—state appropriation is provided ((solely)) for the Mt. St. Helens Zone Enforcement/Assistance Project to expedite a coordinated three-county response to an emergency generated by tourist and public response to Mt. St. Helens volcano activity and/or disaster.

(4) \$107,000 of the general fund—state appropriation shall be used to provide additional state support to continue the federally funded Section 8 low-income housing program.

Sec. 48. Section 63, chapter 340, Laws of 1981 as amended by section 56, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund Appropriation—State .....	\$	((2,488,000))
		<u>2,413,000</u>
General Fund Appropriation—Federal .....	\$	517,000
Total Appropriation .....	\$	((3,005,000))
		<u>2,930,000</u>

Sec. 49. Section 66, chapter 340, Laws of 1981 as amended by section 57, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation—State .....	\$	((5,862,000))
		<u>7,684,000</u>

General Fund—Crime Victims' Compensation	
Account Appropriation.....	\$ 160,000
Accident Fund Appropriation—State .....	\$ 39,401,000
Accident Fund Appropriation—Federal .....	\$ 366,000
Electrical License Fund .....	\$ 7,381,000
Medical Aid Fund Appropriation .....	\$ 33,619,000
Plumbing Certificate Fund.....	\$ 283,000
Pressure Systems Safety Fund .....	\$ 827,000
Total Appropriation .....	\$ ((87,899,000))
	<u>89,721,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) General fund expenditures for the building and construction program together with associated indirect cost and salary increase costs shall not exceed general fund revenue from the building and construction program.

(2) \$1,094,000 of the general fund—state appropriation is provided solely for the fiscal year 1982 employment standards and apprenticeship programs. Fiscal year 1983 funding shall be determined on the basis of a legislative budget committee review of the employment standards program within the criteria established in chapter 43.131 RCW and complete a report prior to December 15, 1981. Fiscal year 1983 funding of the apprenticeship program shall be determined on the basis of a legislative study to be completed by January 15, 1982. Fiscal year 1983 funding shall be from user fees as provided in House Bill No. 795 and House Bill No. 796 for the employment standards and apprenticeship program, respectively, if enacted during the 1982 regular session of the legislature.

(3) ~~\$((632,000))~~ 2,630,000 of the general fund—state appropriation is provided solely for victims of crime (~~(pension)~~) benefit payments.

Sec. 50. Section 67, chapter 340, Laws of 1981 as amended by section 58, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE BOARD OF PRISON TERMS AND PAROLES**

General Fund Appropriation .....	\$ ((2,198,000))
	<u>2,223,000</u>

Sec. 51. Section 68, chapter 340, Laws of 1981 as amended by section 59, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE HOSPITAL COMMISSION**

General Fund Appropriation—State .....	\$ ((489,000))
	<u>474,000</u>
General Fund Appropriation—Federal .....	\$ 128,000
General Fund—Hospital Commission Account	
Appropriation .....	\$ 915,000
Total Appropriation .....	\$ ((1,532,000))
	<u>1,517,000</u>

The appropriations in this section are subject to the following condition or limitation: The hospital commission shall further review the benefits and possible savings to the state of utilizing a reimbursement system based on prospectively established hospital rates.

Sec. 52. Section 69, chapter 340, Laws of 1981 as amended by section 60, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund Appropriation—State .....	\$ ((2,050,000))
	<u>1,988,000</u>
General Fund Appropriation—Federal .....	\$ 158,908,000
General Fund Appropriation—Local .....	\$ 23,571,000

Administrative Contingency Fund Appropriation—

Federal .....	\$	2,231,000
Unemployment Compensation Administration Fund		
Appropriation .....	\$	93,132,000
Total Appropriation .....	\$	<u>((279,892,000))</u>
		<u>279,830,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$729,000 of the general fund—state appropriation is provided solely for work orientation of ex-offenders.

(2) \$300,000 of the general fund—state appropriation is provided solely for a placement incentive demonstration project to serve AFDC-R recipients who have been on assistance for three consecutive years or more and have been determined to have the most severe barriers to employment.

The goal of this program is to establish a demonstration program that will use performance-based contracts to achieve full-time job placement and ensure long-term job retention. Not more than \$1,000 may be spent per participant and the payment schedule shall be structured to ensure incentive is built-in with twelve-month job retention for a minimum of 50% of the participants. The results of this program will be analyzed and evaluated and a written report will be submitted to the legislature by January, 1983. The report shall also contain comparative analysis of other similar employment and training programs including the employment and training program of the department of social and health services. The employment security department shall cooperate with the department of social and health services in seeking federal funds for this program and in monitoring savings in income maintenance and medical assistance as a result.

Sec. 53. Section 70, chapter 340, Laws of 1981 as amended by section 61, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE COMMISSION FOR THE BLIND

General Fund Appropriation—State .....	\$	<u>((2,468,000))</u>
		2,394,000
General Fund Appropriation—Federal .....	\$	5,254,000
Total Appropriation .....	\$	<u>((7,722,000))</u>
		<u>7,648,000</u>

Sec. 54. Section 71, chapter 340, Laws of 1981 as amended by section 62, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE JAIL COMMISSION

General Fund Appropriation .....	\$	<u>((350,000))</u>
		339,000
General Fund—Local Jail Improvement and Construction Account Appropriation .....	\$	511,000
Total Appropriation .....	\$	<u>((861,000))</u>
		<u>850,000</u>

Sec. 55. Section 72, chapter 340, Laws of 1981 as amended by section 63, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State .....	\$	<u>((1,105,000))</u>
		1,031,000
General Fund Appropriation—Federal .....	\$	<u>((4,641,000))</u>
		4,611,000
Total Appropriation .....	\$	<u>((5,746,000))</u>
		<u>5,642,000</u>

Sec. 56. Section 73, chapter 340, Laws of 1981 as amended by section 64, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

## FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation . . . . . \$ ((68,000))  
66,000

Sec. 57. Section 74, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

## FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State . . . . . \$ ((20,093,000))  
17,815,000

General Fund Appropriation—Federal . . . . . \$ 14,380,000

General Fund—Special Grass Seed Burning Research  
 Account Appropriation . . . . . \$ 35,000

General Fund—Reclamation Revolving Account  
 Appropriation . . . . . \$ 580,000

General Fund—Litter Control Account Appropria-  
 tion . . . . . \$ 4,110,000

Stream Gaging Basic Data Fund Appropriation . . . . . \$ 200,000

General Fund—State and Local Improvements  
 Revolving Account—Waste Disposal Facilities:  
 Appropriated pursuant to chapter 127, Laws of  
 1972 ex. sess. (Referendum 26) . . . . . \$ 54,315,000

General Fund—State and Local Improvements  
 Revolving Account—Waste Disposal Facilities:  
 Reappropriation (Referendum 26) . . . . . \$ 61,797,000

General Fund—Water Pollution Control Facilities  
 Account Appropriation . . . . . \$ 50,000

General Fund—State and Local Improvements  
 Revolving Account—Water Supply Facilities:  
 Appropriated pursuant to chapter 128, Laws of  
 1972 ex. sess. (Referendum 27) . . . . . \$ 7,284,000

General Fund—State and Local Improvements  
 Revolving Account—Water Supply Facilities:  
 Reappropriation (Referendum 27) . . . . . \$ 4,700,000

General Fund—Emergency Water Project Revolving  
 Account Appropriation: Appropriated pursuant to  
 chapter 1, Laws of 1977 ex. sess. . . . . \$ 7,358,000

General Fund—Emergency Water Project Revolving  
 Account: Reappropriation . . . . . \$ 6,500,000

General Fund—State and Local Improvements  
 Revolving Account—Water Supply Facilities:  
 Appropriated pursuant to chapter 234, Laws of  
 1979 ex. sess. (Referendum 38) . . . . . \$ 18,095,000

General Fund—State and Local Improvements  
 Revolving Account—Waste Disposal Facilities  
 1980: Appropriated pursuant to chapter 159, Laws  
 of 1980 (Referendum 39) . . . . . \$ 84,780,000

Total Reappropriation . . . . . \$ 72,997,000

Total New Appropriation . . . . . \$ ((211,280,000))  
209,002,000

Total Appropriation . . . . . \$ ((284,277,000))  
281,999,000

((FTE Staff Years—Fiscal Year 1982 . . . . . 509.5  
 FTE Staff Years—Fiscal Year 1983 . . . . . 512.1))

The appropriations in this section are subject to the following conditions and limitations:

(1) On or before October 1, 1981, the department of ecology shall file with the committees on ways and means of the senate and house of representatives a master compilation by project type of those projects proposed for funding during the 1981-83 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each referendum bond issue. The department shall submit updates for the master compilation to the committees on ways and means at six-month intervals during the 1981-83 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering the projects. If the department proposes to change or modify any project list on the master compilation, it shall give the committees on ways and means thirty days' written notice of the change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall immediately inform the committees of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities.

(2) The appropriation from the state and local improvements revolving account—water supply facilities (Referendum 27) may be expended to pay up to 50% of the eligible cost of any project, as a grant or loan or combination thereof. Also, the department may lend up to 100% of the eligible costs of preconstruction activities and the department may provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(3) The appropriation from the state and local improvements revolving account—waste disposal facilities (Referendum 26) may be expended by the department to pay for up to 50% of the eligible cost of any project, as a grant or up to 100% as a loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(4) The appropriation from the state and local improvements revolving account—waste disposal facilities 1980 (Referendum 39) may be expended by the department to pay up to 75% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(5) \$130,000 of the general fund—state appropriation is provided solely to augment current department planned expenditures for the assessment of sources of, and abatement programs for, toxic substances in Commencement Bay and its waterways. Of that amount:

(a) \$90,000 is for field and laboratory studies and activities needed for determining the source or sources of toxic substances in Commencement Bay and its waterways; and

(b) \$40,000 is for collecting and analyzing samples of sediments from any deep water portions of Commencement Bay that have been utilized for waste disposal sites, for the purpose of identifying the nature and extent of the wastes deposited.

(6) \$1,306,000 of the general fund—state appropriation is provided solely for the vehicle emission inspection program.

Sec. 58. Section 75, chapter 340, Laws of 1981 as amended by section 66, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund Appropriation .....	\$	((591,000))
		<u>561,000</u>

Sec. 59. Section 76, chapter 340, Laws of 1981 as amended by section 67, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund Appropriation—State .....	\$	<del>((25,019,000))</del>
		<u>24,349,000</u>
General Fund Appropriation—Federal .....	\$	185,000
General Fund Appropriation—Private/Local .....	\$	467,000
General Fund—Trust Land Purchase Account Appropriation .....	\$	5,498,000
General Fund—Winter Recreation Parking Account Appropriation .....	\$	64,000
General Fund—Outdoor Recreation Account Approp- riation .....	\$	81,000
General Fund—Snowmobile Account Appropriation .....	\$	555,000
Motor Vehicle Fund Appropriation .....	\$	600,000
Total Appropriation .....	\$	<del>((32,469,000))</del>
		<u>31,799,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$140,000 may be expended 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.

(2) \$104,000 is provided solely for a manual campsite reservation system.

(3) A maximum of \$193,000 may be expended for a lifeguard program.

(4) A maximum of \$80,000 may be expended for the operation of the Goldendale Observatory.

(5) No moneys appropriated in this section may be expended for an agreement with the department of transportation for maintenance of the restroom at Snoqualmie Pass.

(6) \$700,000 may be expended for facility maintenance.

(7) \$162,000 may be expended for law enforcement, including an agreement with the Washington state patrol.

(8) \$75,000 is provided solely to determine the potential long-range alternative uses of the St. Edwards facility. The study shall include all potential uses, including but not limited to recreation. The results of the study shall be reported to the legislature not later than December 1, 1981.

(9) \$36,000 of this general fund—state appropriation is provided solely to provide minimal heat, air circulation, water and maintenance necessary to prevent the deterioration of the St. Edwards facility.

(10) \$15,000 may be expended to implement the recommendations of the Mt. St. Helens recreation and tourism task group for the operation of Seaquest state park tourist information center and various viewpoints and sanitary facilities.

Sec. 60. Section 78, chapter 340, Laws of 1981 as amended by section 68, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund Appropriation—State .....	\$	<del>((309,000))</del>
		<u>288,000</u>
General Fund Appropriation—Federal .....	\$	205,000
Total Appropriation .....	\$	<del>((514,000))</del>
		<u>493,000</u>

Sec. 61. Section 80, chapter 340, Laws of 1981 as amended by section 69, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT**

General Fund Appropriation—State .....	\$	<del>((8,190,000))</del>
		<u>8,140,000</u>

General Fund Appropriation—Federal .....	\$	391,000
Motor Vehicle Fund Appropriation .....	\$	395,000
Total Appropriation .....	\$	<del>((8,976,000))</del>
		<u>8,926,000</u>

Sec. 62. Section 81, chapter 340, Laws of 1981 as amended by section 70, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISHERIES**

General Fund Appropriation—State .....	\$	<del>((34,672,000))</del>
		<u>33,746,000</u>
General Fund Appropriation—Federal .....	\$	5,777,000
General Fund Appropriation—Private/Local .....	\$	1,873,000
General Fund—Lewis River Hatchery Account Appropriation .....	\$	27,000
Total Appropriation .....	\$	<del>((42,349,000))</del>
		<u>41,423,000</u>

The appropriations in this section are subject to the following condition or limitation: \$211,000 of the general fund—state appropriation is provided solely for bait fish and ling cod enhancement efforts.

Sec. 63. Section 83, chapter 340, Laws of 1981 as amended by section 71, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund Appropriation—State .....	\$	<del>((21,418,000))</del>
		<u>20,668,000</u>
General Fund Appropriation—Federal .....	\$	1,354,000
General Fund—ORV (Off-Road Vehicle) Account Appropriation .....	\$	1,711,000
General Fund—Forest Development Account Approp- riation .....	\$	16,669,000
General Fund—State Timber Tax Reserve Account Appropriation .....	\$	414,000
General Fund—Landowner Contingency Forest Fire Suppression Account Appropriation .....	\$	1,878,000
General Fund—Resource Management Cost Account Appropriation .....	\$	49,977,000
Total Appropriation .....	\$	<del>((93,421,000))</del>
		<u>92,671,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,782,000 of the general fund—state appropriation is provided solely for emergency fire suppression. The funds shall also be available for interfund loans with the landowner contingency forest fire suppression account.

(2) A maximum of \$1,997,000 from the general fund—state appropriation shall be expended for the operation of the Clearwater, Olympic, Larch Mountain, Indian Ridge, Cedar Creek, Maple Lane, Naselle, and Mission Creek Honor Camps.

(3) Up to \$13,000,000 of the resource management cost account appropriation may be substituted by additional forest development account funds in excess of the appropriation. Any funds so replaced shall not be expended for any purpose.

(4) A maximum of \$1,832,000 of the general fund—state appropriation may be expended for the geology and earth resources program.

(5) \$40,000 of the resource management cost account appropriation is provided solely for lake management.

(6) The department of natural resources shall provide a report on the urban lands program to the committees on ways and means of the house of representatives

and the senate by December 1, 1981. The report shall include an inventory of urban lands, a management plan for each urban parcel, involvement in land use planning, and any other information necessary for policy determination.

Sec. 64. Section 84, chapter 340, Laws of 1981 as amended by section 72, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State .....	\$	<del>((8,475,000))</del>
		<u>8,548,000</u>
General Fund Appropriation—Federal .....	\$	777,000
General Fund—Feed and Fertilizer Account Approp- riation .....	\$	29,000
Fertilizer, Agricultural, Mineral and Lime Fund Appro- priation .....	\$	358,000
Commercial Feed Fund Appropriation—State .....	\$	311,000
Commercial Feed Fund Appropriation—Federal .....	\$	22,000
Seed Fund Appropriation .....	\$	913,000
Nursery Inspection Fund Appropriation .....	\$	270,000
Grain and Hay Inspection Fund Appropriation .....	\$	17,278,000
Total Appropriation .....	\$	<del>((28,433,000))</del>
		<u>28,506,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$13,000 of the general fund—state appropriation shall be expended for starling control.

(2) \$300,000 from the general fund—state appropriation is provided solely for an apple maggot detection program. These funds shall revert to the general fund if Senate Bill No. 4684 is enacted during the 1982 regular session of the legislature.

Sec. 65. Section 5, chapter 289, Laws of 1981 (uncodified) is amended to read as follows:

There is appropriated to the environmental policy commission from the general fund for the biennium ending June 30, 1983, the sum of ~~((fifty))~~ forty-two thousand dollars, to carry out the purposes of this act.

Sec. 66. Section 86, chapter 340, Laws of 1981 as amended by section 74, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)

General Fund Appropriation—State .....	\$	<del>((12,314,000))</del>
		<u>11,945,000</u>
General Fund Appropriation—Federal .....	\$	5,981,000
General Fund—Traffic Safety Education Account Appropriation .....	\$	460,000
Total Appropriation .....	\$	<del>((18,755,000))</del>
		<u>18,386,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$460,000 may be expended for the state office administration of the traffic safety education program.

(2) The superintendent shall ensure that data reported by school districts for reimbursement and state budget planning purposes is accurate and timely.

(3) The Superintendent of Public Instruction shall not reduce the scoliosis screening program established under RCW 28A.31.132 through 28A.31.142 below the level established under chapter 340, Laws of 1981 as enacted during the 1981 regular session of the Legislature.

Sec. 67. Section 87, chapter 340, Laws of 1981 as amended by section 75, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION FORMULA FOR FISCAL YEARS 1982 AND 1983**

General Fund Appropriation .....	\$	<del>(2,583,966,000)</del>
		<u>2,601,276,000</u>
General Fund—State Timber Tax Reserve Account .....	\$	4,000,000
Total Appropriation .....	\$	<del>((2,587,966,000))</del>
		<u>2,605,276,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of this act and compliance with chapter 16, Laws of 1981, the superintendent of public instruction shall ensure that no district provides salary and compensation increases from any fund source whatsoever in excess of those amounts for insurance benefit increases and/or for those percentages for salary increases as specified in this act or LEAP Document 2 (revised): PROVIDED, That for the 1981-82 school year, if a school district is in violation of chapter 16, Laws of 1981, or chapter 340, Laws of 1981, as now or hereafter amended, the superintendent shall withhold five percent or an amount equal to the level of violation when applied to the district's respective basic education allocation, whichever is less, of a district's respective basic education allocation until such time as a school district comes into compliance: PROVIDED FURTHER, That the superintendent shall withhold five percent of a district's respective basic education allocation if the school district violates any provision of this act or chapter 16, Laws of 1981 until such time as a school district comes into compliance: PROVIDED FURTHER, That provisions of any contract in force as of the effective date of chapter 16, Laws of 1981, for school years 1981-82 and 1982-83 that conflict with the provisions of this act may continue in effect: PROVIDED FURTHER, That provisions of a contract in compliance with chapter 16, Laws of 1981, entered into prior ((to November —, 1981,)) to the effective date of this 1982 act, for the 1982-83 school year that conflicts with provisions of this 1981 amendatory act may continue in effect.

(2)(a) The appropriations in this section and allocation authorized by sections 87 through 91 of this act per annual average full time equivalent student shall constitute 100% of formula as provided in RCW 28A.41.130 as now or hereafter amended.

(b) If the system-wide staff mix factor exceeds 1.6182, the superintendent of public instruction shall make such adjustments as are required to remain within the amounts generated by the staff mix assumption for the total appropriation.

(3) Formula allocation of certificated staff units shall be determined as follows:

(a) One certificated staff unit for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) One certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction.

(c) For districts enrolling not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollment above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a K-8 program or 1-8 program, an additional one-half of a certificated staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a K-6 or 1-6 program, an additional one-half of a certificated staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(d) For districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students, certificated staff units shall be determined as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(4)(a) For nonemployee related costs with each certificated staff unit determined under subsection (3) (a), (c), and (d) of this section, there shall be provided a maximum of \$4,572 per staff unit in the 1981-82 school year and a maximum of \$4,966 per staff unit in the 1982-83 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (3)(b) of this section, there shall be provided a maximum of \$8,000 per staff unit in the 1981-82 school year and a maximum of \$8,641 per staff unit in the 1982-83 school year.

(5) Formula allocation of classified staff units shall be determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (3) (a), (c), and (d) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(6) The superintendent of public instruction shall distribute a maximum of \$565,000 outside of the basic education allocation to school districts for fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by RCW 52.36.020; a maximum of \$280,000 for the 1981-82 school year, and a maximum of \$285,000 for the 1982-83 school year.

(7) The general fund—state appropriation contained in this section includes all funds received by the state pursuant to Title 16, section 500, United States Code (federal forest funds) which are distributed to the general fund for the benefit of public schools in accordance with RCW 36.33.110. Within thirty days of receipt

within the state treasury, the superintendent of public instruction shall distribute such federal forest funds to each eligible school district in an amount not to exceed that which the district would have received in accordance with the basic education apportionment for the previous year. Funds determined to be in excess of that amount shall be distributed to the county for distribution to the school districts within the county in accordance with RCW 36.33.110: PROVIDED, That if the amount received by any district pursuant to this appropriation is less than the basic education allocation which the district would otherwise receive, the superintendent of public instruction shall allocate from basic education funds to the district an amount equal to the difference between the amount received under this appropriation and the amount the district would otherwise receive under the basic education act.

(8) The superintendent of public instruction may distribute a maximum of \$250,000 for school district emergencies outside of the basic education allocation.

(9) Not more than \$~~((4,518,000))~~ 2,726,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1981-82 school year from the 1980-81 base enrollment level (~~and in the 1982-83 school year from the 1981-82 base enrollment level~~). The superintendent of public instruction shall distribute funds based on certificated staff units in the 1981-82 (~~and 1982-83~~) school year(~~s~~) to such districts on the basis of current school year enrollment plus one quarter of the amount of the enrollment decline from the prior school year level. The superintendent of public instruction, in ascertaining the full time equivalent enrollment under this section for any school district declining in enrollment at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, shall increase the enrollment as otherwise herein computed by twenty-five percent of the full time equivalent pupil enrollment loss from the previous school year.

(10) No cash balances or cash reserves of any school district may be confiscated by the state nor used as a local revenue deduction when apportionment funds from this section are distributed to school districts.

(11) The disbursements to local school districts from the appropriations in this section are subject to reductions under section 78 of this 1982 act.

Sec. 68. Section 88, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

#### SALARY AND COMPENSATION DEFINITIONS

For purposes of sections 87 through 104 of this act, the following definitions apply:

(1) "LEAP Document 2" means the computer tabulation of 1980-81 derived base salaries for basic education certificated staff, 1980-81 average salaries for basic education classified staff and 1981-82 and 1982-83 salary increase percentages which was developed by the legislative evaluation and accountability program committee on (~~April 20, 1981, at 2:02 p.m.~~) February 22, 1982, at 4:12 p.m.

(2) "LEAP Document 2 (revised)" means the computer tabulation of 1980-81 derived base salaries for basic education certificated staff, 1980-81 average salaries for basic education classified staff and 1981-82 and 1982-83 salary increase percentages which was developed by the legislative evaluation and accountability program committee on February 22, 1982, at 4:54 p.m.

(3) "State-supported staff" means state-funded staff in the following programs: Basic education (program 00), general instructional support (program 94), general support (program 97), secondary vocational education (program 30), handicapped (program 21) exclusive of any staff funded in the block grant program under section 100 of this act, vocational-technical institutes/adult education (programs 47 and 48), state institutions (program 46), educational service districts, and transportation (program 99).

~~((3))~~ (4) "Incremental fringe benefits" means 7% for certificated staff and 14% for classified staff, which percentage shall be applied to salary increases and is for employer contributions to old age survivor's insurance, workers' compensation, unemployment compensation, and retirement benefits under the public employees' retirement system (chapter 41.40 RCW).

Sec. 69. Section 92, chapter 340, Laws of 1981 as amended by section 76, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**SALARY AND COMPENSATION INCREASES**

General Fund Appropriation . . . . . \$ ~~((152,352,000))~~  
108,701,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds shall be allocated by the superintendent of public instruction as specified in this section and may be expended by school districts for any state funded activity.

~~(3) ((The 1982-83 salary and incremental fringe benefit increase allocation provided by this section shall be implemented on January 1, 1983, to each local school district on the basis of the RCW 28A.48.010 monthly schedule for the applicable months during the 1982-83 state fiscal year.~~

~~(4))~~ A maximum of \$~~((83,742,000))~~ 55,776,000 for the 1981-83 biennium may be expended for provision of basic education state-supported certificated staff salary increases as provided in LEAP Document 2 and concomitant incremental fringe benefits. Local school district percentage salary increases under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection ~~((8))~~ (7) (b) and (c) of this section, shall not exceed the percentages specified in LEAP Document 2 (revised).

~~((5))~~ (4) A maximum of \$~~((18,910,000))~~ 12,255,000 for the 1981-83 biennium may be expended for provision of basic education state-supported classified staff salary increases as provided in LEAP Document 2 and concomitant incremental fringe benefits. Local school district percentage increases provided under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection ~~((8)(b))~~ (7)(b) of this section, shall not exceed the percentages specified in LEAP Document 2 (revised).

~~((6))~~ (5) A maximum of \$~~((34,430,000))~~ 29,846,000 for the 1981-83 biennium may be expended for insurance benefit increases for state-supported basic education certificated and classified staff at a rate of \$26 per month per full time equivalent staff unit in 1981-82 and an additional \$~~((16))~~ 5 per month in 1982-83.

~~((7))~~ (6) A maximum of \$~~((15,270,000))~~ 10,824,000 for the 1981-83 biennium for state-supported staff salary, insurance benefit increases, and concomitant incremental fringe benefits for educational service district staff, institutional education staff (program 46), vocational-technical institutes/adult basic education (programs 47 and 48), handicapped program staff (program 21) and transportation staff (program 99), to be distributed at rates and/or percentages not exceeding those specified for the basic education certificated or classified staff, as the case may be, of a district using the pertinent program derived base salary and staff mix factor for certificated staff and average salary for classified staff. Educational service district staff shall receive salary increases funded from this appropriation at the support level provided in section 99 of this act at a rate of 6.87% in 1981-82 and ~~((7.35% in 1982-83, effective January 1, 1983, and))~~ insurance benefit increases at the same rate as provided in subsection ~~((6))~~ (5) of this section. Educational service districts, institutional education (program 46) and vocational-technical institutes/adult

basic education (programs 47 and 48) shall receive first draw from this appropriation.

~~((8))~~ (7) For purposes of chapter 16, Laws of 1981, the following conditions and limitations shall apply:

(a) Districts may provide salary and insurance benefit increases for nonstate-supported activities at rates not exceeding those specified by LEAP Document 2 (revised) for state-supported basic education certificated staff in each school year of the biennium for each district.

(b) That part of insurance benefits granted employees that are in excess of:

(i) \$121 per full time equivalent staff unit in 1981-82 shall constitute a portion of the salary increase specified in LEAP Document 2 (revised): PROVIDED, That if insurance benefits granted employees in 1980-81 were in excess of \$121 per full time equivalent staff unit then only that part granted to employees for 1981-82 in excess of the 1980-81 level shall constitute a portion of the salary increase specified in LEAP Document 2 (revised).

(ii) \$~~(+37)~~ 126 per full time equivalent staff unit in 1982-83 shall constitute a portion of the salary increase specified in LEAP Document 2 (revised): PROVIDED, That if insurance benefits granted employees in 1981-82 were in excess of \$~~(+37)~~ 126 per full time equivalent staff unit then only that part granted to employees for 1982-83 in excess of the 81-82 level shall constitute a portion of the salary increase specified in LEAP Document 2 (revised).

(c) Increments granted by school districts to certificated staff shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments which are provided pursuant to LEAP Document 1.

~~((9))~~ (8) A district shall not be in violation of this section or chapter 16, Laws of 1981, as a result of corrections to the reported staff mix data in the 1980-81 or 1981-82 school year as long as the average salary for the 1981-82 school year does not exceed the average salary that would have been generated through consistent application of the incorrect base salary and staff mix in the 1981-82 school year.

~~((+10))~~ The salary increase for the 1982-83 fiscal year shall take effect January 1, 1983.)

(9) Health care or insurance plan benefits shall not be increased above the dollar amounts provided in subsection (5) of this section without the prior approval of the legislature. Any moneys retained by any carrier as a result of a dividend or refund attributable to the experience of an insurance or health care plan calculated at the end of the contract year shall be remitted to the state general fund. The superintendent of public instruction shall promulgate such rules as are necessary to implement this subsection.

(10) The disbursements to local school districts from the appropriations in this section are subject to reductions under section 78 of this 1982 act.

Sec. 70. Section 94, chapter 340, Laws of 1981 as amended by section 77, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation . . . . . \$ 147,300,000

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$842,000 may be expended for regional transportation coordinators.

(2) A maximum of \$74,000 may be expended for driver training.

(3) (a) If House Bill No. 711 is enacted during the 1981 regular session of the legislature, activities eligible for state reimbursement in the 1982-83 school year are as follows:

(i) Handicapped student transportation;

(ii) Transportation of students to and from the nearest or next-nearest school in accordance with RCW 28A.41.160(1) as amended by Engrossed Substitute House Bill No. 711;

(iii) Costs of acquisition of approved transportation equipment in accordance with RCW 28A.41.160(2);

(iv) Transportation of students to and from two or more locations during the school day when necessary for the student to pursue his or her course of study: PROVIDED, That field trips and extracurricular transportation shall not be funded under this section.

(b) The superintendent of public instruction shall transfer \$6,000,000 from this appropriation to the appropriation provided for block grants in section 100 of this act if Engrossed Substitute House Bill No. 711 is enacted during the 1981 regular session of the legislature and if, on or after October 1, 1982, the superintendent certifies to the governor that its enforcement was not subject to a permanent or preliminary injunction at any time during the previous thirty days.

(4) The disbursements to local school districts from the appropriation in this section are subject to reductions under section 78 of this 1982 act.

Sec. 71. Section 95, chapter 340, Laws of 1981 as amended by section 78, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation . . . . .	\$ ((41,168,000))
	<u>41,323,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) The 1981-82 school year appropriation is based on an enrollment of 9,561 full time equivalent students at a state support level per student of \$2,063, not including salary and insurance benefit increases.

(b) The 1982-83 school year appropriation is based on an enrollment of 9,905 full time equivalent students at a state support level per student of \$2,136, not including salary and insurance benefit increases.

(2) A maximum of \$533,000 of this appropriation may be expended for adult education.

(3) The disbursements to local school districts from the appropriation in this section are subject to reductions under section 78 of this 1982 act.

Sec. 72. Section 96, chapter 340, Laws of 1981 as amended by section 79, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State . . . . .	\$	6,432,000
General Fund Appropriation—Federal . . . . .	\$	69,744,000
Total Appropriation . . . . .	\$	76,176,000

The appropriations in this section are subject to the following condition or limitation: The disbursements to local school districts from the appropriations in this section are subject to reductions under section 78 of this 1982 act.

Sec. 73. Section 97, chapter 340, Laws of 1981 as amended by section 80, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED COSTS

General Fund Appropriation—State .....	\$	119,921,000
General Fund Appropriation—Federal .....	\$	27,200,000
Total Appropriation .....	\$	147,121,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 1981-82 school year, the superintendent of public instruction shall allocate funds in accordance with LEAP Document 3.

(2) For the 1982-83 school year, the superintendent of public instruction shall allocate funds in accordance with LEAP Document 3 (Revised).

(3) Communication disordered, specific learning disabled, and behaviorally disabled students may be served from funds appropriated for the block grant program.

(4) The disbursements to local school districts from the appropriations in this section are subject to reductions under section 78 of this 1982 act.

Sec. 74. Section 99, chapter 340, Laws of 1981 as amended by section 81, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund Appropriation—State .....	\$	<del>((3,986,000))</del>
		3,946,000
State Funding Sources .....	\$	3,373,000
Total Appropriation .....	\$	<del>((7,359,000))</del>
		7,319,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Educational service districts shall be apportioned funds based upon the following schedule:

	General Fund—State	State Funding Sources
E.S.D. No. 101 .....	\$ <del>((505,000))</del>	\$562,000
	501,000	
E.S.D. No. 105 .....	\$ <del>((484,000))</del>	\$269,000
	479,000	
E.S.D. No. 112 .....	\$ <del>((407,000))</del>	\$453,000
	403,000	
E.S.D. No. 113 .....	\$ <del>((434,000))</del>	\$483,000
	430,000	
E.S.D. No. 114 .....	\$ <del>((374,000))</del>	\$208,000
	370,000	
E.S.D. No. 121 .....	\$ <del>((356,000))</del>	\$396,000
	352,000	
E.S.D. No. 123 .....	\$ <del>((472,000))</del>	\$262,000
	467,000	
E.S.D. No. 171 .....	\$ <del>((577,000))</del>	\$321,000
	571,000	
E.S.D. No. 189 .....	\$ <del>((377,000))</del>	\$419,000
	373,000	
Total .....	\$ <del>((3,986,000))</del>	\$3,373,000
	3,946,000	

(2) School districts in the respective educational service districts shall provide the amounts specified from state funding sources accruing under section 87 of this act on a per capita enrollment basis prior to June 30th of each school year.

(3) Educational service districts may provide additional services, not funded under this section but desired by school districts, by billing the school districts desiring the services for the cost of the services.

(4) Educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

Sec. 75. Section 100, chapter 340, Laws of 1981 as amended by section 82, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR BLOCK GRANTS**

General Fund Appropriation—State . . . . . \$ 109,160,000

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$46,285,000 may be expended in the 1981–82 fiscal year for provision of programs as delineated in subsection (3) of this section to be distributed on a pro rata basis by the superintendent of public instruction to school districts on the basis of the amount of state funds received by each school district on an annual average full time equivalent enrollment for the 1980–81 school year using the following: Bilingual program; gifted program; urban and rural racially disadvantaged program; remediation program; and state funds received for specific learning disabled students, behaviorally disabled students, and communication disordered students.

(2) A maximum of ~~\$(60,289,000))~~ 59,679,000 may be expended for the 1982–83 fiscal year to be distributed by the superintendent of public instruction as follows:

(a) One-third of the funds shall be distributed on the basis of each district's annual average full time equivalent enrollment adjusted by the ratio of a district's recognized basic education average certificated salary to the state-wide average recognized basic education average certificated salary.

(b) The remaining funds shall be distributed on the same basis as funds were distributed in the 1981–82 school year pursuant to subsection (1) of this section.

(3) The funds allocated by this section may be expended by school districts for provision of special instructional programs, including but not limited to: Remediation assistance programs; cultural enrichment programs; transitional bilingual programs; preschool education programs; alternative education programs; community involvement programs (including PUSH–EXCEL); environmental education programs; education for superior students programs; Indian education programs; Pacific Science Center programs; and programs for the specific learning disabled, communication disordered, and behaviorally disordered.

(4) From the dollars allocated per student, the superintendent may charge a state-wide or regional fee to maintain programs of state-wide or regional benefit, provided school boards representing a majority of the population agree to the fee.

(5) \$2,966,000 is provided solely for support of Indochinese refugee educational programs.

(6) The superintendent of public instruction shall contract \$230,000 for services to support an approved gifted program to be conducted at Fort Worden state park.

(7) Salary and benefits increases are included in the funds allocated by this section.

(8) The disbursements to local school districts from the appropriation in this section are subject to reductions under section 78 of this 1982 act.

Sec. 76. Section 101, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE INSTITUTIONAL EDUCATION PROGRAMS**

General Fund Appropriation—State . . . . .	\$	<del>((15,438,000))</del>
		<u>15,361,000</u>
General Fund Appropriation—Federal . . . . .	\$	5,560,000
Total Appropriation . . . . .	\$	<del>((20,998,000))</del>

20,921,000

The appropriations in this section are subject to the following condition or limitation: The disbursements to local school districts from the appropriations in this section are subject to reductions under section 78 of this 1982 act.

Sec. 77. Section 105, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS**

General Fund Appropriation .....	\$	<del>((1,000,000))</del>
		<u>990,000</u>

NEW SECTION. Sec. 78. There is added to chapter 340, Laws of 1981 a new section to read as follows:

The legislature directs the superintendent of public instruction to achieve a reduction of \$31,451,000 in the total disbursements of state general fund moneys to local school districts for the 1982-1983 school year for those programs under sections 87, 92, 94, 95, 96, 97, 100, and 101 of chapter 340, Laws of 1981, as now or hereafter amended. This reduction approximates a 1.0% biennial reduction in the state general fund appropriation for disbursement to each local school district. The legislature recognizes that local school districts are best prepared to identify their own individual local needs and priorities. Local school districts require maximum flexibility in prioritizing and providing for those programs that best meet their local needs. By December 1, 1982, each local school district shall inform the superintendent of public instruction of those programs for which entitled disbursements shall be reduced for that district, and the amount of the reductions. After December 1, 1982, for any local school district which fails to comply with this section, the superintendent shall reduce all disbursements as necessary to carry out the purposes of this section. By January 15, 1983, the superintendent of public instruction shall submit a report to the legislature describing the reductions achieved under this section.

Sec. 79. Section 107, chapter 340, Laws of 1981 as amended by section 83, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

General Fund Appropriation—State .....	\$	<del>((378,408,000))</del>
		<u>376,939,000</u>
General Fund Appropriation—Federal .....	\$	271,000
Total Appropriation .....	\$	<del>((378,679,000))</del>
		<u>377,210,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$2,608,000 may be spent for the small school adjustment to Whatcom, Olympia Technical, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, Lower Columbia, and Walla Walla Community Colleges. The distribution of such funds shall be based on a percent of formula entitlement for faculty staffing which shall be increased at the rate of one percentage point above the 71.0% base level for each 100 full time equivalent students below the 2,500 full time equivalent student enrollment level, except that no community college shall be funded in excess of 86.0% of formula.

(2) At least \$227,291 shall be expended for the purchase and maintenance of equipment to access the higher education personnel payroll system.

(3) In making reductions in funds, no reductions shall be made affecting tuition waivers for the parenting education program.

Sec. 80. Section 108, chapter 340, Laws of 1981 as amended by section 84, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation .....	\$	<del>((280,102,000))</del>
		<u>275,703,000</u>
Accident Fund Appropriation .....	\$	1,027,000
Medical Aid Fund Appropriation .....	\$	1,027,000
University of Washington Building Account Appropria- tion .....	\$	55,355,000
Total Appropriation .....	\$	<del>((337,511,000))</del>
		<u>333,112,000</u>

The appropriations in this section are subject to the following condition(s) or limitation(s): \$1,600,000 is provided solely for family medicine education.

Sec. 81. Section 109, chapter 340, Laws of 1981 as amended by section 85, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation .....	\$	<del>((172,832,000))</del>
		<u>170,923,000</u>
Washington State University Building Account Appropria- tion .....	\$	18,200,000
Total Appropriation .....	\$	<del>((191,032,000))</del>
		<u>189,123,000</u>

The appropriations in this section are subject to the following condition(s) or limitation(s): A maximum of \$380,000 may be expended for federal matching purposes for the small business development center.

Sec. 82. Section 110, chapter 340, Laws of 1981 as amended by section 86, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation .....	\$	<del>((54,417,000))</del>
		<u>53,935,000</u>
Eastern Washington University Capital Projects Account Appropriation .....	\$	2,066,000
Total Appropriation .....	\$	<del>((56,483,000))</del>
		<u>56,001,000</u>

Sec. 83. Section 111, chapter 340, Laws of 1981 as amended by section 87, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation .....	\$	<del>((48,852,000))</del>
		<u>48,402,000</u>
Central Washington University Capital Projects Account Appropriation .....	\$	1,666,000
Total Appropriation .....	\$	<del>((50,518,000))</del>
		<u>50,068,000</u>

Sec. 84. Section 112, chapter 340, Laws of 1981 as amended by section 88, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation .....	\$	<del>((25,247,000))</del>
		<u>25,106,000</u>

Sec. 85. Section 113, chapter 340, Laws of 1981 as amended by section 89, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation .....	\$	<del>((58,362,000))</del>
		<u>58,139,000</u>
Western Washington University Capital Projects Account Appropriation .....	\$	3,102,000
Total Appropriation .....	\$	<del>((61,464,000))</del>
		<u>61,241,000</u>

Sec. 86. Section 114, chapter 340, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE COMPACT FOR EDUCATION**

General Fund Appropriation .....	\$	<del>((29,200))</del>
		<u>61,000</u>

~~((The appropriation in this section is subject to the following condition or limitation: This appropriation is provided solely for the first fiscal year of the biennium.))~~

Sec. 87. Section 115, chapter 340, Laws of 1981 as amended by section 90, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE COUNCIL FOR POSTSECONDARY EDUCATION**

General Fund Appropriation—State .....	\$	<del>((20,478,000))</del>
		<u>19,878,000</u>
General Fund Appropriation—Federal .....	\$	3,684,000
Total Appropriation .....	\$	<del>((24,162,000))</del>
		<u>23,562,000</u>

The appropriations in this section are subject to the following condition ~~((and))~~ or limitation: \$106,000 shall be expended to honor higher education reciprocity agreements with the state of Oregon.

Sec. 88. Section 116, chapter 340, Laws of 1981 as amended by section 91, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE PUBLIC BROADCASTING COMMISSION**

General Fund Appropriation—State .....	\$	<del>((+28,000))</del>
		<u>124,000</u>
General Fund Appropriation—Federal .....	\$	8,000
Total Appropriation .....	\$	<del>((+36,000))</del>
		<u>132,000</u>

Sec. 89. Section 118, chapter 340, Laws of 1981 as amended by section 92, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE COMMISSION FOR VOCATIONAL EDUCATION**

General Fund Appropriation—State .....	\$	<del>((+734,000))</del>
		<u>1,682,000</u>
General Fund Appropriation—Federal .....	\$	27,157,000
Total Appropriation .....	\$	<del>((28,891,000))</del>
		<u>28,839,000</u>

The appropriations in this section are subject to the following condition ~~((and))~~ or limitation: No state funds may be used by the advisory council for vocational education.

Sec. 90. Section 119, chapter 340, Laws of 1981 as amended by section 93, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION PERSONNEL BOARD**

General Fund Appropriation .....	\$	<del>((+35,000))</del>
		<u>280,000</u>
Higher Education Personnel Board Service Fund		
Appropriation .....	\$	1,214,000
Total Appropriation .....	\$	<del>((+349,000))</del>
		<u>1,494,000</u>

The appropriations in this section are subject to the following condition or limitation: ~~((+\$135,000 and 10.0 FTE staff years are provided for developing a classification plan for the common school classified employees. The plan shall be completed no later than June 30, 1982, for use in the 1982-83 school year.))~~ \$280,000 is provided solely for the purposes of the development of a common school classified employees classification plan.

Sec. 91. Section 120, chapter 340, Laws of 1981 as amended by section 94, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE STATE LIBRARY**

General Fund Appropriation—State .....	\$	<del>((6,466,000))</del>
		<u>6,426,000</u>
General Fund Appropriation—Federal .....	\$	2,147,000
General Fund Appropriation—Private/Local .....	\$	168,000
Washington Library Network Computer System		
Revolving Fund Appropriation—Private/Local .....	\$	5,417,000
Total Appropriation .....	\$	<del>((14,198,000))</del>
		<u>14,158,000</u>

The appropriations in this section are subject to the following condition or limitation: \$1,155,000 (of which \$98,000 is from federal funds) of the general fund appropriation, or as much additional funding as is necessary to maintain current service levels and expand the radio reading service to Spokane, shall be expended for the library for the blind and physically handicapped.

Sec. 92. Section 121, chapter 340, Laws of 1981 as amended by section 95, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund Appropriation—State .....	\$	<del>((1,228,286))</del>
		<u>1,191,000</u>
General Fund Appropriation—Federal .....	\$	893,000
Total Appropriation .....	\$	<del>((2,121,286))</del>
		<u>2,084,000</u>

The appropriations in this section are subject to the following condition or limitation: ~~\$((679,000))~~ 676,000 is provided solely for the cultural enrichment program in the common schools.

Sec. 93. Section 122, chapter 340, Laws of 1981 as amended by section 96, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation .....	\$	<del>((541,000))</del>
		<u>525,000</u>

The appropriation in this section is subject to the following condition or limitation: \$27,000 is provided solely for a state historical monument to recognize the World War II internment of Japanese-Americans at the Western Washington fairgrounds in Puyallup. Funds appropriated for this memorial may be expended to the extent that at least twenty-five percent of the total cost of the project authorized is obtained from federal, local, or private sources.

Sec. 94. Section 123, chapter 340, Laws of 1981 as amended by section 97, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation .....	\$	<del>((454,000))</del>
		<u>440,000</u>

Sec. 95. Section 124, chapter 340, Laws of 1981 as amended by section 98, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE STATE CAPITOL HISTORICAL ASSOCIATION**

General Fund Appropriation .....	\$	<del>((399,000))</del>
		<u>387,000</u>
General Fund—State Capitol Historical Association		
Museum Account Appropriation .....	\$	53,000
Total Appropriation .....	\$	<del>((452,000))</del>
		<u>440,000</u>

Sec. 96. Section 37, chapter 67, Laws of 1981 as amended by section 101, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

To carry out this act, there is appropriated to the office of the chief administrative law judge from the general fund for the fiscal year from July 1, 1981, through June 30, 1982, the sum of one hundred (~~eight~~) five thousand dollars, or so much thereof as may be necessary.

Sec. 97. Section 2, chapter 69, Laws of 1981 as amended by section 102, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

There is appropriated to the office of financial management from the general fund for the biennium ending June 30, 1983, the sum of (~~one million three hundred fifty~~) thirty-nine thousand dollars (~~or so much thereof as may be necessary~~;) to be disbursed to the department of commerce and economic development, the state energy office, and the department of natural resources, or their successor agencies, for the development, installation, and presentation of an exhibition at Energy Fair '83 during the period of the exposition (~~PROVIDED, That these funds shall revert to the general fund on April 1, 1982, unless the citizens of Benton and/or Franklin counties and/or the municipalities therein have favorably passed a bond issue which would fund that portion of Energy Fair '83 costs which are a local responsibility~~).

Sec. 98. Section 123, chapter 136, Laws of 1981 as amended by section 103, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated from the general fund \$(~~372,565~~) 365,000 to the corrections standards board and \$4,630,000 to the department of corrections as established in this 1981 act. This appropriation shall be subject to the following conditions and limitations:

(1) For the 1981-83 biennium the department of corrections shall be authorized an additional 93 FTE staff years.

(2) These additional FTE staff years shall be in addition to the staffing level authorized in ESSB 3636. There shall be transferred to the department of corrections an amount of general fund appropriation, state and FTE staff years, the exact amount to be determined by the secretary of social and health services and the secretary of corrections subject to the approval of the director of the office of financial management.

Sec. 99. Section 42, chapter 137, Laws of 1981 as amended by section 104, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

There is appropriated from the state general fund to the sentencing guidelines commission for the biennium ending June 30, 1983, the sum of (~~six hundred sixteen~~) five hundred ninety-eight thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 100. There is appropriated from the state general fund to the Washington state winter recreation commission for the biennium ending June 30, 1983, the sum of twenty-eight thousand dollars. This appropriation is contingent on the enactment of Senate Bill No. 4841 during the 1982 regular session of the legislature.

Sec. 101. Section 16, chapter 268, Laws of 1981 as amended by section 106, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated from the general fund to the judicial qualifications commission for the biennium ending June 30, 1983 a sum of \$(~~258,000~~) 254,000. \$4,000 of this appropriation shall be held in reserve until such time as the commission places in reserve status \$4,000 of the compensation increase moneys provided to the commission under section 14, chapter 340, Laws of 1981, as amended.

Sec. 102. Section 10, chapter 330, Laws of 1981 as amended by section 112, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

(1) There is hereby appropriated from the general fund for the biennium ending June 30, 1983, to the legislative budget committee the sum of ~~((ninety))~~ eighty-seven thousand dollars for the purpose of conducting a study of the judicial information system as provided in section 9 of this act.

(2) There is hereby appropriated from the general fund for the biennium ending June 30, 1983, to the office of the administrator for the courts the sum of seven million ~~((nine))~~ eight hundred ~~((fifty-five))~~ twenty-five thousand dollars for the judicial information system.

**NEW SECTION.** Sec. 103. 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. 104. 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 Clarke, the Senate resolved itself into a Committee of the Whole, President Pro Tempore Guess in the Chair, for the purpose of considering Substitute Senate Bill No. 4264.

COMMITTEE OF THE WHOLE

Substitute Senate Bill No. 4264 was considered in the Committee of the Whole and reported back to the Senate, President Pro Tempore Guess presiding, with the recommendation that the bill do pass as amended.

On motion of Senator Clarke, the report of the committee was adopted.

On motion of Senator Clarke, the reading had in the Committee of the Whole was considered the second reading of the bill.

On motion of Senator Scott, the committee amendments to Substitute Senate Bill No. 4264 adopted in the Committee of the Whole were adopted by the Senate.

On motion of Senator Scott, the following amendments to the committee amendments adopted in the Committee of the Whole were adopted by the Senate:

On page 27, line 6, after "transfers" strike "within" and insert "between"

On page 40, line 30, after "1982." strike all the new language down to and including "legislature." on line 34.

On page 42, after line 29, insert:

"Jobs services employees and job services related activities are not subject to the reductions provided in this 1982 amendatory act."

On page 52, after line 7 insert:

"Sec. 65. Section 85, chapter 340, Laws of 1981 as amended by section 73, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation .....	\$	<del>((9,412,000))</del>
		<u>9,130,000</u>
General Fund—Architects' License Account Appropriation .....	\$	173,000
General Fund—Opticians' Account Appropriation .....	\$	33,000
General Fund—Optometry Account Appropriation .....	\$	81,000
General Fund—Professional Engineers' Account Appropriation .....	\$	478,000
General Fund—Real Estate Commission Account Appropriation .....	\$	3,444,000
General Fund—Board of Psychological Examiners Account Appropriation .....	\$	42,000
Game Fund Appropriation .....	\$	148,000
Highway Safety Fund Appropriation .....	\$	33,286,000
Motor Vehicle Fund Appropriation .....	\$	27,399,000

Total Appropriations ..... \$ ((74,496,000))  
74,214,000"

Renumber the remaining sections consecutively.

On page 69, following line 14, insert a new section to read as follows:

**"NEW SECTION. Sec. 79. FOR THE TEMPORARY COMMITTEE ON EDUCATIONAL POLICIES, STRUCTURE AND MANAGEMENT**

General Fund Appropriation—State ..... \$ 100,000

The appropriation in this section is subject to the enactment of Engrossed Senate Bill No. 3609 by the 1982 legislature.", and renumber the remaining sections accordingly.

On page 77, after line 25, insert:

"Sec. 102. Section 6, chapter 317, Laws of 1981 as amended by section 107, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund Appropriation—State ..... \$ ((12,062,761))  
11,700,878

Motor Vehicle Fund—State Patrol Highway Account

Appropriation—State ..... \$ 90,391,815

Highway Safety Fund Appropriation—State ..... \$ 9,000

Total Appropriation ..... \$ ((102,463,576))  
102,101,693

The appropriations contained in this sections are subject to the following condition(s) and limitation(s): ((+)) The highway safety fund appropriation in this section is provided for the vehicle equipment safety commission.

Sec. 103. Section 8, chapter 317, Laws of 1981 and section 109, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—EXECUTIVE MANAGEMENT—PROGRAM Z—MANAGEMENT SERVICES—PROGRAM S**

General Fund—Aeronautics Account Appropriation—

State ..... \$ 8,722

General Fund Appropriation—State ..... \$ ((59,200))  
57,424

Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—State

..... \$ 525,462

Motor Vehicle Fund—Puget Sound Ferry Operations

Account Appropriation—State ..... \$ 441,773

Motor Vehicle Fund Appropriation—State ..... \$ 15,417,283

Total Appropriation ..... \$ ((16,452,440))  
16,450,664

The appropriations contained in this section are provided for executive management, management services, and support costs of the department of transportation. The department of transportation may transfer any portion of the motor vehicle fund appropriations in this section between Programs S and Z.

Sec. 104. Section 11, chapter 317, Laws of 1981 as amended to read as follows:

**Sec. 11. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION AND PLANNING—PROGRAM T**

(1) For public transportation and rail programs:

General Fund Appropriation—State ..... \$ ((815,570))  
791,100

General Fund Appropriation—Federal ..... \$ 9,839,000

General Fund Appropriation—Local ..... \$ 185,000

(2) For planning and research:

Motor Vehicle Fund Appropriation—State .....	\$	5,192,909
Motor Vehicle Fund Appropriation—Federal .....	\$	6,320,000
Total Public Transportation and Planning		
Appropriation .....	\$	((22,352,479))
		<u>22,328,009</u>

The appropriations contained in this section are provided for the management and support of the public transportation and planning division, urban mass transportation administration programs, for rail programs, for state loans for formation of public transportation districts, for studies which support local public transportation programs, for maintenance of the state transportation plan, for highway planning and research by the department of transportation, and for research and studies approved by the department of transportation."

Renumber the remaining sections consecutively.

On page 5, line 1 of the title, following "(uncodified);" insert "amending section 85, chapter 340, Laws of 1981 as amended by section 73, chapter 14, Laws of 1981 2nd ex. sess. (uncodified);"

On page 7, line 3 of the title, following "(uncodified);" insert "amending section 6, chapter 317, Laws of 1981 as amended by section 107, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 8, chapter 317, Laws of 1981, as amended by section 109, chapter 14, Laws of 1981 2nd ex sess. (uncodified); amending section 11, chapter 317, Laws of 1981 (uncodified);"

On page 7, line 7 of the title, following "creating" strike "a new section" and insert "new sections"

#### MOTION

On motion of Senator Scott, the rules were suspended, Substitute Senate Bill No. 4294 was advanced to third reading, the second reading had in the Committee of the Whole considered the third, and the bill was placed on final passage.

#### MOTION

At 5:12 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 5:47 p.m.

#### MOTION

At 5:48 p.m., on motion of Senator Clarke, the Senate recessed until 7:00 p.m.

#### EVENING SESSION

The President called the Senate to order at 7:00 p.m.

#### MOTION

At 7:00 p.m., on motion of Senator Clarke, the Senate adjourned until 5:00 p.m., Sunday, March 7, 1982.

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

## FIFTY-SIXTH DAY

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### EVENING SESSION

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Senate Chamber, Olympia, Sunday, March 7, 1982.

The Senate was called to order at 5:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Gould, Lysen, Quigg and Talley. There being no objection, Senator Talley was excused.

The Color Guard, consisting of Pages Elizabeth Durgan and Ann LeWarne, presented the Colors. Senator Sam Guess offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

March 6, 1982.

SENATE BILL NO. 3670, relating to transportation (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3670 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Conner, Gallaghan, Guess, Hansen, Kiskaddon, Lysen, Metcalf, Peterson, Vognild.

Passed to Committee on Rules for second reading.

March 5, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1102, implementing law relating to the control of gambling (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Vognild, Williams.

Passed to Committee on Rules for second reading.

### MESSAGE FROM THE GOVERNOR

Office of the Governor, March 3, 1982.

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

LADIES AND GENTLEMEN:

I have the honor to advise you that on March 3, 1982 Governor Spellman approved the following Senate Bill entitled:

SUBSTITUTE SENATE BILL NO. 3549: Relating to motor vehicles; unlicensed drivers.

Sincerely,  
MARILYN SHOWALTER  
Counsel to the Governor.

## MESSAGES FROM THE HOUSE

March 5, 1982.

Mr. President: The House has passed: HOUSE BILL NO. 736, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 5, 1982.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1109,  
HOUSE JOINT MEMORIAL NO. 24,  
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 13, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 6, 1982.

Mr. President: The House has passed:  
SECOND SUBSTITUTE HOUSE BILL NO. 424,  
ENGROSSED HOUSE BILL NO. 1178,  
HOUSE BILL NO. 1231, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 6, 1982.

Mr. President: The House has passed:  
SECOND SUBSTITUTE HOUSE BILL NO. 906,  
SUBSTITUTE HOUSE BILL NO. 1150, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 7, 1982.

Mr. President: The House has passed:  
SUBSTITUTE SENATE BILL NO. 4562,  
SENATE BILL NO. 4956,  
SENATE BILL NO. 4952, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 7, 1982.

Mr. President: The House has passed: HOUSE BILL NO. 1092, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 7, 1982.

Mr. President: The House has concurred in the Senate amendment(s) and has passed the following bills as amended by the Senate:

REENGROSSED HOUSE BILL NO. 457,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 626,  
SUBSTITUTE HOUSE BILL NO. 823,  
SUBSTITUTE HOUSE BILL NO. 824,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 875,  
SUBSTITUTE HOUSE BILL NO. 946,  
HOUSE BILL NO. 1017.

VITO T. CHIECHI, Chief Clerk.

March 6, 1982.

Mr. President: The House has passed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3249,  
SENATE BILL NO. 3425,  
SUBSTITUTE SENATE BILL NO. 4046,  
SENATE BILL NO. 4064,

SUBSTITUTE SENATE BILL NO. 4163,  
SENATE BILL NO. 4307,  
ENGROSSED SENATE BILL NO. 4313,  
SUBSTITUTE SENATE BILL NO. 4460,  
SENATE BILL NO. 4466,  
ENGROSSED SENATE BILL NO. 4474,  
SENATE BILL NO. 4488,  
SENATE BILL NO. 4491,  
SUBSTITUTE SENATE BILL NO. 4501,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 4505,  
SENATE BILL NO. 4512,  
SUBSTITUTE SENATE BILL NO. 4566,  
ENGROSSED SENATE BILL NO. 4569,  
SENATE BILL NO. 4599,  
SENATE BILL NO. 4602,  
SENATE BILL NO. 4644,  
ENGROSSED SENATE BILL NO. 4681,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 4692,  
ENGROSSED SENATE BILL NO. 4701,  
SUBSTITUTE SENATE BILL NO. 4750,  
SUBSTITUTE SENATE BILL NO. 4846,  
SUBSTITUTE SENATE BILL NO. 4852,  
SENATE BILL NO. 4919, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 6, 1982.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 3233, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 5, 1982.

Mr. President: The House has passed:  
SENATE BILL NO. 3495,  
SENATE BILL NO. 4506,  
SENATE BILL NO. 4571,  
ENGROSSED SENATE BILL NO. 4484,  
ENGROSSED SENATE BILL NO. 4549,  
ENGROSSED SENATE BILL NO. 4558,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 4708, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 3233,  
SENATE BILL NO. 3495,  
SENATE BILL NO. 4484,  
SENATE BILL NO. 4506,  
SENATE BILL NO. 4549,  
SENATE BILL NO. 4558,  
SENATE BILL NO. 4571,  
SUBSTITUTE SENATE BILL NO. 4708.

## INTRODUCTION AND FIRST READING

SECOND SUBSTITUTE HOUSE BILL NO. 424, by Committee on Transportation (originally sponsored by Committee on Transportation and Representative Wilson):

Modifying procedures for public transportation benefit areas.  
Referred to Committee on Transportation.

HOUSE BILL NO. 736, by Committee on State Government and Representative Garson:

Allowing the state employees insurance board to contract with multiple carriers providing similar coverage and changing the frequency of insurance surveys performed for the board.

Referred to Committee on State Government.

SECOND SUBSTITUTE HOUSE BILL NO. 906, by Committee on Ways and Means (originally sponsored by Representatives Chamberlain, Owen, Sanders, Greengo, Brown, Garson, Erak, Williams, Lundquist, Nickell, Barr, Martinis, McCormick, Barnes, Eberle, Thompson, Barrett, Chandler, Wilson, Monohon, Nisbet, Vander Stoep, Struthers, Nelson (G), Hankins, Galloway, King (J), Winsley, Heck, Ellis, Wang, and Armstrong) (by Governor Spellman request):

Creating the community economic revitalization board.  
Referred to Committee on Commerce and Labor.

SUBSTITUTE HOUSE BILL NO. 1109, by Committee on Ways and Means (Originally sponsored by Representatives Sommers, Greengo and King (J)):

Modifying provisions relating to the budget stabilization account.  
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1150, by Committee on Human Services (originally sponsored by Representatives Vander Stoep, Pruitt, Chamberlain, Brown, Leonard, Salatino, Berleen, Owen, Schmidt, Patrick, Addison, Fiske, Valle and Lux):

Modifying the laws regulating fitting and dispensing hearing aids.  
Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 1178, by Committee on Local Government and Representative Isaacson:

Restricting the use of electrical inspection fees of cities and towns.  
Referred to Committee on Local Government.

HOUSE BILL NO. 1231, by Committee on Local Government and Representatives Isaacson, Hine, Eberle, Burns, James, Kreidler, Lundquist, Chamberlain, Johnson and Winsley:

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

Referred to Committee on Local Government.

HOUSE JOINT MEMORIAL NO. 24, by Representatives Berleen, McCormick, Dickie, Brown, Eberle, Owen and Leonard:

Requesting the end of mandatory vehicle emission testing.  
Referred to Committee on Parks and Ecology.

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 13, by Committee on Ways and Means (Originally sponsored by Representatives Williams, Dawson, Isaacson and Dickie):

Modifying fiscal provisions of the state Constitution.  
Referred to Committee on Ways and Means.

## MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business to consider measures on the Consent Calendar commencing with Substitute House Bill No. 15.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 15, by House Committee on Ethics, Law and Justice (originally sponsored by Representatives Tilly and Patrick):  
Regulating forfeiture of property exchanged for controlled substances.

## REPORT OF STANDING COMMITTEE

February 25, 1982.

SUBSTITUTE HOUSE BILL NO. 15, regulating the forfeiture of property exchanged for controlled substances (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause, and insert the following:

"Section 1. Section 69.50.505, chapter 308, Laws of 1971 ex. sess. as last amended by section 3, chapter 48, Laws of 1981 and by section 32, chapter 67, Laws of 1981 and RCW 69.50.505 are each reenacted and amended to read as follows:

(a) The following are subject to seizure and forfeiture:

(1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this chapter;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraphs (1) or (2), but:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent;

(iii) A conveyance is not subject to forfeiture for a violation of RCW 69.50.401~~((f))~~(d); ~~(and,)~~

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(v) When the owner of a conveyance has been arrested under this chapter the conveyance may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter;

(6) All drug paraphernalia; and

(7) All moneys, negotiable instruments, securities, or other intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter, all proceeds traceable to such an

exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter: PROVIDED, That no property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent.

(b) Property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) or (a)(7) of this section within forty-five days of the seizure, the item seized shall be deemed forfeited.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) or (a)(7) of this section within forty-five days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of items specified in subsection (a)(4) or (a)(7) of this section. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(4) or (a)(7) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Fifty percent of the money remaining after payment of such expenses shall be deposited in the criminal justice training account established under RCW 43.101.210 which shall be appropriated by law to the Washington state criminal justice training commission and fifty percent shall be deposited in the general fund of the county or city;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the Bureau for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

NEW SECTION. Sec. 2. This act shall take effect on July 1, 1982."

In line 1 of the title, after "substances;" strike the remainder of the title, and insert "reenacting and amending section 69.50.505, chapter 308, Laws of 1971 ex. sess. as last amended by section 3, chapter 48, Laws of 1981 and by section 32, chapter 67, Laws of 1981 and RCW 69.50.505; and providing an effective date."

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen.

The bill was read the second time by sections.

Senator Hemstad moved adoption of the committee amendment.

On motion of Senator Hemstad, the following amendment by Senators Hemstad and Talmadge to the committee amendment was adopted:

On page 8 of the Committee Amendment, after line 3, insert the following:

"NEW SECTION. Sec. 2. The legislature finds that imitation controlled substances are being manufactured to imitate the appearance of the dosage units of controlled substances for sale to school age youths and others to facilitate the fraudulent sale of controlled substances. The legislature further finds that manufacturers are endeavoring to profit from the manufacture of these imitation controlled substances while avoiding liability by accurately labeling the containers or packaging which contain these imitation controlled substances. The close similarity of appearance between dosage units of imitation controlled substances and controlled substances is indicative of a deliberate and wilful attempt to profit by deception without regard to the tragic human consequences. The use of imitation controlled substances

is responsible for a growing number of injuries and deaths, and the legislature hereby declares that this chapter is necessary for the protection and preservation of the public health and safety.

**NEW SECTION.** Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Controlled substance" means a substance as that term is defined in chapter 69.50 RCW.

(2) "Distribute" means the actual or constructive transfer (or attempted transfer) or delivery or dispensing to another of an imitation controlled substance.

(3) "Imitation controlled substance" means a substance that is not a controlled substance, but which by appearance or representation would lead a reasonable person to believe that the substance is a controlled substance. Appearance includes, but is not limited to, color, shape, size, and markings of the dosage unit. Representation includes, but is not limited to, representations or factors of the following nature:

(a) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;

(b) Statements made to the recipient that the substance may be resold for inordinate profit; or

(c) Whether the substance is packaged in a manner normally used for illicit controlled substances.

(4) "Manufacture" means the production, preparation, compounding, processing, encapsulating, packaging or repackaging, or labeling or relabeling of an imitation controlled substance.

**NEW SECTION.** Sec. 4. (1) It is unlawful for any person to manufacture, distribute, or possess with intent to distribute, an imitation controlled substance. Any person who violates this subsection shall, upon conviction, be guilty of a class C felony.

(2) Any person eighteen years of age or over who violates subsection (1) of this section by distributing an imitation controlled substance to a person under eighteen years of age is guilty of a class B felony.

(3) It is unlawful for any person to cause to be placed in any newspaper, magazine, handbill, or other publication, or to post or distribute in any public place, any advertisement or solicitation offering for sale imitation controlled substances. Any person who violates this subsection is guilty of a class C felony.

(4) No civil or criminal liability shall be imposed by virtue of this chapter on any person registered under the Uniform Controlled Substances Act pursuant to RCW 69.50.301 or 69.50.303 who manufactures, distributes, or possesses an imitation controlled substance for use as a placebo or other use by a registered practitioner, as defined in RCW 69.50.101(t), in the course of professional practice or research.

(5) This chapter shall not apply to offenses defined and punishable under the provisions of RCW 69.50.401(c).

(6) No prosecution under this chapter shall be dismissed solely by reason of the fact that the dosage units were contained in a bottle or other container with a label accurately describing the ingredients of the imitation controlled substance dosage units. The good faith of the defendant shall be an issue of fact for the trier of fact.

**NEW SECTION.** Sec. 5. Imitation controlled substances shall be subject to seizure, forfeiture, and disposition in the same manner as are controlled substances under RCW 69.50.505.

**NEW SECTION.** Sec. 6. The attorney general is authorized to apply for injunctive action against a manufacturer or distributor of imitation controlled substances in this state.

**NEW SECTION.** Sec. 7. Any manufacturer of controlled substances licensed or registered in a state requiring such licensure or registration, may bring injunctive

or other action against a manufacturer or distributor of imitation controlled substances in this state.

NEW SECTION. Sec. 8. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. Sections 2 through 8 of this act shall constitute a new chapter in Title 69 RCW."

Renumber section 2 of the Committee Amendment as section 10.

The motion by Senator Hemstad carried and the committee amendment, as amended, was adopted.

Senator Hemstad moved adoption of the committee amendment to the title.

On motion of Senator Hemstad, the following amendment by Senators Hemstad and Talmadge to the committee amendment to the title was adopted:

On page 8 of the Committee Amendment, line 18, after "69.50.505;" insert "adding a new chapter to Title 69 RCW; prescribing penalties;"

The motion by Senator Hemstad carried and the committee amendment to the title, as amended, was adopted.

On motion of Senator Hemstad, the rules were suspended, Substitute House Bill No. 15, as amended by the Senate, was advanced to third reading, the second reading considered the third.

#### MOTION

On motion of Senator Clarke, Substitute House Bill No. 15, as amended by the Senate, was ordered held for later consideration on third reading.

#### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 259**, by House Committee on State Government (originally sponsored by Representatives Brekke, Addison, Wang, Hankins, Nelson (D.), Burns, Valle, Kreidler, Monohon, Rust, Pruitt and Ellis):

Providing plans for conserving paper resources by governmental agencies.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 259 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Jones: "Senator Rasmussen, does this do away with legal-sized documents?"

Senator Rasmussen: "No."

Senator Jones: "Okay, fine. Thank you."

Senator Rasmussen: "Some talk about that but they didn't do it."

Senator Jones: "Thank you, Senator."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 259, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen,

Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senators Fleming, Gould, Lysen, Quigg—4.

Excused: Senator Talley—1.

**SUBSTITUTE HOUSE BILL NO. 259**, having received the 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. 375**, by House Committee on Labor and Economic Development and Representatives Patrick, Sanders, Smith, Salatino, Garrett and Wang: Modifying regulation of automotive repairs.

On motion of Senator Newhouse, the rules were suspended, House Bill No. 375 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 Newhouse, I would certainly agree that this is a good bill and a worthy objective until I get down to the point where it is going to cost \$14,000 a year or more, to send out notices to people that this law is in effect.

"There are a lot of laws in this state that are more important than this one. Now why are we going to spend \$14,000 a year, according to calendar digest, to send out reminders to people that we have a law like this on a topic which, while important, is scarcely a monumental one? There are a lot of other laws in this state that might well require justifying \$14,000 a year to notify the populace of their existence, but it doesn't seem to me that this one fits in that category."

(No reply by Senator Newhouse.)

### MOTION

On motion of Senator Ridder, Senators Fleming and Lysen were excused.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 375, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 2; excused, 3.

Voting yea: Senator Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senator McCaslin—1.

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

Excused: Senators Fleming, Lysen, Talley—3.

**HOUSE BILL NO. 375**, having received the 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. 401**, by Representatives Galloway, Vander Stoep, Bender and Heck:

Authorizing educational service districts to establish direct student services programs.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the rules were suspended, House Bill No. 401 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Hayner: "Senator Kiskaddon, I am just curious how this would work. Will they actually hire teachers and conduct classes and that sort of thing, and if so, where do they get the money to do that?"

Senator Kiskaddon: "My understanding is that the local district would be providing the money and the place that it could be useful would be if a number of districts that were too small to have a program would then go together and ask the ESD to provide a program so, say there might be one roving teacher going to 3, 4 or 5 small districts, somehow to conduct a program that otherwise could not happen; but it would come out, my understanding, from the local school districts' budget."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Kiskaddon, there is, of course, a strong move to abolish these educational service districts as being just a duplication of what is already available. It is my understanding that what you are proposing or suggesting this bill would do is already available under the superintendent of public instruction, that they can form joint classes in the local school districts and they may well go ahead with this without having the educational service district get into it.

"It would seem to me, Senator Kiskaddon, unless you can change my mind, that this is building a new base for the educational service districts that we all wonder whether they are going to be in existence very long because there hasn't been anything for them to do."

Senator Kiskaddon: "I think there is a difference between the function of an ESD in a suburban area, an area like where you live and I live, and areas where there are really remote and rural districts. And I sense myself that there is an appropriate use for an ESD in remote districts that makes a different kind of an operation than what there is when you might have an ESD in a suburban area where the school districts are large.

"So I perceive this being used mostly in areas where there are many small school districts, over in Senator Patterson's territory, he was just saying. And maybe even Senator Wilson."

#### MOTION

On motion of Senator Bluechel, Senators Gould and Quigg were excused.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 401, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; excused, 4.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Ridder, Sellar, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody, Zimmerman—35.

Voting nay: Senators Bluechel, Goltz, Guess, Hurley, Metcalf, Pullen, Rasmussen, Scott, Vognild, von Reichbauer—10.

Excused: Senators Gould, Lysen, Quigg, Talley—4.

HOUSE BILL NO. 401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 58, by House Committee on Local Government (originally sponsored by Representatives Owen, Nisbet, Brown, Berleen, Granlund, Hine and Garson):

Requiring only one copy of certain codes to be filed with local governments.

## REPORT OF STANDING COMMITTEE

February 16, 1982.

SUBSTITUTE HOUSE BILL NO. 58, requiring only one copy of certain codes to be filed with local governments (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, after line 7, insert the following:

"Sec. 4. Section 36.32.020, chapter 4, Laws of 1963 as amended by section 1, chapter 58, Laws of 1970 ex. sess. and RCW 36.32.020 are each amended to read as follows:

The board of county commissioners of each county shall divide their county into three commissioner districts so that each district shall comprise as nearly as possible one-third of the population of the county: PROVIDED, That the territory comprised in any voting precincts of such districts shall remain compact, and shall not be divided by the lines of said districts(~~(-PROVIDED FURTHER, That the foregoing requirement of equal population among commissioner districts may be disregarded, at the discretion of the county commissioners, in the following instances:))~~).

((+)) However, the commissioners of any county composed entirely of islands and with a population of less than thirty-five thousand may divide their county into three commissioner districts without regard to population, except that if any single island is included in more than one district, the districts on such island shall comprise, as nearly as possible, equal populations(;

(2) The commissioners of any county having a population of fifteen thousand inhabitants or less, in which no totally intracounty highway connection exists between the county seat and a major geographic area of the county, may disregard population in the formation of commissioner districts to the extent that one commissioner district encompassing the unconnected portion of the county may be established without regard to its population)).

The lines of the districts shall not be changed oftener than once in four years and only when a full board of commissioners is present. The districts shall be designated as districts numbered one, two and three.

Sec. 5. Section 36.32.040, chapter 4, Laws of 1963 and RCW 36.32.040 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the qualified electors of each county commissioner district, and they only, shall nominate from among their own number, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county and district offices are nominated in all other respects.

(2) Where the commissioners of a county composed entirely of islands with a population of less than thirty-five thousand have chosen to divide the county into unequal-sized commissioner districts pursuant to the exception provided in RCW

36.32.020, the qualified electors of the entire county shall nominate from among their own number who reside within a commissioner district, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county offices are nominated in all other respects."

Renumber the section following consecutively.

On page 5, line 9, strike "1981" and insert "1982"

In line 1 of the title, after "government;" insert "amending section 36.32.020, chapter 4, Laws of 1963 as amended by section 1, chapter 58, Laws of 1970 ex. sess. and RCW 36.32.020; amending section 36.32.040, chapter 4, Laws of 1963 and RCW 36.32.040;"

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the committee amendment was adopted.

### MOTION

On motion of Senator Craswell, the following amendment by Senators Craswell, Zimmerman and Wilson was adopted:

On page 5, after line 7, insert the following:

"Sec. 4. Section 1, chapter 25, Laws of 1980 and RCW 35.82.300 are each amended to read as follows:

This section applies to all counties.

(1) Joint city-county housing authorities are hereby authorized when the legislative authority of the county and the legislative authority of any city or cities within the county have authorized such joint city-county housing authorities by ordinance.

(2) ((The ordinance enacted by the legislative authorities creating the joint housing authority shall prescribe the number of commissioners, the method for their appointment and length of their terms, the election of officers, and the method for removal of commissioners)) When the legislative authorities adopt an ordinance as provided in subsection (1) of this section, the mayor, or mayors, involved and the county legislative authority shall appoint five persons as commissioners of the joint city-county housing authority created. The commissioners who are first appointed shall be designated to serve for terms of one, two, three, four, and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed for a term of office of five years, except that all vacancies shall be filled for the unexpired term: PROVIDED, That in the event existing city and/or county housing authorities are merged into the newly created joint city-county housing authority, the existing members of the respective boards of commissioners shall be appointed as members of the board of commissioners of the newly created city-county housing authority, except that where the aggregate number of existing commissioners exceeds five, those five commissioners having the greatest length of service shall serve as commissioners of the joint city-county housing authority.

(3) No commissioner of an authority may be an officer or employee of the city or county for which the authority is created. Commissioners shall hold office until a successor has been appointed and has qualified, unless sooner removed according to this chapter. A certificate of the appointment or reappointment of any commissioner shall be filed with both the city and county clerks, and the certificate shall be conclusive evidence of the due and proper appointment of the commissioner. Commissioners shall receive no compensation for their services for the authority, in any capacity, but are entitled to the necessary expenses, including traveling expenses, incurred in the discharge of their duties.

(4) The powers of each authority shall be vested in the commissioners thereof in office from time to time. Three commissioners shall constitute a quorum of the

authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. The mayor or mayors involved and the county legislative authority shall designate which of the commissioners appointed shall be the first chairman and he shall serve in the capacity of chairman until the expiration of his term of office as commissioner. When the office of the chairman of the authority thereafter becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary (who shall be executive director), technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the city or the county or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

(5) The ordinances enacted by the legislative authorities creating the joint housing authority shall prescribe the allocation of all costs of the joint housing authority ((and any other matters necessary for the operation of the joint housing authority)).

((4)) (6) A joint city-county housing authority shall have all the powers as prescribed by this chapter for any housing authority. The area of operation of a joint city-county authority shall be the combined areas of each as they are defined by RCW 35.82.020(6).

((5)) (7) The provisions of RCW 35.82.040 ((and 35.82.060)) as now or hereafter amended shall not apply to a joint city-county housing authority created pursuant to this section.

Sec. 5. Section 35.82.060, chapter 7, Laws of 1965 and RCW 35.82.060 are each amended to read as follows:

For inefficiency or neglect of duty or misconduct in office, a commissioner of ((an)) a city housing authority may be removed by the mayor ((for in the case of an authority for a county, by the governing body of said county, but a)), a commissioner of a county housing authority may be removed by the county legislative authority, and a commissioner of a joint city-county housing authority may be removed by concurrence of the mayor, or mayors, involved and the county legislative authority. A commissioner shall be removed only after ((he shall have been given)) receiving a copy of the charges at least ten days prior to the hearing thereon and ((had)) having an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the respective city or county clerk, and if a joint city-county housing authority commissioner is involved it shall be filed with both the city and county clerks."

Remember the sections consecutively.

On page 5, on line 9, strike "1981" and insert "1982"

On motion of Senator Zimmerman, the committee amendment to the title was adopted.

On motion of Senator Craswell, the following amendment to the title by Senators Craswell, Zimmerman and Wilson was adopted:

On page 1, on line 6 of the title, after "36.32.120;" insert "amending section 1, chapter 25, Laws of 1980 and RCW 35.82.300; amending section 35.82.060, chapter 7, Laws of 1965 and RCW 35.82.060;"

On motion of Senator Zimmerman, the rules were suspended, Substitute House Bill No. 58, 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. 58, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Gould, Lysen, Talley—3.

SUBSTITUTE HOUSE BILL NO. 58, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SUBSTITUTE HOUSE BILL NO. 15, by House Committee on Ethics, Law and Justice (originally sponsored by Representatives Tilly and Patrick):

Regulating forfeiture of property exchanged for controlled substances.

## MOTIONS

On motion of Senator Clarke, the rules were suspended and Substitute House Bill No. 15 was returned to second reading.

On motion of Senator Clarke, the following amendment was adopted:

On page 7, line 2, strike "county or city" and insert "state, county, and/or city of the seizing law enforcement agency"

On motion of Senator Hemstad, the rules were suspended, Substitute House Bill No. 15, 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 Haley: "Senator Hemstad, in a proceeding where personal property is seized because one of these medications is found to be substituted for the real thing, is there any limit on what can be seized? Is there any, I suppose if it were found in an automobile that the vehicle would be seized? What about a house? It seems to me maybe there ought to be some kind of limitation on . . ."

Senator Hemstad: "It is not personal property."

Senator Haley: "There ought to be some kind of limitation if it is personal property on what could be seized it seems to me."

Senator Hemstad: "The bill in front of us doesn't deal with tangible property, it deals with intangible, but the present law authorizes the seizure of tangible personal property that is used in connection with the sale or distribution of the controlled substances. And, Senator Haley, I am not sure I can give you a precise definition without sitting down and carefully rereading the statute as a whole."

Senator Haley: "Have you ever known of anything as large as, maybe many, many thousands of dollars worth being seized in a minor kind of a violation?"

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator Haley, there have been boats, there have been motor homes, things like this that are used in the transportation of drugs that are seized."

Senator Haley: "Is there any recourse by the victim? Suppose the . . ."

Senator Bottiger: "He is carrying the drugs, that is the risk he takes."

Senator Haley: ". . . violation is very minor. Seems there should be some limit on what could be seized. I mean in this land we supposedly make the punishment fit the crime and so many crimes carry appropriate punishment but I wonder if we shouldn't be thinking about whether it is an inappropriate punishment to fit a crime that is relatively minor along this line."

#### REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, last spring there was a drug seizure in Spokane; there were over a half a million pills that were seized there. It has gotten to be a very, very big business and so I think that we need the bill in order to tighten it up."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 15, 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 Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Zimmerman—1.

Excused: Senators Gould, Lysen, Talley—3.

SUBSTITUTE HOUSE BILL NO. 15, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL EXPLANATION OF FAILURE TO VOTE ON SHB 15

March 7, 1982.

I had stepped out of the Chamber to discuss another measure to be considered later. I missed voting on SUBSTITUTE HOUSE BILL NO. 15. I would like to be recorded as voting in favor of Substitute House Bill No. 15.

Signed: Senator Hal Zimmerman

#### SECOND READING

ENGROSSED HOUSE BILL NO. 22, by Representative Sprague:

Making it unlawful to sell, give, dispose, or deliver explosives to persons under eighteen.

#### REPORT OF STANDING COMMITTEE

February 25, 1982.

ENGROSSED HOUSE BILL NO. 22, making it unlawful to sell, give, dispose, or deliver explosives to persons under eighteen (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 22, after "under" strike "twenty-one" and insert "((twenty=eighteen))"

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendment was not adopted.

Senator Pullen moved adoption of the following amendment:

On page 2, line 27 after "ammunition" insert "and handloader components"

Debate ensued.

#### POINT OF INQUIRY

Senator Shinpoch: "Senator Pullen, would you describe for me what you consider handloader components to be?"

Senator Pullen: "This would include, for example, powders that are authorized under federal law to be purchased by people under the age of twenty-one. It would include the shell casings, for example. It would include the machinery to insert the bullet into the empty casing."

Senator Shinpoch: "You answered on the first portion, the powders, any kind of explosive powder and that is what I was really looking for."

Senator Pullen: "That is right; any explosive powder in the sense of small arms ammunition is already exempted under current law. It has been exempted for all the time we have lived in this state and it is also exempted in the bill as it now stands. All my amendment would merely do is try to maintain what has been reasonable for so many years."

Further debate ensued.

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 amendment by Senator Pullen.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 31; nays, 15; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Vognil, von Reichbauer, Wilson, Woody, Zimmerman—31.

Voting nay: Senators Bluechel, Bottiger, Charnley, Conner, Fleming, Goltz, Hughes, Lysen, McDermott, Ridder, Scott, Shinpoch, Talmadge, Williams, Wojahn—15.

Absent or not voting: Senator Sellar—1.

Excused: Senators Gould, Talley—2.

Senator Pullen moved adoption of the following amendment:

On page 2, line 24, after "including" strike "smokeless gunpowder,"

#### POINT OF INQUIRY

Senator Bottiger: "Senator Pullen, as I understand it there are still a lot of people using black powder for their flintlocks, where they actually do the pounding and all the rest of the things. How many people are we excluding by leaving black powder in?"

Senator Pullen: "Well, certainly we are excluding some and someone may want to offer an amendment to exclude black powder. If that were to be done, perhaps that amendment could be adopted also.

"But right now, by exempting smokeless gunpowder, we are taking care of at least 95% and probably 99% of the reloaders."

The motion by Senator Pullen carried and the amendment was adopted.

On motion of Senator Bottiger, there being no objection, an amendment to page 2, line 27, on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Hemstad, the rules were suspended, Engrossed House Bill No. 22, 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 Vognild: "Senator Hemstad, the question of shotgun shells came up, and I am not clear whether this bill would ban the sale of shotgun shells to a person under twenty-one. Could you enlighten me?"

Senator Hemstad: "It is my understanding that this would not apply to the sale of shotgun shells."

Senator Vognild: "It is your understanding this would not?"

Senator Hemstad: "That is correct."

Senator Vognild: "Thank you."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and Senator Hemstad. A shotgun isn't a small arms ammunition, a shotgun shell doesn't as I understand it, fall into that definition. How, in the bill then, do you authorize someone under eighteen, or twenty-one, to buy it?"

(No reply by Senator Hemstad.)

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 22, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Ridder, Scott, Sellar, Shinpoeh, Talmadge, Vognild, Williams, Wojahn, Woody, Zimmerman—38.

Voting nay: Senators Conner, Craswell, Haley, Hansen, Pullen, Quigg, von Reichbauer, Wilson—8.

Absent or not voting: Senator Deccio—1.

Excused: Senators Gould, Talley—2.

ENGROSSED HOUSE BILL NO. 22, 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. 419, by House Committee on Natural Resources and Environmental Affairs (originally sponsored by House Committee on Natural Resources and Environmental Affairs and Representatives Wilson and North):

Notifying buyer of land when reforestation is required.

#### REPORT OF STANDING COMMITTEE

February 17, 1982.

SUBSTITUTE HOUSE BILL NO. 419, notifying the buyer of land when reforestation is required (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 7, chapter 137, Laws of 1974 ex. sess. as amended by section 4, chapter 200, Laws of 1975 1st ex. sess. and RCW 76.09.070 are each amended to read as follows:

After the completion of a logging operation, satisfactory reforestation as defined by the rules and regulations promulgated by the board shall be completed within three years: PROVIDED, That a longer period may be authorized if seed or seedlings are not available: PROVIDED FURTHER, That a period of up to five years may be allowed where a natural regeneration plan is approved by the department. Upon the completion of a reforestation operation a report on such operation shall be filed with the department of natural resources. Within twelve months of receipt of such a report the department shall inspect the reforestation operation, and shall determine either that the reforestation operation has been properly completed or that further reforestation and inspection is necessary.

Satisfactory reforestation is the obligation of the owner of the land as defined by forest practices regulations, except the owner of perpetual rights to cut timber owned separately from the land is responsible for satisfactory reforestation. The reforestation obligation shall become the obligation of a new owner if the land or perpetual timber rights are sold or otherwise transferred.

Prior to the sale or transfer of land or perpetual timber rights subject to a reforestation obligation, the seller shall notify the buyer of the existence and nature of the obligation and the buyer shall sign a notice of reforestation obligation indicating the buyer's knowledge thereof. The notice shall be on a form prepared by the department and shall be sent to the department by the seller at the time of sale or transfer of the land or perpetual timber rights. If the seller fails to notify the buyer about the reforestation obligation, the seller shall pay the buyer's costs related to reforestation, including all legal costs which include reasonable attorneys' fees, incurred by the buyer in enforcing the reforestation obligation against the seller. Failure by the seller to send the required notice to the department at the time of sale shall be prima facie evidence, in an action by the buyer against the seller for costs related to reforestation, that the seller did not notify the buyer of the reforestation obligation prior to sale.

The forest practices regulations may provide alternatives to or limitations on the applicability of reforestation requirements with respect to forest lands being converted in whole or in part to another use which is compatible with timber growing. The forest practices regulations may identify classifications and/or areas of forest land that have the likelihood of future conversion to urban development within a ten year period. The reforestation requirements may be modified or eliminated on such lands: PROVIDED, That such identification and/or such conversion to urban development must be consistent with any local or regional land use plans or ordinances.

NEW SECTION. Sec. 2. This act shall take effect July 1, 1982."

On page 1, line 1 of the title after "reforestation;" strike the remainder of the title and insert "amending section 7, chapter 137, Laws of 1974 ex. sess. as amended by section 4, chapter 200, Laws of 1975 1st ex. sess. and RCW 76.09.070; and providing an effective date."

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

The bill was read the second time by sections.

Senator Gallagher moved adoption of the committee amendment.

Senator Bottiger moved adoption of the following amendment to the committee amendment:

On page 3, line 27, add a new section:

"NEW SECTION. Sec. 2. The provisions of the act shall not apply to sales of ten acres or less."

#### POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, from the language of your amendment you say that this act shall not apply. Now do you mean that this land must not be reforested or do you mean the seller must not notify the buyer?"

Senator Bottiger: "I mean the entire act. My intent, Senator Newhouse, was that neither the buyer nor seller on that small tract has to go through the lengthy process and the paper work of getting a conversion or reforestation."

The motion by Senator Bottiger failed and the amendment to the committee amendment was not adopted on a rising vote.

The motion by Senator Gallagher carried and the committee amendment was adopted.

On motion of Senator Gallagher, the committee amendment to the title was adopted.

On motion of Senator Gallagher, the rules were suspended, Substitute House Bill No. 419, 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. 419, as amended by the Senate, and the bill passed the Senate the by following vote: Yeas, 43; nays, 2; absent or not voting, 2; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Haley, Hansen—2.

Absent or not voting: Senators Bauer, Hemstad—2.

Excused: Senators Gould, Talley—2.

SUBSTITUTE HOUSE BILL NO. 419, 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. 442, by House Committee on Labor and Economic Development and Representatives Sanders, Scott, Eberle, Garrett, Nelson (G.) and Clayton:

Revising laws pertaining to discipline of engineers.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, House Bill No. 442 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Patterson: "Senator Quigg, what recourse does the individual have in the event that the board levies say that \$1000 fine? Does he have a right of appeal or . . . ?" \*

Senator Quigg: "Senator Patterson, the aggrieved party or the party in this case involved in a sanction action by the board, would have all the relief available to him as provided under the administrative procedures act which would mean taking it all the way to judicial review if they chose to."

### REMARKS BY SENATOR WILLIAMS

Senator Williams: "Yes, Mr. President. Supporting the bill but just making one correction. It does not apply to architects; it is simply engineers and land surveyors."

### POINT OF INQUIRY

Senator Pullen: "Senator Quigg, I was wondering if the Seattle professional engineering employees association, otherwise known as SPEEA, was invited to testify before your committee and if so, what their position on this bill was?"

Senator Quigg: "I am not aware whether, I don't think that they were invited, Senator Pullen, and I don't recall them testifying and if they had a position on the bill, I am not aware of it. The people that testified on the bill were from the architects and engineers society here in the state of Washington."

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 442 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Pullen, Rasmussen—2.

Excused: Senators Gould, Talley—2.

HOUSE BILL NO. 442, having received the 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. 452, by House Committee on Transportation (originally sponsored by House Committee on Transportation and Representatives Martinis, North and Garrett):

Providing for city council members as members of the urban arterial board.

### REPORT OF STANDING COMMITTEE

February 15, 1982.

SUBSTITUTE HOUSE BILL NO. 452, providing for city council members as members of the urban arterial board (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 18, chapter 83, Laws of 1967 ex. sess. as last amended by section 3, chapter 315, Laws of 1981 and RCW 47.26.120 are each amended to read as follows:

(1) There is hereby created an urban arterial board of thirteen members, six of whom shall be county members, six of whom shall be city members. The chairman shall be the state aid engineer for the department of transportation.

(2) Of the county members of the board, one member shall be a county engineer from a county of the first class or larger; one member shall be a county engineer from a county of the second class or smaller; one member shall be an engineer occupying the position of county road administration engineer, created by RCW 36.78.060; one member shall be the chairman of the county road administration board created by RCW 36.78.030; one member shall be a county executive, council member, or commissioner from a county of the first class or larger; one member shall be a county executive, council member, or commissioner from a county of the second class or smaller. All county members of the board, except the county road administration engineer and the chairman of the county road administration board, shall be appointed. Not more than one county member of the board shall be from one county. For the purposes of this subsection, the term county engineer shall mean the director of public works in any county in which such a position exists.

(3) Of the city members of the board two shall be chief city engineers of cities over twenty thousand population; one shall be a chief city engineer of a city of less than twenty thousand population; two shall be mayors, commissioners, or city council members of cities of more than twenty thousand population; and one shall be a mayor, commissioner, or council member of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from one city. For the purposes of this subsection the term chief city engineer shall mean the director of public works in any city in which such a position exists.

(4) ~~((Prior to July 1, 1967, the transportation commission shall appoint the first appointive county members of the board. Two members to serve two years and two members to serve four years from July 1, 1967.~~

(5) ~~Prior to July 1, 1967, the transportation commission shall appoint the first city members of the board. Three members to serve two years and three members to serve four years from July 1, 1967.~~

~~(6) Upon expiration of the original terms subsequent))~~ Appointments shall be made by the ~~((same appointing authority))~~ secretary of transportation for four year terms except in the case of a vacancy, in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes his term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason.

~~((7))~~ (5) Before appointing any member to the urban arterial board, the secretary of transportation ~~((commission))~~ shall request from the executive committee of the Washington state association of counties, in the case of a county member appointment, and from the executive committee of the association of Washington cities, in the case of a city member appointment, recommendations of at least two eligible persons for each appointment to be made. The ~~((commission))~~ secretary of transportation shall give due consideration to the recommendations submitted to ~~((it))~~ him.

~~((8))~~ (6) Any member of the board, including the chairman, may designate an official representative to serve on the board in his place with the same authority as the member, subject to the conditions and under the circumstances set forth in rules adopted by the board."

On page 1, line 1 of the title, after "arterials;" strike the remainder of the title and insert "and amending section 18, chapter 83, Laws of 1967 ex. sess. as last amended by section 3, chapter 315, Laws of 1981 and RCW 47.26.120."

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Gallagher, Guess, Hansen, Peterson, Talley, Vognild.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the committee amendment was adopted.

On motion of Senator von Reichbauer, the committee amendment to the title was adopted.

On motion of Senator von Reichbauer, the rules were suspended, Substitute House Bill No. 452, 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. 452, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 3; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Hughes, Lysen—2.

Absent or not voting: Senators Craswell, Haley, Jones—3.

Excused: Senators Gould, Talley—2.

SUBSTITUTE HOUSE BILL NO. 452, 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. 476, by House Committee on State Government (originally sponsored by Representatives Thompson, Monohon and Wilson): Exempting certain library records from requirements for public disclosure.

The bill was read the second time by sections.

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 476 was advanced to third reading, the second 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. 476 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Gould, Talley—2.

SUBSTITUTE HOUSE BILL NO. 476, having received the 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. 572, by House Committee on State Government and Representative Addison:

Transferring responsibility for voting devices to secretary of state.

The bill was read the second time by sections.

On motion of Senator Pullen, the rules were suspended, House Bill No. 572 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 572 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wajohn, Woody, Zimmerman—47.

Excused: Senators Gould, Talley—2.

HOUSE BILL NO. 572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Clarke, House Bill No. 600 will be held for consideration at a later time.

### SECOND READING

ENGROSSED HOUSE BILL NO. 621, by Representatives Winsley and North:

Modifying provisions relating to cruelty to animals.

### REPORT OF STANDING COMMITTEE

February 26, 1982.

ENGROSSED HOUSE BILL NO. 621, modifying provisions relating to cruelty to animals (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Section 1. There is added to chapter 9.08 RCW a new section to read as follows:

Any person who, with intent to deprive or defraud the owner thereof, does any of the following shall be guilty of a gross misdemeanor:

(1) Takes, leads away, confines, secretes or converts any dog, except in cases in which the value of the dog exceeds two hundred fifty dollars;

(2) Conceals the identity of any dog or its owner by obscuring or removing from the dog any collar, tag, license, tattoo, or other identifying device or mark; or

(3) Wilfully kills or injures any dog, unless excused by law.

Such violations shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.

Sec. 2. Section 2, chapter 146, Laws of 1901 and RCW 16.52.030 are each amended to read as follows:

All members and agents, and all officers of any society so incorporated, as shall by the trustees of such society be duly authorized in writing, approved by any judge of the superior court of the county, and sworn in the same manner as are constables and peace officers, shall have power lawfully to interfere to prevent the perpetration

of any act of cruelty upon any animal and may use such force as may be necessary to prevent the same, and to that end may summon to their aid any bystander; they may make arrests for the violation of any of the provisions of RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180 in the same manner as herein provided for other officers; and may carry the same weapons that such officers are authorized to carry. Authorizations under this section shall be for a period not exceeding three years or termination of duties, whichever occurs first. The trustees of the society shall review the authorizations every three years and may revoke authorizations at any time by filing a certified revocation with the superior court from which the authorization was issued: PROVIDED, That all such members and agents shall, when making ((such)) arrests under this section, exhibit and expose a suitable badge to be adopted by such society. All persons resisting such specially authorized, approved and sworn officers, agents or members shall be guilty of a misdemeanor.

Sec. 3. Section 8, chapter 27, Laws of 1893 and RCW 16.52.065 are each amended to read as follows:

Whosoever shall wantonly or cruelly pluck, maim, torture, deprive of necessary food or drink, or wantonly kill any fowl or insectivorous bird, shall be deemed guilty of a misdemeanor(~~, and on conviction thereof shall be fined in any sum not exceeding twenty dollars~~).

Sec. 4. Section 4, chapter 146, Laws of 1901 as amended by section 4, chapter 145, Laws of 1979 and RCW 16.52.070 are each amended to read as follows:

Except as provided in RCW 9A.48.080, every person who cruelly overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes, procures, authorizes, requests or encourages so to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten or mutilated or cruelly killed, any animal; and whoever having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary suffering or pain upon the same, or unnecessarily fails to provide the same with the proper food, drink, air, light, space, shelter or protection from the weather, or who wilfully and unreasonably drives the same when unfit for labor or with yoke or harness that chafes or galls it, or check rein or any part of its harness too tight for its comfort, or at night when it has been six consecutive hours without a full meal, or who cruelly abandons any animal, shall be guilty of a misdemeanor. For the purposes of this section, necessary sustenance or proper food means the provision at suitable intervals, not to exceed twenty-four hours, of wholesome foodstuff suitable for the species and age of the animal and sufficient to provide a reasonable level of nutrition for the animal.

Sec. 5. Section 5, chapter 146, Laws of 1901 as amended by section 1, chapter 12, Laws of 1974 ex. sess. and RCW 16.52.080 are each amended to read as follows:

Any person who wilfully transports or confines or causes to be transported or confined any domestic animal or animals in a (~~cruel or unnecessarily painful~~) manner, posture or confinement that will jeopardize the safety of the animal or the public shall be guilty of a misdemeanor. And whenever any such person shall be taken into custody or be subject to arrest pursuant to a valid warrant therefor by any officer or authorized person, such officer or person may take charge of the animal or animals; and any necessary expense thereof shall be a lien thereon to be paid before the animal or animals may be recovered; and if the expense is not paid, it may be recovered from the owner of the animal or the person guilty.

Sec. 6. Section 12, chapter 146, Laws of 1901 and RCW 16.52.100 are each amended to read as follows:

Any person who shall impound or confine or cause to be impounded or confined any domestic animal, shall supply the same during such confinement with a sufficient quantity of good and wholesome food and water, and in default thereof shall

be guilty of a misdemeanor. In case any domestic animal shall be impounded or confined as aforesaid and shall continue to be without necessary food and water for more than twenty-four consecutive hours, it shall be lawful for any person, from time to time, as it shall be deemed necessary to enter into and open any pound or place of confinement in which any domestic animal shall be confined, and supply it with necessary food and water so long as it shall be confined. Such person shall not be liable to action for such entry, and the reasonable cost of such food and water may be collected by him of the owner of such animal, and the said animal shall be subject to attachment therefor and shall not be exempt from levy and sale upon execution issued upon a judgment therefor. If an investigating officer finds it extremely difficult to supply such animals with food and water, the officer may remove the animals to protective custody for that purpose.

Sec. 7. Section 16, chapter 146, Laws of 1901 and RCW 16.52.165 are each amended to read as follows:

Every person convicted of any misdemeanor under RCW (~~16.52.010 through 16.52.050, 16.52.070 through~~) 16.52.080 or 16.52.090 (~~and 16.52.100 through 16.52.180~~;) shall be punished by a fine of not exceeding one hundred and fifty dollars, or by imprisonment in the county jail not exceeding sixty days, or both such fine and imprisonment, and shall pay the costs of the prosecution.

NEW SECTION. Sec. 8. Any person who for amusement or gain causes any bull, bear, or other animal except a dog to fight with an animal of like kind, or causes any such animal, including dogs, to fight with a different kind of animal; or who for amusement or gain worries, chases, or injures any bull, bear, dog, or other animal, or causes any bull, bear, or other animal except a dog to worry or injure another such animal; and any person who permits any of these acts to be done on any premises under his charge or control or who aids, abets, or is present at such fighting, chasing, or worrying of such animal is guilty of a misdemeanor.

NEW SECTION. Sec. 9. (1) Any person who does any of the following is guilty of a gross misdemeanor punishable by imprisonment not to exceed one year, or by a fine not to exceed five thousand dollars, or by both fine and imprisonment:

(a) Owns, possesses, keeps, or trains any dog with the intent that the dog shall be engaged in an exhibition of fighting with another dog;

(b) For amusement or gain causes any dog to fight with another dog, or causes any dogs to injure each other; or

(c) Permits any act in violation of (a) or (b) of this subsection to be done on any premises under his charge or control, or aids or abets any such act.

(2) Any person who is knowingly present, as a spectator, at any place or building where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in subsection (1)(b) of this section, with the intent to be present at such exhibition, fighting, or injuring, is guilty of a misdemeanor.

(3) Nothing in this section may prohibit the following:

(a) The use of dogs in the management of livestock, as defined by chapter 16.57 RCW, by the owner of the livestock or the owner's employees or agents or other persons in lawful custody of the livestock;

(b) The use of dogs in hunting as permitted by law; or

(c) The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law.

NEW SECTION. Sec. 10. Nothing in this chapter applies to accepted husbandry practices used in the commercial raising or slaughtering of livestock or poultry, or products thereof.

Sec. 11. Section 7, chapter 146, Laws of 1901 and RCW 16.52.120 are each amended to read as follows:

Every person who wantonly or for the amusement of himself or others, or for gain, shall cause any ((~~bull, bear,~~) cock((~~, dog, or other animal~~)) to fight, chase, worry or injure any other animal, or to be fought, chased, worried or injured by any ((~~man~~) person or animal, and every person who shall permit the same to be done on any premises under his charge or control; and every person who shall aid, abet, or be present at such fighting, chasing, worrying or injuring of such animal as a spectator, shall be guilty of a misdemeanor.

Sec. 12. Section 8, chapter 146, Laws of 1901 and RCW 16.52.130 are each amended to read as follows:

Every person who owns, possesses, keeps, or trains any bird ((~~or other animal~~)) with the intent that such bird ((~~or other animal~~)) shall be engaged in an exhibition of fighting, or is present at any place, building or tenement, where training is being had or preparations are being made for the fighting of birds ((~~or other animals~~)), with the intent to be present at such exhibition, or is present at such exhibition, shall be guilty of a misdemeanor.

NEW SECTION. Sec. 13. Sections 8, 9, and 10 of this act are added to chapter 16.52 RCW.

NEW SECTION. Sec. 14. Section 1, chapter 114, Laws of 1972 ex. sess. and RCW 9.08.060 are each repealed."

On page 1, line 1 of the title, after "animals;" strike the remainder of the title and insert "amending section 2, chapter 146, Laws of 1901 and RCW 16.52.030; amending section 8, chapter 27, Laws of 1893 and RCW 16.52.065; amending section 4, chapter 146, Laws of 1901 as amended by section 4, chapter 145, Laws of 1979 and RCW 16.52.070; amending section 5, chapter 146, Laws of 1901 as amended by section 1, chapter 12, Laws of 1974 ex. sess. and RCW 16.52.080; amending section 12, chapter 146, Laws of 1901 and RCW 16.52.100; amending section 7, chapter 146, Laws of 1901 and RCW 16.52.120; amending section 8, chapter 146, Laws of 1901 and RCW 16.52.130; amending section 16, chapter 146, Laws of 1901 and RCW 16.52.165; adding a new section to chapter 9.08 RCW; adding new sections to chapter 16.52 RCW; repealing section 1, chapter 114, Laws of 1972 ex. sess. and RCW 9.08.060; and providing penalties."

Signed by: Senators Newhouse, Chairman; Benitz, Gaspard, Hansen.

The bill was read the second time by sections.

Senator Newhouse moved adoption of the committee amendment.

### POINT OF INQUIRY

Senator Bottiger: "Senator Newhouse, on section 8 which is on page 6 of the amendment, 'or who, for amusement' — I am looking at line 34 — 'amusement, or gain worries, chases or injures any bull.' Now obviously a rodeo, we do chase some bulls and we chase them and we ride 'em and we worry 'em, and occasionally we injure 'em. Is this a violation and a misdemeanor?"

Senator Newhouse: "It would not be so, my interpretation, Senator Bottiger, and I have seen quite a few rodeos in this state and others and I have never seen a bull injured; maybe you have. I have seen the men injured, but not the bull."

The motion by Senator Newhouse carried and the committee amendment was adopted.

Senator Newhouse moved to advance the bill to third reading and final passage.

### MOTION

On motion of Senator Bottiger, there being no objection, Engrossed House Bill No. 621 was ordered held on second reading for consideration at a later time.

## SECOND READING

ENGROSSED HOUSE BILL NO. 728, by House Committee on State Government and Representative Sommers:  
Revising definition of appraisals.

## REPORT OF STANDING COMMITTEE

February 25, 1982.

ENGROSSED HOUSE BILL NO. 728, revising definition of appraisals (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 24, after "(SRPA)))" strike all material down to and including "organization." on line 25 and insert "a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised."

On page 6, line 10, after "exist." insert a new subsection as follows:

"(33) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes."

Renumber the remaining subsections consecutively.

On page 8, line 1, after "S-R-E-A.))" strike all material down to and including "organization" on line 2 and insert "a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised"

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

The bill was read the second time by sections.

Senator Metcalf moved the two committee amendments be considered and adopted simultaneously.

Senator Pullen objected.

With an explanation by Senator Metcalf to Senator Pullen, the two amendments were considered and adopted simultaneously.

On motion of Senator Metcalf, the rules were suspended, Engrossed House Bill No. 728, 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 call on the final passage of Engrossed House Bill No. 728, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Goltz—1.

Excused: Senators Gould, Talley—2.

ENGROSSED HOUSE BILL NO. 728, 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. 745, by House Committee on Ethics, Law and Justice and Representatives Ellis and Johnson:

Penalizing threats against the governor and successors to the office of the governor.

## REPORT OF STANDING COMMITTEE

February 16, 1982.

ENGROSSED HOUSE BILL NO. 745, penalizing threats against the governor and successors to the office of the governor (reported by Judiciary Committee):

Recommendation: Do pass with the following amendment:

On page 1, line 16, after "be" strike all of the material down to and including "both" on line 17 and insert "guilty of a class C felony"

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendment was adopted.

On motion of Senator Hemstad, the rules were suspended, Engrossed House Bill No. 745, 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 McCaslin: "Senator Hemstad, if the Governor's wife was threatened today, who would investigate it?"

Senator Hemstad: "If the Governor's wife was threatened today it would be something that could be investigated by the state patrol or presumably the prosecutor or the police, Thurston county, or the Olympia police forces would have the jurisdiction . . . but the first line would be the state patrol, that has the protection to attend to the first family."

Senator McCaslin: "Wouldn't the sheriff's department investigate it? Would they be involved in it at all?"

Senator Hemstad: "They could be."

Senator McCaslin: "But I think primarily the patrol is for traffic regulation, is it not?"

Senator Hemstad: "No, the patrol currently has statutory duties to provide whatever protection is appropriate to protect the Governor and his family."

Senator McCaslin: "Do you think they are specialized in investigating threats and crimes of that nature?"

Senator Hemstad: "Yes, yes they are."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 745, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vogniid, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Gould, Talley—2.

ENGROSSED HOUSE BILL NO. 745, 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. 752, by House Committee on Revenue and Representative Greengo:

Modifying provisions on taxation of motor carriers of freight for hire.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Engrossed House Bill No. 752 was advanced to third reading, the second 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. 752 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Gould, Talley—2.

ENGROSSED HOUSE BILL NO. 752, having received the 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 Clarke, House Bill No. 829 will be considered following consideration of the next four measures on the Consent Calendar.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 834, by House Committee on Natural Resources and Environmental Affairs (originally sponsored by Representatives Garson, Johnson, Addison, Ellis, Williams, Tilly, Kreidler, Nickell and Barr):

Modifying penalties for violations of game laws.

The bill was read the second time by sections.

On motion of Senator Gallagher, the rules were suspended, Substitute House Bill No. 834 was advanced to third reading, the second reading considered the third, the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 834 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Jones—1.

Excused: Senator Talley—1.

SUBSTITUTE HOUSE BILL NO. 834, having received the 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. 849 was ordered held for consideration on March 8, 1982.

### SECOND READING

HOUSE BILL NO. 854, by House Transportation Committee and Representative Wilson (by Department of Transportation request):

Permitting motor fuel distributors to omit gas tax from selling price.

The bill was read the second time by sections.

Senator Guess moved adoption of the following amendment by Senators Guess and Hansen:

On page 2, after line 12, insert the following:

"Sec. 2. Section 3, chapter 131, Laws of 1980 as amended by section 4, chapter 342, Laws of 1981 and RCW 82.36.225 are each amended to read as follows:

Alcohol of any proof that is sold in this state for use as fuel in motor vehicles, farm implements and machines, or implements of husbandry (~~is exempt from the motor vehicle fuel tax under this chapter. In addition, a tax credit of sixty percent of the tax rate imposed by RCW 82.36.025~~) shall be given a tax credit equal to fifty cents per gallon for every gallon of alcohol used in an alcohol-gasoline blend which contains at least nine and one-half percent or more by volume of alcohol: **PROVIDED**, That in no case may the tax credit claimed be greater than the tax due on the gasoline portion of the blended fuel.

This section shall expire on December 31, 1986.

Sec. 3. Section 4, chapter 131, Laws of 1980 as amended by section 7, chapter 342, Laws of 1981 and RCW 82.38.085 are each amended to read as follows:

Alcohol of any proof that is sold in this state for use as fuel in motor vehicles (~~is exempt from the special fuel tax under this chapter. In addition, a tax credit of sixty percent of the tax rate imposed by RCW 82.38.030~~) shall be given a tax credit equal to fifty cents per gallon for every gallon of alcohol used in an alcohol-special fuel blend which contains at least nine and one-half percent or more by volume of alcohol: **PROVIDED**, That in no case may the tax credit claimed be greater than the tax due on the special fuel portion of the blended fuel.

This section shall expire on December 31, 1986."

Re-number the sections consecutively.

On page 2, on line 13, strike "This act" and insert "Section 1 of this act"

### POINT OF INQUIRY

Senator Peterson: "Senator Guess, I think I understand what you are attempting to do here, but the stricken language is a little bit ambiguous, the tax credit is 60% and then you say the 'tax credit is equal to 50¢ per gallon.' The 50¢ per gallon is a little bit better break for the alcohol producers?"

Senator Guess: "It is, Senator; it is, the present tax is about 2.8¢ a gallon and this makes it 4.8 or almost 5¢."

Senator Peterson: "I would support the amendment."

## POINT OF INQUIRY

Senator Bottiger: "Mr. President, if nobody else is worried about it, I am. Senator Guess, what is the fiscal impact of a tax credit of 50¢ per gallon?"

Senator Guess: "Yes, Senator, this would be approximately \$300,000 a year. But it is a business we do not have now. It will enable us to have a greater dependence, or a less dependency on OPEC and a greater dependency upon our own capability of producing alcohol."

Senator Bottiger: "Mr. President and members of the Senate. As I read this, Senator Guess, I understand tax credits and I am not too sure I didn't sponsor the original language; but as this is written, 'shall be given a tax credit equal to 50¢ per gallon for every gallon of alcohol used in an alcohol-gasoline blend,' and we use, those are 9%, so a gallon of gasoline which is selling for \$1.22 or \$1.50, there is going to a 50¢ a gallon credit?"

Senator Guess: "Out of ten gallons of gasohol, Senator, you would have nine gallons of gasoline and one gallon of alcohol. So what it does is, that it gives them the 50¢ credit for every gallon of alcohol used in the gasoline mixture."

The motion by Senator Guess carried and the amendment was adopted.

On motion of Senator Guess, the following amendment by Senators Guess and Hansen to the title was adopted:

On page 1, line 4 of the title, after "82.36.020;" insert "amending section 3, chapter 131, Laws of 1980 as amended by section 4, chapter 342, Laws of 1981 and RCW 82.36.225; amending section 4, chapter 131, Laws of 1980 as amended by section 7, chapter 342, Laws of 1981 and RCW 82.38.085;"

On motion of Senator Guess, the rules were suspended, House Bill No. 854, 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 Bottiger: "Senator Guess, would you yield to a question on the original bill?"

"Senator Guess, as I understand from the digest, the defense department says that it may be in violation for us to collect the excise tax on fuel sold to the Federal government. My understanding from our service on the transportation committee that they have been claiming that for years, but still paying. Has anything transpired recently that would allow us to give in to them and . . . ?"

Senator Guess: "Senator, this does delete the obsolete Federal emergency administration requirement. It was originally enacted in 1977. And the bill deletes the requirement that the state fuel taxes be included as an increment in the price of the fuel sold to the Federal government. This enables the state to continue to collect the state fuel taxes on the sale of motor vehicle and special fuel to the Federal government."

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 854, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, von Reichbauer, Williams, Woody, Zimmerman—36.

Voting nay: Senators Charnley, Conner, Fleming, Hughes, Hurley, Lysen, McDermott, Moore, Talmadge, Vognild, Wilson, Wojahn—12.

Excused: Senator Talley—1.

HOUSE BILL NO. 854, 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 Clarke, the Senate commenced consideration of Substitute House Bill No. 849.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 849, by House Committee on Education (originally sponsored by Representatives Taylor, Galloway, Chandler, Johnson, Wilson, Lundquist, Mitchell, James, Nisbet, Padden, Tilly, Barnes, Kreidler, Amen and Barr):

Making miscellaneous changes in laws relating to education.

### REPORT OF STANDING COMMITTEE

February 25, 1982.

SUBSTITUTE HOUSE BILL NO. 849, making miscellaneous changes in laws relating to education (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

In Section 2, on page 4, following line 1, add a new paragraph to read as follows:

"Notwithstanding any other provision of this section, no expenditure of moneys shall be made for acquisition of art works during the period July 1, 1982 through July 1, 1984."

In Section 3, on page 4, line 5 strike "~~((for periods not exceeding five years in duration))~~" and insert "for periods not exceeding five years in duration"

On page 4, line 8, strike "and years of duration"

On page 4, line 10, strike ", not to exceed five years"

On page 4, line 13, strike ", not to exceed five years"

On page 4, line 13, after ";" insert "and"

On page 4, line 14, after "transportation" strike ", not to exceed three years" and insert "services"

On page 4, beginning on line 16, strike everything through line 21.

On page 7, beginning on line 11, strike all of NEW SECTION. Sec. 6 and NEW SECTION. Sec. 7 and renumber the remaining sections consecutively.

In Section 10, on page 8, line 24, after "district" strike "within its boundaries" and insert "and/or other educational service districts"

In Section 11, on page 8, line 32, after "school districts" strike "or the" and insert "and/or"

On page 8, line 32, after "service" strike everything through "located" on line 33 and insert "districts"

On page 1, beginning on line 2 of the title, strike all material down to and including "fund" on line 7

On page 1, line 5 of the title, strike "close schools,"

On page 1, line 23 of the title, after "28A.58 RCW;" strike "adding new sections to chapter 2, Laws of 1971 ex. sess. and to chapter 43.21C RCW;"

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Lee, Talmadge, Wojahn.

The bill was read the second time by sections.

Senator Kiskaddon moved adoption of the committee amendment to page 4, following line 1.

## POINT OF ORDER

Senator Shinpoch: "Mr. President, I would raise the question of scope and objection on this amendment.

"Mr. President, ladies and gentlemen. The bill covers a number of things and when you deal with it, it appears to me that when you are, the section that deals with the art, deals with how you select it and, how you select or reject the art; and this amendment actually is a disappropriation and I think changes the thrust of the bill entirely."

## MOTION

On motion of Senator Clarke, Substitute House Bill No. 849, together with the pending committee amendments and the Point of Order raised by Senator Shinpoch, was ordered held for a Ruling by the President.

## SECOND READING

ENGROSSED HOUSE BILL NO. 621, by Representatives Winsley and North:

Modifying provisions relating to cruelty to animals.

The Senate resumed consideration of Engrossed House Bill No. 621, as amended earlier today.

On motion of Senator Clarke, the following amendment was adopted:

On page 6, lines 34 and 35, strike "worries, chases, or"

On motion of Senator Bottiger, the following amendment by Senators Bottiger and Wilson was adopted:

On page 8, line 25 after "thereof" insert "or to the use of animals in the normal and usual course of rodeo events"

On motion of Senator Newhouse, the committee amendment to the title was adopted.

On motion of Senator Newhouse, the rules were suspended, Engrossed House Bill No. 621, 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. 621, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talley—1.

ENGROSSED HOUSE BILL NO. 621, 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. 4502, by Senator Lee:

Modifying funds apportioned by superintendent of public instruction.

## MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 4502 was substituted for Senate Bill No. 4502 and the substitute bill was placed on second reading and read the second time in full.

Senator Gould moved adoption of the following amendment:

On page 3, line 9 after "up to" strike "two" and insert "four"

Debate ensued.

The motion by Senator Gould failed and the amendment was not adopted.

On motion of Senator Gould, there being no objection, an amendment to page 3, line 16 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Scott, the rules were suspended, Substitute Senate Bill No. 4502 was advanced to third reading, the second 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. 4502 and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shipoch, Wojahn, Zimmerman—32.

Voting nay: Senators Bauer, Charnley, Fleming, Gaspard, Hughes, Hurley, Lysen, McDermott, Moore, Ridder, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Woody—16.

Excused: Senator Talley—1.

SUBSTITUTE SENATE BILL NO. 4502, having received the 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

SECOND SUBSTITUTE HOUSE BILL NO. 658, by House Committee on Energy and Utilities (originally sponsored by House Committee on Energy and Utilities and Representatives Cantu, Nelson (D.) and Wang):

Providing energy conservation procedures for state buildings.

The bill was read the second time by sections.

On motion of Senator Gould, the rules were suspended, Second Substitute House Bill No. 658 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 658 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Deccio—1.

Excused: Senator Talley—1.

SECOND SUBSTITUTE HOUSE BILL NO. 658, having received the 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. 1011, by House Committee on Local Government (originally sponsored by House Committee on Local Government and Representatives Isaacson and Martinis):

Defining and limiting appearance of fairness doctrine.

## REPORT OF STANDING COMMITTEE

February 25, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1011, defining and limiting the appearance of fairness doctrine (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. Application of the appearance of fairness doctrine to local land use decisions shall be limited to the quasi-judicial actions of local decision-making bodies as defined in this section. Quasi-judicial actions of local decision-making bodies are those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.

**NEW SECTION.** Sec. 2. No member of a local decision-making body may be disqualified by the appearance of fairness doctrine for conducting the business of his or her office with any constituent on any matter other than a quasi-judicial action then pending before the local legislative body.

**NEW SECTION.** Sec. 3. No legislative action taken by a local legislative body, its members, or local executive officials shall be invalidated by an application of the appearance of fairness doctrine.

**NEW SECTION.** Sec. 4. Prior to declaring as a candidate for public office or while campaigning for public office as defined by RCW 42.17.020(5) and (25) no public discussion or expression of an opinion by a person subsequently elected to a public office, on any pending or proposed quasi-judicial actions, shall be a violation of the appearance of fairness doctrine.

**NEW SECTION.** Sec. 5. A candidate for public office who complies with all provisions of applicable public disclosure and ethics laws shall not be limited from accepting campaign contributions to finance the campaign, including outstanding debts; nor shall it be a violation of the appearance of fairness doctrine to accept such campaign contributions.

**NEW SECTION.** Sec. 6. During the pendency of any quasi-judicial proceeding, no member of a decision-making body may engage in ex parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding. This prohibition does not preclude a member of a decision-making body from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are a part of the record. Nor does such prohibition preclude correspondence between a citizen and his or her elected official if any such correspondence is made a part of the record when it pertains to the subject matter of a quasi-judicial proceeding.

NEW SECTION. Sec. 7. Participation by a member of a decision-making body in earlier proceedings that result in an advisory recommendation to a decision-making body shall not disqualify that person from participating in any subsequent quasi-judicial proceeding.

NEW SECTION. Sec. 8. Anyone seeking to rely on the appearance of fairness doctrine to disqualify a member of a decision-making body from participating in a decision must raise the challenge as soon as the basis for disqualification is made known to the individual. Where the basis is known or should reasonably have been known prior to the issuance of a decision and is not raised, it may not be relied on to invalidate the decision.

NEW SECTION. Sec. 9. In the event of a challenge to a member or members of a decision-making body which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member or members publicly disclose the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

NEW SECTION. Sec. 10. Nothing in this chapter prohibits the restriction or elimination of the appearance of fairness doctrine by the appellate courts. Nothing in this chapter may be construed to expand the appearance of fairness doctrine.

NEW SECTION. Sec. 11. Nothing in this chapter prohibits challenges to local land use decisions where actual violations of an individual's right to a fair hearing can be demonstrated.

NEW SECTION. Sec. 12. 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. 13. Sections 1 through 12 of this act shall constitute a new chapter in Title 42 RCW.

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."

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen, Woody.

The bill was read the second time by sections.

Senator Hemstad moved adoption of the committee amendment.

On motion of Senator Talmadge, there being no objection, an amendment to page 1, line 22 on the desk of the Secretary of the Senate was withdrawn.

Senator Hemstad moved adoption of the following amendment to the committee amendment:

On page 1 of the Committee Amendment, line 22, after "proceeding," strike the remainder of section 1, through and including "significance." on line 30.

## MOTION

On motion of Senator Clarke, Engrossed Substitute House Bill No. 1011, together with the pending committee amendment and the amendment by Senator Hemstad to the committee amendment, was ordered held for consideration on March 8, 1982.

## SECOND READING

HOUSE BILL NO. 851, by House Committee on Human Services and Representatives Mitchell (by Department of Social and Health Services request):

Modifying eligibility for services for developmentally disabled.

## REPORT OF STANDING COMMITTEE

February 26, 1982.

HOUSE BILL NO. 851, modifying eligibility for services for the developmentally disabled (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after line 5 insert the following:

NEW SECTION. Section 1. The secretary of social and health services may promulgate rules, pursuant to chapter 34.04 RCW, defining mental handicap and physical handicap. This section and any rules adopted under this section shall expire March 1, 1983.

NEW SECTION. Sec. 2. The department of social and health services shall develop a proposal for a new statutory definition for developmental disabilities to be presented to the legislature by January 1, 1983.

NEW SECTION. Sec. 3. There is added to chapter 71.20 RCW a new section to read as follows:

Persons "developmentally disabled" as used in this chapter are those persons having a "developmental disability" as defined in Public Law 91-517, 42 USCA 2691(1), as amended.

NEW SECTION. Sec. 4. Section 3 of this act shall take effect March 1, 1983."

Renumber the remaining section consecutively

On page 1, line 3 of the title after "services;" strike "and" and insert "adding a new section to chapter 71.20 RCW; creating new sections;"

On page 1, line 4 of the title after "71.20.015" and before the period insert "; providing an effective date; and providing an expiration date"

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the committee amendment was adopted.

On motion of Senator Kiskaddon, the committee amendments to the title were adopted.

On motion of Senator Kiskaddon, the rules were suspended, House Bill No. 851, 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 Fleming, House Bill No. 851, as amended by the Senate, was ordered held on third reading for consideration at a later time.

## MOTION

On motion of Senator Clarke, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 4264, from March 6, 1982.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4264.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4264 and the bill failed to pass the Senate by the following vote: Yeas, 16; nays, 32; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Jones, Lee, Newhouse, Quigg, Scott, Sellar, Zimmerman—16.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Craswell, Fleming, Gaspard, Goltz, Gould, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McCaslin, McDermott, Metcalf, Moore, Patterson, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—32.

Excused: Senator Talley—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4264, having failed to receive the constitutional majority, was declared lost.

### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Patterson moved the Senate reconsider the vote by which Engrossed Substitute Senate Bill 4264 failed to pass the Senate.

### MOTION

At 9:17 p.m., on motion of Senator Clarke, the Senate recessed until 9:32 p.m.

### SECOND EVENING SESSION

The President called the Senate to order at 9:32 p.m.

sgp  
bnc

### MOTION

On motion of Senator Clarke, the Senate returned to the fourth order of business.

### MESSAGE FROM THE HOUSE

March 7, 1982.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1217, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053, by Committee on Energy and Utilities (originally sponsored by Committee on Energy and Utilities and Representative Barnes):

Modifying requirements on the procurement of materials, equipment, supplies, and work by joint operating agencies contracting, improving, or operating electrical facilities.

Referred to Committee on Energy and Utilities.

HOUSE BILL NO. 1092, by Representatives Struthers, Hastings and McGinnis:

Modifying the unfair cigarette sales act.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1217, by Select Committee on Deregulation and Productivity (originally sponsored by Representatives Williams, Vander Stoep and Tupper):

Modifying provisions on joint operating agencies.  
Referred to Committee on Energy and Utilities.

### MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 4705.

### SECOND READING

SENATE BILL NO. 4705, by Senators Gallagher, Rasmussen, Shinpoch, Deccio, Metcalf, Quigg, Vognild and Haley:  
Authorizing use of credit cards for state purchases.

### REPORT OF STANDING COMMITTEE

February 23, 1982.

SENATE BILL NO. 4705, authorizing the use of credit cards for state purchases (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 11, before "credit cards." strike "state"

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Quigg, Rasmussen.

The bill was read the second time by sections.

On motion of Senator Gallagher, the committee amendment was adopted.

On motion of Senator Gallagher, the rules were suspended, Engrossed Senate Bill No. 4705 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Talmadge: "Senator Gallagher, I was wondering how large the state's line of credit was because if it is large enough, maybe we can put the state deficit on Master Charge or Visa?"

Senator Gallagher: "Eighteen, twenty percent; yes, it would be a good one."

### POINT OF INQUIRY

Senator Hurley: "Senator Gallagher, will there be an initial charge or a monthly charge from the financial institution, or both?"

Senator Gallagher: "As I understand it, of course, it tells the director to adopt this type of a system. He will put it out to contract to bid to the various agencies who offer credit card system. So I rather imagine it would be a competitive bid for that type of a service."

### REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Yes, further answering Senator Hurley. Some of the banks, of course, you know now, do not make a charge. And it is entirely possible that the state would be able to have a bid process and get that same service.

"The first time we proposed this credit card, state, Visa or Master Charge or whatever form of card, they said 'Well, it is crazy.' But of course they have been doing this crazy thing for many, many years; they have been allowing all the gasoline be checked out on credit cards. And this will, as Senator Gallagher has said, have a potential for saving many, many dollars in the processing of vouchers. I urge your support."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4705 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpöch, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senators Moore, Sellar, Williams—3.

Excused: Senator Talley—1.

ENGROSSED SENATE BILL NO. 4705, having received the 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. 40, by House Committee on Ethics, Law and Justice (originally sponsored by Representatives Barr, Prince, Amen, Hastings and Berleen):

Exempting small local governments from public disclosure act.

## REPORT OF STANDING COMMITTEE

February 23, 1982.

SUBSTITUTE HOUSE BILL NO. 40, exempting small local governments from the Public Disclosure Act (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 5, beginning with "Section" strike all of the material down to and including "requires." on page 6, line 32, and insert the following:

"NEW SECTION. Section 1. There is added to chapter 42.17 RCW a new section to read as follows:

(1) During the period between the effective date of this 1982 act, and January 1, 1986, the reporting provisions of this chapter are suspended as they pertain to candidates, elected officials, and agencies in jurisdictions with less than one thousand registered voters as of the date of the most recent general election in the jurisdiction. The suspension also applies to political committees formed to support or oppose ballot propositions in such jurisdictions, and to persons making independent expenditures in support of or opposition to such ballot propositions.

(2) The suspension shall not apply in any jurisdiction from which a "petition for disclosure" containing the valid signatures of five percent of the number of registered voters, as of the date of the most recent general election in the jurisdiction, is filed with the commission. The commission shall by rule prescribe the form of the petition. After the signatures are gathered, the petition shall be presented to the auditor or elections officer of the county, or counties, in which the jurisdiction is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no less than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every incumbent elected official and candidate in the jurisdiction to file the required statement and reports within thirty days of the date of the order.

(3) The suspension shall not apply in any jurisdiction which by ordinance, resolution, or other official action has petitioned the commission to void the suspension with respect to elected officials and candidates of the jurisdiction. A copy of the

action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall issue an order voiding the suspension for that jurisdiction. The commission, upon approval of the action, shall order every incumbent elected official and candidate in the jurisdiction to file the required statement and reports within thirty days of the date of the order.

(4) Any person exempted from reporting by the suspension under this section may at his or her option file the statement and reports.

**NEW SECTION:** Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title, and insert "adding a new section of chapter 42.17 RCW; and declaring an emergency."

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder, Woody.

The bill was read the second time by sections.

Senator Pullen moved adoption of the committee amendment.

On motion of Senator Lee, the following amendment to the committee amendment was adopted:

On page 3 of the amendment, line 6 after "reports." insert:

"Sec. 2. Section 6, chapter 6, Laws of 1947 and RCW 68.16.060 are each amended to read as follows:

The board of county commissioners shall have full authority to hear and determine the petition, and if it finds that the formation of the district will be conducive to the public welfare and convenience, it shall by resolution so declare, otherwise it shall deny the petition. If the board finds in favor of the formation of the district, it shall designate the name and number of the district, fix the boundaries thereof, and cause an election to be held therein for the purpose of determining whether or not the district shall be organized under the provisions of this chapter, and for the purpose of electing its first cemetery district commissioners. The board shall, prior to calling the said election, name three registered resident electors who are property owners or are purchasing property under contract within the boundaries of the district as candidates for election as cemetery district commissioners. These electors are exempt from the requirements of chapter 42.17 RCW.

Sec. 3. Section 14, chapter 6, Laws of 1947 as amended by section 40, chapter 126, Laws of 1979 ex. sess. and RCW 68.16.140 are each amended to read as follows:

The affairs of the district shall be managed by a board of cemetery district commissioners composed of three qualified electors of the district. Members of the board shall receive no compensation for their services, but shall receive expenses necessarily incurred in attending meetings of the board or when otherwise engaged in district business. The board shall fix the compensation to be paid the secretary and other employees of the district. The first three cemetery district commissioners shall serve only until the first day in January following the next general election, provided such election occurs thirty or more days after the formation of the district, and until their successors have been elected and qualified and have assumed office in accordance with RCW 29.04.170. At the next general district election, as provided in RCW 29.13.020, provided it occurs thirty or more days after the formation of the district, three members of the board of cemetery commissioners shall be chosen. They and all subsequently elected cemetery commissioners shall have the same qualifications as required of the first three cemetery commissioners and are exempt from the requirements of chapter 42.17 RCW. The candidate receiving the highest number of votes shall serve for a term of six years beginning on the first day in January following; the candidate receiving the next higher number of votes shall serve

for a term of four years from said date; and the candidate receive the next higher number of votes shall serve for a term of two years from said date. Upon the expiration of their respective terms, all cemetery commissioners shall be elected for terms of six years to begin on the first day in January next succeeding the day of election and shall serve until their successors have been elected and qualified and assume office in accordance with RCW 29.04.170. Elections shall be called, noticed, conducted and canvassed by the same officials as provided for general county elections. The polling places for a cemetery district election shall be those of the county voting precincts which include any of the territory within the cemetery district, and may be located outside the boundaries of the district, and no such election shall be held irregular or void on that account."

Remember the remaining section accordingly.

The motion by Senator Pullen carried and the committee amendment, as amended, was adopted.

Senator Pullen moved adoption of the committee amendment to the title.

On motion of Senator Lee, the following amendment to the committee amendment to the title was adopted:

On page 3, line 21 after "RCW" insert "amending section 6, chapter 6, laws of 1947 and RCW 68.16.060; amending section 14, chapter 6, laws of 1947 as amended by section 40, chapter 126, laws of 1979 ex. sess. and RCW 68.16.140"

The motion by Senator Pullen carried and the committee amendment to the title, as amended, was adopted.

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 40, 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 Pullen, the digest says 'The public disclosure commission is temporarily empowered to suspend any of the reporting requirements of the public disclosure law,' and so forth. My question is, is it accurate that the commission is empowered to exempt entities if it so decides, or are they automatically exempted?"

Senator Pullen: "They are automatically suspended. An amendment that was adopted to the bill does provide for a few exemptions; in other words, the people can petition under a form to be prescribed by the public disclosure commission, to have the reporting requirements reinstated and so there are a few exemptions in there, but it automatically takes effect unless some of those exemptions are applied."

Senator Wilson: "In other words the statement in the digest is inaccurate?"

Senator Pullen: "Yes it is."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 40, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Woody, Zimmerman—35.

Voting nay: Senators Bauer, Charnley, Fleming, Gaspard, Hughes, Hurley, Lysen, McDermott, Ridder, Talmadge, Williams, Wilson, Wojahn—13.

Excused: Senator Talley—1.

SUBSTITUTE HOUSE BILL NO. 40, 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. 923, by House Committee on State Government (originally sponsored by Representatives Addison, Fiske, Salatino and others):

Creating a state center for voluntary action.

The bill was read the second time by sections.

Senator Fleming moved adoption of the following amendment by Senator McDermott:

On page 4, line 35, after "center" strike "may charge reasonable" and insert "shall charge such"

Debate ensued.

The motion by Senator Fleming failed and the amendment by Senator McDermott was not adopted on a rising vote.

There being no objection, an amendment by Senator McDermott to page 5, line 4, on the desk of the Secretary of the Senate, was withdrawn.

Senator Fleming moved adoption of the following amendment:

On page 5, line 31, strike all of new section 9 and renumber the remaining section accordingly.

Debate ensued.

### POINT OF INQUIRY

Senator Moore: "Senator Scott, in the budget that we discussed an hour ago or so, there is \$968,800 mandated that that must be spent on a volunteer program. Now why can't this \$82,500 come out of that? Nobody has yet explained to me what that \$968,800, or more, is to do."

Senator Scott: "Senator, you are not talking about the same program."

Senator Moore: "Excuse me, we are talking about 'volunteerism,' and there is no reason that this \$82,500 can't come out of that \$968,800."

Senator Scott: "If your assumption is that the \$968,800 is not fully utilized in the first instance, that is true. On the one hand, argument has been made here that things have been squeezed down too far, and on the other hand the argument is made, when it comes to this, that we can take and effect another 8 to 10% out and make it work. Which way is it?"

Senator Moore: "Well, what is the \$968,800 for?"

Senator Scott: "The \$968 is for individuals within existing programs in the department of social and health services, including those that are involved in chore services, volunteering, senior citizens, elder action, the whole gamut of services that are provided different clients through DSHS, or as an adjunct of."

Senator Moore: "Well, does it take \$968,000 to keep the volunteers working on the chore services, and assorted other things?"

Senator Scott: "Senator, you are talking about tens of thousands of individuals, and hundreds of communities, and hundreds of thousands of hours. People don't get their correct assignments, they aren't fully utilized, without someone pointing the direction."

Senator Moore: "Well, I guess we are going to get nowhere on this one. Thank you, Mr. President."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Scott, this was a gleam in Dan Evans' eye at one time, in 1968. And then we discontinued the funding for it in 1977. As I recall the reason for it, at that time; was it was not necessary to have a new state department in charge of voluntary services, that it was being handled at the local level, and very adequately through the various organizations we have at the local level. Do you have that same recollection?"

Senator Scott: "Senator, if you want me to get into debate on the floor tonight about the decisions of the Evans' administration, I respectfully decline."

Senator Rasmussen: "No, but you were here at that time, in '77, when the funding was discontinued and that was the recommendation we had that it was an unnecessary department. Thank you, Senator Scott, you agree with me but you just don't want to say so."

Further debate ensued.

The motion by Senator Fleming carried and the amendment was adopted on a rising vote.

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

On page 1, line 2, after "date" strike "; and making an appropriation"

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 923, 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. 923, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, Williams, Wojahn, Woody, Zimmerman—40.

Voting nay: Senators Bauer, Craswell, Deccio, McCaslin, Pullen, Rasmussen, von Reichbauer, Wilson—8.

Excused: Senator Talley—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 923, 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 Clarke, House Bill No. 851 and Substitute House Bill No. 808 were ordered held for consideration on March 8, 1982.

On motion of Senator Clarke, Engrossed Substitute House Bill No. 922 was ordered held for consideration on March 8, 1982.

## SECOND READING

HOUSE BILL NO. 1144, by House Committee on Institutions and Representatives Houchen, Amen and Barr:

Establishing criteria for state funding of remodeling jails for use as holding facilities.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, House Bill No. 1144 was advanced to third reading, the second 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. 1144, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talley—1.

HOUSE BILL NO. 1144, having received the 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. 965, by House Committee on Institutions (originally sponsored by House Committee on Institutions and Representatives Houchen, Owen, Struthers and Johnson) (by Department of Corrections request):

Authorizing request of local law enforcement agencies assistance during prison riots.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 965 was advanced to third reading, the second 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. 965 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talley—1.

SUBSTITUTE HOUSE BILL NO. 965, having received the 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. 967, by House Committee on Institutions and Representatives Houchen, Owen, Struthers and Clayton (by Department of Corrections request):

Providing additional conditions for prisoners' leave of absence.

The bill was read the second time by sections.

Senator Pullen moved adoption of the following amendment by Senators Pullen and Rasmussen:

On page 1, section 1, line 27 after "projects." insert "For the purposes of this section an inmate on minimum security status shall be one who is under confinement for a crime other than murder, robbery, rape, kidnaping, assault or arson."

Debate ensued.

Senator Bottiger moved adoption of the following amendment to the amendment by Senators Pullen and Rasmussen:

On line 5 of the amendment after "," insert "felony sale of a controlled substance,"

#### POINT OF INQUIRY

Senator Pullen: "Senator Bottiger, I assume you are going to vote for the entire amendment if it is amended with your amendment?"

Senator Bottiger: "I don't even think I am going to vote for the bill."

Further debate ensued.

#### POINT OF INQUIRY

Senator Hurley: "Senator Pullen, to answer the objection of Senator Kiskaddon, would you accept an oral amendment in that first line there, after 'section' for the purposes of this section and just add 'Sub. (6),' then it would relate to participate as a volunteer in community services, and it wouldn't prevent these people, if they were well-guarded (whether they are or not I don't know), to go to the bedside of a wife or a husband at the time of death."

Senator Pullen: "Certainly I would accept that amendment, although Senator Kiskaddon is quite wrong in his concerns. In other words, minimum security would apply to the entire section, to the entire bill, as I defined it in my amendment. However, minimum security is only used in subsection (6), so Senator Kiskaddon is quite wrong when he says that this would prevent people from going to the bedside of an inmate's wife because the way the whole bill is worded anyone could go to the bedside of their wife whether they are a rapist or a murderer of a kidnapper or someone who has been convicted of arson."

"In other words, the way I define 'minimum security' would apply to the whole bill, but only subsection (6) sets a restriction of minimum security, so it would only apply to subsection (6) so the amendment to the amendment would be perfectly fine with me but it wouldn't change anything one way or another, and Senator Kiskaddon's concerns are not really valid."

Senator Hurley: "I think you are right, Senator Pullen, and I won't offer the amendment."

The motion by Senator Bottiger carried and the amendment to the amendment by Senators Pullen and Bottiger was adopted.

The motion by Senator Pullen carried and the amendment, as amended, was adopted.

On motion of Senator Deccio, the rules were suspended, House Bill No. 967, 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 Ridder, Senators Gaspard and McDermott were excused.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 967, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 14; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Conner, Craswell, Fleming, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, Moore, Patterson, Quigg, Rasmussen, Ridder, Shinpoch, Talmadge, von Reichbauer, Williams, Wojahn, Woody—31.

Voting nay: Senators Bottiger, Clarke, Deccio, Fuller, Hayner, Hurley, Metcalf, Newhouse, Peterson, Pullen, Scott, Sellar, Vognild, Wilson—14.

Absent or not voting: Senator Zimmerman—1.

Excused: Senators Gaspard, McDermott, Talley—3.

HOUSE BILL NO. 967, 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. 381, by Representatives Tilly and Padden: Modifying procedures applicable to conditionally released persons.

## REPORT OF STANDING COMMITTEE

February 23, 1982.

ENGROSSED HOUSE BILL NO. 381, modifying procedures applicable to conditionally released persons (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 13, after "institution" strike "nor" and insert ". Confinement"

On page 4, line 15, after "chapter" insert "is permitted for no more than seven days"

Signed by: Senators Hemstad, Vice Chairman; Hayner, Newhouse, Shinpoch, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendments were considered and adopted simultaneously.

On motion of Senator Hemstad, the rules were suspended, Engrossed House Bill No. 381, 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 Clarke, I think that the bill is probably all right. I am questioning the amendment that was added to it, 'some time in the county jail or other local facility while awaiting a court hearing or placement is limited for no more than seven days.' What do you do with a criminally insane person that is out there, just like the last one where he murdered his mother and a couple of sisters and things, and he hasn't been put in the court yet for arraignment; what are you going to do with him?"

Senator Clarke: "Well, I assume that the intent is to send him back to where he was being treated for being criminally insane. The purpose of the amendment was just to restrict the time you could hold him in a local jail. In other words, you just put him in a local jail and there should be some limit to the time he can be confined there."

Senator Rasmussen: "Well, except the person has never been committed as yet."

Senator Clarke: "Oh, yes, this is a . . ."

Senator Rasmussen: "This is only on those people that have previously been committed and . . . been released."

Senator Clarke: "As I understand it, for revoking a conditional release, now I will have to look at the bill, Senator, to be sure, but that is my impression."

## MOTION

On motion of Senator Ridder, Senator Conner was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 381, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 1; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vogniid, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senator Bottiger—1.

Absent or not voting: Senator Deccio—1.

Excused: Senators Conner, Gaspard, McDermott, Talley—4.

ENGROSSED HOUSE BILL NO. 381, 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. 902, by House Committee on Financial Institutions and Insurance (originally sponsored by House Committee on Financial Institutions and Insurance and Representatives Dawson and Bickham):

Revising laws relating to insurance.

## REPORT OF STANDING COMMITTEE

February 24, 1982.

SUBSTITUTE HOUSE BILL NO. 902, revising laws relating to insurance (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 15, after line 19, insert a section as follows:

"Sec. 17. Section .05.31, chapter 79, Laws of 1947 and RCW 48.05.310 are each amended to read as follows:

(1) An insurer appointing any person as its general agent or manager to represent it as such in this state shall file notice of the appointment with the commissioner on forms prescribed and furnished by the commissioner.

(2) Any such general agent or manager shall have such authority, consistent with this code, as may be conferred by the insurer. A general agent resident in this state and licensed, as in this section provided, may exercise the powers conferred by this code upon agents licensed for the kinds of insurance which the general agent is authorized to transact for the insurer so appointing him.

(3) Any such general agent may accept applications for insurance from licensed agents who are not appointed by the insurer of such general agent where the risk involved is placed in a nonstandard or specialty market of an authorized insurer as defined by regulation of the commissioner. Such nonstandard or specialty business shall not be bound by any agent not appointed by the insurer. A general agent may supply such licensed, nonappointed agent with material to write nonstandard or specialty insurance business including, but not limited to, applications for insurance, underwriting criteria, and rates. A general agent shall not provide any licensed, nonappointed agent with indicia of authority to bind an insurance risk and the general agent and nonappointed agent shall provide written disclaimers of binding

authority to an applicant or prospective insured in such form as prescribed by the commissioner.

(4) The appointment of a resident general agent shall not be effective unless the person so appointed is licensed as the general agent of such insurer by the commissioner upon application and payment of the fee therefor as provided in RCW 48.14.010.

~~((4))~~ (5) Every such license shall expire as at close of business on the thirty-first day of March next following the date of issue, and may be renewed for an additional year upon application and payment of the fee therefor.

~~((5))~~ (6) The commissioner may deny, suspend, or revoke any such license for any cause specified in RCW 48.17.530 and in the manner provided in RCW 48.17.540."

Renumber remaining sections consecutively

On page 1, line 5 of the title, after "48.04.020;" insert "amending section .05.31, chapter 79, Laws of 1947 and RCW 48.05.310;"

On page 15, after line 19, insert a section as follows:

"Sec. 17. Section .30.11, chapter 79, Laws of 1947 and RCW 48.30.110 are each amended to read as follows:

(1) No insurer or fraternal benefit society doing business in this state shall directly or indirectly pay or use, or offer, consent, or agree to pay or use any money or thing of value for or in aid of ~~((any political party, nor for or in aid of))~~ any candidate for ~~((political office, nor for the nomination for such))~~ the office of insurance commissioner; nor for reimbursement or indemnification of any person for money or property so used.

(2) Any individual who violates any provision of this section, or who participates in, aids, abets, advises, or consents to any such violation, or who solicits or knowingly receives any money or thing of value in violation of this section, shall be guilty of a gross misdemeanor and shall be liable to the insurer or society for the amount so contributed or received."

Renumber the remaining sections consecutively

On page 1, line 25 of the title, after "48.24.035;" insert "amending section .30.11, chapter 79, Laws of 1947 and RCW 48.30.110;"

On page 15, after line 19, insert a section as follows:

"NEW SECTION. Sec. 17. There is added to chapter 48.23 RCW a new section to read as follows:

(1) Life insurance and annuity policy forms of the following types shall be defined and designated as participating forms of insurance only if they contain a provision for participation in the insurer's surplus, and shall be defined and designated as nonparticipating forms if they do not contain a provision for participation in the insurer's surplus:

(a) Forms which provide that the premium or consideration at the time of issue and subsequent premiums or considerations will be established by the insurer based on current, or then current, projected assumptions for such factors as interest, mortality, persistency, expense, or other factors, subject to a maximum guaranteed premium or premiums set forth in the policy; and

(b) Forms (except those for variable life insurance and variable annuity plans which are subject to chapter 48.18A RCW) which provide that their premiums or considerations are credited to an account to which interest is credited, and from which the cost of any life insurance or annuity benefits or other benefits or specified expenses are deducted.

(2) The commissioner may by regulation further clarify the definitions and requirements contained in subsection (1) of this section, and may classify any other types of forms as participating or nonparticipating, consistent therewith."

Renumber the remaining sections consecutively

On page 1, line 27 of the title, after "48.18A RCW;" insert "adding a new section to chapter 48.23 RCW;"

On page 15, after line 19, insert sections as follows:

NEW SECTION. Sec. 17. This chapter shall be known as the specified disease insurance act and is intended to govern the content and sale of specified disease insurance as defined in this chapter. This chapter applies in addition to, rather than in place of, other requirements of Title 48 RCW. It is the intent of the legislature to guarantee that specified disease policies issued, delivered, or used in this state provide a reasonable level of benefits to the policyholders. This chapter shall be applied broadly to ensure achievement of its aim.

NEW SECTION. Sec. 18. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Specified disease policy" refers to any insurance policy or contract which provides benefits to a policyholder only in the event that the policyholder contracts the disease or diseases specifically named in the policy.

(2) "Loss ratio" means the incurred claims as a percentage of the earned premium, computed under rules adopted by the commissioner. Earned premiums and incurred claims shall be computed under rules adopted by the commissioner.

NEW SECTION. Sec. 19. (1) Commencing with reports for the accounting periods beginning on or after July 1, 1983, specified disease policies shall be expected to return to policy holders in the form of aggregate loss ratios under the policy:

(a) At least seventy-five percent of the earned premiums in the case of group policies; and

(b) At least sixty percent of the earned premiums in the case of individual policies.

(2) For the purpose of this section, specified disease insurance policies issued as a result of solicitation of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be treated as individual policies.

(3) By July 1, 1983, the commissioner shall adopt rules sufficient to accomplish the provisions of this section.

NEW SECTION. Sec. 20. By July 1, 1983, the commissioner shall adopt all rules necessary to ensure that specified disease policies provide a reasonable level of benefits to policyholders, and that purchasers and potential purchasers of such policies are fully informed of the level of benefits provided.

NEW SECTION. Sec. 21. This chapter shall apply to all policies issued on or after July 1, 1983. This chapter shall not apply to services provided by health care service contractors as defined in RCW 48.44.010.

NEW SECTION. Sec. 22. Sections 17 through 21 of this act shall constitute a new chapter in Title 48 RCW."

Renumber the remaining sections consecutively

On page 1, line 27 of the title, after "48.18A RCW;" insert "adding a new chapter to Title 48 RCW;"

On page 15, after line 19, insert a section as follows:

NEW SECTION. Sec. 17. Section 15 of 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 May 1, 1982."

Renumber the remaining sections consecutively

On page 1, line 27 of the title, after "48.18A RCW;" strike "and"

On page 1, line 28 of the title, after "48.44.025" and before the period insert "; declaring an emergency; and providing an effective date"

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

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 committee amendments to the title were adopted.

On motion of Senator Sellar, the rules were suspended, Substitute House Bill No. 902, 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 Talmadge: "Senator Sellar, please correct me if I am wrong, but does this bill authorize insurance companies for the first time to make direct political contributions to candidates for public office, all public offices with the exception of the office of insurance commissioner?"

Senator Sellar: "That is correct, Senator Talmadge. There has been a prohibition from insurance companies doing this. It is felt that they should have the same opportunity as other businesses, however, the prohibition for a contribution to the insurance commission office stays in place."

Senator Talmadge: "Thank you, Senator Sellar."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 902, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 20; excused, 4.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Moore, Newhouse, Patterson, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Goltz, Hughes, Hurley, Lysen, McCaslin, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Excused: Senators Conner, Gaspard, McDermott, Talley—4.

SUBSTITUTE HOUSE BILL NO. 902, 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 Clarke, the Judiciary Committee was relieved from further consideration of Engrossed Substitute House Bill No. 288.

On motion of Senator Clarke, the rules were suspended and Engrossed Substitute House Bill No. 288 was placed on the second reading calendar.

### MOTION FOR RECONSIDERATION

Having given prior notice, on motion of Senator Patterson, the Senate moved to reconsider the vote by which Engrossed Substitute Senate Bill No. 4264 failed to pass the Senate today.

### MOTION

On motion of Senator Clarke, Engrossed Substitute Senate Bill No. 4264 was ordered held on the third reading calendar for March 8, 1982 for reconsideration of the vote by which the measure failed to pass the Senate.

MOTION

At 11:15 p.m., on motion of Senator Clarke, the Senate adjourned until 10:00 a.m., Monday, March 8, 1982.

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

**FIFTY-SEVENTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, March 8, 1982.

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 Haley, Hansen, McDermott, Pullen, Quigg, Sellar and Talley. On motion of Senator Ridder, Senators Hansen, McDermott and Talley were excused. On motion of Senator Bluechel, Senators Haley, Pullen, Quigg and Sellar were excused.

The Color Guard, consisting of Pages Teresa Feist and Pat Van Der Hyde, presented the Colors. Reverend Frank L. Accardy, pastor of First Baptist Church of Olympia, offered the prayer.

**MOTION**

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

**MOTION**

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

**SECOND READING**

**SUBSTITUTE HOUSE BILL NO. 849**, by House Committee on Education (originally sponsored by Representatives Taylor, Galloway, Chandler and others):

Making miscellaneous changes in laws relating to education.

The Senate resumed consideration of Substitute House Bill No. 849. On March 7, 1982, a committee amendment had been moved for adoption. Senator Shinpoch raised a Point of Order on the amendment and the measure was held for a Ruling by the President.

**RULING BY THE PRESIDENT**

President Cherberg: "In ruling upon the Point of Order raised by Senator Shinpoch, Substitute House Bill No. 849 is a bill making numerous changes in laws relating to education.

"The committee amendment is simply another proviso restricting the purchase of art works during the period July 1, 1982 through July 1, 1984.

"Therefore, the amendment does not expand the scope and object of Substitute House Bill No. 849 and the Point of Order is not well taken."

The committee amendment was ruled to be in order.

Debate ensued.

**MOTION**

On motion of Senator Clarke, Substitute House Bill No. 849, together with the pending committee amendments, was ordered held for consideration at a later time.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1047, by House Committee on Human Services (originally sponsored by Representatives Johnson, Mitchell, Kreidler and others):

Authorizing dentists qualified in anesthesiology to administer anesthetics for any operation.

The bill was read the second time by sections.

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1047 was advanced to third reading, the second 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. 1047, and the bill passed the Senate by the following vote: Yeas, 39; nays, 2; absent or not voting, 1; excused, 7.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCasin, Metcalf, Moore, Newhouse, Patterson, Peterson, Ridder, Sellar, Shinpoch, Talmadge, Vognd, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—39.

Voting nay: Senators Rasmussen, Wilson—2.

Absent or not voting: Senator Craswell—1.

Excused: Senators Haley, Hansen, McDermott, Pullen, Quigg, Scott, Talley—7.

SUBSTITUTE HOUSE BILL NO. 1047, having received the constitutional majority, as 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. 1072, by House Committee on Institutions and Representatives Ellis and Vander Stoep:

Designating a portion of a state-employed chaplain's salary as rental value for a home.

The bill was read the second time by sections.

On motion of Senator Metcalf, the rules were suspended, House Bill No. 1072 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 Ridder: "Senator Shinpoch, you have raised a little flag to me, Senator, I am wondering where the housing allowance comes in the allocation. At this point is there a pension involved to that chaplain?"

Senator Shinpoch: "I cannot answer that question, I simply don't know. I would suggest you ask Senator Fuller."

Senator Ridder: "Senator? In your discussions on 1072, was there a discussion of pension application?"

Senator Fuller: "This would have the effect of reducing their pension benefits because it would not qualify the part that was designated as housing."

Senator Ridder: "I see. And testimony at that point, was that raised and was that accepted by those who are interested in it?"

Senator Fuller: "There was no testimony given at the Senate hearing, and I did not attend the House hearings, so I do not know whether it was or not."

#### REMARKS BY SENATOR METCALF

Senator Metcalf: "I believe that the pension would be reduced under this bill; in other words, their salary is that much and if some of it is counted as a housing allowance, then there would be less that would be eligible for pensions. It was the way I understood it."

Senator Ridder: "Well, that would seem logical. I am wondering, though, if those who were advocating this, since we represented it as being of an income tax advantage to those people, if they also recognize the pension disadvantage that they would be under and if that was discussed at all."

Senator Fuller: "If I may respond to Senator Ridder, the persons who came to me a year ago and asked that this be done, I think were well aware of what they were doing. They were more concerned about the immediate advantages than in the retirement in the future because basically they are quite often part-time people. They don't work the full week, full year."

Senator Ridder: "I see; okay, thank you."

#### POINT OF INQUIRY

Senator Wilson: "Senator Fuller, the digest refers to 'ministers in the private sector,' and it says that it is a common practice there for part of their reimbursement to take the form of a tax deductible housing allowance. And I can well understand that because ministers in the private sector often receive a salary considerably lower than a lot of salaries.

"However, now we are talking about state-employed chaplains and I would assume that they do not receive lower salaries than other state employees simply because they are chaplains, that, to the contrary, they are paid at the same level as other state employees, generally speaking.

"My question would be then, if that is the case, if their salaries are comparable to many of their peers where the salaries of ministers in the private sector are not, as to why this tax advantage would be justified?"

Senator Fuller: "In the private sector there are well-paid and poorly-paid ministers; and I think that many of the ministers that worked in the chapels of the state institutions have worked both places and they have had the advantages of allowance in one instance and they somewhat resent not being able to have it now I guess, when they can go into state employment.

"I don't say that they are any better or any worse off than other state employees, but they have used this previously and would like to have the advantage when they are working for the state in the same capacity."

#### MOTION

On motion of Senator Metcalf, House Bill No. 1072 was ordered held on third reading for consideration at a later time.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 663, by House Committee on State Government (originally sponsored by Representatives Greengo and Tupper):

Modernizing initiative and referendum petition requirements.

## REPORT OF STANDING COMMITTEE

February 23, 1982.

SUBSTITUTE HOUSE BILL NO. 663, modernizing initiative and referendum petition requirements (reported by Committee on Constitutions and Elections):  
 MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 14, insert the following:

"Sec. 2. Section 2, chapter 122, Laws of 1973 and RCW 29.79.015 are each amended to read as follows:

Upon receipt of any petition proposing an initiative to the people or an initiative to the legislature, and prior to giving a serial number thereto, the secretary of state shall submit a copy thereof to the office of the code reviser and give notice to the petitioner of such transmittal. Upon receipt of the measure, the assistant code reviser to whom it has been assigned may confer with the petitioner and shall within ~~((ten))~~ seven working days from receipt thereof review the proposal for matters of form and style, and such matters of substantive import as may be agreeable to the petitioner, and shall recommend to the petitioner such revision or alteration of the measure as may be deemed necessary and appropriate. The recommendations of the reviser's office shall be advisory only, and the petitioner may accept or reject them in whole or in part. The code reviser shall issue a certificate of review certifying that he has reviewed the measure for form and style and that the recommendations thereon, if any, have been communicated to the petitioner, and such certificate shall issue whether or not the petitioner accepts such recommendations. Within fifteen working days after notification of submittal of the petition to the reviser's office, the petitioner, if he desires to proceed with his sponsorship, shall file the measure together with the certificate of review with the secretary of state for assignment of serial number and the secretary of state shall thereupon submit to the reviser's office a certified copy of the measure filed. Upon submitting the proposal to the secretary of state for assignment of a serial number the secretary of state shall refuse to make such assignment unless the proposal is accompanied by a certificate of review.

Sec. 3. Section 29.79.030, chapter 9, Laws of 1965 and RCW 29.79.030 are each amended to read as follows:

The secretary of state shall give a serial number to each initiative or referendum measure, using a separate series for initiatives to the legislature, initiatives to the people, and referendum measures, and forthwith transmit one copy of the measure proposed bearing its serial number to the attorney general. Thereafter a measure shall be known and designated on all petitions, ballots, and proceedings as "Initiative Measure No. . . . ." or "Referendum Measure No. . . . ."

Renumber the sections following consecutively, and correct internal references accordingly.

On page 2, beginning on line 15, strike all of section 2, and insert the following:

"Sec. 2. Section 29.79.040, chapter 9, Laws of 1965 as amended by section 2, chapter 118, Laws of 1973 1st ex. sess. and RCW 29.79.040 are each amended to read as follows:

Within ~~((ten))~~ seven calendar days after the receipt of an initiative or referendum measure the attorney general shall formulate ~~((therefor))~~ and transmit to the secretary of state a concise statement posed as a question and not to exceed twenty words, bearing the serial number of the measure and a summary of the measure, not to exceed seventy-five words, to follow the statement. The statement may be distinct from the legislative title of the measure, and shall ~~((express, and))~~ give a true and impartial statement of the purpose of the measure ~~((; it shall not be)).~~ Neither the statement nor the summary may intentionally be an argument, nor likely to create prejudice, either for or against the measure. Such concise statement shall constitute the ballot title. The ballot title formulated by the attorney general shall be the ballot title of the measure unless changed on appeal. When practicable, the question posed

by the ballot title shall be written in such a way that an affirmative answer to such question and an affirmative vote on the measure would result in a change in then current law, and a negative answer to the question and a negative vote on the measure would result in no change to then current law."

On page 3, line 1, strike all of section 3, and renumber the remaining sections consecutively, and correct internal references accordingly.

On page 3, beginning on line 10, strike all material down to and including "petition." on page 5, line 7, and insert the following:

"Sec. 4. Section 29.79.050, chapter 9, Laws of 1965 as amended by section 3, chapter 118, Laws of 1973 1st ex. sess. and RCW 29.79.050 are each amended to read as follows:

Upon the filing of the ballot title and summary for an initiative or referendum measure in his office, the secretary of state shall forthwith notify by telephone and by mail the person((s)) proposing the measure ((by telephone and by mail)) and any other individuals who have made written request for such notification of the exact language ((thereof)) of the ballot title.

Sec. 5. Section 29.79.060, chapter 9, Laws of 1965 and RCW 29.79.060 are each amended to read as follows:

If ((the proposers are)) any person is dissatisfied with the ballot title or summary formulated by the attorney general, ((they)) he or she may ((at any time)), within ((ten)) five days from the filing ((thereof)) of the ballot title in the office of the secretary of state appeal to the superior court of Thurston county by petition setting forth the measure, the title or summary formulated by the attorney general, and ((their)) his or her objections ((thereto)) to the ballot title or summary and ((praying for)) requesting amendment ((thereof)) of the title or summary by the court.

A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the secretary of state ((and)), upon the attorney general, and upon the person proposing the measure if the appeal is initiated by someone other than that person. Upon the filing of the petition on appeal (, the court shall forthwith,)) or at the time to which the hearing may be adjourned by consent of the appellant ((s, examine)), the court shall accord first priority to examining the proposed measure, the title or summary prepared by the attorney general, and the objections ((thereto and)) to that title or summary, may hear arguments ((thereon)), and shall ((as soon as possible)), within five days, render its decision and ((certify to and)) file with the secretary of state a certified copy of such ballot title or summary as it determines will meet the requirements of ((this chapter)) RCW 29.27.060 and 29.79.040. The decision of the superior court shall be final ((; and the title so certified shall be the established ballot title)). Such appeal shall be heard without costs to either party.

Sec. 6. Section 29.79.070, chapter 9, Laws of 1965 and RCW 29.79.070 are each amended to read as follows:

When the ballot title ((has been)) and summary are finally established, the secretary of state shall file the instrument establishing it with the proposed measure and transmit a copy thereof by mail to the person((s)) proposing the measure and to any other individuals who have made written request for such notification. Thereafter such ballot title shall be the title of the measure in all petitions, ballots, and other proceedings in relation thereto. The summary shall appear on all petitions directly following the ballot title.

Sec. 7. Section 29.79.080, chapter 9, Laws of 1965 as amended by section 4, chapter 118, Laws of 1973 1st ex. sess. and RCW 29.79.080 are each amended to read as follows:

((Upon the ballot title being established,)) The person((s)) proposing the measure ((may prepare)) shall print blank petitions ((and cause them to be printed))

upon single sheets of paper of good writing quality (~~(twelve)~~) (including but not limited to newsprint) not less than eleven inches in width and not less than fourteen inches in length (~~(, with a margin of one and three-quarters inches at the top for binding)~~). Each petition at the time of circulating, signing, and filing with the secretary of state shall consist of not more than one sheet with numbered lines for not more than twenty signatures (~~(on each sheet)~~), with the prescribed warning(~~(;)~~) and title (~~(and form of petition on each sheet)~~), shall be in the form required by RCW 29.79.090, 29.79.100, or 29.79.110, as now or hereafter amended, and shall have a full, true, and correct copy of the proposed measure referred to therein printed on the reverse side of ((said)) the petition ((or on sheets of paper of like size and quality as the petition, firmly fastened together))."

Remember the sections following consecutively, and correct internal references accordingly.

On page 9, line 36, strike all of section 10, and insert the following:

"Sec. 10. Section 29.79.120, chapter 9, Laws of 1965 and RCW 29.79.120 are each amended to read as follows:

When the person (~~(or organization)~~) proposing any initiative measure has secured upon (~~(any)~~) such initiative petition (~~(the)~~) a number of signatures of legal voters equal ((in number)) to or exceeding eight percent of the ((whole number of voters registering and voting)) votes cast for the office of governor at the last regular gubernatorial election ((last preceding)) prior to the submission of the signatures for verification, or when the person or organization demanding any referendum of an act of the legislature or any part thereof has secured upon any such referendum petition ((the)) a number of signatures of legal voters equal ((in number)) to or exceeding four percent of the ((whole number of voters registering and voting)) votes cast for the office of governor at the last regular gubernatorial election ((last preceding)) prior to the submission of the signatures for verification, he or they may submit ((said)) the petition to the secretary of state for filing ((in his office))."

On page 11, line 14, strike all of section 13 and insert the following:

"Sec. 13. Section 29.79.200, chapter 9, Laws of 1965 as last amended by section 105, chapter 361, Laws of 1977 ex. sess. and RCW 29.79.200 are each amended to read as follows:

Upon the filing (~~(the volumes)~~) of an initiative or referendum petition (~~(proposing a measure for submission to the legislature at its next regular session)~~), the secretary of state shall (~~(forthwith in the presence of at least one person representing the advocates and one person representing the opponents of the proposed measure, should either desire to be present.)~~) proceed to verify and canvass ((and count)) the names of the legal voters ((thereon)) on the petition. The verification and canvass of signatures on the petition may be observed by persons representing the advocates and opponents of the proposed measure so long as they make no record of the names, addresses, or other information on the petitions or related records during the verification process except upon the order of the superior court of Thurston county. The secretary of state may limit the number of observers to not less than two on each side, if in his or her opinion, a greater number would cause undue delay or disruption of the verification process. Any such limitation shall apply equally to both sides. The secretary of state may use any statistical sampling techniques for this verification and canvass which have been adopted by rule as provided by chapter 34.04 RCW ((-PROVIDED, That)). No petition will be rejected on the basis of any statistical method employed ((-PROVIDED FURTHER, That)), and no petition will be accepted on the basis of any statistical method employed if such method indicates that the petition contains less than one hundred ten percent of the requisite number of signatures of legal voters. If the secretary of state finds the same name signed to more than one petition, he or she shall reject ((the name as often as it

~~appears. If the petition is found to be sufficient,)) all but the first such valid signature. For an initiative to the legislature, the secretary of state shall transmit a certified copy of the proposed measure to the legislature at the opening of its session ((together with)) and, as soon as the signatures on the petition have been verified and canvassed, the secretary of state shall send to the legislature a certificate of the facts relating to the filing, verification, and canvass of the petition ((and the canvass thereof))."~~

On page 12, line 29, strike all of section 15 and insert the following:

"**NEW SECTION.** Sec. 15. The following acts or parts of acts are each repealed:

(1) Section 29.79.130, chapter 9, Laws of 1965 and RCW 29.79.130; and

(2) Section 29.79.220, chapter 9, Laws of 1965, section 2, chapter 107, Laws of 1969 ex. sess. and RCW 29.79.220."

In line 3 of the title, after "29.79.010;" insert "amending section 2, chapter 122, Laws of 1973 and RCW 29.79.015; amending section 29.79.030, chapter 9, Laws of 1965 and RCW 29.79.030;"

In line 9 of the title, after "29.79.060;" insert "amending section 29.79.070, chapter 9, Laws of 1965 and RCW 29.79.070;"

In line 23 of the title, after "29.79.310;" strike "adding a new section to chapter 29.79 RCW; and"

In line 25 of the title, after "29.79.130" and before the period, insert "; and repealing section 29.79.220, chapter 9, Laws of 1965, section 2, chapter 107, Laws of 1969 ex. sess. and RCW 29.79.220"

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder, Woody.

The bill was read the second time by sections.

On motion of Senator Pullen, the committee amendments were considered and adopted simultaneously.

On motion of Senator Pullen, the committee amendments to the title were considered and adopted simultaneously.

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 663, 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. 663, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 6; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—39.

Voting nay: Senators Hughes, Lysen, Moore, Talmadge, Vognild, Wilson—6.

Absent or not voting: Senator Craswell—1.

Excused: Senators Haley, Quigg, Talley—3.

SUBSTITUTE HOUSE BILL NO. 663, 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. 947, by Representatives Fancher and Smith:

Changing maximum cattle assessments.

The bill was read the second time by sections.

On motion of Senator Newhouse, the rules were suspended, Engrossed House Bill No. 947 was advanced to third reading, the second 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 947, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Absent: Senators Conner, Craswell, Deccio—3.

Excused: Senators Haley, Quigg, Talley—3.

ENGROSSED HOUSE BILL NO. 947, having received the 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 Deccio, Reengrossed House Bill No. 768 will be considered at a later time.

### SECOND READING

HOUSE BILL NO. 859, by Representatives Barnes, Nelson (D.), Vander Stoep, Hine, Tupper, Winsley and Barr:

Setting time limits for approval of certain permits under environmental coordination procedures act.

The bill was read the second time by sections.

On motion of Senator Fuller, the following amendments by Senators Fuller and Goltz were considered and adopted simultaneously:

On page 3, line 22, following "date" insert: "PROVIDED FURTHER, That subsequent to the hearing the chairman and the applicant may agree, prior to the expiration of the one-hundred twenty day period or the agreed upon later date, that the date for agencies to forward their final decisions may be extended. If such agreement is reached, the affected agencies shall be notified in writing by the chairman"

On page 4, line 6, following "date" insert: "PROVIDED FURTHER, That subsequent to the last required publication, the chairman and the applicant may agree, prior to the expiration of the one-hundred fifty day period or the agreed upon later date, that the date for agencies to forward their final decisions may be extended. If such agreement is reached, the affected agencies shall be notified in writing by the chairman"

On motion of Senator Fuller, the rules were suspended, House Bill No. 859, 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. 859, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senators Conner, Craswell, Lysen—3.

Excused: Senators Haley, Talley—2.

HOUSE BILL NO. 859, 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 Metcalf moved that Engrossed Substitute House Bill No. 1063 be removed from the Consent Calendar.

Debate ensued.

The motion by Senator Metcalf failed.

## MOTION

Senator Metcalf moved that Engrossed Substitute House Bill No. 1063 be removed from Consent Calendar and placed at the end of the yellow calendar.

Debate ensued.

On motion of Senator Clarke, Engrossed Substitute House Bill No. 1063 was placed at the beginning of the yellow second reading calendar.

## MOTION

On motion of Senator Ridder, Senator Peterson was excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1131, by House Committee on Agriculture (originally sponsored by Representatives Flanagan and Smith):

Revising Commercial Feed Act.

## REPORT OF STANDING COMMITTEE

February 26, 1982

SUBSTITUTE HOUSE BILL NO. 1131, revising the Commercial Feed Act (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass with the following amendment:

On page 5, line 21, after "rule" insert the following:

" : PROVIDED, That such fees shall be used for routine enforcement of RCW 15.53.9022 and for analysis for contaminants only when the department has reasonable cause to believe any lot of feed or any feed ingredient is adulterated "

Signed by: Senator Newhouse, Chairman; Benitz, Gaspard, Hansen.

The bill was read the second time by sections.

On motion of Senator Benitz, the committee amendment was adopted.

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1131, 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. 1131, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Haley, Peterson, Talley—3.

SUBSTITUTE HOUSE BILL NO. 1131, as amended by the Senate, having received the onstitutional 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 Bluechel, Senator Gallagher was excused.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 849, by House Committee on Education (originally sponsored by Representatives Taylor, Galloway, Chandler and others):

Making miscellaneous changes in laws relating to education.

The Senate resumed consideration of Substitute House Bill No. 849. The Senate commenced consideration of the measure on March 7, 1982. The following committee amendment to page 4, following line 1 had been moved for adoption:

In section 2, on page 4, following line 1, add a new paragraph to read as follows:

"Notwithstanding any other provision of this section, no expenditure of moneys shall be made for acquisition of art works during the period July 1, 1982 through July 1, 1984."

Debate ensued.

### POINT OF INQUIRY

Senator Hughes: "Senator Bluechel, I agree with you and I think that this is a bad amendment, you did quirk my interest in your concern about breaking a contract, and I agree, I think this would be a bad principle.

"But have we done the same thing with state employees and teachers?"

Senator Bluechel: "No."

Senator Hughes: "Would you explain the difference to me?"

Senator Bluechel: "I will leave the explanation up to you. I don't need to explain . . ."

Senator Hughes: "Thank you."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the committee amendment to page 4, line 1.

## 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, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hansen, Hayner, Hurley, Lee, Lysen, McCaslin, Metcalf, Newhouse, Pullen, Rasmussen, Scott, Sellar, Vognild, von Reichbauer, Zimmerman—23.

Voting nay: Senators Bauer, Bluechel, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Hemstad, Hughes, Jones, Kiskaddon, McDermott, Moore, Patterson, Quigg, Ridder, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody—24.

Excused: Senators Peterson, Talley—2.

On motion of Senator Kiskaddon, the following committee amendments were considered and adopted simultaneously:

On page 4, line 5 strike "~~((for periods not exceeding five years in duration))~~" and insert "for periods not exceeding five years in duration"

On page 4, line 8, strike "and years of duration"

On page 4, line 10, strike ", not to exceed five years"

On page 4, line 13, strike ", not to exceed five years"

On page 4, line 13, after ":", insert "and"

On page 4, line 14, after "transportation" strike ", not to exceed three years" and insert "services"

On motion of Senator Kiskaddon, the following committee amendment was not adopted:

On page 4, beginning on line 16, strike everything through line 21

On motion of Senator Kiskaddon, the following committee amendment was adopted:

On page 7, beginning on line 11, strike all of NEW SECTION. Sec. 6 and NEW SECTION. Sec. 7 and renumber the remaining sections consecutively.

On motion of Senator Kiskaddon, the following committee amendments were considered and adopted simultaneously:

On page 8, line 24, after "district" strike "within its boundaries" and insert "and/or other educational service districts"

On page 8, line 32, after "school districts" strike "or the" and insert "and/or"

On page 8, line 32, after "service" strike everything through "located" on line 33 and insert "districts"

On motion of Senator Bottiger, the following amendment by Senators Bottiger and Wojahn was adopted:

On page 5, following section 4, add a new section to read as follows, renumber the remaining sections consecutively, and make internal reference changes as necessary throughout the bill:

"Sec. 5. Section 1, chapter 47, Laws of 1975 and RCW 28A.58.430 are each amended to read as follows:

Any common school district board of directors is empowered to direct and authorize, and to delegate authority to an employee, officer, or agent of the common school district or the educational service district to direct and authorize, the county treasurer to invest funds described in RCW 28A.58.435 and 28A.58.440 and funds from state and federal sources as are then or thereafter received by the educational service district, and such funds from county sources as are then or thereafter received by the county treasurer, for distribution to the common school districts. Funds from state, county and federal sources which are so invested may be invested only for the period the funds are not required for the immediate necessities of the common school district as determined by the school district board of directors or its delegatee, and shall be invested in behalf of the common school district pursuant to the terms of RCW 28A.58.435 ((or)), 28A.58.440, or 36.29.020, as now or hereafter

amended, as the nature of the funds shall dictate. A grant of authority by a common school district pursuant to this section shall be by resolution of the board of directors and shall specify the duration and extent of the authority so granted. Any authority delegated to an educational service district pursuant to this section may be redelegated pursuant to RCW 28A.21.095, as now or hereafter amended."

Senator Kiskaddon moved adoption of the following amendment:

On page 7, line 6, strike "renovated" and insert "converted from one use to another use, and no other appropriate and usable equipment or furniture is available within the district's inventory"

### POINT OF INQUIRY

Senator Charnley: "Senator Kiskaddon, I just wanted to be sure, you say 'tightly drawn,' that we are not unduly restricting the authority of the school board, I have some strong feelings about local control and I would like your assurance that you feel that the school directors would not be hindered by this."

Senator Kiskaddon: "The school directors' association helped us draft the amendment, Senator. It was with their work that we agreed to these words."

The motion by Senator Kiskaddon carried and the amendment was adopted.

On motion of Senator Kiskaddon, the committee amendments to the title to page 1, lines 2 and 23 were adopted.

On motion of Senator Kiskaddon, the committee amendment to page 1 line 5 to the title was not adopted.

On motion of Senator Bottiger, the following amendment to the title by Senators Bottiger and Wojahn was adopted:

On line 14 of the title after "RCW 28A.58.035;" insert "amending section 1, chapter 47, Laws of 1975 and RCW 28A.58.430;"

On motion of Senator Kiskaddon, the rules were suspended, Substitute House Bill No. 849, 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. 849, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Metcalf, Pullen—2.

Absent or not voting: Senator Hayner—1.

Excused: Senators Peterson, Talley—2.

SUBSTITUTE HOUSE BILL NO. 849, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### STATEMENT FOR THE JOURNAL

The amendment to Substitute House Bill 849 adopted by the Senate Committee on Education on page 4, section 2, line 1, which provided that "no expenditures of moneys shall be made for acquisition of art works during the period July 1, 1982 through July 1, 1984," was not adopted by the Senate.

The undersigned hereby signify that they cast their vote for adoption of the amendment for the following reasons: a) in a time of fiscal crisis it is held that every effort must be made to conserve tax dollars; b) local agencies and private citizens should be encouraged to supply art objects; and c) as a minimum number of school buildings will be started in the time period, it is more reasonable to supply classrooms of a utilitarian nature and supply the art in times of more affluence.

Signed by: Senators Guess, McCaslin, Craswell, Haley, Zimmerman, Hansen, Lee, Benitz, Scott, Hayner, Sellar.

## SECOND READING

HOUSE BILL NO. 907, by House Committee on Ethics, Law and Justice and Representative Ellis:

Modifying laws governing office of administrative hearings.

## REPORT OF STANDING COMMITTEE

February 23, 1982.

HOUSE BILL NO. 907, modifying the laws governing the office of administrative hearings (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 2, chapter 67, Laws of 1981 and RCW 34.12.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Office" means the office of administrative hearings.

(2) "Administrative law judge" means any person appointed by the chief administrative law judge to conduct or preside over hearings as provided in this chapter.

(3) "Hearing" means a "contested case" within the meaning of RCW 34.04.010(3) conducted by a state agency.

(4) "State 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, the pollution control hearings board, the shorelines hearings board, the forest practices appeals board, the environmental hearings office, the board of industrial insurance appeals, the state personnel board, the higher education personnel board, the public employment relations commission, personnel appeals board, and the board of tax appeals.

Sec. 2. Section 6, chapter 67, Laws of 1981 and RCW 34.12.060 are each amended to read as follows:

When an administrative law judge presides at a hearing under this chapter and a majority of the officials of the agency who are to render the final decision have not heard or read the evidence, it shall be the duty of such judge, or in the event of his unavailability or incapacity, of another judge appointed by the chief administrative law judge, to issue ((a proposal)) an initial decision or proposal for decision including findings of fact and conclusions of law in accordance with RCW 34.04.110.

NEW SECTION. Sec. 3. There is added to chapter 46.20 RCW a new section to read as follows:

The director may appoint a designee, or designees, to preside over hearings in contested cases which may result in the denial, restriction, suspension, or revocation of a driver's license or driving privilege, or in the imposition of requirements to be met prior to issuance or reissuance of a driver's license, under Title 46 RCW. The director may delegate to any such designees the authority to render the final decision of the department in such cases. Chapter 34.12 RCW shall not apply to such cases.

Sec. 4. Section 36, chapter 121, Laws of 1965 ex. sess. as last amended by section 28, chapter 67, Laws of 1981 and RCW 46.20.329 are each amended to read as follows:

Upon receiving a request for a formal hearing as provided in RCW 46.20.328, the department shall fix a time and place for hearing as early as may be arranged in the county where the applicant or licensee resides, and shall give ten days' notice of the hearing to the applicant or licensee, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived.

Any decision by the department suspending or revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction of a moving violation or a finding that the person has committed a traffic infraction which is a moving violation during pendency of hearing and appeal: PROVIDED FURTHER, That nothing in this section shall be construed as prohibiting the department from seeking an order setting aside the stay during the pendency of such appeal in those cases where the action of the department is based upon physical or mental incapacity, or a failure to successfully complete an examination required by this chapter:

A formal hearing shall be conducted by the director or by ~~((an administrative law judge or hearing board appointed under chapter 34.12 RCW. Such administrative law judge or hearing board may be authorized by the director to make final determinations regarding the issuance, denial, or suspension, or revocation of a license))~~ a person or persons appointed by the director from among the employees of the department.

Sec. 5. Section 3, chapter 75, Laws of 1965 ex. sess. as last amended by section 29, chapter 67, Laws of 1981 and RCW 47.52.135 are each amended to read as follows:

At the hearing any representative of the county, city or town, or any other person may appear and be heard even though such official or person is not an abutting property owner. Such hearing may, at the option of the highway authority, be conducted in accordance with federal laws and regulations governing highway design public hearings. The members of such authority shall preside, or may ~~((request the appointment of an administrative law judge under chapter 34.12 RCW))~~ designate some suitable person to preside as examiner. The authority shall introduce by competent evidence a summary of the proposal for the establishment of a limited access facility and any evidence that supports the adoption of the plan as being in the public interest. At the conclusion of such evidence, any person entitled to notice who has entered a written appearance shall be deemed a party to this hearing for purposes of this chapter and may thereafter introduce, either in person or by counsel, evidence and statements or counterproposals bearing upon the reasonableness of the proposal. Any such evidence and statements or counterproposals shall receive reasonable consideration by the authority before any proposal is adopted. Such evidence must be material to the issue before the authority and shall be presented in an orderly manner.

Sec. 6. Section 69.50.505, chapter 308, Laws of 1971 ex. sess. as last amended by section 3, chapter 48, Laws of 1981 and by section 32, chapter 67, Laws of 1981 and RCW 69.50.505 are each reenacted and amended to read as follows:

(a) The following are subject to seizure and forfeiture:

(1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this chapter;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraphs (1) or (2), but:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent;

(iii) A conveyance is not subject to forfeiture for a violation of RCW 69.50.401(((c)))(d); and,

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter; and

(6) All drug paraphernalia.

(b) Property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) of this section within forty-five days of the seizure, the item seized shall be deemed forfeited.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) of this section within forty-five days of the seizure, the person or persons shall

be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of items specified in subsection (a)(4) of this section. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(4) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds shall be used for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the Bureau for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

Sec. 7. Section 5, chapter 141, Laws of 1967 as last amended by section 239, chapter 141, Laws of 1979 and RCW 72.33.670 are each amended to read as follows:

In all cases where a determination is made that the estate of a mentally or physically deficient person who resides at a state residential school is able to pay all or any portion of the monthly charges, a notice and finding of financial responsibility shall be personally served on the guardian of the resident's estate, or if no guardian has been appointed then to his spouse or parents or other person acting in a representative capacity and having property in his possession belonging to a resident of a

state residential school and the superintendent of the state residential school. The notice shall set forth the amount the department has determined that such estate is able to pay per month, not to exceed the monthly charge as fixed in accordance with RCW 72.33.660, and the responsibility for payment to the department of social and health services shall commence thirty days after personal service of such notice and finding of responsibility. An appeal from the determination of responsibility may be made to the secretary by the guardian of the resident's estate, or if no guardian has been appointed then by his spouse, parent or parents or other person acting in a representative capacity and having property in his possession belonging to a resident of a state residential school, within such thirty day period upon written notice of appeal being served upon the secretary by registered or certified mail. If no appeal is taken, the notice and finding of responsibility shall become final. If an appeal is taken, the execution of notice and finding of responsibility shall be stayed pending the decision of such appeal. Appeals may be heard in any county seat most convenient to the appellant. The hearing of appeals may be presided over by ~~(a hearing examiner)~~ an administrative law judge appointed under chapter 34.12 RCW and the proceedings shall be recorded either manually or by a mechanical device. Any such appeal shall be a "contested case" as defined in RCW 34.04.010, and practice and procedure shall be governed by the provisions of RCW 72.33.650 through 72.33.700, the rules and regulations of the department of social and health services, and the Administrative Procedure Act, chapter 34.04 RCW.

Sec. 8. Section 25, chapter 183, Laws of 1973 1st ex. sess. as amended by section 12, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.055 are each amended to read as follows:

(1) The secretary may, in the absence of a superior court order, serve on the responsible parent or parents a notice and finding of financial responsibility requiring a responsible parent or parents to appear and show cause in a hearing held by the department why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future for such period of time as the child or children of said responsible parent or parents are in need. Said hearing shall be held pursuant to RCW 74.20A.055, chapter 34.04 RCW, and the rules and regulations of the department, which shall provide for a fair hearing.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. Any responsible parent who objects to all or any part of the notice and finding shall have the right for not more than twenty days from the date of service to request in writing a hearing, which request shall be served upon the department by registered or certified mail or personally. If no such request is made, the notice and finding of responsibility shall become final and the debt created therein shall be subject to collection action as authorized under this chapter. If a timely request is made, the execution of notice and finding of responsibility shall be stayed pending the decision on such hearing. If no timely written request for a hearing has previously been made, the responsible parent may petition the secretary or

the secretary's designee at any time for a hearing as provided for in this section upon a showing of good cause for the failure to make a timely request for hearing. The filing of the petition for a hearing after the twenty-day period shall not affect any collection action previously taken under this chapter. The granting of a request for the hearing shall operate as a stay on any future collection action, pending the final decision of the secretary or the secretary's designee on the hearing. Moneys withheld as a result of collection action in effect at the time of the granting of the request for the hearing shall be delivered to the department and shall be held in trust by the department pending the final order of the secretary or during the pendency of any appeal to the courts made under chapter 34.04 RCW. The department may petition the ~~((hearing examiner))~~ administrative law judge to set temporary current and future support to be paid beginning with the month in which the petition for an untimely hearing is granted. The ~~((hearing examiner))~~ administrative law judge shall order payment of temporary current and future support if appropriate in an amount determined pursuant to the scale of suggested minimum contributions adopted under RCW 74.20.270. In the event the responsible parent does not make payment of the temporary current and future support as ordered by the hearing examiner, the department may take collection action pursuant to chapter 74.20A RCW during the pendency of the hearing or thereafter to collect any amounts owing under the order. Temporary current and future support paid, or collected, during the pendency of the hearing or appeal shall be disbursed to the custodial parent or as otherwise appropriate when received by the department. If the final decision of the department, or of the courts on appeal, is that the department has collected from the responsible parent other than temporary current or future support, an amount greater than such parent's past support debt, the department shall promptly refund any such excess amount to such parent.

(3) Hearings may be held in the county of residence or other place convenient to the responsible parent. Any such hearing shall be a "contested case" as defined in RCW 34.04.010. The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future for such period of time as the child or children of the responsible parent are in need, all computable on the basis of the need alleged. The notice and finding shall also include a statement of the name of the recipient or custodian and the name of the child or children for whom need is alleged; and/or a statement of the amount of periodic future support payments as to which financial responsibility is alleged.

(4) The notice and finding shall include a statement that the responsible parent may object to all or any part of the notice and finding, and request a hearing to show cause why said responsible parent should not be determined to be liable for any or all of the debt, past and future.

The notice and finding shall include a statement that, if the responsible parent fails in timely fashion to request a hearing, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt shall be subject to collection action; a statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt.

(5) If a hearing is requested, it shall be promptly scheduled, in no more than thirty days. The hearing, including a hearing on prospective modification, shall be conducted by ~~((a duly qualified hearing examiner appointed for that purpose))~~ an administrative law judge appointed under chapter 34.12 RCW.

After evidence has been presented at hearings conducted by the ~~((hearing examiner))~~ administrative law judge, the ~~((hearing examiner))~~ administrative law judge shall enter an initial decision and order which shall be in writing and shall

contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon. The (~~hearing examiner~~) administrative law judge shall file the original of the initial decision and order, signed by the (~~hearing examiner~~) administrative law judge, with the secretary or the secretary's designee. Copies of the initial decision and order shall be mailed by the (~~hearing examiner~~) administrative law judge to the department and to the appellant by certified mail to the last known address of each party. Within thirty days of filing, either the appellant or the department may file with the secretary or the secretary's designee a written petition for review of the initial decision and order. The petition for review shall set forth in detail the basis for the requested review and shall be mailed by the petitioning party to the other party by certified or registered mail to the last known address of the party.

The petition shall be based on any of the following causes materially affecting the substantial rights of the petitioner:

(a) Irregularity in the proceedings of the (~~hearing examiner~~) administrative law judge or adverse party, or any order of the (~~hearing examiner~~) administrative law judge, or abuse of discretion, by which the moving party was prevented from having a fair hearing;

(b) Misconduct of the prevailing party;

(c) Accident or surprise which ordinary prudence could not have guarded against;

(d) Newly discovered evidence, material for the party making the application, which the party could not with reasonable diligence have discovered and produced at the hearing;

(e) That there is no evidence or reasonable inference from the evidence to justify the decision, or that it is contrary to law;

(f) Error in mathematical computation;

(g) Error in law occurring at the hearing and objected to at the time by the party making the application;

(h) That the moving party is unable to perform according to the terms of the order without further clarification;

(i) That substantial justice has not been done;

(j) Fraud or misstatement of facts by any witness, which materially affects the debt;

(k) Clerical mistakes in the decision arising from oversight or omission; or

(l) That the decision and order entered because the responsible parent failed to appear at the hearing should be vacated and the matter be remanded for a hearing upon showing of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60.

In the event no petition for review is made as provided in this subsection by any party, the initial decision and order of the (~~hearing examiner~~) administrative law judge is final as of the date of filing and becomes the decision and order of the secretary. No appeal may be taken therefrom to the courts and the debt created is subject to collection action as authorized by this chapter.

After the receipt of a petition for review, the secretary or the secretary's designee shall consider the initial decision and order, the petition or petitions for review, the record or any part thereof, and such additional evidence and argument as the secretary or the secretary's designee may in his or her discretion allow. The secretary or the secretary's designee may remand the proceedings to the (~~hearing examiner~~) administrative law judge for additional evidence or argument. The secretary or the secretary's designee may deny review of the initial decision and order and thereupon deny the petition or petitions at which time the initial decision and order shall be final as of the date of the denial and all parties shall forthwith be notified, in writing, of the denial, by certified mail to the last known address of the parties.

Unless the petition is denied, the secretary or the secretary's designee shall review the initial decision and order and shall make the final decision and order of the department. The final decision and order shall be in writing and shall contain findings of fact and conclusions of law as to each contested issue of fact and law. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal by certified mail to the last known address of the party. The decision and order shall authorize collection action, as appropriate, under this chapter.

(6) The (~~hearing examiner~~) administrative law judge in his or her initial decision, or the secretary or the secretary's designee in review of the initial decision, shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. In making these determinations, the (~~hearing examiner~~) administrative law judge, and the secretary or the secretary's designee, shall include in his or her considerations:

(a) All earnings and income resources of the responsible parent, including real and personal property;

(b) The earnings potential of the responsible parent;

(c) The reasonable necessities of the responsible parent;

(d) The ability of the responsible parent to borrow;

(e) The needs of the child for whom the support is sought;

(f) The amount of assistance which would be paid to the child under the full standard of need of the state's public assistance plan;

(g) The existence of other dependents; and

(h) That the child, for whom support is sought, benefits from the income and resources of the responsible parent on an equitable basis in comparison with any other minor children of the responsible parent.

If the responsible parent fails to appear at the hearing, upon a showing of valid service, the (~~hearing examiner~~) administrative law judge shall enter an initial decision and order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. Within thirty days of entry of said decision and order, the responsible parent may petition the secretary or the secretary's designee to vacate said decision and order upon a showing of any of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60.

(7) The final decision entered pursuant to this section shall be entered as a decision and order and shall limit the support debt to the amounts stated in said decision: PROVIDED, That said decision establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the hearing order or decision: PROVIDED FURTHER, That in the absence of a superior court order, either the responsible parent or the department may petition the secretary or his designee for issuance of an order to appear and show cause based on a showing of good cause and material change of circumstances, to require the other party to appear and show cause why the decision previously entered should not be prospectively modified. Said order to appear and show cause together with a copy of the petition and affidavit upon which the order is based shall be served in the manner of a summons in a civil action or by certified mail, return receipt requested, on the other party by the petitioning party. A hearing shall be set not less than fifteen nor more than thirty days from the date of service, unless extended for good cause shown. Prospective modification may be ordered, but only upon a showing of good cause and material change of circumstances. The decision and order for prospective modification entered by the (~~hearing examiner~~) administrative law judge shall be

an initial decision subject to review by the secretary or the secretary's designee as provided for in this section.

(8) The (~~hearing examiner~~) administrative law judge, in making the initial decision and the secretary or the secretary's designee in the final decision determining liability and/or future periodic support payments, shall consider the standards promulgated pursuant to RCW 74.20.270 and any standards for determination of support payments used by the superior court of the county of residence of the responsible parent.

(9) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by the (~~hearing examiner~~) administrative law judge, or the secretary or secretary's designee.

(10) "Need" as used in this section shall mean the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children. The amount determined by reference to the schedule of suggested minimum contributions adopted under RCW 74.20.270, based on the earnings, resources, and property of the alleged responsible parent, shall be a rebuttable presumption of the alleged responsible parent's ability to pay and the need of the family: PROVIDED, That such responsible parent shall be presumed to have no ability to pay child support under this chapter from any income received from aid to families with dependent children, supplemental security income, or continuing general assistance.

NEW SECTION. Sec. 9. The administrative hearings revolving fund is hereby created in the state treasury for the purpose of centralized funding, accounting, and distribution of the actual costs of the services provided to agencies of the state government by the office of administrative hearings.

NEW SECTION. Sec. 10. The amounts to be disbursed from the administrative hearings revolving fund from time to time shall be transferred thereto by the state treasurer from funds appropriated to any and all agencies for administrative hearings expenses on a quarterly basis. Agencies operating in whole or in part from nonappropriated funds shall pay into the administrative hearings revolving fund such funds as will fully reimburse funds appropriated to the office of administrative hearings for any services provided activities financed by nonappropriated funds. The funds from the employment security department for the administrative hearings services provided by the office of administrative hearings shall not exceed that portion of the resources provided to the employment security department by the department of labor, employment and training administration, for such administrative hearings services. To satisfy department of labor funding requirements, the office of administrative hearings shall meet or exceed timeliness standards under federal regulations in the conduct of employment security department appeals.

The director of financial management shall allot all such funds to the office of administrative hearings for the operation of the office, pursuant to appropriation, in the same manner as appropriated funds are allocated to other agencies under chapter 43.88 RCW.

Disbursements from the administrative hearings revolving fund shall be pursuant to vouchers executed by the chief administrative law judge or his designee.

NEW SECTION. Sec. 11. The chief administrative law judge shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

NEW SECTION. Sec. 12. In cases where there are unanticipated demands for services of the office of administrative hearings or where there are insufficient funds

on hand or available for payment through the administrative hearings revolving fund or in other cases of necessity, the chief administrative law judge may request payment for services directly from agencies for whom the services are performed to the extent that revenues or other funds are available. Upon approval by the director of financial management, the agency shall make the requested payment. The payment may be made on either an advance or reimbursable basis as approved by the director of financial management.

**NEW SECTION.** Sec. 13. RCW 34.12.040 shall not apply to transportation tariff docket hearings conducted by the Washington utilities and transportation commission. The Washington utilities and transportation commission may, however, on its own motion, refer any transportation docket item to an administrative law judge where it is determined that the transportation tariff item in question may have an overall economic impact on transportation costs.

**NEW SECTION.** Sec. 14. Sections 9 through 13 of this act are added to chapter 34.12 RCW.

**NEW SECTION.** Sec. 15. There is appropriated from the administrative hearings revolving fund to the office of administrative hearings for the biennium ending June 30, 1983, the sum of \$3,166,000 or so much thereof as may be necessary for the operations and expenses of the office of administrative hearings.

**NEW SECTION.** Sec. 16. This act shall take effect July 1, 1982."

On page 1, line 1 of the title after "hearings;" strike the remainder of the title and insert "amending section 2, chapter 67, Laws of 1981 and RCW 34.12.020; amending section 6, chapter 67, Laws of 1981 and RCW 34.12.060; amending section 36, chapter 121, Laws of 1965 ex. sess. as last amended by section 28, chapter 67, Laws of 1981 and RCW 46.20.329; amending section 3, chapter 75, Laws of 1965 ex. sess. as last amended by section 29, chapter 67, Laws of 1981 and RCW 47.52.135; reenacting and amending section 69.50.505, chapter 308, Laws of 1971 ex. sess. as last amended by section 3, chapter 48, Laws of 1981 and by section 32, chapter 67, Laws of 1981 and RCW 69.50.505; amending section 5, chapter 141, Laws of 1967 as last amended by section 239, chapter 141, Laws of 1979 and RCW 72.33.670; amending section 25, chapter 183, Laws of 1973 1st ex. sess. as amended by section 12, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.055; adding new sections to chapter 34.12 RCW; adding a new section to chapter 46.20 RCW; making an appropriation; and providing an effective date."

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Talmadge, Woody.

The bill was read the second time by sections.

Senator Hemstad moved adoption of the committee amendment.

An amendment on the desk of the Secretary of the Senate by Senator McDermott will be considered at a later time.

Senator Shinpoch moved adoption of the following amendment by Senators Shinpoch and Talmadge to the committee amendment:

On Page 2, Line 14, following "heard" strike "or read the evidence" and insert "the oral testimony and read all exhibits submitted by any party"

Debate ensued.

#### POINT OF INQUIRY

Senator Fleming: "Senator Hemstad, I heard you expounding about this amendment but I missed it somewhere. Did you say you were 'for' the amendment or 'against' the amendment?"

Senator Hemstad: "I plan to vote against the amendment."

Further debate ensued.

Senator McDermott 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 Senators Shinpoch and Talmadge to the committee amendment.

### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 13; nays, 34; excused, 2.

Voting yea: Senators Bauer, Charnley, Hughes, Hurley, Lysen, McDermott, Moore, Ridder, Shinpoch, Talmadge, Williams, Wilson, Wojahn—13.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Vognild, von Reichbauer, Woody, Zimmerman—34.

Excused: Senators Peterson, Talley—2.

### MOTION

Senator Hemstad moved to withdraw an amendment by Senators Hemstad and Gould to page 2, line 14 of the committee amendment on the desk of the Secretary of the Senate.

Senator Shinpoch objected to withdrawing the amendment and moved adoption of the following amendment by Senators Hemstad and Gould to the committee amendment:

On page 2, line 14, following "heard" strike "or read the evidence" and insert "substantially all of the oral testimony and read all exhibits submitted by any party"

Debate ensued.

Senator Shinpoch 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 Senators Hemstad and Gould to the committee amendment and moved for adoption by Senator Shinpoch.

### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 24; nays, 24; excused, 1. The President voted "aye".

Voting yea: Senators Bauer, Bottiger, Charnley, Gaspard, Goltz, Hughes, Hurley, Lysen, McCaslin, McDermott, Moore, Peterson, Pullen, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer—24.

Excused: Senator Talley—1.

On motion of Senator McDermott, there being no objection, an amendment to the committee amendment on the desk of the Secretary of the Senate, was withdrawn.

The motion by Senator Hemstad carried and the committee amendment, as amended, was adopted.

On motion of Senator Hemstad, the committee amendment to the title was adopted.

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 907, 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. 907, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators McDermott, Ridder, Williams, Wilson—4.

Excused: Senator Talley—1.

HOUSE BILL NO. 907, 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 Clarke, the Senate returned to the fifth order of business.

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 143, by Senators Guess, Bluechel and Charnley:

Establishing a joint select committee to study the management options and potential uses of the John Wayne trail.

Referred to Committee on Rules.

HOUSE JOINT MEMORIAL NO. 1, by Representatives Tilly, Padden, Leonard, Barrett, Isaacson, Addison, Sanders, Eberle, Patrick, Barr, Schmitt, Lewis, Taylor, Tupper, Berleen, Schmidt, Smith, Bond, Hastings, Clayton, Mitchell, McGinnis, Ellis and Owen:

Requesting Congress to amend the Constitution to require a balanced Federal Budget.

Referred to Committee on State Government.

## MOTION

On motion of Senator Talmadge, a motion made by Senator Talmadge previously to refer House Joint Memorial No. 1 to the Judiciary Committee was withdrawn.

House Joint Memorial No. 1 was referred to the Committee on State Government.

## REPORT OF STANDING COMMITTEE

March 8, 1982.

HOUSE BILL NO. 1145, modifying provisions relating to special purpose districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

## MESSAGE FROM THE HOUSE

March 8, 1982.

Mr. President: The Speaker has signed:

SENATE BILL NO. 3233,

SENATE BILL NO. 3495,

SENATE BILL NO. 4484,

SENATE BILL NO. 4506,

SENATE BILL NO. 4549,

SENATE BILL NO. 4558,

SENATE BILL NO. 4571,

SUBSTITUTE SENATE BILL NO. 4708, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION

At 12:30 p.m., on motion of Senator Clarke, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## MOTION

At 1:35 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 2:33 p.m.

## MESSAGE FROM THE HOUSE

March 7, 1982.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 757, and asks the Senate to recede therefrom; and said bill together with the attached amendments is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTIONS

Senator Newhouse moved that the Senate recede from its amendments to Engrossed House Bill No. 757.

Senator Bottiger moved the Senate insist on its amendments to Engrossed House Bill No. 757 and again ask the House to concur therein.

Debate ensued.

The motion by Senator Newhouse carried.

The Senate receded from its amendments to Engrossed House Bill No. 757.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 757 without the Senate amendments.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 757, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallaghan, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee,

McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Excused: Senator Talley—1.

ENGROSSED HOUSE BILL NO. 757, having received the 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, 1982.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3156 with the following amendment:

On page 5, line 5 after "September 1," delete "1981" and insert "1982", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendment to Engrossed Senate Bill No. 3156.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3156, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 2; excused, 1

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senator Pullen—1.

Absent or not voting: Senators Hayner, Vognild—2.

Excused: Senator Talley—1.

ENGROSSED SENATE BILL NO. 3156, 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 5, 1982.

Mr. President: The House has passed SECOND REENGROSSED SENATE BILL NO. 3446, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 10, chapter 189, Laws of 1967 and RCW 36.93.100 are each amended to read as follows:

The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within sixty days of the filing of a notice of intention:

(1) The chairman or any three members of the boundary review board files a request for review;

(2) Any governmental unit affected files a request for review;

(3) A petition requesting review is filed and is signed by

(a) five percent of the registered voters residing within the area which is being considered for the proposed action (as determined by the boundary review board in its discretion subject to immediate review by writ of certiorari to the superior court); or

(b) an owner or owners of property consisting of five percent of the assessed valuation within such area.

If a period of sixty days shall elapse without the board's jurisdiction having been invoked as set forth in this section, the proposed action shall be deemed approved.

If a review concerning a proposed incorporation of a city or town is requested, the board shall make a finding as prescribed in RCW 36.93.150 within one hundred twenty days after the filing of such a request for review. If this period of one hundred twenty days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the proposed incorporation shall be deemed approved.

Sec. 2. Section 17, chapter 189, Laws of 1967 as amended by section 1, chapter 142, Laws of 1979 ex. sess. and RCW 36.93.170 are each amended to read as follows:

In reaching a decision on a proposal or an alternative, the board shall consider the factors affecting such proposal, which shall include, but not be limited to the following:

(1) Population and territory; population density; land area and land uses; comprehensive use plans and zoning; per capita assessed valuation; topography, natural boundaries and drainage basins, proximity to other populated areas; the existence of prime agricultural soils and agricultural uses; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years; location and most desirable future location of community facilities((-));

(2) Municipal services; need for municipal services; effect of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; prospects of governmental services from other sources; probable future needs for such services and controls; probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area; the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units((-); and

(3) The effect of the proposal or alternative on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county.

The provisions of chapter 43.21C RCW, State Environmental Policy, shall not apply to incorporation proceedings covered by chapter 35.02, Incorporation Proceedings, or 35.03 RCW, Incorporation of First Class Cities, or 35A.03 RCW, Incorporation as a Noncharter Code City, or 35A.04 RCW, Incorporation of Inter-county Area as a Noncharter Code City.

Sec. 3. Section 35.02.150, chapter 7, Laws of 1965, as last amended by section 1, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.02.150 are each amended to read as follows:

After the filing of any petition for incorporation with the county auditor, and pending its final disposition as provided for in this chapter, no other petition for incorporation (~~(and no petition or resolution for annexation)~~) which embraces any of the territory included therein shall be acted upon by the county auditor or the ~~(board of)~~ county ~~(commissioners;)~~ legislative authority ~~(or by any city or town clerk, city or town council;)~~ or by any other public official or body that might otherwise be empowered to receive or act upon such a petition: PROVIDED, That any petition for incorporation may be withdrawn, or a new petition embracing other or different boundaries may be substituted therefor, by a majority of the signers thereof, at any time before such petition has been certified by the county auditor to

the ~~((board of))~~ county ~~((commissioners;))~~ legislative authority in which case the same proceedings shall be taken as in the case of an original petition. A boundary review board, county auditor, county legislative authority, or any other public official or body may act upon a petition for annexation before considering or acting upon a petition for incorporation which embraces some or all of the same territory, without regard to priority of filing.

Sec. 4. Section 35A.03.140, chapter 119, Laws of 1967 ex. sess. and RCW 35A.03.140 are each amended to read as follows:

After the filing of any petition for incorporation with the county auditor, and pending final disposition as provided for in this chapter, no other petition for incorporation ~~((or annexation))~~ which embraces any of the territory included therein shall be acted upon by the county auditor or the ~~((board of))~~ county ~~((commissioners;))~~ legislative authority ~~((or by any city or town clerk, city or town council)),~~ or by any other public official or body that might otherwise be empowered to receive or act upon such a petition: PROVIDED, That any petition for incorporation may be withdrawn or a new petition embracing other or different boundaries or another plan of government may be substituted therefor, by a majority of the signers thereof, at any time before such petition has been certified by the county auditor to the ~~((board of))~~ county ~~((commissioners;))~~ legislative authority in which case the same proceedings shall be taken as in the case of an original petition. A boundary review board, county legislative authority, or any other public official or body may act upon a petition for annexation before considering or acting upon a petition for incorporation which embraces some or all of the same territory, without regard to priority of filing.

NEW SECTION. Sec. 5. There is added to chapter 36.93 RCW a new section to read as follows:

A boundary review board, county auditor, county legislative authority, or any other public official or body may act upon a petition for annexation before considering or acting upon a petition for incorporation which embraces some or all of the same territory, without regard to priority of filing.

NEW SECTION. Sec. 6. There is added to chapter 43.21C RCW a new section to read as follows:

The incorporation of a city or town is exempted from compliance with this chapter.

Sec. 7. Section 35.03.040, chapter 7, Laws of 1965 as last amended by section 16, chapter 126, Laws of 1979 ex. sess. and RCW 35.03.040 are each amended to read as follows:

The fifteen freeholders receiving the highest number of votes at such election shall be certified by the county auditor as elected as freeholders to form a charter for said city provided a majority of those voting at the election referred to in RCW 35.03.030 vote in favor of incorporation. It shall be the duty of the persons so elected to convene within ten days after their election and frame a charter for said city, and within sixty days thereafter they, or a majority of their number, shall submit such charter to the county legislative authority which shall ~~((within ninety days thereafter))~~ cause another election to be called and held in said city and to be conducted in the manner required for the calling of a special election in Title 29 RCW and to be held at the next special election date provided for in RCW 29.13.010 that is at least sixty days after the approval of the proposition referred to in RCW 35.03.030, as now or hereafter amended, except as otherwise provided in this chapter, and in conformity with Article 11, section 10 of the Constitution, for the purpose of submitting said charter to the qualified electors of said city and for the election of the various elective officials to the respective offices named in said charter. The form of ballot at such election shall be "for proposed charter," "against proposed charter," and the names of the candidates for the respective offices named in said proposed charter. At the first election of officials for said city any qualified

elector of said city may become a candidate for any of the elective offices set forth in such proposed charter without nomination by filing with the proper election officials of the county a declaration in writing that he desires to be a candidate for a particular office (naming it), such declaration to be filed not earlier than sixty nor later than thirty days prior to such election. Candidates for council positions shall file for a numbered position as provided by RCW 29.21.017. The candidates receiving the highest number of votes for the respective offices shall be declared elected to such office and the county auditor shall issue a certificate of such election. The newly elected officials shall assume office when qualified in accordance with RCW 29.01-.135. After the first election the nomination and election of officials for said city shall be as prescribed in the charter adopted by the people and the laws of the state. No person shall be entitled to vote at such election unless he shall be a qualified elector of said city and shall have resided within the limits of said city for at least thirty days preceding such election. (~~If a majority of all the votes cast on the proposed charter are not in favor of the proposed charter, no further proceeding shall be had on the petition for incorporation filed pursuant to RCW 35.03.020, but this shall not bar any new proceeding for such purpose.~~)

NEW SECTION. Sec. 8. There is added to chapter 35.03 RCW a new section to read as follows:

(1) If the proposition referred to in RCW 35.03.030 is approved by majority vote, the county legislative authority shall declare the territory to be incorporated as a noncharter code city. The effective date of the incorporation shall be when the county legislative authority files the declaration of the election results in favor of the incorporation in the office of the secretary of state. The city shall act under the provisions of Title 35A RCW as a noncharter code city and possess the powers of a noncharter code city unless the subsequent question of adopting the yet to be drafted proposed charter is approved.

The person who is elected as a freeholder receiving the greatest number of votes shall act as the mayor and the seven persons who are elected as freeholders receiving the next greatest number of votes shall act as the city council unless the city governing body is altered pursuant to an approved first class city charter. Such persons shall take office immediately after they are elected and qualified.

(2) Should the proposed charter be rejected by the voters, the city shall remain as a noncharter code city and the mayor and the seven member council shall remain in office until their successors are elected and qualified.

(3) The tax rate of the initial imposition of nonvoter-approved regular property taxes by any city incorporated under this section shall not exceed the lower of either:

(a) Three dollars and thirty-seven and one-half cents per thousand dollars of assessed value; or

(b) The sum of the road district nonvoter-approved regular property tax rate last imposed in the area and the highest sum of nonvoter-approved regular property tax rates last imposed in any area within the city by all the junior taxing districts that have been dissolved as a result of the incorporation.

(4) The provisions of this section shall retroactively apply to any area proposed to be incorporated under this chapter if the proposition referred to in RCW 35.03-.030 has not been submitted to the voters prior to the effective date of this act.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, on line 2 of the title, after "towns" strike the remainder of the title and insert "amending section 10, chapter 189, Laws of 1967 and RCW 36.93.100; amending section 17, chapter 189, Laws of 1967 as amended by section 1, chapter 142, Laws of 1979 ex. sess. and RCW 36.93.170; amending section 35.02.150, chapter 7, Laws of 1965, as last amended by section 1, chapter 164, Laws of 1973

1st ex. sess. and RCW 35.02.150; amending section 35A.03.140, chapter 119, Laws of 1967 ex. sess. and RCW 35A.03.140; amending section 35.03.040, chapter 7, Laws of 1965 as last amended by section 16, chapter 126, Laws of 1979 ex. sess. and RCW 35.03.040; adding a new section to chapter 35.03 RCW; adding a new section to chapter 36.93 RCW; and adding a new section to chapter 43.21C RCW.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Second Reengrossed Senate Bill No. 3446.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Reengrossed Senate Bill No. 3446, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senator Hughes—1.

Absent or not voting: Senators Bluechel, Moore—2.

Excused: Senator Talley—1.

SECOND REENGROSSED SENATE BILL NO. 3446, 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 6, 1982.

Mr. President: The House has passed SECOND SUBSTITUTE SENATE BILL NO. 3541 with the following amendment:

On page 2, line 31, after "professional" insert "person", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Newhouse the Senate concurred in the House amendment to Second Substitute Senate Bill No. 3541.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 3541, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Pullen—1.

Absent or not voting: Senator Hayner—1.

Excused: Senator Talley—1.

SECOND SUBSTITUTE SENATE BILL NO. 3541, 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, 1982.

Mr. President: The House has passed SENATE BILL NO. 3847 with the following amendments:

On page 1, line 14, after "allowance" strike "~~((of one hundred dollars))~~" and insert "of one hundred dollars"

On page 1, beginning on line 16, after "allowance" strike "~~((of fifty dollars))~~" and insert "of fifty dollars", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

Senator Newhouse moved the Senate concur in the House amendments to Senate Bill No. 3847.

### POINT OF INQUIRY

Senator Shinpoch: "Senator Metcalf, if we adopt this amendment, does this essentially put us back to the law as we currently are? Would it be the same as, couldn't we just let the bill die if this is what we are going to do and have the same outcome?"

Senator Metcalf: "Thank you; no, it still allows the . . . but the way we passed the bill allowed, and the House found it, we didn't think was a problem but they did, allowed that amount to go 'way up and the wording now would keep it from going 'way up to raise it and the limit is still there. I think the bill still has validity even with that."

Senator Shinpoch: "Senator Metcalf, what is changed in current law if we reinstate the uniform allowance as it was, as it currently is? Then what is being changed?"

Senator Metcalf: "I think the difference between having to do it and 'may.' Now this is their option. They can save a little money if they can. That is my understanding, Senator. I haven't gotten the bill book out."

The motion by Senator Newhouse carried and the Senate concurred in the House amendments to Senate Bill No. 3847.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3847, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talmadge, von Reichbauer, Williams, Woody, Zimmerman—43.

Voting nay: Senators Goltz, Shinpoch, Vognild, Wilson, Wojahn—5.

Excused: Senator Talley—1.

SENATE BILL NO. 3847, 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 5, 1982.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3927 with the following amendments:

On page 6, line 25 strike "commission" and insert "committee"

On page 7, line 18 strike "1981" and insert "1982", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Substitute Senate Bill No. 3927.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3927, 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 Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Hayner, Kiskaddon—2.

Excused: Senator Talley—1.

SUBSTITUTE SENATE BILL NO. 3927, 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, 1982.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 4477 with the following amendment:

On page 1, beginning on line 23, after "volunteers." strike all material down to and including "preservation." on line 27 and insert "These improvements shall not interfere with access to or use of such public lands or facilities by the general public and shall benefit the public in terms of safety, recreation, aesthetics, or wildlife or natural area preservation. These improvements on public lands and facilities shall be for the use of all members of the general public.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Newhouse the Senate concurred in the House amendment to Engrossed Senate Bill No. 4477.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4477, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, von Reichbauer, Zimmerman—33.

Voting nay: Senators Charnley, Fleming, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—15.

Excused: Senator Talley—1.

ENGROSSED SENATE BILL NO. 4477, 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 5, 1982.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 4461, with the following amendments:

On page 2, after line 24, insert the following:

"Sec. 3. Section 9A.64.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.64.020 are each amended to read as follows:

(1) A person is guilty of incest in the first degree if he engages in sexual intercourse with a person whom he knows to be related to him, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood.

(2) A person is guilty of incest in the second degree if he engages in sexual contact with a person whom he knows to be related to him, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood.

(3) As used in this section, "descendant" includes stepchildren and adopted children under eighteen years of age.

~~((3))~~ (4) As used in this section, "sexual contact" has the same meaning as in RCW 9A.44.100(2).

(5) Incest in the first degree is a class ((€)) B felony.

(6) Incest in the second degree is a class C felony.

Sec. 4. Section 31, chapter 291, Laws of 1977 ex. sess. as amended by section 37, chapter 155, Laws of 1979 and RCW 13.34.030 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years;

(2) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so; or

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Who has no parent, guardian, or custodian willing and capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

Sec. 5. Section 34, chapter 291, Laws of 1977 ex. sess. as amended by section 39, chapter 155, Laws of 1979 and RCW 13.34.060 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to that section. Whenever a child is taken into such custody pursuant to this section, the supervising agency may authorize routine medical and dental examination and care and all necessary emergency care. In no case may a child who is taken into custody pursuant to RCW 13.34.050 or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The court shall hold a shelter care hearing if one is requested.

(2) The juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) At the commencement of the shelter care hearing the court shall advise the parties of their basic rights as provided in RCW 13.34.090 and shall appoint counsel pursuant to RCW 13.34.090 if counsel has not been retained by the parent or guardian and if the parent or guardian is indigent, unless the court finds that the right to counsel has been expressly and voluntarily waived.

(4) The court shall ~~((take testimony concerning the circumstances for taking the child into custody and the need for shelter care. The court shall give the child and the child's parent or guardian and the parent's or guardian's counsel an opportunity to introduce evidence, to be heard in their own behalf, and to examine witnesses))~~ examine the need for shelter care. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(5) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care, except that such recommendation shall be submitted by the department of social and health services in cases where the petition alleging dependency has been filed by the department of social and health services, unless otherwise ordered by the court.

(6) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(b) The release of such child would present a serious threat of substantial harm to such child.

If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order.

(7) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(8) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. No child may be detained for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

Sec. 6. Section 2, chapter 13, Laws of 1965 as last amended by section 1, chapter 164, Laws of 1981 and RCW 26.44.020 are each amended to read as follows:

For the purpose of and as used in this chapter:

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatry, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a ~~((child))~~ person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected ~~((child))~~ person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social worker" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "~~((Clergyman))~~ Clergy" shall mean any regularly licensed or ordained minister ~~((or any))~~, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Child abuse or neglect" shall mean the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by ~~((a))~~ any person ~~((who is legally responsible for the child's welfare))~~ under circumstances which indicate that the child's health, welfare, and safety is harmed thereby. An abused child is a child who has been subjected to child abuse or neglect as defined herein: PROVIDED, That this subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare, and safety.

(13) "Child protective services section" shall mean the child protective services section of the department.

(14) "Adult developmentally disabled persons not able to provide for their own protection through the criminal justice system" shall be defined as those persons over the age of eighteen years with developmental disabilities who have been found legally incompetent pursuant to chapter 11.88 RCW or found disabled to such a degree pursuant to said chapter, that such protection is indicated: PROVIDED, That no persons reporting injury, abuse, or neglect to an adult developmentally disabled person as defined herein shall suffer negative consequences if such a judicial

determination of incompetency or disability has not taken place and the person reporting believes in good faith that the adult developmentally disabled person needs the protection offered by this chapter.

(15) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by ((a)) any person (~~(responsible for the child's welfare)~~); or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes as those acts are defined by state law by ((a)) any person (~~(responsible for the child's welfare)~~).

(16) "Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.

Sec. 7. Section 3, chapter 13, Laws of 1965 as last amended by section 2, chapter 164, Laws of 1981 and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social worker, psychologist, pharmacist, or employee of the department (~~(of social and health services)~~) has reasonable cause to believe that a child or adult developmentally disabled person has suffered abuse or neglect, he shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department (~~(of social and health services)~~) as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than seven days after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

(2) Any other person who has reasonable cause to believe that a child or adult developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040 as now or hereafter amended.

(3) The department upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult developmentally disabled person who has died or has had physical injury or injuries inflicted upon him other than by accidental means or who has been subjected to sexual abuse shall report such incident to the proper law enforcement agency.

(4) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult developmentally disabled person who has died or has had physical injury or injuries inflicted upon him other than by accidental means, or who has been subjected to sexual abuse, shall report such incident to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime has been committed.

Sec. 8. Section 9, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.056 are each amended to read as follows:

An administrator of a hospital or similar institution or any physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may detain a child without consent of a person legally responsible for the child whether or not medical treatment is required, if the circumstances or conditions of the child are such that the detaining individual has reasonable cause to believe that permitting the child to continue in his or her place of residence or in the care and custody of the parent, guardian, custodian or other person legally responsible for the child's care would present an imminent danger to that child's safety: PROVIDED, That such administrator or physician shall (~~(immediately)~~) notify or cause to be notified the appropriate law enforcement agency or (~~(juvenile court officer)~~) child protective services pursuant to RCW 26.44.040 (~~(and request immediate transfer of custody)~~). Such notification shall be

made as soon as possible and in no case longer than seventy-two hours. Such temporary protective custody by an administrator or doctor shall not be deemed an arrest ((and shall continue only until supervisory custody is assumed by the appropriate law enforcement agency or juvenile court)). Child protective services may detain the child until the court assumes custody, but in no case longer than seventy-two hours, excluding Saturdays, Sundays, and holidays.

Sec. 9. Section 6, chapter 13, Laws of 1965 as amended by section 6, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.060 are each amended to read as follows:

(1) Any person participating in good faith in the making of a report pursuant to this chapter or testifying as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of this state or its political subdivisions.

(2) An administrator of a hospital or similar institution or any physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a child into custody pursuant to RCW 26.44.056 shall not be subject to criminal or civil liability for such taking into custody.

(3) Conduct conforming with the reporting requirements of this chapter shall not be deemed a violation of the confidential communication privilege of RCW 5.60.060 (3) and (4), 18.53.200 and 18.83.110. Nothing in this chapter shall be construed as to supersede or abridge remedies provided in chapter 4.92 RCW.

Sec. 10. Section 3, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.080 are each amended to read as follows:

Every person who is required to make, or to cause to be made, a report pursuant to RCW 26.44.030 and 26.44.040, and who knowingly fails to make, or fails to cause to be made, such report, shall be guilty of a gross misdemeanor."

Renumber the sections consecutively.

On page 1, on line 4 of the title, after "9A.04.080;" strike the remainder of the title and insert "amending section 9A.64.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.64.020; amending section 31, chapter 291, Laws of 1977 ex. sess. as amended by section 37, chapter 155, Laws of 1979 and RCW 13.34.030; amending section 34, chapter 291, Laws of 1977 ex. sess. as amended by section 39, chapter 155, Laws of 1979 and RCW 13.34.060; amending section 2, chapter 13, Laws of 1965 as last amended by section 1, chapter 164, Laws of 1981 and RCW 26.44.020; amending section 3, chapter 13, Laws of 1965 as last amended by section 2, chapter 164, Laws of 1981 and RCW 26.44.030; amending section 9, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.056; amending section 6, chapter 13, Laws of 1965 as amended by section 6, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.060; amending section 3, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.080; adding a new section to chapter 9A.44 RCW; and prescribing penalties.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION

Senator Newhouse moved the Senate concur in the House amendments to Substitute House Bill No. 4461.

## POINT OF INQUIRY

Senator Goltz: "Senator Hemstad, I notice in the digest of the House floor amendment that a hospital administrator, a doctor, may detain a child without notifying law enforcement or child protective services for as long as 72 hours. Isn't that an unprecedented authority to give to a hospital administrator or doctor?"

Senator Hemstad: "Well, again, I believe the phrasing is 'as soon as possible but not to exceed 72 hours,' and the notification is to be to the child protective services, and, but put that kind of a time limit. That is, currently, there is no present standard for the time within which the notification had to occur. Actually this is a tightening of that requirement rather than loosening of it."

Senator Goltz: "Well, as I read this, you know what this means is that a child can literally disappear and even though the parents may have no right, as it were, to get that child back at that particular time, to protect that child, I don't understand why a hospital administrator or doctor would not contact a law enforcement official. 72 hours is typically done because you can go over a weekend, and in this case, it looks like a law enforcement officer would always be available, and it seems like a very . . . ."

Senator Hemstad: "If I can pursue the matter, Senator Goltz. The impact of section 8 is that the hospital administrator is required to notify child protective services within 72 hours from the time the police or the parent is notified of the intent to detain. In other words, the police or the parent have been advised of the problem. This is only saying that child protective services within DSHS which has responsibilities for abused children, must be notified within 72 hours."

Senator Goltz: "Thank you very much."

The motion by Senator Newhouse carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 4461.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4461, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Pullen—1.

Excused: Senator Talley—1.

SUBSTITUTE SENATE BILL NO. 4461, 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 6, 1982.

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4545 with the following amendments:

On page 1, line 11 after "or" insert "not"

On page 1, line 17 after "persons" insert ", including driver", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Newhouse the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4545.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4545, 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 Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

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

Excused: Senator Talley—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4545, 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 6, 1982

Mr. President: The House has passed SENATE BILL NO. 4493 with the following amendment:

On page 1, line 11, strike "six months" and insert "((six months)) one year", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendment to Senate Bill No. 4493.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4493, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talley—1.

SENATE BILL NO. 4493, 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 6, 1982.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 4697 with the following amendments:

On page 1, line 20, after "law" insert "or (4) any individual retirement account which is (a) offered through the committee for deferred compensation, (b) selected by the employee, and (c) established under applicable state or federal law"

On page 1, after line 28, add a new section to read as follows:

"NEW SECTION. Sec. 2. There is added to chapter 41.04 RCW a new section to read as follows:

In addition to its other powers prescribed under this chapter, the committee for deferred compensataon is authorized to offer to state employees one or more individual retirement account plans established under applicable state or federal law."

On page 1, line 2 of the title, after "accounts;" strike "and" and on line 4, after "RCW 41.04.020" insert "; and adding a new section to RCW 41.04", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Substitute Senate Bill No. 4697.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4697, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talley—1.

SUBSTITUTE SENATE BILL NO. 4697, as amended by the House, having received he 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 5, 1982.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 4831 with the following amendments:

On page 8, line 32, after "a line" strike "two thousand" and insert "seven hundred fifty"

On page 8, line 33, after "tide" insert ": PROVIDED, That the appropriate local government may authorize an extention to the two thousand foot seaward mark to accomplish required mitigation measures"

On page 18, line 29, after "board" insert ": PROVIDED, That only amendments or adjustments and or segments adopted by a local government after the effective date of this act shall become effective pursuant to this 1982 amendatory act"

On page 26, after line 13 insert the following:

"PROVIDED FURTHER: When approving substantial development permits on shorelines of statewide economic significance, local government shall require that the applicant provide reasonable housing and water access for the Department of Fisheries and the School of Fisheries of the University of Washington to conduct a long term fisheries impact study to be developed jointly."

On page 26, after line 13, insert the following:

"When approving substantial development permits authorizing landfill on shorelines of statewide economic significance, local government shall require that construction be phased such that the landfill takes place only upon a determination by the applicant that orders for the work contemplated by the permit are in hand."

On page 31, after line 34, add a new section as follows:

**"NEW SECTION.** Sec. 9. There is added to chapter 286, laws of 1971 ex. sess. and to chapter 90.58 RCW a new section to read as follows: No permit issued pursuant to chapter (ESB 4831), Laws of 1982, shall be sold, conveyed, leased, donated or transferred to any person or entity by the person or entity to which the permit was originally issued without concurrence of the local government."

Remember the remaining sections consecutively.

On page 38, after line 27, insert "For any project undertaken pursuant to a permit issued on a shoreline of state-wide economic significance which is abandoned prior to completion for the uses permitted, the attorney general or prosecuting attorney of the county in which the abandonment takes place may bring a civil action to restore any shoreline which has been altered or damaged to its original use.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

Senator Newhouse moved the Senate concur in the House amendments to Engrossed Senate Bill No. 4831.

The following roll call was commenced on final passage of Engrossed Senate Bill No. 4831, as amended by the House.

The roll call was interrupted by the President to put the motion by Senator Newhouse that the Senate concur in the House amendments to Engrossed Senate Bill No. 4831.

The motion by Senator Newhouse carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 4831.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4831, as amended by the House.

### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4831, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 14; excused, 1.

Voting yea: Senators Bauer, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Vognild, Woody, Zimmerman—34.

Voting nay: Senators Bluechel, Charnley, Gaspard, Hemstad, Lysen, McDermott, Moore, Ridder, Shinpoch, Talmadge, von Reichbauer, Williams, Wilson, Wojahn—14.

Excused: Senator Talley—1.

ENGROSSED SENATE BILL NO. 4831, 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 5, 1982.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 4748 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Section 1. There is added to chapter 66.28 RCW a new section to read as follows:

A brewery, winery, or wholesaler may, without charge, instruct licensees and their employees, or conduct courses of instruction for licensees and their employees, on the subject of beer or wine, including but not limited to, the history, nature, values, and characteristics of beer or wine, the use of wine lists, and the methods of presenting, serving, storing, and handling beer or wine. The brewery, winery, or wholesaler may furnish beer or wine and such other equipment, materials, and utensils as may be required for use in connection with the instruction or courses of instruction. The instruction or courses of instruction may be given at the premises of the brewery, winery, or wholesaler, at the premises of a retail licensee, or elsewhere.

Sec. 2. Section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 182, Laws of 1981 and RCW 66.28.040 are each amended to read as follows:

No brewer, wholesaler, distiller, winery, importer, rectifier, or other manufacturer of liquor shall, within the state, by himself, his clerk, servant, or agent, give to any person any liquor; but nothing in this section nor in RCW 66.28.010 or 66.28.025 shall prevent a brewer, wholesaler, winery, or importer from furnishing samples of beer or wine to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor control board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210; nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board; nothing in this section shall prevent a brewery, winery, or wholesaler from furnishing beer or wine for instructional purposes under section 1 of this 1982 act; nothing in this section shall prevent a winery or wholesaler from furnishing wine without charge to a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and any wine so furnished shall be used solely for such educational purposes, provided that the wine furnished shall be subject to the taxes imposed by RCW 66.24.210; nothing in this section shall prevent a brewer from serving beer without charge, on the brewery premises; and nothing in this section shall prevent a domestic winery from serving wine without charge, on the winery premises."

Sec. 3. Section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 219, Laws of 1977 ex. sess. and RCW 66.28.010 are each amended to read as follows:

No manufacturer, importer, or wholesaler, or person financially interested, directly or indirectly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, nor shall any manufacturer, importer, or wholesaler own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person, under any arrangement whatsoever, conduct his business upon property in which any manufacturer, importer, or wholesaler has any interest, nor shall any manufacturer, importer, or wholesaler advance moneys or moneys' worth to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of moneys or moneys' worth. No manufacturer, importer, or wholesaler shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, or wholesaler sell at retail any liquor as herein defined: PROVIDED, That nothing in this section shall prohibit a licensed brewer or domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine of its own production at retail on the brewery or winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW: PROVIDED FURTHER, That nothing in this section shall prohibit a licensed brewer or domestic winery, or a lessee of a

licensed brewer or domestic winery, from being licensed as a class H restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a class H premise on the property on which the primary manufacturing facility of the licensed brewer or domestic winery is located or on contiguous property owned by the licensed brewer or domestic winery as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW ((-)): PROVIDED FURTHER, That nothing in this section shall prohibit an importer, or wholesaler not licensed in this state, or any person financially interested, directly or indirectly, in such importing or wholesaling business from having a financial interest, direct or indirect, in any class A licensed retail business or from owning any of the property upon which such licensed retailer conducts its business as long as the class A licensed retailer does not sell any brand of beer sold or distributed by such importer or wholesaler or produced by such manufacturer doing business with the importer or wholesaler as prescribed by rules adopted by the board under chapter 34.04 RCW.

Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.04 RCW manufacturers, wholesalers and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe."

Renumber the remaining sections consecutively.

On page 1, line 1 of the title, after "amending" insert the following:

"section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 219, Laws of 1977 ex. sess. and RCW 66.28.010; amending", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Newhouse, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 4748 and asks the House to recede therefrom.

#### MESSAGES FROM THE HOUSE

March 8, 1982

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 4425, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 8, 1982.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 47, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### INTRODUCTION AND FIRST READNG

HOUSE CONCURRENT RESOLUTION NO. 47, by Representatives Dawson, Ehlers, Johnson, Grimm, Nelson (G), Walk, Salatino, Kaiser, Granlund, Wang, Nisbet, Gallagher, Brown, Winsley and Leonard:

Congratulating NORAD.

## MOTIONS

On motion of Senator Clarke, the rules were suspended and House Concurrent Resolution No. 47 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, the rules were suspended, House Concurrent Resolution No. 47 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## INTRODUCTION OF GUESTS

The President announced the presence in the Senate gallery of members of NORAD. The guests were introduced and welcomed to the Senate.

Remarks were made by Senators Haley and Bottiger commending the NORAD guests.

## MOTION

On motion of Senator Newhouse, all measures handled by the Senate today were ordered immediately transmitted to the House.

## MOTION

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

## REPORT OF STANDING COMMITTEE

March 8, 1982.

ENGROSSED HOUSE BILL NO. 915, exempting used cars sold by a dealer from emission control testing (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Gallagher, Guess, Hansen, Metcalf, Peterson.

MINORITY recommendation: Do not pass.

Signed by: Senators Charnley, Conner.

Passed to Committee on Rules for second reading.

## MOTION

At 5:04 p.m., on motion of Senator Clarke, the Senate recessed until 7:00 p.m.

## EVENING SESSION

The President called the Senate to order at 7:00 p.m.

## MESSAGES FROM THE HOUSE

March 8, 1982.

Mr. President: The House has failed to pass: SUBSTITUTE SENATE BILL NO. 4494, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 8, 1982.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 457,

SUBSTITUTE HOUSE BILL NO. 626,

SUBSTITUTE HOUSE BILL NO. 823,

SUBSTITUTE HOUSE BILL NO. 824,

SUBSTITUTE HOUSE BILL NO. 875,  
 SUBSTITUTE HOUSE BILL NO. 946,  
 HOUSE BILL NO. 1017, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 8, 1982.

Mr. President: The Speaker has signed:  
 SUBSTITUTE HOUSE BILL NO. 259,  
 HOUSE BILL NO. 375,  
 HOUSE BILL NO. 401,  
 HOUSE BILL NO. 442,  
 SUBSTITUTE HOUSE BILL NO. 476,  
 HOUSE BILL NO. 572,  
 SECOND SUBSTITUTE HOUSE BILL NO. 658,  
 HOUSE BILL NO. 752,  
 SUBSTITUTE HOUSE BILL NO. 834,  
 SUBSTITUTE HOUSE BILL NO. 965,  
 HOUSE BILL NO. 1144, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 259,  
 HOUSE BILL NO. 375,  
 HOUSE BILL NO. 401,  
 HOUSE BILL NO. 442,  
 HOUSE BILL NO. 457,  
 SUBSTITUTE HOUSE BILL NO. 476,  
 HOUSE BILL NO. 572,  
 SUBSTITUTE HOUSE BILL NO. 626,  
 SECOND SUBSTITUTE HOUSE BILL NO. 658,  
 HOUSE BILL NO. 752,  
 SUBSTITUTE HOUSE BILL NO. 823,  
 SUBSTITUTE HOUSE BILL NO. 824,  
 SUBSTITUTE HOUSE BILL NO. 834,  
 SUBSTITUTE HOUSE BILL NO. 875,  
 SUBSTITUTE HOUSE BILL NO. 946,  
 SUBSTITUTE HOUSE BILL NO. 965,  
 HOUSE BILL NO. 1017,  
 HOUSE BILL NO. 1144.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3249,  
 SENATE BILL NO. 3425,  
 SUBSTITUTE SENATE BILL NO. 4046,  
 SENATE BILL NO. 4064,  
 SUBSTITUTE SENATE BILL NO. 4163,  
 SENATE BILL NO. 4313,  
 SUBSTITUTE SENATE BILL NO. 4460,  
 SENATE BILL NO. 4474,  
 SENATE BILL NO. 4488,  
 SUBSTITUTE SENATE BILL NO. 4501,  
 SUBSTITUTE SENATE BILL NO. 4505,

SENATE BILL NO. 4512,  
 SUBSTITUTE SENATE BILL NO. 4562,  
 SUBSTITUTE SENATE BILL NO. 4566,  
 SENATE BILL NO. 4569,  
 SENATE BILL NO. 4599,  
 SENATE BILL NO. 4602,  
 SENATE BILL NO. 4681,  
 SUBSTITUTE SENATE BILL NO. 4692,  
 SENATE BILL NO. 4701,  
 SUBSTITUTE SENATE BILL NO. 4750,  
 SENATE BILL NO. 4919,  
 SENATE BILL NO. 4956.

### MESSAGE FROM THE HOUSE

March 6, 1982.

Mr. President: The House has passed SENATE BILL NO. 4718 with the following amendment:

On page 2, line 30, after "public" insert ", and do not prevent animal technicians from inoculating an animal", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendment to Senate Bill No. 4718.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4718, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 7; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—41.

Absent or not voting: Senators Conner, Craswell, Deccio, Fleming, McCaslin, Ridder, Zimmerman—7.

Excused: Senator Talley—1.

SENATE BILL NO. 4718, 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 6, 1982.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4775 with the following amendment:

On page 3, after line 3, add the following:

"(8) Nothing in this section shall authorize an employer to make an inquiry not otherwise authorized by law, or be construed to affect the policy of the state declared in RCW 9.96A.010, encouraging the employment of ex-offenders." and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Newhouse the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 4775.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4775, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 6; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody—40.

Voting nay: Senators McDermott, Williams—2.

Absent or not voting: Senators Conner, Craswell, Deccio, Hayner, Ridder, Zimmerman—6.

Excused: Senator Talley—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4775, 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, 1982.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 4559 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. This act may be known and cited as the forms reduction act of 1982.

NEW SECTION. Sec. 2. The legislature finds that the functioning of state government, business, and individual activities is becoming increasingly more cumbersome as the number, length, and complexity of forms increase and that the forms burden imposed by the state can be a hindrance to the citizens of the state and can add to the costs of products and services. Eliminating unnecessary forms will simplify paperwork, increase efficiency, effect productivity improvements, and reduce costs related to the amount of time individuals and businesses are required to take to complete various forms and to the procurement, printing, storage, use, and distribution of forms.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 4 through 7 of this act.

(1) "State agency" means any executive branch office, department, board, commission, or other separate unit or division, however designated. The term includes any unit of state government established by law of which the executive officer or each member is either elected or appointed, and upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature. It also includes every state-supported institution of higher education.

(2) "Form" means a printed document providing entry space for variable information.

NEW SECTION. Sec. 4. (1) By July 30, 1983, and by July 30 of each even-numbered year thereafter, each state agency shall report the following information to the office of financial management for the previous fiscal year ending on June 30:

- (a) The estimated total number of hours required to fill out each form; and
- (b) The estimated number of people filling out each form.

(2) The product of the numbers provided under (a) of subsection (1) of this section multiplied by the numbers provided under (b) of subsection (1) of this section constitutes the form burden for each form.

(3) The sum of all the products in subsection (2) of this section for each agency constitutes the agency's form burden for that fiscal year.

**NEW SECTION.** Sec. 5. (1) For the fiscal year ending on June 30, 1984, each agency shall satisfy the director that it has reduced by fifteen percent its form burden that it had for the fiscal year ending on June 30, 1983. The director of financial management may specifically waive this requirement for an agency if necessary for the efficient and effective administration of the agency and the carrying out of its duties.

(2) An agency's form burden established under subsection (1) of this section for the fiscal year ending on June 30, 1984, shall not be increased except with the specific authorization of the director after a finding by the director that the increase is necessary for the efficient and effective administration of the agency and the carrying out of its duties.

**NEW SECTION.** Sec. 6. The director shall adopt rules governing the reports required under section 4 of this act. The director shall review each report to determine whether it is an accurate estimate of the agency's form burden. By November 1, 1983, and by November 1 of each even-numbered year thereafter, the director shall provide a report to the speaker of the house of representatives and the president of the senate showing the agencies, if any, which have not complied with sections 2 through 5 of this act and shall report each agency's form burden and the total state-wide form burden.

**NEW SECTION.** Sec. 7. The director of financial management shall place one-half of one percent of all funds appropriated to an agency in reserve if the agency does not comply with section 5(1) of this act. The director shall hold such funds in reserve until the agency complies or the appropriation expires.

**NEW SECTION.** Sec. 8. Sections 2 through 8 of this act shall expire on June 30, 1985, unless extended by law for an additional fixed period of time.

**NEW SECTION.** Sec. 9. Sections 2 through 8 of this act are each added to chapter 43.41 RCW."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "adding new sections to chapter 43.41 RCW; creating a new section; and providing an expiration date.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

Senator Newhouse moved the Senate do not concur in the House amendments to Engrossed Senate Bill No. 4559 and ask the House to recede therefrom.

Debate ensued.

The motion by Senator Newhouse carried. The Senate refused to concur in the House amendments to Engrossed Senate Bill No. 4559 and asks the House to recede therefrom.

#### MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 891, by House Committee on Financial Institutions and Insurance (originally sponsored by House Committee

on Financial Institutions and Insurance and Representatives Dawson, Wang and Bickham):

Modifying regulation of medicare supplemental insurance policies.

### REPORT OF STANDING COMMITTEE

February 24, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 891, modifying the regulation of medicare supplemental insurance policies (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 12, strike all of Section 1, and renumber remaining sections consecutively.

On page 1, line 1 of the title after "insurance;" strike everything down to and including "48.66.020;" on line 3.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

The bill was read the second time by sections.

On motion of Senator Sellar, the committee amendment was adopted.

On motion of Senator Sellar, the committee amendment to the title was adopted.

On motion of Senator Sellar, the rules were suspended, Engrossed Substitute House Bill No. 891, 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. 891, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 5; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senator Pullen—1.

Absent or not voting: Senators Deccio, Fleming, Hayner, Ridder, Scott—5.

Excused: Senator Talley—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 891, 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. 934, by House Committee on Financial Institutions and Insurance and Representative Dawson (by Department of General Administration request):

Revising laws relating to credit unions.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, House Bill No. 934 was advanced to third reading, the second 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. 934, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senators Deccio, Hayner, Scott, Williams—4.

Excused: Senator Falley—1.

HOUSE BILL NO. 934, having received the 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. 935, by House Committee on Financial Institutions and Insurance and Representative Dawson (by Department of General Administration request):

Revising fees for bank examinations.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the following amendment:

On page 1, after line 26, insert:

"Sec. 2. Section 1, chapter 241, Laws of 1981 and RCW 43.19.095 are amended to read as follows:

There is created a local fund known as the "banking examination fund" which shall consist of all moneys received by the division of banking and which shall be used for the purchase of supplies and necessary equipment and the payment of salaries, wages, utilities, and other incidental costs required for the proper maintenance of the division. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be by appropriation by the legislature ~~((on authorization of the director of general administration or the supervisor of banking or the director's or supervisor's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund)):~~"

Debate ensued.

The motion by Senator Bottiger carried and the amendment was adopted.

On motion of Senator Bottiger the following amendment to the title was adopted:

On page 1, line 1 of the title following "companies;" strike "and" and on line 3 following "30.04.070" insert "; and amending section 1, chapter 241, Laws of 1981 and RCW 43.19.095"

On motion of Senator Sellar, the rules were suspended, House Bill No. 935, 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. 935, 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 Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Bauer—1.

Excused: Senator Talley—1.

HOUSE BILL NO. 935, 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 Clarke, Engrossed Substitute House Bill No. 936 was ordered held for consideration on March 9, 1982.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 871, by House Committee on Labor and Economic Development (originally sponsored by Representatives Kreidler and Pruitt):

Modifying provisions relating to funeral directors.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, Substitute House Bill No. 871 was advanced to third reading, the second 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. 871, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talley—1.

SUBSTITUTE HOUSE BILL NO. 871, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

HOUSE BILL NO. 1072, by House Committee on Institutions and Representatives Ellis and Vander Stoep:

Designating a portion of a state-employed chaplain's salary as rental value for a home.

House Bill No. 1072 was held previously for an explanation by Senator Metcalf to Senator Shinpoch on the measure.

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

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1072.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1072, and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Scott, Sellar, Shinpoch, Talmadge, von Reichbauer, Williams, Woody, Zimmerman—40.

Voting nay: Senators Goltz, McDermott, Pullen, Rasmussen, Ridder, Vognild, Wilson, Wojahn—8.

Excused: Senator Talley—1.

HOUSE BILL NO. 1072, having received the 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 Clarke, the Senate returned to the sixth order of business.

## SECOND READING

REENGROSSED HOUSE BILL NO. 768, by House Committee on Institutions and Representative Houchen:

Modifying provisions relating to department of corrections.

## REPORT OF STANDING COMMITTEE

February 22, 1982.

REENGROSSED HOUSE BILL NO. 768, modifying provisions relating to the department of corrections (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 13 strike "state general fund." and insert "parole and probation services revolving fund, which is hereby created. The state treasurer is custodian of the fund. No appropriation is necessary to permit expenditures from the fund. Disbursements shall be on authorization of the secretary of corrections, or the secretary's designee, for the purposes of providing parole and probation services."

On page 3, line 19 strike "state general fund." and insert "parole and probation services revolving fund established under section 1 of this act."

On page 4, after line 6, insert the following:

"NEW SECTION. Sec. 4. By June 30, 1983, and prior to any other disbursements from the parole and probation services revolving fund, the secretary of corrections shall transmit to the state treasurer for deposit in the general fund the sum of one hundred forty-eight thousand dollars from the parole and probation services revolving fund, or so much thereof as may be necessary, to reimburse the general fund for the appropriation contained in this act."

On page 1, line 3 of the title, after "RCW;" insert "creating a new section;"

On page 3, after line 23, insert the following:

"NEW SECTION. Sec. 3. There is appropriated from the general fund to the department of corrections for the biennium ending June 30, 1983, the sum of one hundred forty-eight thousand dollars, including 2.2 full time equivalent staff years, or so much thereof as may be necessary, to carry out the purposes of sections 1 and 2 of this act."

Renumber the sections consecutively.

On page 1, line 3 of the title, after "RCW;" strike "and"

On page 1, line 4 of the title, after "penalties" and before the period insert "; and making an appropriation"

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Metcalf, Moore, Ridder.

The bill was read the second time by sections.

Senator Deccio moved the committee amendments to page 2, line 13; page 3, line 19 and page 4, following line 6 be considered together and not adopted.

Debate ensued.

Senator Charnley moved the committee amendments to page 2, line 13; page 3, line 19 and page 4, following line 6 be adopted.

The President declared the question before the Senate to be the positive motion by Senator Charnley that the amendments be adopted.

The motion by Senator Charnley failed and the amendments were not adopted on a rising vote.

On motion of Senator Deccio, the committee amendment to page 3, following line 23 was adopted.

On motion of Senator Deccio, the committee amendment to page 1, line 3 of the title was not adopted.

On motion of Senator Deccio, the committee amendments to page 1, lines 3 and 4 to the title were adopted.

On motion of Senator Deccio, the rules were suspended, Reengrossed House Bill No. 768, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 768, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Talmadge, Vognild, Williams—3.

Absent or not voting: Senator Fleming—1.

Excused: Senator Talley—1.

REENGROSSED HOUSE BILL NO. 768, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1011, by House Committee on Local Government (originally sponsored by House Committee on Local Government and Representatives Isaacson and Martinis):

Defining and limiting appearance of fairness doctrine.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1011. On March 7, 1982, the following committee amendments had been moved for adoption.

Strike everything after the enacting clause, and insert the following:

"**NEW SECTION.** Section 1. Application of the appearance of fairness doctrine to local land use decisions shall be limited to the quasi-judicial actions of local

decision-making bodies as defined in this section. Quasi-judicial actions of local decision-making bodies are those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.

**NEW SECTION.** Sec. 2. No member of a local decision-making body may be disqualified by the appearance of fairness doctrine for conducting the business of his or her office with any constituent on any matter other than a quasi-judicial action then pending before the local legislative body.

**NEW SECTION.** Sec. 3. No legislative action taken by a local legislative body, its members, or local executive officials shall be invalidated by an application of the appearance of fairness doctrine.

**NEW SECTION.** Sec. 4. Prior to declaring as a candidate for public office or while campaigning for public office as defined by RCW 42.17.020(5) and (25) no public discussion or expression of an opinion by a person subsequently elected to a public office, on any pending or proposed quasi-judicial actions, shall be a violation of the appearance of fairness doctrine.

**NEW SECTION.** Sec. 5. A candidate for public office who complies with all provisions of applicable public disclosure and ethics laws shall not be limited from accepting campaign contributions to finance the campaign, including outstanding debts; nor shall it be a violation of the appearance of fairness doctrine to accept such campaign contributions.

**NEW SECTION.** Sec. 6. During the pendency of any quasi-judicial proceeding, no member of a decision-making body may engage in ex parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding. This prohibition does not preclude a member of a decision-making body from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are a part of the record. Nor does such prohibition preclude correspondence between a citizen and his or her elected official if any such correspondence is made a part of the record when it pertains to the subject matter of a quasi-judicial proceeding.

**NEW SECTION.** Sec. 7. Participation by a member of a decision-making body in earlier proceedings that result in an advisory recommendation to a decision-making body shall not disqualify that person from participating in any subsequent quasi-judicial proceeding.

**NEW SECTION.** Sec. 8. Anyone seeking to rely on the appearance of fairness doctrine to disqualify a member of a decision-making body from participating in a decision must raise the challenge as soon as the basis for disqualification is made known to the individual. Where the basis is known or should reasonably have been known prior to the issuance of a decision and is not raised, it may not be relied on to invalidate the decision.

**NEW SECTION.** Sec. 9. In the event of a challenge to a member or members of a decision-making body which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member or members publicly disclose the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

NEW SECTION. Sec. 10. Nothing in this chapter prohibits the restriction or elimination of the appearance of fairness doctrine by the appellate courts. Nothing in this chapter may be construed to expand the appearance of fairness doctrine.

NEW SECTION. Sec. 11. Nothing in this chapter prohibits challenges to local land use decisions where actual violations of an individual's right to a fair hearing can be demonstrated.

NEW SECTION. Sec. 12. 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. 13. Sections 1 through 12 of this act shall constitute a new chapter in Title 42 RCW.

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."

The following amendment to the committee amendment had been moved for adoption by Senator Hemstad on March 7, 1982:

On page 1 of the Committee amendment, line 22, after "proceeding." strike the remainder of section 1, through and including "significance." on line 30

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Hemstad, not too far from where I live, a developer is trying to put in a large mobile home park, 300 plus units. The neighbors are incensed. They have a petition and they are demanding to see the county commissioners. Now if your amendment is adopted, can they see the county commissioners or not?"

Senator Hemstad: "First I want to be a bit cautious in my response since I am not an active practitioner in land use affairs and that, if what is going to be proposed in front of the city council will be a spot-zone change in how that land can be used, and they will then sit and make that determination, then whether this stays in or not, under the bill they could not be, the members of that, other than in the open hearing as part of the record."

The motion by Senator Hemstad failed and the amendment to the committee amendment was not adopted.

On motion of Senator Talmadge, there being no objection, amendments to the committee amendment to page 1, line 22, page 3, line 20 and page 3, line 29 on the desk of the Secretary of the Senate, were withdrawn.

Senator Talmadge moved adoption of the following amendment to the committee amendment:

On page 2, line 12, strike all of section 4 and renumber the remaining sections consecutively and correct internal cross-references.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, what you are saying is that, and I anticipate there will be a lot of these cases coming up, where somebody is running for PUD commissioner, and he takes a position and says 'I think whatever they have done there on WPPSS is wrong; I am going to go in and try to correct it.' later on he is elected and he has to make quasi-judicial decisions. He wouldn't be permitted to do that because he has already declared himself as a candidate, right?"

Senator Talmadge: "No, Senator Rasmussen, because the decision with respect to WPPSS would not relate to land use. The doctrine of appearance of fairness has only been involved in the land use process where somebody is attempting to zone or rezone, change a comprehensive plan or something like that.

"The concern I have, in specific, is, say it is Senator Rasmussen who is running for the Pierce county council and you are asked to comment on a particular land use decision. How do you know, at the time you are making that comment, whether it is a quasi-judicial act you are talking about or a legislative act? You only know after the court has decided it, so you may go ahead and talk about it and find it is a quasi-judicial act that you have talked about, your decision will be invalidated on appearance of fairness grounds.

"I guess what I am saying is we are not going to cure the defects that we are attempting to cure by the enactment of this particular section because no local elected official or local candidate is going to be able to know in advance whether the decision that they are commenting on is quasi-judicial or legislative."

Senator Rasmussen: "Well, I think as Senator Clarke explained it, that is what this would do, it would say that that doesn't disqualify you; you are allowed to make that statement or any statement you want to, because you are not in a position where you could assume quasi-judicial position until after you are elected."

#### POINT OF INQUIRY

Senator Goltz: "Senator Talmadge, let us set up a hypothetical situation where a county council candidate is running in Whatcom county and during the course of his campaign, he says, 'If I am elected I will look with favor upon a permit from the Chicago Bridge and Iron.' Under the present law, is he disqualified from voting under the appearance of fairness doctrine?"

Senator Talmadge: "I think he would be, Senator Goltz."

Senator Goltz: "And what would happen under the proposed amendment?"

Senator Talmadge: "I think under the proposed amendment if it were a legislative act, he would not be subject to any violation for appearance of fairness purposes. In reading this section, it appears to say that if it is a public discussion or expression of an opinion by a person subsequently elected to public office, on any pending or proposed quasi-judicial action, none of those discussions or expressions would be in violation of the appearance of fairness doctrine.

"I guess, I spoke earlier, it may in fact not be a violation of appearance of fairness. The difficulty would be that the courts of the state may come along and find that appearance of fairness is a Constitutional thing. A judicial officer cannot express in advance what his or her decision is going to be when they are running for elected office. That is the problem I see."

Senator Goltz: "I think you have just confused me; I thought I had your answer, and now I think you have changed it. But . . ."

Senator Talmadge: "I may have confused myself."

Senator Goltz: "I think, Senator Talmadge, what I am concerned about is, that I agree with Senator Clarke, that if a person is running for office and the issue is, 'Should a permit be granted to Chicago Bridge and Iron?', I think that candidate has an obligation to say what his position would be as a legislator on that particular issue; so if I understand this motion correctly I want to be on Senator Clarke's team for this one. Thank you."

#### POINT OF INQUIRY

Senator Moore: "Senator Clarke, let us take this example. We have a commissioner running for reelection and we have a challenger, and what advantage or disadvantage is it to the incumbent in this situation, because the challenger, obviously, can start in in January or March or April or June, while the incumbent, perhaps, has his hands tied?"

Senator Clarke: "I don't think that that distinction is really applicable to whether this amendment is or is not adopted. My understanding is that any candidate for office, whether he is an incumbent or not, unquestionably has a right to take a position on any legislative matter and say what he would do. Now, under the doctrine of fairness, the supreme court has injected a question as to whether he can make an expression of what his opinion is with something that would later be held to be quasi-judicial. The purpose of this wording was to say that when he is running for office, he doesn't have to try to make a determination of whether his statement has to do with the legislative or semi-judicial; he can just state what his position would be or what he thinks about it and without fear of, after he is elected, that it is going to be claimed that he made some comment on it quasi-judicial.

"The only reason for having the wording in, is because of the question raised as to whether he can make a statement on something that is later determined to be quasi-judicial."

#### REMARKS BY SENATOR HEMSTAD

Senator Hemstad: "Mr. President, members of the Senate. Responding further to Senator Goltz' question. It seems to me quite clear that that candidate could, under this bill, comment and take a position on Chicago Bridge and Iron in Whatcom county.

"I think the concern Senator Talmadge is raising is that there may be some Constitutional overtones here that the statute cannot touch; but there is nothing much we can do about that.

"But further, in response to Senator Moore's question, it is an interesting point, that I don't think section 4 adequately addresses. As I read section 4 it probably does result in the incumbent's hands being tied but the nonincumbent candidate can say whatever he wishes."

The motion by Senator Talmadge failed and the amendment to the committee amendment was not adopted.

Senator Hemstad moved adoption of the following amendment to the committee amendment:

On page 3 of the Committee Amendment, beginning on line 20, strike all of section 7, renumber the remaining sections consecutively, and correct internal references accordingly.

Debate ensued.

The motion by Senator Hemstad failed and the amendment to the committee amendment was not adopted.

Senator Hemstad moved adoption of the following amendment to the committee amendment:

On page 3 of the Committee Amendment, beginning on line 29, strike all of section 8, through and including "decision." on page 4, line 4, renumber the remaining sections consecutively, and correct internal references accordingly.

Debate ensued.

The motion by Senator Hemstad failed and the amendment to the committee amendment was not adopted.

Senator Talmadge moved adoption of the following amendment to the committee amendment:

On page 4, line 5, strike all of section 9 and renumber the remaining sections consecutively and correct internal cross-references.

Debate ensued.

Senators Peterson, Hayner and Scott demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the amendment by Senator Talmadge to the committee amendment.

The motion by Senator Talmadge failed and the amendment to the committee amendment was not adopted.

The motion by Senator Hemstad carried and the committee amendment was adopted.

On motion of Senator Hemstad, the rules were suspended, Engrossed Substitute House Bill No. 1011, 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 Ridder: "Senator Hemstad, we just added an emergency clause. Can you tell me what the nature of the emergency is that makes this vital to, I think the term is 'the public health, safety and welfare?'"

Senator Hemstad: "I do not believe there is in effect an emergency, and it probably would have been better without it."

Senator Ridder: "Senator Clarke, you have been speaking quite a bit to this, can you tell me?"

Senator Clarke: "Yes, the emergency, I think, is to remove an uncertainty in many, many instances as to how public bodies may properly act. There are many cases that are pending and would be pending where they need clarification as to what the doctrine of fairness is.

"And if you are going to adopt a law of this kind, I think that it ought to go into effect immediately so that it can be used immediately."

Senator Ridder: "Thank you." It would seem to me that if there are indeed cases pending, it is a shame to send this flying through here now in such a way that it will intervene with those. It would seem better to have them follow their resolution without the legislature's intervention."

Senator Clarke: "You will note that, I have two answers to that: number one is that this is a doctrine, appearance of fairness was adopted by the courts; and there have been some instances, as a matter of fact one of the very well-known justices in affirming a case, stated, in substance, that he thought this doctrine should probably be abandoned.

"So I suggest that it is very advantageous for the legislature to endeavor to clarify this matter, and I think it will be of assistance rather than detrimental."

#### POINT OF INQUIRY

Senator Bottiger: "Senator Clarke, this would appear to be an issue involving rights rather than procedure, so I take it you would agree with me that it cannot be retroactive?"

Senator Clarke: "I think that would be a matter for the courts to decide as to whether it was a substantial change in right, rather than procedure. I would hesitate to voice an opinion on that."

Senator Bottiger: "May I rephrase it? Is it your intent that it be retroactive?"

Senator Clarke: "My personal intent is that it would apply to all pending matters, yes."

#### POINT OF INQUIRY

Senator Hemstad: "Senator Bottiger, would it be your understanding that the application of the bill that, if it were to pass here, will, in fact, be retroactive, in effect?"

Senator Bottiger: "Senator, I have to disagree with Senator Clarke. I don't see how it could be. This affects rights rather than procedures, and I don't think we can pass a bill that retroactively affects existing litigation."

Further debate ensued.

## REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "Mr. President, I would just like to make one clarification. It is my understanding that the Boeing company has no litigation going on currently that this bill would affect or would impact, that the litigation they had through corporate headquarters was over with some three months ago."

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute house Bill No. 1011, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; excused, 1.

Voting yea: Senators Bauer, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Jones, Kiskaddon, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—37.

Voting nay: Senators Bluechel, Charnley, Hemstad, Hughes, Hurley, Lee, McDermott, Ridder, Talmadge, Williams, Wilson—11.

Excused: Senator Talley—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1011, 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. 4307,  
SENATE BILL NO. 4466,  
SENATE BILL NO. 4491,  
SENATE BILL NO. 4644,  
SUBSTITUTE SENATE BILL NO. 4846,  
SUBSTITUTE SENATE BILL NO. 4852,  
SENATE BILL NO. 4952.

## MOTION

Senator Bottiger moved the Senate commence consideration of House Bill No. 1033.

Debate ensued.

## MOTION

At 8:55 p.m., Senator Clarke moved the Senate adjourn until 11:00 a.m., Tuesday, March 9, 1982.

## MOTION

Senator Bottiger 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 Clarke that the Senate adjourn until 11:00 a.m. Tuesday, March 9, 1982.

## ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellár, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Excused: Senator Talley—1.

At 9:02 p.m., on motion of Senator Clarke, the Senate adjourned until 11:00 a.m., Tuesday, March 9, 1982.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-EIGHTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, March 9, 1982.

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 Deccio, Hayner, Hemstad, Lysen, Peterson, Rasmussen, Talley and Talmadge. On motion of Senator Ridder, Senators Lysen, Peterson, Rasmussen, Talley and Talmadge were excused.

The Color Guard, consisting of Pages Heather Lang and Robert Stevens, presented the Colors. Reverend Malcolm Unseth, pastor of Ballard First Lutheran Church of Seattle, offered the prayer.

Reverend Unseth was the guest of Senator Williams.

### MOTION

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

### INTRODUCTION OF GUEST

President Cherberg turned the gavel over to Senator Fuller to introduce former Senator Virgil R. Lee.

With permission of the Senate, business was suspended to permit Senator Lee to address the Senate.

Senator Fuller returned the gavel to President Cherberg.

### REPORT OF STANDING COMMITTEE

March 8, 1982.

HOUSE BILL NO. 964, modifying provisions on real estate excise taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Bauer, Deccio, Fleming, Haley, Lee, McDermott, Ridder, Zimmerman.

Passed to Committee on Rules for second reading.

### MESSAGES FROM THE HOUSE

March 8, 1982.

Mr. President: The House has passed:

SENATE BILL NO. 4354,

SUBSTITUTE SENATE BILL NO. 4449,

ENGROSSED SENATE BILL NO. 4464,

SUBSTITUTE SENATE BILL NO. 4481,

ENGROSSED SENATE BILL NO. 4638,

SENATE BILL NO. 4713,

SUBSTITUTE SENATE BILL NO. 4716,

SUBSTITUTE SENATE BILL NO. 4826, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 8, 1982.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 1039, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 3156,  
 SECOND SUBSTITUTE SENATE BILL NO. 3541,  
 SUBSTITUTE SENATE BILL NO. 3927.

### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1039, by Committee on Appropriations—General Government (originally sponsored by Representatives Eberle and Sanders):

Removing authority of state liquor stores to sell beer and wine.  
 Referred to Committee on Commerce and Labor.

SENATE CONCURRENT RESOLUTION NO. 146, by Senator Bluechel:

Acknowledging the participation and support by citizens of Washington in the National History Contest.

On motion of Senator Clarke, the rules were suspended and Senate Concurrent Resolution No. 146 was placed on the second reading calendar for today.

### MOTION

On motion of Senator Clarke, the Senate commenced consideration of Engrossed House Bill No. 1074.

### SECOND READING

ENGROSSED HOUSE BILL NO. 1074, by Representative Smith:

Authorizing banks or trust companies to make certain investments.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Engrossed House Bill No. 1074 was advanced to third reading, the second 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. 1074, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 5; excused, 5.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—39.

Absent or not voting: Senators Bluechel, Deccio, Hayner, Hemstad, Jones—5.

Excused: Senators Lysen, Peterson, Rasmussen, Talley, Talmadge—5.

ENGROSSED HOUSE BILL NO. 1074, having received the 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 Clarke, the Senate commenced consideration of House Bill No. 864.

## SECOND READING

HOUSE BILL NO. 864, by House Committee on Ethics, Law and Justice and Representative Ellis:

Establishing a task force on court congestion.

## REPORT OF STANDING COMMITTEE

February 25, 1982.

HOUSE BILL NO. 864, establishing a task force on court congestion (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 6, after "following" strike "nine" and insert "eleven"

On page 1, line 8, after "legislature," strike "an attorney" and insert "three attorneys at least two whose primary area of legal practice is trial work"

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Clarke, the committee amendments were adopted.

On motion of Senator Clarke, the rules were suspended, House Bill No. 864, 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. 864, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 4; excused, 4.

Voting yea: Senators Benitz, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—41.

Absent or not voting: Senators Bauer, Bluechel, Hayner, Jones—4.

Excused: Senators Peterson, Rasmussen, Talley, Talmadge—4.

HOUSE BILL NO. 864, 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. 887, by House committee on Ethics, Law and Justice (originally sponsored by House Committee on Ethics, Law and Justice and Representatives Ellis and Wang):

Enlarging class of civil actions which may be subject to mandatory arbitration.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Substitute House Bill No. 887 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. 887, and the bill passed the Senate by the following vote: Yeas, 34; nays, 8; absent or not voting, 4; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Moore, Newhouse, Quigg, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Wojahn, Woody—34.

Voting nay: Senators Craswell, Guess, McCaslin, Metcalf, Patterson, Pullen, Wilson, Zimmerman—8.

Absent or not voting: Senators Bottiger, Hayner, Sellar, Williams—4.

Excused: Senators Peterson, Rasmussen, Talley—3.

SUBSTITUTE HOUSE BILL NO. 887, having received the 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. 897, by Representatives Armstrong and Ellis:

Providing for jurisdiction in arbitration cases.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, House Bill No. 897 was advanced to third reading, the second 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. 897, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 3; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators McCaslin, Pullen—2.

Absent or not voting: Senators Bottiger, Hayner, Quigg—3.

Excused: Senators Peterson, Rasmussen, Talley—3.

HOUSE BILL NO. 897, having received the 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 Bluechel, Senators Hayner and Jones were excused.

## SECOND READING

HOUSE BILL NO. 942, by House Committee on Appropriations—General Government and Compensation and Representatives Williams, Wang and Johnson:

Modifying membership requirements on commission on Asian-American affairs.

The bill was read the second time by sections.

On motion of Senator Metcalf, the rules were suspended, House Bill No. 942 was advanced to third reading, the second 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. 942 and the bill passed the Senate by the following vote: Yeas, 36; nays, 6; absent or not voting, 2; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—36.

Voting nay: Senators Charnley, McDermott, Moore, Ridder, Talmadge, Williams—6.

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

Excused: Senators Hayner, Jones, Peterson, Rasmussen, Talley—5.

HOUSE BILL NO. 942, having received the 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. 888, by House Committee on State Government (originally sponsored by Representatives Nickell, Houchen and Granlund) (by Secretary of State request):

Making general election ballots uniform.

### REPORT OF STANDING COMMITTEE

February 23, 1982.

SUBSTITUTE HOUSE BILL NO. 888, making general election ballots uniform (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 14, after "write" strike all the material down to and including "candidate" on line 15 and insert "~~((the title of the office and the name of the candidate))~~ the name of the candidate and the political party affiliation"

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder, Woody.

The bill was read the second time by sections.

On motion of Senator Pullen, the committee amendment was adopted.

Senator Pullen moved adoption of the following amendment:

On page 4, line 31, after "form.)" insert

"Sec. 3. Section 58, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.101 are each amended to read as follows:

The names of the persons certified as the nominees resulting from a primary election by the secretary of state or the county canvassing board shall be printed on the official ballot prepared for the ensuing election.

No name of any candidate whose nomination at a primary is required by law ~~((shall))~~ may be placed upon the ballot unless it appears upon the certificate of either (1) the secretary of state, or (2) the county canvassing board, or (3) a minor party convention, or (4) of the state or county central committee of a major political party to fill a vacancy on its ticket occasioned by any cause on account of which it is lawfully authorized so to do.

No person who has offered himself as a candidate for the nomination of one party at the primary ((~~shall~~)) may have his name printed on the ballot of the succeeding general election as the candidate of another political party.

No candidate's name ((~~shall~~)) may appear more than once upon the ballot ((; unless the name appears once for the office of precinct committeeman, in which case the name may appear not more than twice. ~~PROVIDED, That~~)) for the same office or for different offices if the offices sought are incompatible as provided in section 4 of this act. Any candidate who has been nominated by two or more political parties may, upon a written notice filed with the county auditor within three days after the certification of the canvass of the primary, designate the political party under whose title he desires to have his name placed.

NEW SECTION. Sec. 4. There is added to chapter 29.30 RCW a new section to read as follows:

(1) No person may hold two offices if: (a) One office has power of supervision over the other; (b) one office has power of removal over the other; or (c) the functions and duties of both inherently conflict in their demands so that one person could not faithfully, impartially, or efficiently discharge the functions and duties of both offices in the public's interest.

(2) Those offices considered incompatible under this section include but are not limited to: (a) Legislative office and any state-wide elective office; (b) a state-wide elective office and any other state-wide elective office; (c) the offices covered by the prohibitions contained in Article II, sections 13 and 14 of the state Constitution; and (d) an elective judicial office and any other elective judicial office."

Renumber the remaining sections consecutively.

Debate ensued.

#### MOTION

On motion of Senator Woody, Substitute House Bill No. 888, as amended, together with the pending amendment by Senator Pullen, was ordered held for consideration following the next measure on the calendar.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 146, by Senator Bluechel:

Acknowledging the participation and support by citizens of Washington in the National History Contest.

The resolution was read the second time in full.

On motion of Senator Bluechel, the rules were suspended, Senate Concurrent Resolution No. 146 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

#### MOTION

On motion of Senator Ridder, Senator Bottiger was excused.

#### MOTION

At 12:00 noon, on motion of Senator Clarke, the Senate recessed until 1:00 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

## MOTION

On motion of Senator Clarke, the Senate commenced consideration of Substitute House Bill No. 1024.

## SECOND READING

**SUBSTITUTE HOUSE BILL NO. 1024**, by House Select Committee on Deregulation and Productivity (originally sponsored by Representatives McGinnis, Brown, Johnson, Stratton, Lewis, Leonard, Sanders and Granlund):

Requiring use of sheltered workshops for printing services for state agencies and departments under certain circumstances.

## REPORT OF STANDING COMMITTEE

February 23, 1982.

**SUBSTITUTE HOUSE BILL NO. 1024**, requiring the use of sheltered workshops for printing services for state agencies and departments under certain circumstances (reported by Committee on State Government):

**MAJORITY recommendation:** Do pass with the following amendments:

On page 1, line 15, after "RCW 82.04.385" insert ", if the agencies or departments are located within the same county as the sheltered workshops, training centers, or group training homes"

On page 1, line 18, after "copiers" insert ", in-house printing and binding facilities,"

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen.

The bill was read the second time by sections.

Senator Metcalf moved adoption of the committee amendment to page 1, line 15.

On motion of Senator Shipoch, the following amendment to the committee amendment was adopted:

On line 2 of the amendment, after "within" strike "the same county as" and insert "a reasonable distance from"

The motion by Senator Metcalf carried and the committee amendment to page 1, line 15, as amended, was adopted.

On motion of Senator Metcalf, the committee amendment to page 1, line 18 was adopted.

Senator Metcalf moved adoption of the following amendment by Senators Rasmussen and Metcalf:

On page 1, line 15, after "385." insert "State agencies and department may purchase microfilming and related services from day training centers, group training homes or sheltered workshops. All microfilming and related services purchased under this section shall be purchased at a price equal to or less than the fair market value."

On motion of Senator Newhouse, on the second line of the amendment, after "department" insert "s"

The motion by Senator Metcalf carried and the amendment, as amended, was adopted.

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1024, 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. 1024, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senators Guess, Hughes, Lysen—3.

Excused: Senators Hayner, Talley—2.

SUBSTITUTE HOUSE BILL NO. 1024, 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. 936, by House Committee on Financial Institutions and Insurance (originally sponsored by House Committee on Financial Institutions and Insurance and Representative Dawson) (by Department of General Administration request):

Providing for reorganization to form a bank holding company.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Engrossed Substitute House Bill No. 936 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 936 and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Absent or not voting: Senators Deccio, Guess, Hughes, Lysen—4.

Excused: Senators Hayner, Talley—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 936, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 600, by House Committee on Ethics, Laws of Justice and Representatives Ellis, Patrick, Schmidt, Becker, Tilly, Winsley, Bickham, Pruitt and Granlund:

Making various changes in criminal law.

## REPORT OF STANDING COMMITTEE

February 25, 1982.

HOUSE BILL NO. 600, making various changes in criminal law (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause, and insert the following:

"Section 1. Section 1, chapter 175, Laws of 1969 ex. sess. as amended by section 1, chapter 258, Laws of 1981 and RCW 9.41.025 are each amended to read as follows:

Any person who shall commit or attempt to commit any felony, including but not limited to assault in the first degree, rape in the first degree, burglary in the first degree, robbery in the first degree, riot, or any other felony which includes as an element of the crime the fact that the accused was armed with a firearm, or any misdemeanor or gross misdemeanor categorized herein as inherently dangerous, while armed with, or in the possession of any firearm, shall upon conviction, in addition to the penalty provided by statute for the crime committed without use or possession of a firearm, be imprisoned as herein provided:

(1) For the first offense the court shall impose a sentence of not less than five years, which sentence shall not be suspended or deferred;

(2) For a second offense, or if, in the case of a first conviction of violation of any provision of this section, the offender shall previously have been convicted of violation of the laws of the United States or of any other state, territory, or district relating to the use or possession of a firearm while committing or attempting to commit a crime, the offender shall be imprisoned for not less than seven and one-half years, which sentence shall not be suspended or deferred;

(3) For a third or subsequent offense, or if the offender shall previously have been convicted two or more times in the aggregate of any violation of the law of the United States or of any other state, territory, or district relating to the use or possession of a firearm while committing or attempting to commit a crime, the offender shall be imprisoned for not less than fifteen years, which sentence shall not be suspended or deferred;

(4) Misdemeanors or gross misdemeanors categorized as "inherently dangerous" as the term is used in this statute means any of the following crimes or an attempt to commit any of the same: Simple assault, coercion, vehicle prowling, escape in the third degree, obstructing a public servant, theft in the third degree, resisting arrest, and communication with a minor for immoral purposes.

(5) If any person shall resist apprehension or arrest by firing upon a law enforcement officer, such person shall in addition to the penalty provided by statute for resisting arrest, be guilty of a felony and punished by imprisonment for not less than ten years, which sentence shall not be suspended or deferred.

Sec. 2. Section 13, chapter 249, Laws of 1909 and RCW 9.92.010 are each amended to read as follows:

Every person convicted of a felony for which no punishment is specially prescribed by any statutory provision in force at the time of conviction and sentence, shall be punished by ~~((imprisonment in the state penitentiary for not more than))~~ confinement or fine which shall not exceed confinement in a state correctional institution for a term of ten years, or by a fine in an amount fixed by the court of not more than ((five)) twenty thousand dollars, or by both such confinement and fine.

Sec. 3. Section 15, chapter 249, Laws of 1909 and RCW 9.92.020 are each amended to read as follows:

Every person convicted of a gross misdemeanor for which no punishment is prescribed in any statute in force at the time of conviction and sentence, shall be punished by imprisonment in the county jail for a maximum term fixed by the court

of not more than one year, or by a fine in an amount fixed by the court of not more than ((one)) five thousand dollars, or by both such imprisonment and fine.

Sec. 4. Section 785, Code of 1881 as amended by section 14, chapter 249, Laws of 1909 and RCW 9.92.030 are each amended to read as follows:

Every person convicted of a misdemeanor for which no punishment is prescribed by any statute in force at the time of conviction and sentence, shall be punished by imprisonment in the county jail for a minimum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than ((two hundred and fifty)) one thousand dollars or both such imprisonment and fine.

Sec. 5. Section 1, chapter 24, Laws of 1905 as last amended by section 1, chapter 29, Laws of 1979 and RCW 9.92.060 are each amended to read as follows:

Whenever any person shall be convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, carnal knowledge of a female child under the age of ten years, or rape, the court may in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by such court, and that the sentenced person be placed under the charge of a parole or peace officer during the term of such suspension, upon such terms as the court may determine: PROVIDED, That as a condition to suspension of sentence, the court may require the convicted person to make such monetary payments, on such terms as the court deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement, ((and)) (3) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required, and (4) to contribute to a county or interlocal drug fund. In no case shall a sentence be suspended under the provisions of this section unless the person if sentenced to confinement in a penal institution be placed under the charge of a parole officer, who is a duly appointed and acting officer of the institution to which the person is sentenced: PROVIDED, That persons convicted in justice court may be placed under supervision of a probation officer employed for that purpose by the board of county commissioners of the county wherein the court is located. If restitution to the victim has been ordered under subsection (2) of this section, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

Sec. 6. Section 2, chapter 188, Laws of 1971 ex. sess. and RCW 9.92.064 are each amended to read as follows:

In the case of a person granted a suspended sentence under the provisions of RCW 9.92.060, the court shall establish a definite termination date for the suspended sentence. The court shall set a date no later than the time the original sentence would have elapsed and may provide for an earlier termination of the suspended sentence. Prior to the entry of an order formally terminating a suspended sentence the court may modify the terms and conditions of the suspension or extend the period of the suspended sentence.

Sec. 7. Section 1, chapter 19, Laws of 1980 as amended by section 42, chapter 136, Laws of 1981 and RCW 9.95.210 are each amended to read as follows:

The court in granting probation, may suspend the imposing or the execution of the sentence and may direct that such suspension may continue for such period of time, not exceeding the maximum term of sentence, except as hereinafter set forth and upon such terms and conditions as it shall determine.

The court in the order granting probation and as a condition thereof, may in its discretion imprison the defendant in the county jail for a period not exceeding one year or may fine the defendant any sum not exceeding one thousand dollars plus the costs of the action, and may in connection with such probation impose both imprisonment in the county jail and fine and court costs. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement, (3) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, and (4) to contribute to a county or interlocal drug fund, and may require bonds for the faithful observance of any and all conditions imposed in the probation. The court shall order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of said probation to follow implicitly the instructions of the secretary. If the probationer has been ordered to make restitution, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of such person during the term of his probation: PROVIDED, That for defendants found guilty in justice court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the ((~~board of~~) county ((~~commissioners~~)) legislative authority of the county wherein the court is located.

Sec. 8. Section 6, chapter 227, Laws of 1957 and RCW 9.95.230 are each amended to read as follows:

The court shall have authority at any time ((~~during the course of~~)) prior to the entry of an order terminating probation to (1) revoke, modify, or change its order of suspension of imposition or execution of sentence; (2) it may at any time, when the ends of justice will be subserved thereby, and when the reformation of the probationer shall warrant it, terminate the period of probation, and discharge the person so held.

Sec. 9. 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 are each amended to read as follows:

(1) If a person has gained money or property or caused a victim to lose money or property through the commission of a crime, upon conviction thereof or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement, the court, in lieu of imposing the fine authorized for the offense under RCW 9A.20.020, may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the commission of a crime. Such amount may be used to provide restitution to the victim at the order of the court. It shall be the duty of the prosecuting attorney to investigate the alternative

of restitution, and to recommend it to the court, when the prosecuting attorney believes that restitution is appropriate and feasible. If the court orders restitution, the court shall make a finding as to the amount of the defendant's gain or victim's loss from the crime, and if the record does not contain sufficient evidence to support such finding the court may conduct a hearing upon the issue. For purposes of this section, the terms "gain" or "loss" refer to the amount of money or the value of property or services gained or lost.

(2) Notwithstanding any other provision of law, this section also applies to any corporation or joint stock association found guilty of any crime.

NEW SECTION. Sec. 10. There is added to chapter 9A.52 RCW a new section to read as follows:

(1) A person is guilty of vehicle prowling in the first degree if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a motor home, as defined in RCW 46.04.305, or in a vessel equipped for propulsion by mechanical means or by sail which has a cabin equipped with permanently installed sleeping quarters or cooking facilities.

(2) Vehicle prowling in the first degree is a class C felony.

Sec. 11. Section 9A.52.100, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.100 are each amended to read as follows:

(1) A person is guilty of vehicle prowling in the second degree if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a vehicle other than a motor home, as defined in RCW 46.04.305, or a vessel equipped for propulsion by mechanical means or by sail which has a cabin equipped with permanently installed sleeping quarters or cooking facilities.

(2) Vehicle prowling in the second degree is a gross misdemeanor.

Sec. 12. Section 9A.56.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.040 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he commits theft of:

(a) Property or services which exceed(s) two hundred and fifty dollars in value, but does not exceed one thousand five hundred dollars in value; or

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; or

(c) A credit card; or

(d) A motor vehicle, of a value less than one thousand five hundred dollars; or

(e) A firearm, of a value less than one thousand five hundred dollars.

(2) Theft in the second degree is a class C felony.

Sec. 13. Section 9A.72.090, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.090 are each amended to read as follows:

(1) A person is guilty of bribing a witness if he offers, confers, or agrees to confer any benefit upon a witness or a person he has reason to believe is about to be called as a witness in any official proceeding or upon a person whom he has reason to believe may have information relevant to a criminal investigation, with intent to:

(a) Influence the testimony of that person; or

(b) Induce that person to avoid legal process summoning him to testify; or

(c) Induce that person to absent himself from an official proceeding to which he has been legally summoned.

(2) Bribing a witness is a class B felony.

Sec. 14. Section 9A.72.100, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.100 are each amended to read as follows:

(1) A witness or a person who has reason to believe he is about to be called as a witness in any official proceeding or that he may have information relevant to a criminal investigation is guilty of bribe receiving by a witness if he requests, accepts, or agrees to accept any benefit pursuant to an agreement or understanding that:

(a) His testimony will thereby be influenced; or

(b) He will attempt to avoid legal process summoning him to testify; or

(c) He will attempt to absent himself from an official proceeding to which he has been legally summoned.

(2) Bribe receiving by a witness is a class B felony.

Sec. 15. Section 9A.72.110, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.110 are each amended to read as follows:

(1) A person is guilty of intimidating a witness if, by use of a threat directed to a witness or a person he has reason to believe is about to be called as a witness in any official proceeding or to a person whom he has reason to believe may have information relevant to a criminal investigation, he attempts to:

(a) Influence the testimony of that person; or

(b) Induce that person to elude legal process summoning him to testify; or

(c) Induce that person to absent himself from such proceedings.

(2) "Threat" as used in this section means

(a) to communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(b) threats as defined in RCW 9A.04.110(25).

(3) Intimidating a witness is a class B felony.

Sec. 16. Section 9A.72.120, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.120 are each amended to read as follows:

(1) A person is guilty of tampering with a witness if he attempts to induce a witness or person he has reason to believe is about to be called as a witness in any official proceeding or a person whom he has reason to believe may have information relevant to a criminal investigation to:

(a) Testify falsely or, without right or privilege to do so, to withhold any testimony; or

(b) Absent himself from such proceedings.

(2) Tampering with a witness is a class C felony.

Sec. 17. Section 9A.76.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.050 are each amended to read as follows:

As used in RCW 9A.76.070, 9A.76.080, and 9A.76.090, a person "renders criminal assistance" if, with intent to prevent, hinder, or delay the apprehension or prosecution of another person who he knows has committed a crime or juvenile offense or is being sought by law enforcement officials for the commission of a crime or juvenile offense or has escaped from a detention facility, he:

(1) Harbors or conceals such person; or

(2) Warns such person of impending discovery or apprehension; or

(3) Provides such person with money, transportation, disguise, or other means of avoiding discovery or apprehension; or

(4) Prevents or obstructs, by use of force, deception, or threat, anyone from performing an act that might aid in the discovery or apprehension of such person; or

(5) Conceals, alters, or destroys any physical evidence that might aid in the discovery or apprehension of such person; or

(6) Provides such person with a weapon.

Sec. 18. Section 9A.76.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.070 are each amended to read as follows:

(1) A person is guilty of rendering criminal assistance in the first degree if he renders criminal assistance to a person who has committed or is being sought for murder in the first degree or any class A felony or equivalent juvenile offense.

(2) Rendering criminal assistance in the first degree is:

(a) A gross misdemeanor if it is established by a preponderance of the evidence that the actor is a relative as defined in RCW 9A.76.060;

(b) A class C felony in all other cases.

Sec. 19. Section 9A.76.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.080 are each amended to read as follows:

(1) A person is guilty of rendering criminal assistance in the second degree if he renders criminal assistance to a person who has committed or is being sought for a class B or class C felony or an equivalent juvenile offense or to someone being sought for violation of parole, probation, or community supervision.

(2) Rendering criminal assistance in the second degree is:

(a) A misdemeanor if it is established by a preponderance of the evidence that the actor is a relative as defined in RCW 9A.76.060;

(b) A gross misdemeanor in all other cases.

Sec. 20. Section 9A.76.110, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.110 are each amended to read as follows:

(1) A person is guilty of escape in the first degree if, being detained pursuant to a conviction of a felony or an equivalent juvenile offense, he escapes from custody or a detention facility.

(2) Escape in the first degree is a class B felony.

Sec. 21. Section 9A.76.120, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.120 are each amended to read as follows:

(1) A person is guilty of escape in the second degree if:

(a) He escapes from a detention facility; or

(b) Having been charged with a felony or an equivalent juvenile offense, he escapes from custody.

(2) Escape in the second degree is a class C felony.

Sec. 22. Section 1, chapter 75, Laws of 1979 ex. sess. and RCW 46.61.024 are each amended to read as follows:

Any driver of a motor vehicle who wilfully fails or refuses to immediately bring his vehicle to a stop and who drives his vehicle in a manner indicating a wanton (~~and~~) or wilful disregard for the lives or property of others while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and his vehicle shall be appropriately marked showing it to be an official police vehicle.

NEW SECTION. Sec. 23. Section 777, Code of 1881, section 63, chapter 249, Laws of 1909 and RCW 10.43.010 are each repealed."

In line 1 of the title, after "crimes;" strike the remainder of the title, and insert "amending section 1, chapter 175, Laws of 1969 ex. sess. as amended by section 1, chapter 258, Laws of 1981 and RCW 9.41.025; amending section 13, chapter 249, Laws of 1909 and RCW 9.92.010; amending section 15, chapter 249, Laws of 1909 and RCW 9.92.020; amending section 785, Code of 1881 as amended by section 14, chapter 249, Laws of 1909 and RCW 9.92.030; amending section 1, chapter 24, Laws of 1905 as last amended by section 1, chapter 29, Laws of 1979 and RCW 9.92.060; amending section 2, chapter 188, Laws of 1971 ex. sess. and RCW 9.92.064; amending section 1, chapter 19, Laws of 1980 as amended by section 42, chapter 136, Laws of 1981 and RCW 9.95.210; amending section 6, chapter 227, Laws of 1957 and RCW 9.95.230; 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 9A.52.100, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.100; amending section 9A.56.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.040; amending section 9A.72.090, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.090; amending section 9A.72.100, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.100; amending section 9A.72.110, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.110; amending section 9A.72.120, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.120; amending section

9A.76.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.050; amending section 9A.76.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.070; amending section 9A.76.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.080; amending section 9A.76.110, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.110; amending section 9A.76.120, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.120; amending section 1, chapter 75, Laws of 1979 ex. sess. and RCW 46.61.024; adding a new section to chapter 9A.52 RCW; repealing section 777, Code of 1881, section 63, chapter 249, Laws of 1909 and RCW 10.43.010; and prescribing penalties."

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Woody.

The bill was read the second time by sections.

Senator Hemstad moved adoption of the committee amendment.

On motion of Senator Newhouse, the following amendment to the committee amendment was adopted:

On page 3 of the committee amendment, after line 8, insert the following:

"Sec. 2. Section 1, chapter 64, Laws of 1933 and RCW 9.41.190 are each amended to read as follows:

~~((That))~~ ~~It~~ ~~((shall))~~ is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession~~((;))~~ or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun: PROVIDED, HOWEVER, That such limitation shall not apply to any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States of the state of Washington: PROVIDED FURTHER, That this section does not apply to a person, including an employee of such person, who or which is exempt from or licensed under the National Firearms Act (26 U.S.C. section 5801 et seq.), and engaged in the production, manufacture, or testing of weapons or equipment to be used or purchased by the armed forces of the United States, and having a United States government industrial security clearance."

Renumber the sections following consecutively and correct internal references accordingly.

Senator Bottiger moved adoption of the following amendment to the committee amendment:

On page 3, following line 8, insert a new section to read as follows:

NEW SECTION. Sec. 2. There is added to chapter 9.41 RCW a new section to read as follows:

It is unlawful for a person other than a federal, state, or local law enforcement officer, licensed security guard, members of the National Guard, members of the federal military, or a person authorized by the school authorities to be in possession or physical control of any firearm or pistol in any public or private elementary or secondary school building, or on the campus of such school.

Any violation of this section is a gross misdemeanor."

### POINT OF INQUIRY

Senator Patterson: "Senator Bottiger, as I read this, 'a public or private elementary or secondary school would not' then you speak of 'on the campus of such school would not include an institution of higher learning.' Is that correct?"

Senator Bottiger: "The amendment as I drafted was pretty much aimed at the K through twelve. I can see on a campus you may have a different problem and if you would care to offer another amendment I would have no objection."

The motion by Senator Bottiger failed and the amendment to the committee amendment was not adopted.

Senator Vognild moved adoption of the following amendment by Senators Quigg, Vognild and Rasmussen to the committee amendment:

On page 3 of the committee amendment, after line 8, insert the following:

"Sec. 2. Section 5, chapter 172, Laws of 1935 as amended by section 4, chapter 124, Laws of 1961 and RCW 9.41.050 are each amended to read as follows:

~~((No person shall carry a pistol in any vehicle unless it is unloaded or carry a pistol concealed on his person, except in his place of abode or fixed place of business, without a license therefor as hereinafter provided))~~ (1) Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a license to carry a concealed weapon.

(2) A person who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.

(3) A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed weapon and: (a) The pistol is on the licensee's person, (b) the licensee is within the vehicle at all times that the pistol is there, or (c) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle."

Renumber the sections following consecutively, and correct internal references accordingly.

#### POINT OF ORDER

Senator Charnley: "Thank you, Mr. President. I would raise the question of scope and object on the amendment."

#### MOTION

On motion of Senator Clarke, House Bill No. 600, together with the pending committee amendment, as amended, the amendment by Senators Quigg, Vognilid and Rasmussen to the committee amendment and the Point of Order raised by Senator Charnley on that amendment, was ordered held for a Ruling by the President.

#### MOTION

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

#### THIRD READING

HOUSE BILL NO. 851, by House Committee on Human Services and Representative Mitchell (by Department of Social and Health Services request):

Modifying eligibility for services for developmentally disabled.

#### MOTIONS

On motion of Senator Deccio, the rules were suspended and House Bill No. 851 was returned to second reading.

On motion of Senator Goltz, the following amendment was adopted:

On page 1, after ". " on line 7, insert a new section to read as follows:

"NEW SECTION. Sec. 2. There is added to chapter 71.20 RCW a new section to read as follows:

Prior to the development of a new statutory definition by the Department of Social and Health Services the term "developmental disability" shall mean a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary (of Health and Human Services) to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before

such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual."

On motion of Senator Deccio, the rules were suspended, House Bill No. 851, 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. 851, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 18; absent or not voting, 2; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Woody, Zimmerman—28.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Hughes, Hurley, Lysen, McDermott, Moore, Ridder, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—18.

Absent or not voting: Senators Guess, Sellar—2.

Excused: Senator Talley—1.

HOUSE BILL NO. 851, 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 Clarke, Substitute House Bill No. 808 was held pending distribution of amendments.

### MOTION

On motion of Senator Clarke, the Senate returned to the sixth order of business.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 922, by House Committee on Institutions (originally sponsored by Representatives Amen, Williams, Sommers, Greengo, Nelson (G.), Struthers, Houchen, Thompson and Becker) (by Legislative Budget Committee request):

Authorizing parole board to reduce prison overcrowding.

The bill was read the second time by sections.

An amendment by Senators Pullen, Rasmussen and Hurley will be considered at a later time.

Senator Talmadge moved adoption of the following amendment by Senators Talmadge and Pullen:

On page 1, line 21, after "section" insert ": PROVIDED, That certification, in writing, by the Governor and concurrence of the Secretary of the Department of Corrections that reductions to reduce prison overcrowding are necessary, shall precede any action by the board"

### POINT OF INQUIRY

Senator Goltz: "Senator Talmadge, I see the triggering-in mechanism but I don't see any way to trigger out. I guess what I am asking is, is there any time when

once a certification is made that the prison goes back to a state which is not one of being overcrowded so that the authority given under the triggering is terminated?"

Senator Talmadge: "No, we did not have a trigger-out provision, Senator Goltz. I think we left that pretty much up to the discretion of the governor and the secretary of corrections. The feeling was that the protection was more important at the trigger-in stage than at the trigger-out stage; and we would rely on the discretion of the governor and the secretary to so declare.

"But I think the triggering-in section is one that is important for invoking the authority of the board to release someone on the basis of overcrowding."

#### POINT OF INQUIRY

Senator Bottiger: "Senator Talmadge, while we are doing this, why don't we delete the words 'or treason?' Treason is a federal crime and not a state crime and I don't know anybody that has ever been convicted in the state court for treason."

Senator Talmadge: "Senator, for the life of me, I couldn't figure out why the House or the proponents of the measure here in the Senate would keep 'treason' in as one of the crimes to be concerned about."

#### REMARKS BY THE PRESIDENT

President Cherberg: "Senator Talmadge, the amendment under consideration by the Senate is on page 1, line 21, after section insert 'Provided that certification in writing by the governor and concurrence of the secretary of the department of corrections, that reductions to reduce prison overcrowding are necessary, shall precede any action by the board.' That is the amendment under consideration?"

Senator Talmadge: "That is correct, Mr. President. Senator Bottiger's remarks were directed I believe to the third of the three amendments that are on that page."

#### POINT OF INQUIRY

Senator Haley: "Thank you, Mr. President, but the word 'treason'—such a wonderful word and it occurs so many times in all the childhood and boyhood books like 'Kidnapped' and Robert Louis Stevenson's 'Treasure Island' and so forth. Too bad to leave it out.

"But what I really am standing for, would Senator Talmadge mind yielding to a question?

"What about the phasing out of the board of prison terms and paroles? What about your amendment that involves them and they are supposed to phase out, what, 1983?"

Senator Talmadge: "1984, Senator."

Senator Haley: "Well, what happens after they phase out with this amendment that tells them to do certain things?"

Senator Talmadge: "This amendment would also phase out. The authority to release prisoners is under House Bill 440. Once the board of prison terms and paroles phases out at the end of 1983, the board of clemency and pardons, I believe is the new organization under House Bill 440 then takes over and effects the authority of the board of prison terms and paroles. The board of prison terms and paroles and all of the issues contained in this bill would themselves phase out once the board itself phases out at the end of 1983."

Debate ensued.

The motion by Senator Talmadge carried and the amendment was adopted.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Deccio moved the Senate immediately reconsider the vote by which the amendment by Senators Talmadge and Pullen was adopted.

Senator Deccio 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 Deccio that the Senate reconsider the vote by which the amendment by Senators Talmadge and Pullen was adopted.

## ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Benitz, Bluechel, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—21.

Voting nay: Senators Bauer, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lee, Lysen, McDermott, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—27.

Excused: Senator Talley—1.

Senator Pullen moved adoption of the following amendment by Senators Pullen, McCaslin, Hurley, Vognild, Craswell, Rasmussen and von Reichbauer:

On page 1, section 1, line 13 after "consequences." add

"The Legislature also recognizes that any immediate reduction in prison inmate population must be balanced with the need to protect society by ensuring that unrehabilitated inmates convicted of violent crimes are not prematurely released into society."

Debate ensued.

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 amendment by Senator Pullen and others.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 24; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Clarke, Craswell, Gaspard, Goltz, Guess, Hansen, Hughes, Hurley, Lysen, McCaslin, Moore, Patterson, Peterson, Pullen, Rasmussen, Talmadge, Vognild, von Reichbauer, Williams, Wilson—23.

Voting nay: Senators Benitz, Bluechel, Conner, Deccio, Fuller, Gallagher, Gould, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McDermott, Metcalf, Newhouse, Quigg, Ridder, Scott, Sellar, Shinpoch, Wojahn, Woody, Zimmerman—24.

Absent or not voting: Senator Fleming—1.

Excused: Senator Talley—1.

Senator Pullen moved adoption of the following amendment by Senators Pullen and Talmadge:

On page 1, line 21, after "shall not" strike "be inconsistent with any" and insert "apply to inmates serving"

Debate ensued.

## POINT OF INQUIRY

Senator Ridder: "Senator Pullen, I am not quite sure of the application of your amendment. Unlike you, perhaps, or perhaps you read so clearly, I can't understand the original language.

"I am wondering, however, if, and you know more about sentencing I think than I do, but (from your studies), but where it says 'apply to inmates serving.' If, in a case where there is a mandatory minimum sentence and someone has been sentenced to a term longer than the minimum, would those inmates then be eligible for earlier release or not? Or would your amendment exclude those? If they had already served their mandatory minimum?"

Senator Pullen: "No, this amendment and the language of the bill would apply only to those inmates who are convicted of a very serious life-endangering crime. And when that happens, a minimum period of confinement is set by the parole board.

"Under RCW 9.95.040 which is cited in the bill, that minimum is ordinarily five years. It could be higher. But the minimum is invariably far less than the maximum sentence. For example for a Class A felony, the maximum sentence is life. Normally a person sentenced to a Class A felony would, in far less than life, usually less than ten years, in fact, it is frequently the five-year mandatory minimum.

"So both the bill and some of these subsequent amendments, including the one that I am offering here, would merely refer to the minimum period of confinement set by the parole board."

Senator Ridder: "So that a person had a mandatory five-year sentence who say had been sentenced to ten, would still be eligible for some early reduction because he would have gone beyond the mandatory minimum — is that correct? I am trying to determine whether you are putting out those who are in that category, or whether you are simply trying to see that the mandatory minimum is not invaded."

Senator Pullen: "No; I believe that that is the intent of the bill and it also would be my intent to merely see that the mandatory minimum is not invaded."

Further debate ensued.

The motion by Senator Pullen carried and the amendment by Senators Pullen and Talmadge was adopted.

Senator Talmadge moved the following amendments by Senators Talmadge and Pullen be considered and adopted simultaneously:

On page 1, line 23, after "for treason" strike all of the material down to and including "degree" on line 24 and insert ", any class A felony"

On page 1, beginning on line 26, after "(2) The" strike all of the material down to and including "resources" on page 2, line 8 and insert the following: "board of prison terms and paroles shall adopt, within ninety days of the effective date of this act, guidelines for the reductions of the inmate population. These guidelines shall be applied to all inmates except those with mandatory minimums under RCW 9.95.040 or those confined for a class A felony. The rules shall be adopted pursuant to Chapter 34.04 RCW.

(3) In establishing these guidelines, the board shall give priority to sentence reductions for inmates incarcerated for nonviolent offenses, inmates who are within six months of a scheduled parole, and inmates with the best records of conduct during confinement.

(4) In adopting this program, the board shall consider the public safety, the detrimental effect of overcrowding upon inmate rehabilitation, and the best allocation of limited correctional facility resources.

(5) The rules adopted according to the provisions of Section 2 of this act shall not be implemented until the rules are submitted to the senate social and health services and the house institutions committee for their consideration and review"

Renumber remaining sections accordingly.

## MOTION

At 2:34 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 3:50 p.m.

## MOTION

On motion of Senator Clarke, the Senate returned to the fourth order of business.

## MESSAGES FROM THE HOUSE

March 9, 1982.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3249,  
 SENATE BILL NO. 3425,  
 SUBSTITUTE SENATE BILL NO. 4046,  
 SENATE BILL NO. 4064,  
 SUBSTITUTE SENATE BILL NO. 4163,  
 SENATE BILL NO. 4307,  
 SENATE BILL NO. 4313,  
 SUBSTITUTE SENATE BILL NO. 4460,  
 SENATE BILL NO. 4466,  
 SENATE BILL NO. 4474,  
 SENATE BILL NO. 4488,  
 SENATE BILL NO. 4491,  
 SUBSTITUTE SENATE BILL NO. 4501,  
 SUBSTITUTE SENATE BILL NO. 4505,  
 SENATE BILL NO. 4512,  
 SUBSTITUTE SENATE BILL NO. 4562,  
 SUBSTITUTE SENATE BILL NO. 4566,  
 SENATE BILL NO. 4569,  
 SENATE BILL NO. 4599,  
 SENATE BILL NO. 4602,  
 SENATE BILL NO. 4644,  
 SENATE BILL NO. 4681,  
 SUBSTITUTE SENATE BILL NO. 4692,  
 SENATE BILL NO. 4701,  
 SUBSTITUTE SENATE BILL NO. 4750,  
 SUBSTITUTE SENATE BILL NO. 4846,  
 SUBSTITUTE SENATE BILL NO. 4852,  
 SENATE BILL NO. 4919,  
 SENATE BILL NO. 4952,  
 SENATE BILL NO. 4956, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 9, 1982

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 146, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 9, 1982.

Mr. President: The Speaker has signed:

ENGROSSED HOUSE BILL NO. 757,  
 ENGROSSED HOUSE BILL NO. 947,  
 SUBSTITUTE HOUSE BILL No. 1047,  
 HOUSE CONCURRENT RESOLUTION NO. 47.

VITO T. CHIECHI, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed: SENATE BILL NO. 4831.

## SIGNED BY THE PRESIDENT

The President signed:  
 HOUSE BILL NO. 757,  
 HOUSE BILL NO. 947,  
 SUBSTITUTE HOUSE BILL NO. 1047,  
 HOUSE CONCURRENT RESOLUTION NO. 47.

## MESSAGE FROM THE HOUSE

March 5, 1982.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3946 with the following amendments:

On page 2, line 35, after "PROVIDED" insert:

"HOWEVER, That such aircraft fuel excise tax shall not apply to fuel for aircraft that both operate from a private, non-state-funded airfield during at least ninety-five percent of the aircraft's normal use and are used principally for the application of pesticides, herbicides, or other agricultural chemicals: PROVIDED FURTHER,"

On page 3, line 27, after "June 30," strike "1981" and insert "1982":

On page 4, beginning on line 1, strike all material down through line 10 and insert "supplemental air carrier (~~(operating under)~~) who has obtained a certificate of public convenience and necessity under the provisions of the Federal Aviation Act of 1958, Public Law 85-726, as amended; (2) the delivery of aircraft by the manufacturer of such aircraft to an air carrier or supplemental air carrier who, at the moment of delivery, has a valid certificate of public convenience and necessity under the provisions of the Federal Aviation Act of 1958, Public Law 85-726, as amended; (3) the operation of aircraft for testing or experimental purposes, including the operation of aircraft in the testing or experimentation of any other aircraft; (~~and (3))~~ (4) the operation of aircraft when such operation is for the training of crews for (~~(purchasers of aircraft)~~) certificated air carriers; and (5) the operation of aircraft in the operations of a local service commuter: PROVIDED, That the director's determination as to a particular activity for which aircraft fuel is used as being an exemption under this section, or otherwise, shall be final." and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to page 2, line 35 and page 3, line 37 to Substitute Senate Bill No. 3946 and refused to concur in the House amendment to page 4, beginning on line 1 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

March 8, 1982.

Mr. President: The House has passed SENATE BILL NO. 4025 with the following amendment:

On page 1, beginning on line 8, strike all of Sec. 2 and insert:

"NEW SECTION. Sec. 2. Upon vacation of the Smith's Cove waterway under section 1 of this act, the fair market value of those tidelands lying landward of the inner harbor line shall be determined by the department of natural resources at an amount not less than the average of at least two independent appraisals. Such lands shall be offered for sale to the Port of Seattle at fair market value. When the entire sale price is received the deed shall be issued in accordance with RCW 79.01.220 or section 32, chapter \_\_\_\_\_, Laws of 1982 ex. sess. (SSB 4824). Proceeds from sale shall first be used to reimburse the resource management cost account for appraisal costs and the remainder shall be deposited in the state general fund." and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Newhouse, the Senate refused to concur in the House amendment to Senate Bill No. 4025 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 8, 1982.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 4640 with the following amendments:

On page 16, line 20 of the engrossed bill, after "director" and before the period insert ", except as provided in an act making an appropriation for the retirement system"

On page 46, beginning on line 14 of the engrossed bill, strike section 39 and insert the following:

"NEW SECTION. Sec. 39. Section 10 of 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. The remainder of this act shall take effect July 1, 1982."

On page 3, line 13 of the title of the engrossed bill, after "43.43.267;" strike "and"

On page 3, line 14 of the title of the engrossed bill, after "date" and before the period insert "; and declaring an emergency", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Newhouse, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 4640 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 7, 1982.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3297 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. It is the purpose of this chapter to reduce the incidence of arson fraud by requiring insurers to obtain specified information prior to issuing a fire insurance policy for certain structures and by authorizing insurers to cancel fire insurance policies when characteristics frequently associated with arson fraud are present.

NEW SECTION. Sec. 2. (1) The state fire marshal may designate certain classes of occupancy within a geographic area or may designate geographic areas as

having an abnormally high incidence of arson. This designation shall not be a valid reason for cancellation, refusal to issue or renew, modification, or increasing the premium for any fire insurance policy.

(2) A fire insurance policy may not be issued to insure any property within a class of occupancy within a geographic area or within a geographic area designated by the state fire marshal as having an abnormally high incidence of arson until the applicant has submitted an anti-arson application and the insurer or the insurer's representative has inspected the property. The application shall be prescribed by the state fire marshal and shall contain but not be limited to the following:

(a) The name and address of the prospective insured and any mortgagees or other parties having an ownership interest in the property to be insured;

(b) The amount of insurance requested and the method of valuation used to establish the amount of insurance;

(c) The dates and selling prices of the property, if any, during the previous three years;

(d) Fire losses exceeding one thousand dollars during the previous five years for property in which the prospective insured held an equity interest or mortgage;

(e) Current corrective orders pertaining to fire, safety, health, building, or construction codes that have not been complied with within the time period or any extension of such time period authorized by the authority issuing such corrective order applicable to the property to be insured;

(f) Present or anticipated occupancy of the structure, and whether a certificate of occupancy has been issued;

(g) Signature and title, if any, of the person submitting the application.

(3) If the facts required to be reported by subsection (2) of this section materially change, the insured shall notify the insurer of any such change within fourteen days.

(4) An anti-arson application is not required for: (a) Fire insurance policies covering one to four-unit owner-occupied residential dwellings; (b) policies existing as of the effective date of this act; or (c) the renewal of these policies.

(5) An anti-arson application shall contain a notice stating: "Designation of a class of occupancy within a geographic area or geographic areas as having an abnormally high incidence of arson shall not be a valid reason for cancellation, refusal to issue or renew, modification, or increasing the premium for any fire insurance policy."

NEW SECTION. Sec. 3. Notwithstanding the provisions of RCW 48.18.290, where two or more of the following conditions exist, an insurer may, under section 4 of this act, cancel a fire insurance policy for any structure:

(1) Which, without reasonable explanation, is unoccupied for more than sixty consecutive days, or in which at least sixty-five percent of the rental units are unoccupied for more than one hundred twenty consecutive days unless the structure is maintained for seasonal occupancy or is under construction or repair;

(2) On which, without reasonable explanation, progress toward completion of permanent repairs has not occurred within sixty days after receipt of funds following satisfactory adjustment or adjudication of loss resulting from a fire;

(3) Which, because of its physical condition, is in danger of collapse;

(4) For which, because of its physical condition, a vacation or demolition order has been issued, or which has been declared unsafe in accordance with applicable law;

(5) From which fixed and salvageable items have been removed, indicating an intent to vacate the structure;

(6) For which, without reasonable explanation, heat, water, sewer, and electricity are not furnished for sixty consecutive days; and

(7) Which is not maintained in substantial compliance with fire, safety, and building codes.

**NEW SECTION.** Sec. 4. An insurer may cancel a fire insurance policy when the requirements of section 3 of this act are met only in accordance with the following procedure:

(1) The insurer shall, not less than five days prior to cancellation, issue written notice of cancellation to the insured or the insured's representative in charge of the policy. The notice shall contain at least the following:

- (a) The date that the policy will be canceled;
- (b) A description of the specific facts justifying the cancellation;
- (c) A copy of this chapter; and

(d) The name, title, address, and telephone number of the insurer's employee who may be contacted regarding cancellation of the policy.

(2) The notice required by this section shall be actually delivered or mailed to the insured by certified mail, return receipt requested, and in addition by first class mail. A copy of the notice shall, at the time of delivery or mailing to the insured, or the insured's representative in charge of the policy, be mailed to the insurance commissioner.

(3) the insurer shall also comply with the requirements of RCW 48.18.290(1) (b), (2) and (3), and shall provide not less than twenty days notice of cancellation to each mortgagee, pledgee, or other person shown by the policy to have an interest in any loss which may occur thereunder except as provided in subsection (1) of this section.

(4) The portion of any premium paid to the insurer on account of the policy, unearned because of the cancellation and in an amount as computed on a pro rata basis, must be actually paid or mailed to the insured or other person entitled thereto as shown by the policy or any endorsement thereon, as soon as possible, and no later than thirty days after the date that the notice of cancellation was issued.

**NEW SECTION.** Sec. 5. (1) Any fire insurance policy issued in violation of this chapter shall not be cancelled by the insurer under the procedures authorized by this chapter.

(2) Cancellation of a fire insurance policy in violation of this chapter shall constitute a violation of this title.

**NEW SECTION.** Sec. 6. Rules designating geographic areas or classes of occupancy as having an abnormally high incidence of arson, and any other rules necessary to implement this chapter shall be adopted by the state fire marshal under chapter 34.04 RCW.

Sec. 7. Section .18.29, chapter 79, Laws of 1947 as last amended by section 7, chapter 102, Laws of 1980 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 and except for cancellation of fire insurance policies under chapter 48.... RCW (sections 1 through 6 of this act), which notice shall not be less than five days prior to such date;

(b) Like notice of not less than twenty days 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, 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.

**NEW SECTION.** Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 48 RCW."

On page 1, line 1 of the title after "insurance;" strike the remainder of the title and insert "amending section .18.29, chapter 79, Laws of 1947 as last amended by section 7, chapter 102, Laws of 1980 and RCW 48.18.290; adding a new chapter to Title 48 RCW; and prescribing penalties.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3297.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3297, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Absent or not voting: Senators Bottiger, Fleming, Hayner, McDermott, Scott—5.

Excused: Senator Talley—1.

ENGROSSED 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

March 8, 1982.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3361 with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Section 2, chapter 348, Laws of 1955 as amended by section 1, chapter 47, Laws of 1975 1st ex. sess. and RCW 53.08.120 are each amended to read as follows:

All material required by a port district may be procured in the open market or by contract and all work ordered may be done by contract or day labor. All such contracts for work, the estimated cost of which exceeds ((thirty)) forty thousand dollars, shall be let at public bidding upon notice published in a newspaper in the district at least ten days before the letting, calling for sealed bids upon the work, plans and specifications for which shall then be on file in the office of the commission for public inspection. The same notice may call for bids on such work or material based upon plans and specifications submitted by the bidder.

Each port district shall maintain a small works roster which shall be comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in the state of Washington.

Whenever work is done by contract, the estimated cost of which is ((thirty)) forty thousand dollars or less, the managing official of the port district shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That not less than five separate appropriate contractors shall be invited to submit proposals on any individual contract: PROVIDED FURTHER, That whenever possible, the managing official shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section. Such invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

When awarding such a contract for work, the estimated cost of which is ((thirty)) forty thousand dollars or less, the managing official shall give weight to the contractor submitting the lowest and best proposal, and whenever it would not violate the public interest, such contracts shall be distributed equally among contractors, including minority contractors, on the small works roster.

NEW SECTION. Sec. 2. There is added to chapter 53.08 RCW a new section to read as follows:

Port districts shall determine if any construction project over forty thousand dollars can be accomplished less expensively by contracting out. If contracting out is less expensive, the port district may contract out such project."

In the title, page 1, beginning on line 1, strike all after "districts;" and insert "amending section 2, chapter 348, Laws of 1955 as amended by section 1, chapter 47, Laws of 1975 1st ex. sess. and RCW 53.08.120; and adding a new section to chapter 53.08 RCW.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTIONS

On motion of Senator Jones, Senator Hayner was excused.

On motion of Senator Ridder, Senators Bottiger, Fleming and McDermott were excused.

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Substitute Senate Bill No. 3361.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3361, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 1; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Hurlley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Guess, Quigg—2.

Absent or not voting: Senator Scott—1.

Excused: Senators Bottiger, Fleming, Hayner, McDermott, Talley—5.

SUBSTITUTE SENATE BILL NO. 3361, 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 6, 1982.

Mr. President: The House has passed SENATE BILL NO. 3795 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 3, chapter 117, Laws of 1975 1st ex. sess. and RCW 48.44-.250 are each amended to read as follows:

Any employee whose compensation includes a health care services contract providing health care services expenses, the premiums for which are paid in full or in part by an employer including the state of Washington, its political subdivisions, or municipal corporations, or paid by payroll deduction, may pay the premiums as they become due directly to the (~~health care service contractor~~) contract holder whenever the employee's compensation is suspended or terminated directly or indirectly as the result of a strike, lockout, or other labor dispute, for a period not exceeding six months and at the rate and coverages as the health care service contract provides. During that period of time such contract may not be altered or changed. Nothing in this section shall be deemed to impair the right of the (~~insurer~~) health care service contractor to make normal decreases or increases of the premium rate upon expiration and renewal of the (~~policy~~) contract, in accordance with the provisions of the (~~policy~~) contract. Thereafter, if such health care services coverage is no longer available, then the employee shall be given the opportunity to purchase an individual health care services contract at a rate consistent with rates filed by the health care service contractor with the commissioner. When the employee's compensation is so suspended or terminated, the employee shall be notified immediately by the contract holder in writing, by mail addressed to the address last of record with the contract holder, that the employee may pay the premiums to the (~~health care service contractor~~) contract holder as they become due as provided in this section.

Payment of the premiums must be made when due or the coverage may be terminated by the health care service contractor.

The provisions of any health care services contract contrary to provisions of this section are void and unenforceable after May 29, 1975.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendment to Senate Bill No. 3795.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3795, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Absent or not voting: Senator Scott—1.

Excused: Senators Bottiger, Fleming, Hayner, McDermott, Talley—5.

SENATE BILL NO. 3795, 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 Bluechel, Senator Kiskaddon was excused.

## MESSAGE FROM THE HOUSE

March 8, 1982.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4115 with the following amendment:

On page 8, after line 7, strike all material down through line 13 and insert the following:

"This chapter shall not apply to the gross receipts of an international banking facility.

As used in this section, an "international banking facility" means a facility represented by a set of asset and liability accounts segregated on the books and records of a commercial bank, the principal office of which is located in this state, and which is incorporated and doing business under the laws of the United States or of this state, a United States branch or agency of a foreign bank, an Edge corporation organized under Section 25(a) of the Federal Reserve Act, 12 United States Code 611-631, or an Agreement corporation having an agreement or undertaking with the Board of Governors of the Federal Reserve System under Section 25 of the Federal Reserve Act, 12 United States Code 601-604(a), that includes only international banking facility time deposits (as defined in subsection (a)(2) of Section 204.8 of Regulation D (12 CFR Part 204), as promulgated by the Board of Governors of the Federal Reserve System), and international banking facility extensions of credit (as defined in subsection (a)(3) of Section 204.8 of Regulation D).", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 4115.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4115, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; nays, 10; absent or not voting, 1; excused, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hurley, Jones, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Sellar, von Reichbauer, Wojahn, Woody, Zimmerman—32.

Voting nay: Senators Charnley, Hughes, Lysen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson—10.

Absent or not voting: Senator Scott—1.

Excused: Senators Bottiger, Fleming, Hayner, Kiskaddon, McDermott, Talley—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4115, 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 8, 1982.

Mr. President: The House has passed SENATE BILL NO. 4436 with the following amendment:

On page 2, line 14 after "disease" strike "or that the livestock are breedable" and insert "PROVIDED, That the seller has complied with all state and federal laws and regulations that apply to animal health and disease, and the seller is not guilty of fraud, deceit or misrepresentation.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendment to Senate Bill No. 4436.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4436, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent or not voting, 2; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—40.

Voting nay: Senators Bottiger, Hughes, McDermott, Talmadge—4.

Absent or not voting: Senators McCaslin, Scott—2.

Excused: Senators Fleming, Hayner, Talley—3.

SENATE BILL NO. 4436, 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 8, 1982.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 4438 with the following amendments:

On page 7, at the beginning of line 17, strike "commission merchant or"

On page 8, at the beginning of line 4, strike "((principal)) commission merchant or dealer or his" and insert "principal or his or her", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Substitute Senate Bill No. 4438.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4438, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator McDermott—1.

Excused: Senators Fleming, Talley—2.

SUBSTITUTE SENATE BILL NO. 4438, 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 8, 1982.

Mr. President: The House has passed SENATE BILL NO. 4468 with the following amendments:

On page 2, after line 20, add a section as follows:

"Sec. 2. Section 39, chapter 274, Laws of 1947 as last amended by section 6, chapter 205, Laws of 1979 ex. sess. and RCW 41.40.380 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, or retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group (~~life or disability~~) insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and which has been approved for deduction in accordance with rules and regulations that may be promulgated by the state employees' insurance board and/or the department of retirement systems, and this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(3) Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or

in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation."

Renumber the remaining section consecutively.

On page 1, on line 3 of the title after "41.32.590;" insert "amending section 39, chapter 274, Laws of 1947 as last amended by section 6, chapter 205, Laws of 1979 ex. sess. and RCW 41.40.380;", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE SENATE BILL NO. 4716.

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Senate Bill No. 4468.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4468, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Jones—1.

Excused: Senators Fleming, Talley—2.

SENATE BILL NO. 4468, 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 8, 1982.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 4544 with the following amendments:

On page 1, line 21, after "agency" and before the semicolon, insert ". Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor"

On page 1, line 26, after "financing." add:

"In the event a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in subsection (1), (2) and (3) of this section, the manufacturer, governmental agency, financial institution or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Engrossed Senate Bill No. 4544.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4544, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 4; excused, 1.

Voting yea: Senators Bauer; Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guss, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senator Moore—1.

Absent or not voting: Senators Gould, Shinpoch, Talmadge, Zimmerman—4.

Excused: Senator Talley—1.

ENGROSSED SENATE BILL NO. 4544, 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 8, 1982.

Mr. President: The House has passed SENATE BILL NO. 4584 with the following amendments:

On page 2 following section 4 add a new section as follows and renumber the remaining section consecutively:

"Sec. 5. Section 3, chapter 233, Laws of 1969 ex. sess. as last amended by section 3, chapter 31, Laws of 1979 and RCW 67.16.102 are each amended to read as follows:

"Notwithstanding any other provision of chapter 67.16 RCW to the contrary the licensee shall withhold and shall pay daily to the commission, in addition to the percentages authorized by RCW 67.16.100 and 67.16.130, as now or hereafter amended, and RCW 67.16.105, one percent of the gross receipts of all parimutuel machines at each race meet which sums shall, at the end of each meet, be paid by the commission to the licensed owners of those horses finishing first, second, third and fourth Washington bred only at each meet from which the additional one percent is derived in accordance with an equitable distribution formula to be promulgated by the commission prior to the commencement of each race meet: **PROVIDED**, That nothing in this section shall apply to race meets which are non-profit in nature, or of ten days or less or which have an average daily handle of less than one hundred twenty thousand dollars: **PROVIDED**, That the additional one percent of the gross receipts of all parimutuel machines at each race meet and the amount retained by the commission as specified in RCW 67.16.100 shall be deposited daily in a time deposit by the commission and the interest derived therefrom shall be distributed annually on an equal basis to those ~~((county legislative authorities that operate fairs, authorized by chapter 36.37 RCW, and))~~ race courses at which independent race meets are held which are nonprofit in nature and are of ten days or less: **PROVIDED**, That ~~((such county legislative authorities have approved and are operating a program of use for said race course for year-round equine training and quartering))~~ prior to receiving a payment under this section any new race course shall meet the qualifications set forth in this section for a period of two years: **PROVIDED, FURTHER**, That said distributed funds shall be used for the purpose of maintaining and upgrading the respective racing courses and equine quartering areas of said nonprofit meets. The commission shall not permit the licensees to take into consideration the benefits derived from this section in establishing purses."

In line 9 of the title after "67.16.180;" and before "and creating" insert "amending section 3, chapter 233, Laws of 1969 ex. sess. as last amended by section 3, chapter 31, Laws of 1979 and RCW 67.16.102;", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

Senator Newhouse moved the Senate concur in the House amendments to Senate Bill No. 4584.

### POINT OF INQUIRY

Senator Goltz: "Senator Newhouse, as I understand the amendment, it changes, or for this portion of racing, it does not allow this to be distributed through the county fairs, is that correct?"

Senator Newhouse: "This is not the part that goes to the fair fund, Senator Goltz. This is an interest on an account that is accumulated in some few thousand dollars per year, presently divided into three counties which have this type of track. It so happens that Walla Walla county has two tracks, so any track, each one of those four tracks will get directly, my interpretation, one-fourth of that fund rather than each county getting one-third and then Walla Walla county having to divide that third into two tracks."

Senator Goltz: "Then the digest, concerning the House amendment, on page 13, is incorrect?"

Senator Newhouse: "That is my interpretation. The chairman of the committee and I went over and talked to the House people who were responsible for the amendment."

The motion by Senator Newhouse carried and the Senate concurred in the House amendments to Senate Bill No. 4584.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4584, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Deccio, McCaslin, Moore, Patterson—4.

Absent or not voting: Senator Zimmerman—1.

Excused: Senator Talley—1.

SENATE BILL NO. 4584, 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 6, 1982.

Mr. President: The House has passed SENATE BILL NO. 4660 with the following amendments:

On page 3, beginning on line 12, strike all of section 2, and insert the following:

"Sec. 2. Section 1, chapter 84, Laws of 1977 ex. sess. as last amended by section 7, chapter ... (HB 385), Laws of 1982 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 proposed new or amendatory rule 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 statutory authority for the rule,))~~ and any other information which may be of assistance in identifying the rule or its purpose;

(b) Citations of the statutory authority for adopting the rule and the specific statute the rule is intended to implement;

(c) A summary of the rule and a statement of the reasons supporting the proposed action;

~~((f))~~ (d) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

~~((d))~~ (e) The name of the person or organization, whether private, public, or governmental, proposing the rule;

~~((e))~~ (f) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

~~((f))~~ (g) 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;

~~((g))~~ (h) A copy of the small business economic impact statement, where applicable.

(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 notice and 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))~~ rules review committee."

In line 4 of the title, after "as" strike everything through and including "1980" on line 5, and insert "last amended by section 7, chapter ... (HB 385), Laws of 1982"

On page 4, after line 16, insert the following:

"NEW SECTION. Sec. 3. There is added to chapter 34.04 RCW a new section to read as follows:

Each agency head shall be responsible for conducting a review of the agency's rules contained in the Washington Administrative Code in order to identify each rule which the agency head believes was designed, in whole or in part, to conform to a federal law which, on or after January 1, 1981, has been eliminated or changed in a manner which reduces or deletes the requirements or standards with which the rule was designed to conform. For purposes of this section, "federal law" includes federal statutes and federal rules and regulations.

NEW SECTION. Sec. 4. There is added to chapter 34.04 RCW a new section to read as follows:

(1) By November 1, 1982, and each year thereafter, each agency shall provide the office of financial management with a document containing: (a) A list citing the rules identified pursuant to section 3 of this act and the actions, if any, taken by the agency head to change or eliminate the rules; and (b) a list of those rules which

cannot be changed or eliminated without conflicting with the statutes authorizing, or dealing with, the rules and a list of such statutes.

(2) The office of financial management shall compile the documents submitted under subsection (1) of this section and by January 1, 1983, and each year thereafter, shall provide the compilation to the speaker of the house of representatives and the president of the senate.

NEW SECTION. Sec. 5. There is added to chapter 34.04 RCW a new section to read as follows:

Sections 3 and 4 of this act apply to each "agency" as defined in RCW 34.04.010. It also applies to each agency exempted, in whole or in part, under RCW 34.04.150.

Sec. 6. Section 15, chapter 234, Laws of 1959 as last amended by section 2, chapter 64, Laws of 1981 and RCW 34.04.150 are each amended to read as follows:

Except as provided under section 5 of this 1982 act, this chapter shall not apply to the state militia, or the board of prison terms and paroles, or any institution of higher education as defined in RCW 28B.19.020. The provisions of RCW 34.04.090 through 34.04.130 shall not apply to the board of industrial insurance appeals or the board of tax appeals unless an election is made pursuant to RCW 82.03.140 or 82.03.190. The provisions of RCW 34.04.090 through 34.04.130 and the provisions of RCW 34.04.170 shall not apply to the denial, suspension, or revocation of a driver's license by the department of licensing. To the extent they are inconsistent with RCW 80.50.140, the provisions of RCW 34.04.130, 34.04.133, and 34.04.140 shall not apply to review of decisions made under RCW 80.50.100. All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act."

In line 6 of the title, after "34.04.045;" insert "amending section 15, chapter 234, Laws of 1959 as last amended by section 2, chapter 64, Laws of 1981 and RCW 34.04.150;"

In line 8 of the title, after "28B.19.030;" strike "and"

In line 9 of the title, after "28B.19.033" and before the period, insert "; and adding new sections to chapter 34.04 RCW", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Hemstad, the Senate concurred in the House amendments to Senate Bill No. 4660.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4660, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talley—1.

SENATE BILL NO. 4660, 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 8, 1982.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4728 with the following amendments:

On page 2, after line 3, insert "(2) "Local improvement district" includes local improvement districts, utility local improvement districts, road improvement districts, and other improvement districts that a municipal corporation is authorized by law to establish;"

Renumber the remaining subsections consecutively

On page 2, beginning on line 29, strike "or road improvement district"

On page 4, line 23, beginning with "permitted" strike all the matter down to and including "Constitution" on line 25, and insert "the municipal corporation is otherwise permitted to incur without a vote of the electors"

On page 7, line 11, after "." insert "This section shall not apply to bonds having a total value exceeding fifteen million dollars.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Sellar, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4728.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4728, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Bottiger, Lysen, Pullen, Rasmussen, Wilson—5.

Excused: Senator Talley—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4728, 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 8, 1982.

Mr. President: The House has passed SENATE BILL NO. 4905 with the following amendments:

On page 2, line 5, after "office" insert "or resignations"

On page 3, line 27, after "office" insert "or resignations"

On page 3, following section 3, add new sections to read as follows, renumber the remaining section(s) consecutively, and make internal reference changes throughout the bill as necessary:

"Sec. 4. Section 63, chapter 72, Laws of 1937 as amended by section 4, chapter 26, Laws of 1965 and RCW 86.09.187 are each amended to read as follows:

Any proposed improvement or part thereof, not exceeding ((one)) two thousand five hundred dollars in cost may be constructed by the district by force account.

Sec. 5. Section 111, chapter 72, Laws of 1937 and RCW 86.09.331 are each amended to read as follows:

An annual election shall be held for the district on the first Tuesday after the first Monday in (~~(March)~~) February of each year for the election of a director or directors as the case may be and to determine any proposition that may be legally submitted to the electors.

Sec. 6. Section 120, chapter 72, Laws of 1937 and RCW 86.09.358 are each amended to read as follows:

The officers of election for each precinct shall consist of the inspector(;) and two judges (~~and two clerks~~). These officers shall be known as the election board.

The inspector is chairman of the election board, and may:

First, administer all oaths required in the progress of an election.

Second, appoint judges (~~and clerks~~), if, during the progress of the election, any judge (~~or clerk~~) ceases to act. Any member of the board of election(~~or any clerk thereof~~;) may administer and certify oaths required to be administered during the progress of an election. (~~The board of election for each precinct must, before opening the polls, appoint two persons to act as clerks of the election.~~) Before opening the polls, each member of the board (~~and each clerk~~) must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at one o'clock p.m. on the day of the election, and be kept open until eight p.m., when the same must be closed. The provisions of the general election law of this state, concerning the form of ballots to be used shall not apply to elections held under this chapter.

Sec. 7. Section 121, chapter 72, Laws of 1937 and RCW 86.09.361 are each amended to read as follows:

All district elections shall be by ballot, and in case of election of officials, the ballots shall designate the term for which the person voted for is a candidate.

Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened. As soon as the polls are closed; the judges shall open the ballot box and commence counting the votes; and in no case shall the ballot box be removed from the room in which the election is held until all the ballots have been counted. The counting of ballots shall in all cases be public. The ballots shall be taken out, one by one, by the inspector or one of the judges, who shall open them and read aloud the names of each person contained therein, and the office for which every such person is voted for, or the proposition and the vote thereon. (~~Each clerk~~) The inspector or one of the judges shall write down each office to be filled, and the name of each person voted for such office, or the proposition voted on and shall keep the number of votes by tallies, as they are read aloud by the inspector or the other judge. The counting of votes shall be continued without adjournment until all have been counted.

Sec. 8. Section 123, chapter 72, Laws of 1937 and RCW 86.09.367 are each amended to read as follows:

As soon as all the votes are read off and counted, a certificate shall be drawn upon each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each person or proposition voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the (~~clerks~~;) judges(;) and the inspector. One of said certificates, with the poll list and the tally paper, to which it is attached, shall be sent to the director of the department of ecology and a copy shall be retained by the inspector(~~and preserved by him at least six months~~): PROVIDED, That in the case of elections to establish the district or to authorize the issuance of bonds, the inspector shall deliver said returns at

the expiration of said period to the secretary to be permanently kept with the records of the district.

Sec. 9. Section 124, chapter 72, Laws of 1937 and RCW 86.09.370 are each amended to read as follows:

The ballots shall be ~~((strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are))~~ entered upon the tally lists by a member of the ~~((clerk, and said))~~ election board. The ballots, together with the other of said certificates, with the poll list and tally paper ~~((to which it is attached))~~, shall be sealed by the inspector in the presence of the judges~~((, and clerks;))~~ and endorsed "Election returns of (naming the precinct) precinct", and be sent to the director of the department of ecology. A copy of these materials shall be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier, designated by said inspector, to said secretary~~((, and the ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted))~~ to be made available to interested persons.

Sec. 10. Section 62, chapter 72, Laws of 1937 and RCW 86.09.184 are each amended to read as follows:

Districts shall have authority to enter into contracts for the construction of any improvement authorized by law, or for labor or materials entering therein, without public bidding, with the written approval and consent of the state director in instances of genuine emergency to be declared by said director or in any instance where the contract price does not exceed ~~((one))~~ two thousand five hundred dollars."

In line 8 of the title after "57.40.130" and before "." insert "amending section 63, chapter 72, Laws of 1937 as amended by section 4, chapter 26, Laws of 1965 and RCW 86.09.187; amending section 111, chapter 72, Laws of 1937 and RCW 86.09.331; amending section 120, chapter 72, Laws of 1937 and RCW 86.09.358; amending section 121, chapter 72, Laws of 1937 and RCW 86.09.361; amending section 123, chapter 72, Laws of 1937 and RCW 86.09.367; amending section 124, chapter 72, Laws of 1937 and RCW 86.09.370; amending section 62, chapter 72, Laws of 1937 and RCW 86.09.184;" and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Senate Bill No. 4905.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4905, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Pullen—1.

Excused: Senator Talley—1.

SENATE BILL NO. 4905, 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, 1982.

Mr. President: The House has concurred in the Senate amendments to page 8, lines 16, 23 and 24 of SUBSTITUTE HOUSE BILL NO. 878, but refuses to concur in the Senate amendment to page 15, line 10, and asks the Senate to recede therefrom; and said bill together with the attached amendments is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

Senator Quigg moved the Senate do recede from the Senate amendment to page 15, line 10 of Substitute House Bill No. 878.

Debate ensued.

The motion by Senator Quigg carried. The Senate receded from the Senate amendment to page 15, line 10.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 878 with the remaining Senate amendments.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 878, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Woody, Zimmerman—40.

Voting nay: Senators Bottiger, Goltz, Hughes, McDermott, Moore, Ridder, Shinpoch, Wojahn—8.

Excused: Senator Talley—1.

SUBSTITUTE HOUSE BILL NO. 878, 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 bill.

### MESSAGE FROM THE HOUSE

March 2, 1982.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 183, and asks the Senate recede therefrom, and said bill with the attached amendments thereto is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

President Pro Tempore Guess assumed the Chair.

### MOTION

Senator Fuller moved the Senate recede from the Senate amendments to Engrossed House Bill No. 183.

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Senator Hemstad, Senator Sid Morrison was asked one time whether the energy fair would require an appropriation from the general fund and I would like to ask you, is it the intent of the local community to come to us to fund the Thurston county centennial fair?"

Senator Hemstad: "I cannot answer that as to the intent of any local group. The bill, I believe, calls for the creation and the appointment by the Governor of a centennial commission to come back with a plan, and it is really the makeup of that commission that will come back with the plan.

"We are looking seven years down the road; obviously there are going to be plenty of opportunities for this body to take a further look at how this issue is proceeding over the next several years.

"The reason for getting a bill adopted now is so that the process can actually start and so we can go on with a centennial celebration that is going to be appropriate and not be the shambles that the bicentennial was a few years ago at the national level."

Further debate ensued.

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

The President declared the question before the Senate to be the motion by Senator Fuller that the Senate do recede from the Senate amendments to Engrossed House Bill No. 183.

## ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 22; nays, 24; absent or not voting, 2; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Pullen, Quigg, Scott, von Reichbauer, Zimmerman—22.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Patterson, Peterson, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Absent or not voting: Senators Conner, Craswell—2.

Excused: Senator Talley—1.

## MOTION

On motion of Senator Wilson, the Senate refused to recede from the Senate amendments to Engrossed House Bill No. 183 and once again asks the House to concur therein.

## MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

## MOTION

On motion of Senator Clarke, the Senate commenced consideration of Engrossed Substitute House Bill No. 1063.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1063, by House Committee on Labor and Economic Development (originally sponsored by House Committee on Labor and Economic Development and Representatives Sanders and Schmidt):  
 Modifying provisions relating to alcoholic beverages.

## REPORT OF STANDING COMMITTEE

February 26, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1063, modifying provisions relating to alcoholic beverages (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 12, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 62, Laws of 1975-'76 2nd ex. sess. and RCW 66.20.010 are each amended to read as follows:

Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted a permit under this title, the employee shall issue to the applicant under such regulations and at such fee as may be prescribed by the board a permit of the class applied for, as follows:

(1) Where the application is for a special permit by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, a special liquor purchase permit;

(2) Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by any private individual, a special permit to purchase alcohol for the purpose named in the permit;

(3) Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit to purchase liquor for consumption at such banquet, to such applicants as may be fixed by the board;

(4) Where the application is for a special permit to consume liquor on the premises of a business not licensed under this title, a special permit to purchase liquor for consumption thereon for such periods of time and to such applicants as may be fixed by the board;

(5) Where the application is for a special permit by a manufacturer to import alcohol, malt, and other materials containing alcohol to be used in the manufacture of liquor, or other products, a special import permit;

~~((5))~~ (6) Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, a special liquor purchase permit;

~~((6))~~ (7) Where the application is for a special permit by an authorized representative of a military installation operated by or for any of the armed forces within the geographical boundaries of the state of Washington, a special permit to purchase liquor for use on such military installation at prices to be fixed by the board;

~~((7))~~ (8) Where the application is for a special permit by a manufacturer, importer, wholesaler, or agent thereof, to serve liquor without charge to delegates and guests at a convention of a trade association composed of licensees of the board, when the said liquor is served in a hospitality room or from a booth in a board-approved suppliers' display room at the convention, and when the liquor so served is for consumption in the said hospitality room or display room during the convention,

anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board or a class H licensee and any such beer and wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

((8)) (9) Where the application is for a special permit by a manufacturer, importer, wholesaler, or agent thereof, to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at a convention of a trade association composed of licensees of the board, when the liquor so donated is for consumption at the said reception, breakfast, luncheon, or dinner during the convention, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board or a class H licensee and any such beer and wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210.

Sec. 2. Section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 10, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.010 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant, and the holder thereof shall not allow any other person to use the license.

(2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension or revocation of any license, the liquor control board may consider any prior criminal conduct of the applicant and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The board may, in its discretion, grant or refuse the license applied for. No retail license of any kind may be issued to:

(a) A person who has not resided in the state for at least one month prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(b) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

(c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

(d) A corporation, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington.

(3) The board may, in its discretion, subject to the provisions of RCW 66.08-.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be. The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

Witnesses shall be allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.04-.105, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law

judge, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension, with a memorandum of the suspension written or stamped upon the face thereof in red ink. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee may allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5) The board shall assign to each business an expiration date for all licenses or certificates of approval covered by this title. Following the assignment, unless sooner canceled, every license or certificate of approval issued by the board shall expire at midnight of the last day of the month on the twelfth month subsequent to issue.

(a) Each business shall be assigned a license or certificate of approval expiration date according to the schedule following below in this subsection. Fees for such licenses or certificates of approval shall be charged at full annual rate as outlined in chapter 66.24 RCW. The board shall prorate license or certificate of approval fees as necessary to implement the reassignment of expiration dates and to maintain the date assignment of each.

(i) New applicants; last day of the month of approval and issuance.

(ii) Existing business; distributed evenly on a monthly basis throughout the year.

(iii) New businesses; expiration date shall be adjusted as required to conform to a date simultaneous to the majority of the applicant's business branches.

(iv) Supplemental license(s); shall expire on the same date as the master.

(b) The board will consider requests from applicants for exceptions to assigned renewal dates. Approval shall be at the discretion of the board.

(c) All applications shall be submitted with a full year's fee for the type of license or certificate of approval for which the type of application is intended.

(d) All licenses or certificates of approval presently issued and covered under this title unless sooner discontinued or canceled shall be assigned not later than July 1, 1983, a license expiration date.

(e) Licenses issued under the provisions of RCW 66.24.310, as now or hereafter amended, are excluded from provisions of this subsection and unless sooner canceled shall expire at midnight of the thirtieth day of June of the fiscal year for which issued.

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time.

(7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the county legislative authority, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of Title 34 RCW,

as now or hereafter amended. Upon the granting of a license under this title the board shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(9) Before the board issues any license to any applicant, it shall give (a) due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools, and public institutions (~~PROVIDED, That~~) and (b) written notice by certified mail of the application to churches, schools, and public institutions within five hundred feet of the premises to be licensed. The board shall issue no beer retailer license class A, B, D, or E or wine retailer license class C or F or class H license covering any premises not now licensed, if such premises are within five hundred feet of the premises of any church, parochial, or tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the outer property line of the church or school grounds to the nearest public entrance of the premises proposed for license, (~~unless~~) and if, after receipt by the school, church, or public institution of the notice as provided in this subsection, the board (~~shall~~) receives written notice, within twenty days after posting such notice, from an official representative or representatives of the schools and/or churches within five hundred feet of said proposed licensed premises, indicating to the board that there is (~~no~~) an objection to the issuance of such license because of proximity to a school or church. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith.

(10) The restrictions set forth in the preceding subsection shall not prohibit the board from authorizing the transfer of existing licenses now located within the restricted area to other persons or locations within the restricted area: **PROVIDED,** Such transfer shall in no case result in establishing the licensed premises closer to a church or school than it was before the transfer.

**NEW SECTION.** Sec. 3. There is added to chapter 66.24 RCW a new section to read as follows:

(1) The board may, in its discretion, issue a class H license to a business which qualifies as a "restaurant" as that term is defined in RCW 66.24.410 in all respects except that the business does not serve the general public but, through membership qualification, selectively restricts admission to the business. For purposes of RCW 66.24.400 and 66.24.420, all licenses issued under this section shall be considered class H restaurant licenses and shall be subject to all requirements, fees, and qualifications in this title, or in rules adopted by the board, as are applicable to class H restaurant licenses generally except that no service to the general public may be required.

(2) No license shall be issued under this section to a business:

(a) Which shall not have been in continuous operation for at least one year immediately prior to the date of its application; or

(b) Which denies membership or admission to any person because of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap.

Sec. 4. Section 23-C, added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 31, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.170 are each amended to read as follows:

(1) There shall be a license to domestic wineries; fee to be computed only on the liters manufactured: One hundred thousand liters or less per year, one hundred dollars per year; over one hundred thousand liters to seven hundred fifty thousand

liters per year, four hundred dollars per year; and over seven hundred fifty thousand liters per year, eight hundred dollars per year.

(2) Any applicant for a domestic winery license shall, at the time of filing application for license, accompany such application with a license fee based upon a reasonable estimate of the amount of wine liters to be manufactured by such applicant. Persons holding domestic winery licenses shall report annually at the end of each fiscal year, at such time and in such manner as the board may prescribe, the amount of wine manufactured by them during the fiscal year. If the total amount of wine manufactured during the year exceeds the amount permitted annually by the license fee already paid the board, the licensee shall pay such additional license fee as may be unpaid in accordance with the schedule provided in this section.

(3) Any domestic winery licensed under this section shall also be considered as holding, for the purposes of selling wines of its own production, a current wine wholesaler's license under RCW 66.24.200 and a wine retailer's license, class F, under RCW 66.24.370 without further application or fee. Any winery operating as a wholesaler or retailer under this subsection shall comply with the applicable laws and rules relating to such wholesalers and retailers.

Sec. 5. Section 23-B added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 13, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.240 are each amended to read as follows:

There shall be a license to brewers to manufacture malt liquors, fee per annum to be based on current fiscal year's production at the rate of fifty dollars per thousand barrels, with a maximum fee of two thousand dollars, such license fee to be collected and paid under such rules and regulations as the board shall prescribe.

Sec. 6. Section 9, chapter 178, Laws of 1969 ex. sess. as last amended by section 1, chapter 287, Laws of 1981 and by section 46, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.500 are each reenacted and amended to read as follows:

There shall be a wine retailer's license to be designated as class J; a special license to a society or organization to sell wine at special occasions at a specified date and place; fee twenty dollars per day. Sale, service, and consumption of wine is to be confined to specified premises or designated areas only: **PROVIDED**, That a holder of a class J license shall be permitted to sell at no more than two licensed events each year to members and guests in attendance at the special occasion limited quantities of wine in unopened bottles and original packages, not to be consumed on the premises where sold, by paying an additional fee of ten dollars per day (~~(-PROVIDED FURTHER, That no more than two class J licenses shall be issued to any one nonprofit organization during the calendar year))~~). The board shall adopt appropriate regulations pursuant to chapter 34.04 RCW for the purpose of carrying out the provisions of this section.

Sec. 7. Section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 219, Laws of 1977 ex. sess. and RCW 66.28.010 are each amended to read as follows:

(1) No manufacturer, importer, or wholesaler, or person financially interested, directly or indirectly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, nor shall any manufacturer, importer, or wholesaler own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person, under any arrangement whatsoever, conduct his business upon property in which any manufacturer, importer, or wholesaler has any interest (~~(, nor shall any)~~). Except as provided in subsection (3) of this section, no manufacturer, importer, or wholesaler shall advance moneys or moneys' worth to ((any such)) a licensed person under ((any)) an arrangement ((whatsoever)), nor shall ((any)) such licensed person receive, under ((any)) an arrangement ((whatsoever, any such)), an advance of moneys or moneys' worth: **PROVIDED**, That "person" as used in this section only

shall not include those state or federally chartered banks, state or federally chartered savings and loan associations, state or federally chartered mutual savings banks, or institutional investors which are not controlled directly or indirectly by a manufacturer, importer, or wholesaler as long as the bank, savings and loan association, or institutional investor does not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages. No manufacturer, importer, or wholesaler shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, or wholesaler sell at retail any liquor as herein defined: PROVIDED, That nothing in this section shall prohibit a licensed brewer or domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine of its own production at retail on the brewery or winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW: PROVIDED FURTHER, That nothing in this section shall prohibit a licensed brewer or domestic winery, or a lessee of a licensed brewer or domestic winery, from being licensed as a class H restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a class H premises on the property on which the primary manufacturing facility of the licensed brewer or domestic winery is located or on contiguous property owned by the licensed brewer or domestic winery as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW.

(2) Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.04 RCW manufacturers, wholesalers and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

(3)(a) This section does not prohibit a manufacturer, importer, or wholesaler from providing services to a class G or J retail licensee for: (i) Installation of draft beer dispensing equipment or advertising, (ii) advertising, pouring or dispensing of wine at a wine tasting exhibition or judging event, or (iii) a class G or J retail licensee from receiving any such services as may be provided by a manufacturer, importer, or wholesaler: PROVIDED, That nothing in this section shall prohibit a retail licensee, or any person financially interested, directly or indirectly, in such a retail licensee from having a financial interest, direct or indirect, in a business which provides, for a compensation commensurate in value to the services provided, bottling, canning or other services to a manufacturer, so long as the retail licensee or person interested therein has no direct financial interest in or control of said manufacturer.

(b) The board shall adopt such rules as are deemed necessary to carry out the purposes and provisions of subsection (3)(a) of this section in accordance with the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 8. There is added to chapter 66.12 RCW a new section to read as follows:

(1) Nothing in this title shall prevent the use of beer, wine, and/or spiritous liquor, for cooking purposes only, in conjunction with a culinary or restaurant course offered by a college, university, community college, area vocational technical institute, or private vocational school. Further, nothing in this title shall prohibit the making of beer or wine in food fermentation courses offered by a college, university, community college, area vocational technical institute, or private vocational school.

(2) "Culinary or restaurant course" as used in this section means a course of instruction which includes practical experience in food preparation under the supervision of an instructor who is twenty-one years of age or older.

(3) Persons under twenty-one years of age participating in culinary or restaurant courses may handle beer, wine, or spirituous liquor for purposes of participating in the courses, but nothing in this section shall be construed to authorize consumption of liquor by persons under twenty-one years of age or to authorize possession of liquor by persons under twenty-one years of age at any time or place other than while preparing food under the supervision of the course instructor.

(4) Beer, wine, and/or spirituous liquor to be used in culinary or restaurant courses shall be purchased at retail from the board or a retailer licensed under this title. All such liquor shall be securely stored in the food preparation area and shall not be displayed in an area open to the general public.

(5) Colleges, universities, community colleges, area vocational technical institutes, and private vocational schools shall obtain the prior written approval of the board for use of beer, wine, and/or spirituous liquor for cooking purposes in their culinary or restaurant courses.

NEW SECTION. Sec. 9. There is added to chapter 66.12 RCW a new section to read as follows:

Nothing in this title shall apply to or prevent a hospital, as defined in RCW 70.39.020, or a nursing home as defined in RCW 18.51.010, from offering or supplying without charge beer or wine by the individual glass to any patient, member of a patient's family, or patient visitor, for consumption on the premises: PROVIDED, That such patient, family member, or visitor shall be at least twenty-one years of age, and that the beer or wine shall be purchased under this title.

NEW SECTION. Sec. 10. There is added to chapter 66.24 RCW a new section to read as follows:

There shall be a special gift wine service retailer's license to be designated as class P to solicit, take orders for, sell and deliver wine in bottles and original packages to persons other than the person placing the order. A class P license may be issued only to a business solely engaged in the delivery of gifts at retail which holds no other class of license under this title. The fee for this license is seventy-five dollars per year. Delivery of wine under a class P license shall be made in accordance with all applicable provisions of this title and the rules of the board, and no wine so delivered shall be opened on any premises licensed under this title. A class P license does not authorize door-to-door solicitation of gift wine delivery orders or the delivery of more than one bottle of wine to the same address in any twenty-four hour period.

Sec. 11. Section 42, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 74, Laws of 1975-'76 2nd ex. sess. and RCW 66.28.050 are each amended to read as follows:

No person shall canvass for, solicit, receive, or take orders for the purchase or sale of any liquor, or act as agent for the purchase or sale of liquor except as authorized by RCW 66.24.310 as now or hereafter amended or by section 10 of this 1982 act. Nothing in this section contained shall apply to agents dealing with the board or to the receipt or transmission of a telegram or letter by any telegraph agent or operator or post office employee in the ordinary course of his employment as such agent, operator or employee.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 48, Laws of 1945, section 12, chapter 178, Laws of 1969 ex. sess., section 1, chapter 275, Laws of 1969 ex. sess., section 1, chapter 23, Laws of 1979 ex. sess. and RCW 66.28.020; and

(2) Section 14, chapter 21, Laws of 1969 ex. sess., section 3, chapter 275, Laws of 1969 ex. sess., section 7, chapter 173, Laws of 1975 1st ex. sess., section 1, chapter 62, Laws of 1975-'76 2nd ex. sess. and RCW 66.28.025.

**NEW SECTION.** Sec. 13. 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 "beverages;" strike the remainder of the title and insert "amending section 12, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 62, Laws of 1975-'76 2nd ex. sess. and RCW 66.20.010; amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 10, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.010; amending section 23-C, added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 31, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.170; amending section 23-B added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 13, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.240; reenacting and amending section 9, chapter 178, Laws of 1969 ex. sess. as last amended by section 1, chapter 287, Laws of 1981 and by section 46, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.500; amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 219, Laws of 1977 ex. sess. and RCW 66.28.010; amending section 42, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 74, Laws of 1975-'76 2nd ex. sess. and RCW 66.28.050; adding new sections to chapter 66.12 RCW; adding new sections to chapter 66.24 RCW; repealing section 2, chapter 48, Laws of 1945, section 12, chapter 178, Laws of 1969 ex. sess., section 1, chapter 275, Laws of 1969 ex. sess., section 1, chapter 23, Laws of 1979 ex. sess. and RCW 66.28.020; repealing section 14, chapter 21, Laws of 1969 ex. sess., section 3, chapter 275, Laws of 1969 ex. sess., section 7, chapter 173, Laws of 1975 1st ex. sess., section 1, chapter 62, Laws of 1975-'76 2nd ex. sess. and RCW 66.28.025; and declaring an emergency."

Signed by: Senator Quigg, Chairman; Jones, Newhouse, Vognild, Williams.

The bill was read the second time by sections.

Senator Quigg moved adoption of the committee amendment.

On motion of Senator Metcalf, there being no objection, amendments to the committee amendment to Engrossed Substitute House Bill No. 1063 on the desk of the Secretary of the Senate were withdrawn.

Senator Metcalf moved adoption of the following amendment to the committee amendment:

On page 21, strike sections 10 and 11.

Debate ensued.

The motion by Senator Metcalf failed and the amendment to the committee amendment was not adopted.

The motion by Senator Quigg carried and the committee amendment was adopted.

On motion of Senator Quigg, the committee amendment to the title was adopted.

On motion of Senator Quigg, the rules were suspended, Engrossed Substitute House Bill No. 1063, 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. 1063, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Woody—38.

Voting nay: Senators Goltz, Guess, Metcalf, Pullen, Ridder, Wilson, Wojahn, Zimmerman—8.

Absent or not voting: Senators Conner, Craswell—2.

Excused: Senator Talley—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1063, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Ridder, Senator Conner was excused.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 922, by House Committee on Institutions (originally sponsored by Representatives Amen, Williams, Sommers, Greengo, Nelson (G.), Struthers, Houchen, Thompson and Becker) (by Legislative Budget Committee request):

Authorizing parole board to reduce prison overcrowding.

The Senate resumed consideration of Engrossed Substitute House Bill No. 922 from earlier today. The following amendments by Senators Talmadge and Pullen had been moved for adoption at that time:

On page 1, line 23, after "for treason" strike all of the material down to and including "degree" on line 24 and insert ", any class A felony"

On page 1, beginning on line 26, after "(2) The" strike all of the material down to and including "resources" on page 2, line 8 and insert the following: "board of prison terms and paroles shall adopt, within ninety days of the effective date of this act, guidelines for the reductions of the inmate population. These guidelines shall be applied to all inmates except those with mandatory minimums under RCW 9.95.040 or those confined for a class A felony. The rules shall be adopted pursuant to Chapter 34.04 RCW.

(3) In establishing these guidelines, the board shall give priority to sentence reductions for inmates incarcerated for nonviolent offenses, inmates who are within sixth months of a scheduled parole, and inmates with the best records of conduct during confinement.

(4) In adopting this program, the board shall consider the public safety, the detrimental effect of overcrowding upon inmate rehabilitation, and the best allocation of limited correctional facility resources.

(5) The rules adopted according to the provisions of Section 2 of this act shall not be implemented until the rules are submitted to the senate social and health services and the house institutions committee for their consideration and review"

Debate ensued.

Senator Bottiger moved adoption of the following amendment to the amendment by Senators Talmadge and Pullen:

On page 1, line 23 after "treason", insert "felony sales of controlled substance" and on page 2, line 3 after "treason", insert "felony sales of controlled substance"

### POINT OF INQUIRY

Senator Talmadge: "Senator Bottiger, the concern I have with respect to your amendment is the drafting of it. It leaves, I think, something to be desired.

"Do you know what the punishment is for the violation of drug pushing these days?"

Senator Bottiger: "A felony sale of a controlled substance would, I believe that the minimum is supposed to be five years. You see all these drug pushers getting off with five years or something even less, so I just don't know the details, I think that is one of the crimes in which the judge has a lot of discretion."

Senator Talmadge: "What I was getting at was the classification of penalty for the felony: class D, class B, class A felony?"

Senator Bottiger: "I don't have any idea."

Senator Talmadge: "Do you have any idea if the felony sale of controlled substances is something that is defined in the RCW these days?"

Senator Bottiger: "Senator, I see it in the paper all the time; I don't do any criminal work but I see the charge 'felony sale of controlled substance' what the person is charged and convicted under."

Senator Talmadge: "I don't do any criminal work either, Senator Bottiger, but I think my concern is that that doesn't relate to anything that now exists in the RCW and what I guess I would move, Mr. President, we set the bill down a couple of bills in order that Senator Bottiger have the amendment prepared in a form that recognizes what is properly in the RCW relating to drug pushing."

#### POINT OF ORDER

Senator Pullen: "Yes, Mr. President. If the motion to set it down is the one before us, I would also ask that during that intervening time, the President take a look to see whether the Bottiger amendment to the Talmadge amendment expands the scope and object of the Talmadge amendment.

"I would offer that suggestion in utter seriousness because in the Talmadge amendment you have a list of very violent life-endangering crimes and the Bottiger amendment, which may be meritorious as a separate amendment, I think does change radically the character of the Talmadge amendment, and while it may not be proper to raise the question of scope and object at this point because the Talmadge motion to put it down, a bill is pending, perhaps we can begin to take a look at that."

#### MOTION

On motion of Senator Talmadge, Engrossed Substitute House Bill No. 922, together with the pending amendments and the Point of Order raised by Senator Pullen, was ordered held for consideration at a later time.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 808, by House Committee on Appropriations—Human Services (originally sponsored by Representatives Nisbet, Owen, Houchen and Struthers) (by Governor Spellman request):

Providing for a 500-man medium security correction center.

#### REPORT OF STANDING COMMITTEE

February 26, 1982.

SUBSTITUTE HOUSE BILL NO. 808, providing for a 500-man medium security correction center (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 8, strike all material down to and including "\$12,908,000" on line 14 and insert the following:

"(1) For design, site preparation, including nominal land acquisition cost and utilities, for a 500-bed corrections center. The corrections center shall be located west of the Cascade mountain range.

General Fund—State Social and Health Services

Construction Account Appropriation . . . . . \$ 9,750,000"

On page 2, line 3, strike "forty-nine million ((eight)) nine hundred forty-two" and insert "forty-four million ((eight)) three hundred"

On page 2, after line 10, insert the following:

"Sec. 3. Section 2, chapter 176, Laws of 1974 ex. sess. and RCW 43.17.200 are each amended to read as follows:

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. Expenditures for works of art as provided for herein shall be contracted for separately from all other items in the original construction of any state building. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration by the contracting agency, the architect and Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses or other buildings of a temporary nature, or correctional facilities."

On page 1, line 2 of the title, after "43.83H.172;" insert "amending section 2, chapter 176, Laws of 1974 ex. sess. and RCW 43.17.200;"

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf.

The bill was read the second time by sections.

On motion of Senator Deccio, the committee amendments were not adopted.

On motion of Senator McDermott, an amendment to page 1, line 23 on the desk of the Secretary of the Senate was withdrawn.

Senator Talmadge moved adoption of the following amendment:

On page 1, beginning on line 23, strike the remainder of the bill and insert the following:

"Sec. 2. Section 1, chapter 234, Laws of 1981 and RCW 43.83H.172 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services and department of corrections facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred forty-four million ((eight)) six hundred twelve thousand nine hundred dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83H.172 through 43.83H.182 may be offered for sale without prior legislative appropriation.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due.

Sec. 3. Section 7, chapter 143, Laws of 1981 (uncodified) is amended to read as follows:

~~FOR THE DEPARTMENT OF ((SOCIAL AND HEALTH SERVICES~~  
~~FOR ADULT)) CORRECTIONS~~

~~((The appropriations contained in this section shall be transferred to the department of corrections if a department of corrections is created during the 1981 regular session of the legislature.))~~

(1) Construct and equip a 100-man honor camp.

		Reappropriation	Appropriation
GF, DSHS Constr Acct		100,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs	Estimated Completion Date
3,207,259		3,307,259	9/81

(2) Construct and equip a 120-man housing unit at the Washington Corrections Center.

		Reappropriation	Appropriation
GF, DSHS Constr Acct		500,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,927,000		3,427,000	9/81

(3) Convert 300-bed minimum security building to medium security at the Washington State Penitentiary.

		Reappropriation	Appropriation
GF, DSHS Constr Acct		1,275,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs	Estimated Completion Date
4,153,000		5,428,000	12/81

(4) Construct and equip maximum security facility at the Washington State Reformatory.

		Reappropriation	Appropriation
GF, DSHS Constr Acct		1,000,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs	Estimated Completion Date
11,054,000		12,054,000	6/82

(5) Renovate and expand visiting, dining, and recreation facility at the Washington State Reformatory.

		Reappropriation	Appropriation
GF, DSHS Constr Acct		1,000,000	
Project Costs Through	Estimated Costs 7/1/83 and	Estimated Total Costs	Estimated Completion Date

6/30/81	Thereafter		
524,000		1,524,000	2/82

(6) (~~Construct a 500-man medium security corrections center on the grounds of the Washington State Reformatory.~~) Expand prison capacity in a manner which is timely, fiscally prudent, and consistent with public safety, and make the prison system self-sufficient and a diminishing burden on state resources. No more than \$10,500,000 of this appropriation may be used to renovate the McNeil Island Penitentiary to enable it to have a daily population of five hundred inmates. The department is authorized to spend an additional \$5,000,000 of this appropriation to renovate the honor camp and farm on McNeil Island and to expand the capacity of McNeil Island to house additional medium security prisoners in excess of five hundred by constructing additional residential units within or satellited to the existing penitentiary. The department is authorized to spend no more than \$50,000,000 of this appropriation to construct two 500-man, medium security correctional centers, in an area of the state which has expressed a significant desire to have such a facility sited therein, and not in a county in which a medium security prison is already located: PROVIDED, That if the state is unable to acquire the long-term use of McNeil Island for state correctional use, no more than \$2,674,900 of this appropriation may be used to maintain serviceability of the McNeil Island Penitentiary for short-term use by the state and no more than \$50,000,000 may be expended to expand the state medium security prison bed capacity by one thousand beds in the most cost-effective manner possible: PROVIDED FURTHER, That such beds, to the degree practicable, shall be created by satelliting additional units to the new prisons authorized under this subsection. The department is authorized to expend up to \$7,000,000 of this appropriation to develop institutional industries at existing state prison facilities, including but not limited to the Monroe Reformatory and the Walla Walla Penitentiary. The department shall not expend funds appropriated under this subsection to expand prison bed capacity at Monroe but may expend funds as authorized to develop institutional industries at the Monroe Reformatory.

		Reappropriation	Appropriation
GF, DSHS Constr Acct		4,000,000	<del>((28,433,300))</del> 72,500,000
Project Costs Through 6/30/81	Estimated Costs Thereafter	Estimated Total Costs	Estimated Completion Date
1,429,000		<del>((33,862,300))</del> 76,500,000	9/83

(7) To improve security, facilities, and utilities, Phase II, Washington State Penitentiary: PROVIDED, That if alternative housing arrangements are approved by the special master, \$2,500,000 of this appropriation, which is intended to be used only for the construction of temporary inmate housing, shall be placed in reserve and left unexpended. If construction has not begun by September 15, 1981, all remaining funds not disbursed or contractually obligated shall remain unexpended and shall be held in reserve unless a revised project schedule is approved by the director of financial management.

		Reappropriation	Appropriation
GF, DSHS Constr Acct		2,900,000	19,450,200
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/81	7/1/83 and Thereafter	Costs	Date
3,024,000	5,245,300	30,619,500	6/84

(8) Improve security, facilities, and ventilation at the Washington State Reformatory, Phase I. If construction has not begun by August 15, 1982, all remaining funds not disbursed or contractually obligated shall remain unexpended and shall be held in reserve unless a revised project schedule is approved by the director of financial management.

		Reappropriation	Appropriation
GF, DSHS Constr Acct			723,400
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs	Estimated Completion Date
	8,911,400	9,634,800	12/85

(9) Purchase equipment for institutional industries at the Washington State Penitentiary (81-83), Washington State Reformatory (83-85), and Purdy Treatment Center for Women (83-85).

		Reappropriation	Appropriation
GF, DSHS Constr Acct			500,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs	Estimated Completion Date
	334,300	834,300	6/83

(10) ((Make repairs and alterations to McNeil Island Penitentiary to maintain servcability of the institution for short-term use by the state. If House Bill No. 459 is enacted during the 1981 regular session of the legislature, the funds unexpended as of June 30, 1981, shall be reappropriated for the 1981-83 biennium. If House Bill No. 459 is enacted during the 1981 regular session of the legislature, the GF, CEP & RI Acct appropriation shall be reduced by the amount of the appropriation in House Bill No. 459, but in no case shall the reappropriation plus the appropriation exceed \$2,674,900. If construction has not begun by September 15, 1981, all remaining funds not disbursed or contractually obligated shall remain unexpended and shall be held in reserve unless a revised project schedule is approved by the director of financial management.

		Reappropriation	Appropriation
GF, DSHS Constr Acct			674,900
GF, CEP & RI Acct			2,000,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs	Estimated Completion Date
		2,674,900	6/83

((H)) Repair and expand education building damaged by December 31, 1980, fire at Washington Corrections Center. If construction has not begun by August 15, 1981, all remaining funds not disbursed or contractually obligated shall remain

unexpended and shall be held in reserve unless a revised project schedule is approved by the director of financial management.

		Reappropriation	Appropriation
GF, DSHS Constr Acct			1,386,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs	Estimated Completion Date
		1,386,000	4/82
(((+2))) (11) Fire and safety improvements at the Washington State Penitentiary.			

		Reappropriation	Appropriation
GF, DSHS Constr Acct		220,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs	Estimated Completion Date
529,000		749,000	9/81
(((+3))) (12) Fire and safety improvements at the Washington State Reformatory.			

		Reappropriation	Appropriation
GF, DSHS Constr Acct		700,000	
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs	Estimated Completion Date
604,000		1,304,000	9/81
(((+4))) (13) To repair and improve utilities and facilities—Omnibus: PROVIDED, That if a department of corrections is not created during the 1981 regular session of the legislature, this appropriation shall be transferred to the budget and fiscal services division of the department of social and health services.			

		Reappropriation	Appropriation
GF, DSHS Constr Acct			1,600,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs	Estimated Completion Date
		1,600,000	12/83

(((+5))) (14) Complete a ten-year facility plan by December 15, 1981, identifying year-by-year projected population for all institutional and noninstitutional correctional programs including jails; space standards for residential and support service facilities; the capacity of existing facility resources; and the projected demand for additional space based upon these projections, standards, and resources. It is the intent of this appropriation to provide the data to support the need for any additional correctional beds and, if needed, based on this data, to determine feasible locations for new adult corrections facilities and to initiate planning and design for

any new facility(s): PROVIDED, That no funds shall be expended for design without this plan being presented to the house and senate ways and means committees.

		<u>Reappropriation</u>	<u>Appropriation</u>
GF, DSHS Constr Acct			1,285,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs	Estimated Completion Date
		1,285,000	8/85

(15) Increase the number of minimum security beds by providing an additional one hundred fifty beds at existing minimum security camps in the system. In making such additions the department shall give first priority to the Indian Ridge, Olympic and Larch Mountain correctional facilities. No more than fifty beds shall be added to each existing facility selected.

		<u>Reappropriation</u>	<u>Appropriation</u>
GF, DSHS Constr Acct			1,000,000

(16) To expand the bed capacity of the Washington Corrections Center at Shelton by providing an additional one hundred forty-four reception and diagnostic beds at the center.

		<u>Reappropriation</u>	<u>Appropriation</u>
GF, DSHS Constr Acct			6,235,000

Debate ensued.  
 Senator Talmadge 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 Talmadge.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 16; nays, 30; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Charnley, Fleming, Hansen, Hughes, Hurley, McDermott, Moore, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—16.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, von Reichbauer, Zimmerman—30.

Absent or not voting: Senator Lysen—1.

Excused: Senators Conner, Talley—2.

Senator Deccio moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 143, Laws of 1981 a new section to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

(1) For design, site preparation including land acquisition at a nominal cost, and utilities for a 500-bed medium security corrections center.

General Fund—State Social and Health Services

Construction Account Appropriation . . . . . \$ 9,750,000

(2) For design, site preparation including land acquisition at nominal cost, and utilities to provide for the future construction and equipping of a 500-bed medium

security corrections center. The design of this correction center shall be in common with the 500-bed medium security correction center to be constructed pursuant to subsection (1) of this section.

General Fund—State Social and Health Services

Construction Account Appropriation . . . . . \$ 10,550,000

(3) To repair heating and ventilation systems at the McNeil Island Corrections Center: PROVIDED, That these funds shall not be expended until the department of general administration completes an engineering energy audit of this facility as authorized under RCW 43.19.675.

General Fund—State Social and Health Services

Construction Account Appropriation . . . . . \$ 500,000

Sec. 2. Section 1, chapter 234, Laws of 1981 and RCW 43.83H.172 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services and department of corrections facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred fifty-four million eight hundred fifty thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83H.172 through 43.83H.182 may be offered for sale without prior legislative appropriation.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due.

Sec. 3. Section 2, chapter 176, Laws of 1974 ex. sess. and RCW 43.17.200 are each amended to read as follows:

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. Expenditures for works of art as provided for herein shall be contracted for separately from all other items in the original construction of any state building. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration by the contracting agency, the architect and Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses or other buildings of a temporary nature, or correctional facilities."

POINT OF ORDER

Senator Shipoch: "Point of order, Mr. President. I raise the question of scope and object on this amendment and I would like to speak to that, please.

"Mr. President, actually my raising the point of order on scope and object only deals with the new section 3 that is in it and could be corrected by an amendment to remove section 3. However, section 3 deals with chapter 176 in RCW 43.17.200 which is merely the conditions under which agencies start to expend money for acquisition of art. The title of the bill deals with chapter 234 and chapter 143 and 43.83H.172 which deals with the issuance and sales of GO bonds, general obligation bonds, and there's nowhere in the bill or in the title, does it deal with the conditions under which agencies may expend monies for the acquisition of art. And therefore I

feel that section 3 of the proposed amendment is outside the scope and object of the bill."

### MOTION

On motion of Senator Clarke, Substitute House Bill No. 808, together with the pending amendment by Senator Deccio and the Point of Order raised by Senator Shinpoch, was ordered held for a Ruling by the President.

### SECOND READING

SENATE JOINT MEMORIAL NO. 118, by Senators Hansen, Patterson, Hemstad, Charnley, Benitz and Goltz:

Petitioning Congress to oppose further reductions in federal funds for postsecondary student assistance programs.

### MOTIONS

On motion of Senator Benitz, Substitute Senate Joint Memorial No. 118 was substituted for Senate Joint Memorial No. 118 and the Substitute memorial was placed on second reading and read the second time in full.

On motion of Senator Benitz, the rules were suspended, Substitute Senate Joint Memorial No. 118 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 Senate Joint Memorial No. 118, and the memorial passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognil, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Williams—1.

Excused: Senators Conner, Talley—2.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 118, having received the constitutional was declared passed.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 808, by House Committee on Appropriations—Human Services (originally sponsored by Representatives Nisbet, Owen, Houchen, and Struthers) (by Governor Spellman request):

Providing for a 500-man medium security correction center.

The Senate resumed consideration of Substitute House Bill No. 808 from earlier today. Senator Deccio had moved adoption of an amendment and Senator Shinpoch had raised a Point of Order on the amendment.

On motion of Senator Deccio, the following amendment to the amendment was adopted:

Strike all of Section 3.

On motion of Senator Shinpoch, there being no objection, the Point of Order on the amendment by Senator Deccio was withdrawn.

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

On page 1, line 1 of the title, after "corrections;" strike the remainder of the title and insert "amending section 1, chapter 234, Laws of 1981 and RCW 43.83H-.172; and amending section 2, chapter 176, Laws of 1974 ex. sess. and RCW 43.17-.200; and adding a new section to chapter 143, Laws of 1981."

### MOTIONS

On motion of Senator Ridder, Senator Williams was excused.

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 808, 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. 808, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinoch, Talmadge, von Reichbauer, Wilson, Woody, Zimmerman—36.

Voting nay: Senators Bottiger, Charnley, Fleming, Hansen, Lysen, McDermott, Moore, Rasmussen, Vognild, Williams, Wojahn—11.

Excused: Senators Conner, Talley—2.

SUBSTITUTE HOUSE BILL NO. 808, 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. 1006, by House Committee on Local Government (originally sponsored by House Committee on Local Government and Representatives Sanders, King (R.), Barrett, Owen, Chamberlain, Scott, Leonard, Kreidler, Isaacson, Monohon, Berleen, James, Lewis and Eberle):

Revising law on compensation for taking of property by governments.

### REPORT OF STANDING COMMITTEE

February 25, 1982.

SUBSTITUTE HOUSE BILL NO. 1006, revising law on compensation for taking of property by governments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert:

"NEW SECTION. Section 1. As used in this chapter, the terms in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Agency" means the state of Washington, any of its political subdivisions, including any city, town, or county, and any other public body exercising regulatory authority or control over the use of real property in the state.

(2) "Permit" means any governmental approval required by law before an owner of a property interest may improve, sell, transfer, or otherwise put property to use.

(3) "Property interest" means any interest or right in real property in the state.

(4) "Damages" means reasonable costs, expenses, and losses incurred between the time a cause of action arises and the time the owner is granted relief as provided in section 2 of this act. Damages must be caused by an act, necessarily incurred, and actually suffered, realized, or expended, but are not based upon diminution in value of or damage to real property, or litigation expenses.

(5) "Regulation" means any ordinance, resolution, or other rule or regulation adopted pursuant to the authority provided by state law, which imposes or alters restrictions, limitations, or conditions on the use of property.

(6) "Act" means a final decision by an agency which places requirements, limitations, or conditions upon the use of land in excess of those allowed by applicable regulations in effect on the date an application for a permit is filed. "Act" also means the failure of an agency to act within time limits established by law in response to a property owner's application for a permit: PROVIDED, That there is no "act" within the meaning of this section when the owner of a property interest agrees in writing to extensions of time, or to the conditions or limitations imposed upon an application for a permit. "Act" shall not include lawful decisions of an agency which are designed to prevent a condition which would constitute a threat to the health, safety, welfare, or morals of residents in the area.

NEW SECTION. Sec. 2. (1) Owners of a property interest who have filed an application for a permit to obtain relief from acts of an agency which are arbitrary, capricious, unlawful, or exceed lawful authority, or relief from a failure to act within time limits established by law, have an action for damages and costs, including a reasonable attorney's fee: PROVIDED, That the action is unlawful or in excess of lawful authority only if the final decision of the agency was made with knowledge of its unlawfulness or that it was in excess of lawful authority, or it should reasonably have been known to have been unlawful or in excess of lawful authority.

(2) No cause of action is created for relief from unintentional procedural or ministerial errors of an agency.

(3) Invalidation of any regulation in effect prior to the date an application for a permit is filed with the public entity shall not constitute a cause of action under this chapter.

NEW SECTION. Sec. 3. Any action to assert claims under the provisions of this chapter shall be commenced only within thirty days after all administrative remedies have been exhausted.

NEW SECTION. Sec. 4. The remedies provided by this chapter are in addition to any other remedies provided by law.

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.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act shall constitute a new chapter in Title 64 RCW."

Strike all of the title and insert: "AN ACT Relating to property rights; and adding a new chapter to Title 64 RCW."

Signed by: Senators Clarke, Chairman; Hayner, Newhouse, Pullen, Talmadge.

The bill was read the second time by sections.

Senator Hemstad moved adoption of the committee amendment.

On motion of Senator Talmadge, the following amendments by Senators Talmadge and Hemstad to the committee amendment were considered and adopted simultaneously:

On page 1, line 22, following "put" insert "real"

On page 1, line 26, following "(4)" strike all of the subsection and insert: "Damages" means reasonable expenses and losses, other than speculative losses or profits, incurred between the time a cause of action arises and the time a holder of an interest in real property is granted relief as provided in section 2 of this act.

Damages must be caused by an act, necessarily incurred, and actually suffered, realized, or expended, but are not based upon diminution in value of or damage to real property, or litigation expenses."

On page 2, line 9, following "of" insert "real" and on line 13, strike "land" and insert "real property"

On page 2, following line 33, insert a new paragraph to read as follows: "In any action brought pursuant to this act, a defense is available to a political subdivision of this state that its act was mandated by a change in statute or state rule or regulation and that such a change became effective subsequent to the filing of an application for a permit."

Senator Talmadge moved adoption of the following amendment by Senator Talmadge and Hemstad to the committee amendment:

On page 2, line 37, following "permit" insert "have an action for damages"

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

On the last line of the amendment, after "damages" strike "for"

The motion by Senator Talmadge carried and the amendment as amended, to the committee amendment was adopted.

On motion of Senator Talmadge, the following amendments by Senators Talmadge and Hemstad to the committee amendment were considered and adopted simultaneously:

On page 3, line 4, following "law" strike all material through "fee" on line 6

On page 3, following line 15, insert a new subsection to read as follows:

"(2) The prevailing party in an action brought pursuant to this act may be entitled to reasonable costs and attorney's fees."

Re-number remaining subsections consecutively and correct internal cross references.

On page 3, line 23, following "the" strike "public entity" and insert "agency"

The motion by Senator Hemstad carried and the committee amendment, as amended, was adopted.

On motion of Senator Vognild, there being no objection, an amendment on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Hemstad, the committee amendment to the title was adopted.

On motion of Senator Hemstad, the rules were suspended, Substitute House Bill No. 1006, 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 Metcalf: "Senator Hemstad, this does, then, make it substantially easier to develop property? This is a development bill, this is a real estate development bill or is it, make it more difficult or more easy to develop property?"

Senator Hemstad: "Senator Metcalf, I can't answer the question in either, your 'either/or' arrangement. What it is doing is providing to a party with a grievance for arbitrary, capricious, or unlawful conduct by local officials in failure on a timely basis to authorize the development of the property to recover damages for that period of time in which the property was improperly withheld from development.

"I don't think that translates into say, at this point, as finally drafted, now after careful wording, I don't think that that translates into an ability to say this is a bill that favors or disfavors development. I suppose you can say it is a bill that is attempting to deal fairly with the developer if he has been improperly treated."

Senator Metcalf: "Thank you, Senator Hemstad."

## POINT OF INQUIRY

Senator Goltz: "Senator Hemstad, I suppose it will be much easier to develop property than it will be to develop legislation if we keep having all these questions.

"But I would like to ask the question, does this bill encompass the concept that a property owner could sue for damages if a city downgrades a zone of the property owned by a property owner? It does not encompass that, does it?"

Senator Hemstad: "It does not encompass that concept."

Senator Goltz: "Thank you."

## MOTION

On motion of Senator Clarke, Substitute House Bill No. 1006, as amended by the Senate, was ordered held on third reading for consideration on March 10, 1982.

## SECOND READING

**SUBSTITUTE HOUSE BILL NO. 868**, by House Committee on Appropriations—Education (originally sponsored by Representatives Chamberlain, Heck, Maxie, Galloway and McDonald):

Modifying distribution procedures of federal forest funds.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Substitute House Bill No. 868 was advanced to third reading, the second 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. 868 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger; Charnley, Clarke, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senator Lysen—1.

Absent or not voting: Senator Deccio—1.

Excused: Senators Conner, Talley—2.

**SUBSTITUTE HOUSE BILL NO. 868**, having received the 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. 855**, by House Committee on Local Government (originally sponsored by Representative Isaacson) (by State Auditor request):

Extending scope of expenses charged for auditing municipal corporations.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Substitute House Bill No. 855 was advanced to third reading, the second 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. 855 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senator Pullen—1.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Conner, Talley—2.

SUBSTITUTE HOUSE BILL NO. 855, having received the 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. 931, by House Select Committee on Deregulation and Productivity (originally sponsored by House Select Committee on Deregulation and Productivity and Representative Williams):

Modifying handling of reserved funds for public contracts.

## REPORT OF STANDING COMMITTEE

February 25, 1982.

SUBSTITUTE HOUSE BILL NO. 931, modifying the handling of reserved funds for public contracts (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 7, after "contractor" insert "or subcontractor"

On page 3, line 8, after "subcontractor" insert "or sub subcontractor"

On page 3, line 11, after "contractor" insert "or subcontractor"

On page 3, line 11, after "subcontractor" insert "or sub subcontractor"

On page 3, line 13, after "contractor" insert "or subcontractor"

On page 3, line 15, after "(4)" insert "With the consent of the public body"

On page 3, line 15, after "for" strike "the full" and insert "all or any portion of  
the"

On page 3, line 17, after "Such" strike "bonds" and insert "bond"

On page 3, line 20, after "release" insert "the bonded portion of"

On page 3, line 21, after "within" strike "fifteen" and insert "thirty"

On page 3, line 27, after "within" strike "fifteen" and insert "thirty"

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Rasmussen, Sellar.

The bill was read the second time by sections.

Senator Metcalf moved adoption of the committee amendment.

Senator Quigg moved the committee amendments be considered and adopted simultaneously.

## POINT OF INQUIRY

Senator Bottiger: "Senator Quigg, there was a section in this bill that allowed the subcontractor to be paid his retainage when his part of the job was done and accepted. And for some reason that has been amended out and I would like to have an explanation of that.

"And I would like to tell you a little story about the stadium bowl. The sub-contractor that built the bathhouses and the rest rooms had his work not only accepted but used for two-and-one-half years, and because the general is in trouble, he still hasn't been paid for his retainage. And why did we amend that section out?"

Senator Metcalf: "Mr. President, Senator Bottiger, we worked this whole thing really, really hard and we worked, between the subcontractors and the general contractors. And I cannot answer your question specifically on that point. If you would, we could hold the bill if you would like to get an answer on it; I can't answer it right now, I . . . ."

Senator Bottiger: "Senator, I am wise enough to know if we hold the bill, it is probably dead, and so I don't want to hold the bill; but I think that this is a case where the generals really ran over the subs and I wish that somebody on that committee had had just a little bit more to tell them where to go."

### REMARKS BY SENATOR QUIGG

Senator Quigg: "Well, maybe to better respond as a member of the committee who is both a 'sub' and a 'general,' a sub who is often at the front end of a job, Senator Bottiger, you know the foundation work — right — I understand exactly what you are talking about. That was not brought up during the committee discussion of the bill; so whether it was stricken in the House side, I don't know, but it was not in the bill when it came to the Senate and so it must have been knocked out over there, because I know exactly what you are talking about is a front end sub, so to speak, that is involved with earth work or foundation work and ends up waiting for the end of the job to be paid by a general who could find himself in financial problems; but when the bill came to the Senate state government committee that language was not in there; that was not an issue in the bill. It was more a matter of retainage and interest on the retainage."

The motion by Senator Quigg carried and the committee amendments were adopted simultaneously.

On motion of Senator Quigg, the following amendments were adopted:

On page 1, line 19, strike "equal to" and insert "((equal to)) not to exceed"

On page 2, line 15 after "contractor" insert

": PROVIDED, That the contractor may request that retainage be reduced to one-hundred percent of the value of the work remaining on the project"

On page 3, line 12 after "contractor" insert "or subcontractor"

On page 3, line 12 after "to the subcontractor" insert "or sub subcontractor"

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 931, 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 Lysen: "Senator Quigg, when I was attending part of the hearing, there was a lady from one of the local sewer districts, as I recall, who had some concerns about the retainage, the reduction or taking the retainage responsibility of the prime contractor, because when these contracts are finally signed off on, which was her responsibility, you have to go through and check and see that all the subs have paid their unemployment comp, and a number of other areas because if that is not done, the local, in this case the local district, would be liable for these things. And she expressed some real concerns about that in meeting the leverage on that retainage to, in some cases to get the contractors, subcontractors to perform.

"Were her concerns met by these amendments that you offered, and what are the protections we have in this area of unemployment comp payments, and so forth?"

Senator Quigg: "Senator Lysen, the committee amendment as well as the other amendments that we adopted here on the floor, don't deal with that but her concern was addressed by seeing to it that the use of a bond instead of retainage and the amount of retainage, to be retained, is to be determined by the contracting agency. So the case of a contractor that may not have established a record with this contracting agency, then she would have the latitude or let's say the water district or sewer district or wherever she was from, would be able to use the full force and effect of the retainage provisions that are in the law and they have agreed to these provisions that are now in the bill."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 931, 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 Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Deccio—1.

Excused: Senators Conner, Talley—2.

SUBSTITUTE HOUSE BILL NO. 931, 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 has signed:

SENATE BILL NO. 3446,  
 SENATE BILL NO. 3847,  
 SENATE BILL NO. 4354,  
 SENATE BILL NO. 4425,  
 SUBSTITUTE SENATE BILL NO. 4449,  
 SUBSTITUTE SENATE BILL NO. 4461,  
 SENATE BILL NO. 4464,  
 SENATE BILL NO. 4477,  
 SUBSTITUTE SENATE BILL NO. 4481,  
 SENATE BILL NO. 4493,  
 SUBSTITUTE SENATE BILL NO. 4545,  
 SENATE BILL NO. 4638,  
 SUBSTITUTE SENATE BILL NO. 4697,  
 SENATE BILL NO. 4713,  
 SENATE BILL NO. 4718,  
 SUBSTITUTE SENATE BILL NO. 4775,  
 SUBSTITUTE SENATE BILL NO. 4826.

### MOTION

At 7:00 p.m., on motion of Senator Clarke, the Senate adjourned until 9:30 a.m., Wednesday, March 10, 1982.

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

## FIFTY-NINTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 10, 1982.

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 Metcalf, Rasmussen and Talley. There being no objection, Senators Rasmussen and Talley were excused.

The Color Guard, consisting of Pages Rodney May and Barbara Taller, presented the Colors. Reverend Frank L. Accardy, pastor of Emmanuel Baptist Church of Olympia and Reverend Accardy's guest Reverend Duane Shockly, General Director of the Conservative Baptist Association of Washington, Kent Washington offered the prayer.

### MOTION

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

### MESSAGES FROM THE HOUSE

March 9, 1982.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 146, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 9, 1982.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 3587,

SENATE BILL NO. 4199,

ENGROSSED SENATE BILL NO. 4366,

SENATE BILL NO. 4691,

SENATE BILL NO. 4749, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 9, 1982.

Mr. President: The Speaker has signed:

SENATE BILL NO. 3346,

SENATE BILL NO. 3847,

SENATE BILL NO. 4354,

SENATE BILL NO. 4425,

SUBSTITUTE SENATE BILL NO. 4449,

SUBSTITUTE SENATE BILL NO. 4461,

SENATE BILL NO. 4464,

SENATE BILL NO. 4477,

SUBSTITUTE SENATE BILL NO. 4481,

SENATE BILL NO. 4493,

SUBSTITUTE SENATE BILL NO. 4545,

SENATE BILL NO. 4638,

SUBSTITUTE SENATE BILL NO. 4697,

SENATE BILL NO. 4713,

SENATE BILL NO. 4718,  
 SUBSTITUTE SENATE BILL NO. 4775,  
 SUBSTITUTE SENATE BILL NO. 4826, and the same are herewith  
 transmitted.

VITO T. CHIECHI, Chief Clerk.  
 March 9, 1982.

Mr. President: The Speaker has signed:  
 SUBSTITUTE SENATE BILL NO. 4716,  
 SENATE BILL NO. 4831, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.  
 March 9, 1982.

Mr. President: The Speaker has signed:  
 SENATE BILL NO. 3156,  
 SECOND SUBSTITUTE SENATE BILL NO. 3541,  
 SUBSTITUTE SENATE BILL NO. 3927, and the same are herewith  
 transmitted.

VITO T. CHIECHI, Chief Clerk.  
 March 9, 1982.

Mr. President: The Speaker has signed:  
 SUBSTITUTE HOUSE BILL NO. 871,  
 HOUSE BILL NO. 934,  
 HOUSE BILL NO. 1072, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.  
 March 9, 1982.

Mr. President: The Speaker has signed:  
 SUBSTITUTE HOUSE BILL NO. 887,  
 HOUSE BILL NO. 897,  
 HOUSE BILL NO. 942,  
 HOUSE BILL NO. 1074, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.  
 March 9, 1982.

Mr. President: The House refuses to recede from the House amendments to  
 ENGROSSED SENATE BILL NO. 4559, and asks the Senate for a conference  
 thereon.

The Speaker appointed Representatives Addison, McGinnis, Walk.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Clarke, the request of the House for a conference on  
 Engrossed Senate Bill No. 4559 and the House amendments thereto was granted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on  
 Engrossed Senate Bill No. 4559, and the House amendments thereto: Senators Lee,  
 Rasmussen and Metcalf.

#### MOTION

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

## MESSAGE FROM THE HOUSE

March 9, 1982.

Mr. President: The House refuses to recede from the House amendments to ENGROSSED SENATE BILL NO. 4748 and asks the Senate for a conference thereon.

The Speaker appointed Representatives Sanders, Eng and Patrick.

VITO T. CHIECHI, Chief Clerk:

## MOTION

On motion of Senator Clarke, the request of the House for a conference on Engrossed Senate Bill No. 4748 and the House amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 4748, and the House amendments thereto: Senators Benitz, Vognild and Quigg.

## MOTION

On motion of Senator Clarke, further action on the House Message and appointment of a Conference Committee on Engrossed Senate Bill No. 4748 was ordered held.

## MOTION

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

## THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1006**, by House Committee on Local Government (originally sponsored by House Committee on Local Government and Representatives Sanders, King (R.), Barrett and others):

Revising law on compensation for taking of property by governments.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1006.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1006 and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Peterson, Ridder—2.

Absent or not voting: Senators Charnley, Metcalf—2.

Excused: Senators Rasmussen, Talley—2.

SUBSTITUTE HOUSE BILL NO. 1006, having received the 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 9:59 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 11:42 a.m.

#### MOTION

At 11:43 a.m., on motion of Senator Clarke, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 871,  
 SUBSTITUTE HOUSE BILL NO. 887,  
 HOUSE BILL NO. 897,  
 HOUSE BILL NO. 934,  
 HOUSE BILL NO. 942,  
 HOUSE BILL NO. 1072,  
 HOUSE BILL NO. 1074.

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

March 8, 1982.

SENATE BILL NO. 4368, relating to revenue and taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4368 be substituted therefor, without recommendation.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Deccio, Hayner, Jones, Lee, McDermott, Zimmerman.

Passed to Committee on Rules for second reading.

March 10, 1982.

SENATE BILL NO. 4634, providing for adjustments in the apportionment of the state levy (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Deccio, Fleming, Hayner, Jones, Lee, McDermott, Zimmerman.

Passed to Committee on Rules for second reading.

March 9, 1982.

HOUSE BILL NO. 736, allowing the state employees insurance board to contract with multiple carriers providing similar coverage and changing the frequency of insurance surveys performed for the board (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

March 8, 1982.

SECOND SUBSTITUTE HOUSE BILL NO. 828, continuing compensation for crime victims (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Haley, Hayner, Jones, Lee, Fleming, Ridder, Zimmerman.

MINORITY recommendation: Do not pass as amended.

Signed by: Senator Pullen.

Passed to Committee on Rules for second reading.

March 8, 1982.

HOUSE BILL NO. 933, modifying provisions on the procurement of insurance by state agencies (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Deccio, Haley, Hayner, Jones, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 9, 1982.

HOUSE JOINT MEMORIAL NO. 24, requesting the end of mandatory vehicle emission testing (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Haley, Hansen, Hughes.

Passed to Committee on Rules for second reading.

### MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

### SECOND READING

ENGROSSED HOUSE BILL NO. 999, by Representatives Fiske, Lundquist and McDonald:

Authorizing island library districts.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Engrossed House Bill No. 999 was advanced to third reading, the second reading considering the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Hansen: "Senator Zimmerman, when they up the portion of the tax revenue that ordinarily goes to the library district, is this coming out of the revenue that is already there or will this be a special levy over the top of what, the one percent . . .?"

Senator Zimmerman: "Senator Hansen, as far as I know, it will not be over and above; it will be out of the regular library . . . ."

Senator Hansen: "In other words, it will be taken out of the fire district . . .?"

Senator Zimmerman: "No, no, it will not be taken out of the fire district. It will be out of the revenue that is allocated for the purpose of library districts; no, it would not be taking it away from the fire district."

Senator Hansen: "Well, they are already paying that portion, that portion is already going into their county library district, and so if you add any extra on to it, you would have to take it out of the existing taxes of the one percent property tax."

Senator Zimmerman: "Let me read this part of it here. It says that 'A library district can impose regular property taxes of up to 50¢ per thousand of assessed valuation for library purposes.' And they can issue general obligation bonds, retire such bonds with multi-voter approved excess property tax levies if they go voter approved, they can have an excess levy and they can impose for a single year, voter approved property tax levies. As I understand it, it will not have an adverse effect on the rural fire districts. But it obviously is, could be by such levy . . . could compete."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 999 and the bill passed the Senate by the following vote: Yeas, 38; nays, 4; absent or not voting, 6; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Ridder, Scott, Shipoch, Talmadge, Vogniild, von Reichbauer, Williams, Wilson, Woody, Zimmerman—38.

Voting nay: Senators Bottiger, Hansen, Rasmussen, Wojahn—4.

Absent or not voting: Senators Conner, Gould, Hayner, Hughes, Quigg, Sellar—6.

Excused: Senator Talley—1.

ENGROSSED HOUSE BILL NO. 999, having received the 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. 848, by House Committee on Human Services (originally sponsored by House Committee on Human Services and Representative Mitchell) (by Department of Social and Health Services request):

Modifying provisions relating to child welfare services.

The bill was read the second time by sections.

Senator Hansen moved adoption of the following amendment by Senators Hansen and Guess:

On page 8, line 6, after the period add

"(1) Private family day care homes which regularly provide care during any part of the twenty-four hour day for not more than twelve children, expectant mothers, or developmentally disabled persons, including the providers own children if under the age of six years, in the family abode, and the compensation for which is paid directly by the parent or legal guardian."

### POINT OF ORDER

Senator Ridder: "Thank you, Mr. President. I would raise the question of scope and object on the amendment; would speak to that.

"Thank you, Mr. President. The amendment deals with the bill that went through here earlier, it's true. However, it deals with family day care homes and the bill, House Bill 848, deals exclusively with foster home care and adoption services; and I do think that is outside the scope of the bill."

There being no objection, the Senate was declared to be at ease at 1:56 p.m.

The President called the Senate to order at 2:13 p.m.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Ridder, the President finds that Substitute House Bill No. 848 is a measure which deals with the subject of foster care for children.

"The amendment proposed by Senators Hansen and Guess deals with the distinct subject of the deregulation of private family day care homes.

"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 Hansen and Guess was ruled out of order.

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 848 was advanced to third reading, the second 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. 848 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Hansen, Pullen—2.

Absent or not voting: Senator Conner—1.

Excused: Senator Talley—1.

SUBSTITUTE HOUSE BILL NO. 848, having received the 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 Clarke, with the consent of the Senate, the Senate resumed consideration of House Bill No. 600.

## SECOND READING

HOUSE BILL NO. 600, by House Committee on Ethics, Law and Justice and Representatives Ellis, Patrick, Schmidt, Becker, Tilly, Winsley, Bickham, Pruitt and Granlund:

Making various changes in criminal law.

The Senate resumed consideration of House Bill No. 600. On March 9, 1982, the committee amendment had been moved for adoption. An amendment by Senator Newhouse to the committee amendment had been adopted. An amendment by Senator Bottiger to the committee amendment failed. The following amendment by Senators Quigg, Vognild and Rasmussen to the committee amendment had been moved for adoption and a point of order had been raised by Senator Charnley on that amendment.

On page 3 of the Committee Amendment, after line 8, insert the following:

"Sec. 2. Section 5, chapter 172, Laws of 1935 as amended by section 4, chapter 124, Laws of 1961 and RCW 9.41.050 are each amended to read as follows:

~~((No person shall carry a pistol in any vehicle unless it is unloaded or carry a pistol concealed on his person, except in his place of abode or fixed place of business, without a license therefor as hereinafter provided))~~ (1) Except in the person's place

of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a license to carry a concealed weapon.

(2) A person who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.

(3) A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed weapon and: (a) The pistol is on the licensee's person, (b) the licensee is within the vehicle at all times that the pistol is there, or (c) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle."

Remember the sections following consecutively, and correct internal references accordingly.

### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Charnley, the President finds that House Bill No. 600 is a measure which makes numerous changes to the state's criminal code.

"The amendment proposed by Senators Quigg, Vognild and Rasmussen deals with the subject of firearms which is included in the bill and is also the subject of Senator Newhouse's recently adopted amendment.

"The President therefore finds that the proposed amendment does not expand the scope and object of the bill and that the Point of Order is not well taken."

The amendment by Senators Quigg, Vognild and Rasmussen to the committee amendment was ruled in order.

The motion by Senator Vognild carried and the amendment to the committee amendment was adopted.

On motion of Senator Hemstad, the following amendment by Senators Hemstad, Wojahn, Gould, Metcalf, Pullen and Woody to the committee amendment was adopted:

On page 18 of the Committee Amendment, after line 23, insert the following:

"Sec. 23. Section 1, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05-.010 are each amended to read as follows:

Upon arraignment in a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution program. A person charged with a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW shall not be eligible for a deferred prosecution program.

Sec. 24. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 6, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of RCW 46.61.502 or 46.61-.504 shall be punished by imprisonment for not less than ~~((one day))~~ twenty-four consecutive hours nor more than one year, and by a fine of not more than five hundred dollars. The person shall, in addition, be required to ~~((complete a course at an alcohol information school approved by the department of social and health services. One day))~~ undergo an evaluation screening at a program approved by the department of social and health services or such other evaluation screening as the court shall designate. The screening shall employ standardized tests prescribed by the department of social and health services pursuant to the administrative procedure act, chapter 34.04 RCW, to assess the person's need for alcoholism or drug abuse treatment. Based upon the outcome of that screening, the person shall be required to complete either a course at an alcohol information school approved by the department of social and health services or a program of alcoholism or drug abuse treatment approved by the department of social and health services. The costs of the

evaluation screening and alcohol information school shall be paid by the convicted person and be approved by the court. A convicted person who objects to the evaluation decision may petition the court to review the decision. Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate.

(2) On a second or subsequent conviction ((under RCW 46.61.502 or 46.61-.504)) for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine not more than one thousand dollars. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If such person at the time of a second or subsequent conviction is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete diagnostic evaluation and, if required, treatment at an approved alcoholism treatment facility or approved drug treatment center, and a copy of the evaluation and treatment report shall be sent to the department of licensing.

In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) There shall be levied and paid into the highway safety fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all offenses involving a violation of any state statute or city or county ordinance relating to driving a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor: PROVIDED, That all funds derived from such penalty assessment shall be in addition to and exclusive of assessments made under RCW 46.81.030 and shall be for the exclusive use of the department for driver services programs and for a state-wide alcohol safety action program, or other similar programs designed primarily for the rehabilitation or control of traffic offenders. Such penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.

(4) Notwithstanding the provisions contained in chapters 3.16, 3.46, 3.50, 3.62, or 35.20 RCW, or any other section of law, the penalty assessment provided for in subsection (3) of this section shall not be suspended, waived, modified, or deferred in any respect, and all moneys derived from such penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (3) of this section.

(5) The license or permit to drive or any nonresident privilege of any person convicted of ((either of the offenses named in RCW 46.61.502 or 46.61.504)) driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall:

(a) On the first conviction under either such offense, be suspended by the department for not less than thirty days: PROVIDED, That the court may recommend that no suspension action be taken. The court shall forward a copy of the completed diagnostic evaluation and treatment report to the department of licensing before the department may reinstate the person's driver's license. The department of licensing shall determine the person's eligibility for licensing based upon these reports and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(b) On a second conviction under either such offense within a five year period, be suspended by the department for not less than sixty days. The court shall forward a copy of the completed diagnostic evaluation and treatment report to the department of licensing before the department may reinstate the person's driver's license. The department of licensing shall determine the person's eligibility for licensing based upon these reports as provided in RCW 46.20.031 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction under either such offense within a five year period, be revoked by the department.

(6) In any case provided for in this section, where a driver's license is to be revoked or suspended, such revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case such conviction is sustained on appeal such revocation or suspension shall take effect as of the date that the conviction becomes effective for other purposes.

((7) The provisions of this section limiting the authority of a court to defer or suspend a sentence shall not take effect until January 1, 1980. The division of criminal justice, no later than December 31, 1980, shall submit a study to the house of representatives and to the senate which details the impact of the sentencing provisions established by this section. The impact study shall include, but shall not be limited to, the following information: The impact of the provisions upon county jail conditions and bed space, the cost impact of the provisions upon local and state governments, and the existence of alternative facilities to which individuals sentenced under this section may be committed.))"

Renumber the section following consecutively.

The motion by Senator Hemstad carried and the committee amendment, as amended, was adopted.

Senator Hemstad moved adoption of the committee amendment to the title.

On motion of Senator Hemstad, the following amendments to the committee amendment to the title were adopted:

On page 19 of the Committee Amendment, line 7, after "9.41.025;" insert "amending section 5, chapter 172, Laws of 1935 as amended by section 4, chapter 124, Laws of 1961 and RCW 9.41.050;"

On page 19 of the Committee amendment, line 7 of the title, following "9.41.025;" insert "amending section 1, chapter 64, Laws of 1933 and RCW 9.41.190;"

On page 20 of the Committee Amendment, line 16, after "9A.76.120;" insert "amending section 1, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.010;"

On page 20 of the Committee Amendment, line 18, after "46.61.024;" insert "amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 6, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.515;"

The motion by Senator Hemstad carried and the committee amendment to the title, as amended, was adopted.

On motion of Senator Hemstad, the rules were suspended, House Bill No. 600, 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. 600, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent or not voting, 4; excused, 1.

Voting yea: Senators Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Vognild, Williams, Wojahn, Woody, Zimmerman—40.

Voting nay: Senators Bauer, Goltz, Talmadge, Wilson—4.

Absent or not voting: Senators Benitz, Conner, Gallagher, von Reichbauer—4.

Excused: Senator Talley—1.

HOUSE BILL NO. 600, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Ridder, Senators Conner and Fleming were excused.

#### MOTION

On motion of Senator Clarke, Engrossed Substitute House Bill No. 922 was ordered held for later consideration.

#### • SECOND READING

HOUSE BILL NO. 1174, by House Committee on Ways and Means and Representatives Chandler and Wang:

Requiring joint operating agencies to pay costs of elections authorizing sale of bonds for major public energy projects.

The bill was read the second time by sections.

On motion of Senator Pullen, the rules were suspended, House Bill No. 1174 was placed on third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Vognild: "Senator Pullen, how many people in the state of Washington will vote on one of these ballots?"

Senator Pullen: "Well, it could be literally in the millions; it might depend on whether the upcoming issue would be on the primary ballot or the November ballot. There is some question as to when that would be."

Senator Vognild: "Well done; I just raised the question. Let's try again. Will all citizens of the state of Washington who are registered voters be allowed to vote on this issue?"

Senator Pullen: "I think Senator Gould would like to answer that question."

## REMARKS BY SENATOR GOULD

Senator Gould: "It is my understanding that under the provisions of 394, the people that will vote are those who are voters within the member districts, in other words, the PUDs and the utilities of the state, of municipal utilities in the state; but not those who are in the private power areas."

## POINT OF INQUIRY

Senator Bottiger: "Senator Gould, do any of the auditors know which people within a precinct are supplied by private or public power? And I would just like to tell you that on the street I live on you have a choice, some people are on Puget and some are on Elmhurst and we are right in the middle of a precinct. Does any auditor know the answer to that question?"

Senator Gould: "I haven't told the auditor, Senator, but I'll be sure, I can be assured that they will know by the time the vote comes."

Debate ensued.

## REMARKS BY SENATOR BENITZ

Senator Benitz: "Mr. President, members of the Senate. I guess I have been off the floor, I begged to be excused for that. But I did want to make the statement that there are some questions about this bill as whether or not the costs of an election can legally be considered legitimate costs of construction, of constructing a project.

"If they cannot, and this act is held invalid, the election costs will apparently revert to the general fund, and that is a point that I think should be made now so that later on when it happens, not too many of us come unglued. But it is one of distinct possibility and I feel it should be mentioned here."

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1174 and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; excused, 3.

Voting yea: Senators Bluechel, Bottiger, Clarke, Craswell, Deccio, Gallagher, Gaspard, Goltz, Gould, Guess, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Wojahn—33.

Voting nay: Senators Bauer, Benitz, Charnley, Fuller, Haley, Hansen, Newhouse, Vognild, von Reichbauer, Williams, Wilson, Woody, Zimmerman—13.

Excused: Senators Conner, Fleming, Talley—3.

HOUSE BILL NO. 1174, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 922, by House Committee on Institutions (originally sponsored by Representatives Amen, Williams, Sommers, Greengo, Nelson (G.), Struthers, Houchen, Thompson and Becker) (by Legislative Budget Committee request):

Authorizing parole board to reduce prison overcrowding.

The Senate resumed consideration of Engrossed Substitute House Bill No. 922 from March 9, 1982. The measure was amended at that time. Senator Talmadge had moved adoption of the following amendments by Senators Talmadge and Pullen. Senator Bottiger moved adoption of an amendment to the amendments and Senator

Pullen had raised a Point of Order on the amendment to the amendment by Senator Bottiger.

On page 1, line 23, after "for treason" strike all of the material down to and including "degree" on line 24 and insert ", any class A felony"

On page 1, beginning on line 26, after "(2) The" strike all of the material down to and including "resources" on page 2, line 8 and insert the following: "board of prison terms an paroles shall adopt, within ninety days of the effective date of this act, guidelines for the reductions of the inmate population. These guidelines shall be applied to all inmates except those with mandatory minimums under RCW 9.95.040 or those confined for a class A felony. The rules shall be adopted pursuant to Chapter 34.04 RCW.

(3) In establishing these guidelines, the board shall give priority to sentence reductions for inmates incarcerated for nonviolent offenses, inmates who are within six months of a scheduled parole, and inmates with the best records of conduct during confinement.

(4) In adopting this program, the board shall consider the public safety, the detrimental effect of overcrowding upon inmate rehabilitation, and the best allocation of limited correctional facility resources.

(5) The rules adopted according to the provisions of Section 2 of this act shall not be implemented until the rules are submitted to the senate social and health services and the house institutions committee for their consideration and review"

On motion of Senator Bottiger, the amendment to the amendments by Senators Talmadge and Pullen was withdrawn.

On motion of Senator Deccio, the following amendment to the amendment to page 1, line 26 was adopted:

Strike the last sentence of the first paragraph.

The motion by Senator Talmadge carried and the amendments, as amended, were adopted.

Senator Talmadge moved adoption of the following amendment by Senators Talmadge and Pullen:

On page 2, after "." on line 35, add a new section to read as follows:

"NEW SECTION, Sec. . There is hereby appropriated to the Board of Prison Terms and Paroles from the general fund for the biennium ending June 30, 1983, the sum of \$180,000, or so much thereof as may be necessary, to process parole revocation hearings."

Renumber the remaining sections consecutively.

Debate ensued.

The motion by Senator Talmadge failed and the amendment was not adopted.

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

On page 3, line 5, following ".", add a new section to read as follows:

"NEW SECTION, Sec. . If any provision of this 1982 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining section accordingly.

On motion of Senator Pullen, all amendments with Senator Pullen as prime sponsor on the desk of the Secretary of the Senate were withdrawn.

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute House Bill No. 922, 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. 922, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Pullen, Scott—2.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Conner, Talley—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 922, 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. 1012, by House Committee on Appropriations—General Government and Compensation (originally sponsored by House Committee on Appropriations—General Government and Compensation and Representative Williams):

Authorizing fees for surveys and maps supplied from DNR.

## REPORT OF STANDING COMMITTEE

March 3, 1982.

SUBSTITUTE HOUSE BILL NO. 1012, authorizing fees for surveys and maps supplied from DNR (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 4, line 31, after "shall" and before "be", insert "not exceed the actual cost to the department of providing the service, and shall"

Signed by: Senators Gallagher, Chairman; Lysen, Patterson, Peterson, Rasmussen, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Gallagher, the committee amendment was adopted.

On motion of Senator Lee, the following amendments were considered and adopted simultaneously:

On page 4, line 24 after "RCW" insert "and RCW 43.99.142"

On page 5, line 9 after "information" insert "and publications authorized by RCW 42.99.142."

NEW SECTION. Sec. 8. There is added to chapter 224, Laws of 1951 and to Chapter 58.24 RCW a new section to read as follows:

A fee to be established by rule in accordance with chapter 34.04 RCW by the Department of Natural Resources in consultation with the Interagency Committee for Outdoor Recreation, shall be charged to cover the production and distribution costs of a comprehensive guide of public parks and recreation sites in the State of Washington as authorized under RCW 43.99.142"

On motion of Senator Gallagher, the following amendment was adopted:

On page 4, line 33, after "by" strike "RCW 36.18.010" and insert "law"

On motion of Senator Gallagher, the rules were suspended, Substitute House Bill No. 1012, 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 Vognild: "Senator Gallagher, I am unable to find the committee amendment in my book here, so I would like to ask if the amendment now limits the fee that they can charge to what their costs are?"

Senator Gallagher: "The amendment and the fees that are going to be established will have to go through the regular administrative procedures act and this includes the public hearing and legislative review; in addition, the bill states the fee is not to exceed the cost of the department's operation."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1012, 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 Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCasin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Hayner—1.

Excused: Senators Conner, Talley—2.

SUBSTITUTE HOUSE BILL NO. 1012, 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. 1149, by House Committee on Labor and Economic Development (originally sponsored by Representatives Bond, Galloway, McGinnis and others):

Modifying state fireworks law.

## REPORT OF STANDING COMMITTEE

March 3, 1982.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1149, modifying the state fireworks law, (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 1 after "visible" insert "or audible"

On page 7, line 18 after "display." strike all the material down to and including "county." on line 20

On page 8, line 10 strike "hundred thousand" and insert "million"

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

The bill was read the second time by sections.

On motion of Senator Quigg, the committee amendments to page 4, line 1 and page 7, line 18 were adopted.

Senator Quigg moved adoption of the committee amendment to page 8, line 10.

## POINT OF INQUIRY

Senator Wilson: "Senator Quigg, every once in a while a goof is engaged to come around and shoot off fireworks at the Okanogan county fair. And the extent of my question is, this won't make the premium so high as to interrupt that patriotic process?"

Senator Quigg: "As you know, Senator Wilson, the commerce and labor committee is very sensitive about interrupting patriotism; we have checked this with these people, the proponents of the amendment that were from the industry that puts on those kinds of displays and they said that this would not cause a problem of insurance premiums and that it was a level that they could live with and it would also provide accrued coverage. There have been cases where folks have really been injured by these kinds of displays, so the industry that puts on those displays, like a 4th of July celebration, supports the amendment."

#### POINT OF INQUIRY

Senator Peterson: "Senator Quigg, in many small towns around the state, including my own, on the 4th of July the fire department is the technicians that put off the community displays. Does this mean that every little local fire district is going to have to have a million-dollar insurance policy before they can do their civic duty?"

Senator Quigg: "Senator Peterson, in the case of a fire department, I imagine they probably have substantial insurance limits anyway; but as I read the section, that if they were putting on a commercial display that they would have to have this kind of coverage; and once again, the testimony of the committee was presented by the insurance commissioner's office as well as the people who sell the fireworks to folks like the volunteer firemen and as well as to the commercial fireworks display operators. This was an amendment they supported so what I can see from the support, both the fire service community as well as the fireworks industry, I don't imagine they would find this a burden."

#### POINT OF INQUIRY

Senator Williams: "Senator Quigg, we passed another bill, I think it is a Senate bill, earlier this session, and as I recall, in it, it had two things that I was concerned about; but one of them was, and I will ask you, does this bill set the requirements in terms of what fireworks may be sold and no individual community may set higher standards, or more restrictive standards, in terms of the sale of fireworks in their jurisdiction?"

Senator Quigg: "Senator, I believe the bill sets the maximum standard. It does not set a minimum, it sets a maximum. I think this was also addressed on the question of the permit cost; in other words we didn't want, there was a concern about . . . about adjoining jurisdictions or because of either limits on the kinds of fireworks that could be sold or permit prices, you could find borderline fireworks stands that would be right across the border from the jurisdiction either had tighter fireworks restrictions or higher permit costs.

"My understanding that the local jurisdiction cannot require a lower standard or tougher standard for the fireworks that were authorized to be sold, in effect, the state determining what that is by the passage of this bill."

#### REMARKS BY SENATOR QUIGG

Senator Quigg: "This is for the body; this is the amendment that increases the bodily injury, the liability insurance limits. This is not final passage of the bill; strictly an increase in the insurance requirement as agreed to by the industry and the fire commissioners' office."

The motion by Senator Quigg carried and the committee amendment to page 8, line 10 was adopted.

On motion of Senator Quigg, the rules were suspended, Engrossed Substitute House Bill No. 1149, 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. 1149, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Pullen, Quigg, Ridder, Scott, Sellar, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—34.

Voting nay: Senators Fleming, Goltz, Hemstad, Hughes, Hurley, Lysen, Moore, Peterson, Rasmussen, Shipoch, Talmadge, Williams, Wilson—13.

Excused: Senators Conner, Talley—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1149, 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. 1084, by House Committee on Education and Representative Taylor (by State Board of Education request):

Clarifying law relating to terms and qualifications of state board of education members.

### REPORT OF STANDING COMMITTEE

February 25, 1982.

HOUSE BILL NO. 1084, clarifying the law relating to terms and qualifications of state board of education members, (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 3 following section 2 add three new sections to read as follows:

"Sec. 3. Section 28A.04.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 179, Laws of 1980 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: PROVIDED, That the member elected by the private schools shall vote only on matters directly relating to private schools.

Sec. 4. Section 28A.04.020, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 38, Laws of 1981 and RCW 28A.04.020 are each amended to read as follows:

Not later than the twenty-fifth day of August of each year, the superintendent of public instruction shall call for the following elections to be held: An election in each congressional district within which resides a member of the state board of education whose term of membership will end on the second Monday of January next following, and an election of the ((nonvoting)) member of the state board of education representative of the private schools if the term of membership will end on the second Monday of January next following. The superintendent of public instruction shall give written notice thereof to each member of the board of directors of each common school district in such congressional district, and to the chairperson of the

board of directors of each private school who shall distribute said notice to each member of the private school board. Such notice shall include the election calendar and rules and regulations established by the superintendent of public instruction for the conduct of the election.

Sec. 5. Section 28A.04.050, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 38, Laws of 1981 and RCW 28A.04.050 are each amended to read as follows:

Each member of the board of directors of each school district in each congressional district shall be eligible to vote for the candidates who reside in his congressional district. Each chairperson of the board of directors of each eligible private school shall cast a vote for the candidate receiving a majority in an election to be held as follows: Each member of the board of directors of each eligible private school shall vote for candidates representing the private schools in an election of the board, the purpose of which is to determine the board's candidate for the ((~~nonvoting~~)) member representative of the private schools of the state board. Not later than the first day of October the superintendent of public instruction shall mail to each member of each common school district board of directors and to each chairperson of the board of directors of each private school, the proper ballot and voting instructions for his congressional district together with biographical data concerning each candidate listed on such ballot, which data shall have been prepared by the candidate."

Renumber remaining section consecutively.

On page 1, on line 5 of the title after "28A.04.040;" and before "and" insert "amending section 28A.04.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 179, Laws of 1980 and RCW 28A.04.010; amending section 28A.04.020, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 38, Laws of 1981 and RCW 28A.04.020; amending section 28A.04.050, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 38, Laws of 1981 and RCW 28A.04.050;"

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Wojahn.

The bill was read the second time by sections.

Senator Kiskaddon moved adoption of the committee amendment.

#### POINT OF ORDER

Senator Lee: "Mr. President, I would like to raise the question of scope and object on the committee amendment. This is a bill which relates to the state board of education membership in order to take care of the situation of having an additional congressional district by which membership to the state board is determined, while the amendment proposed by the committee would grant to the private schools a vote upon the state board. For that reason, I feel that it is outside the scope and object and in fact, it amends a different section of the law than those stated in the title of the act."

#### MOTION

At 3:34 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 5:12 p.m.

#### MOTION

On motion of Senator Clarke, the Senate returned to the third order of business.

## MESSAGE FROM THE GOVERNOR

Office of the Governor, March 10, 1982.

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

I have the honor to advise you that on March 10, 1982 Governor Spellman approved the following Senate Bills entitled:

SUBSTITUTE SENATE BILL NO. 3743: Relating to judicial retirement.

SUBSTITUTE SENATE BILL NO. 4437: Relating to commission merchants.

SUBSTITUTE SENATE BILL NO. 4469: Relating to highway construction.

Sincerely,

MARILYN SHOWALTER

Counsel to the Governor.

## MESSAGE FROM THE HOUSE

March 8, 1982.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4675 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 7, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41-.162 are each amended to read as follows:

In addition to those state funds provided to school districts for basic education, the legislature shall appropriate funds for pupil transportation, in accordance with (~~RCW 28A.41.160~~) this chapter, and for programs for handicapped students, in accordance with chapter 28A.13 RCW. The legislature may appropriate funds to be distributed to school districts for population factors such as urban costs, enrollment fluctuations and for special programs, including but not limited to, vocational-technical institutes, compensatory programs, bilingual education, urban, rural, racial and disadvantaged programs, programs for gifted students, and other special programs.

Sec. 2. Section 4, chapter 265, Laws of 1981 and RCW 28A.41.520 are each amended to read as follows:

Each district's annual student transportation allocation shall be based on differential rates determined by the superintendent of public instruction in the following manner:

(1) The superintendent shall annually calculate a standard student mile allocation rate for each district. "Standard student mile allocation rate," as used in this (~~section~~) chapter, means the per mile allocation rate for transporting an eligible student. The standard student mile allocation rate may consist of no more than (~~five~~) eight differential rates state-wide, as determined by the superintendent ", and shall include but not be limited to such factors as climate and terrain; restricted passenger load; nonpassenger miles; and the costs of insurance, district or contracted employee salaries, and benefits, maintenance, fuel, supplies, and materials to the extent that they are not under the direct control of the district." The standard student mile allocation rate shall be used to determine the transportation allocation for those services provided for in RCW 28A.41.505(1).

(2) The superintendent shall annually calculate a standard unit mile rate for each district. "Standard unit mile rate," as used in this section, means the cost of operating an approved transportation vehicle for one mile. The standard unit mile rate may consist of no more than (~~five~~) eight differential rates state-wide, as determined by the superintendent, and shall be based on the factors used in subsection (1) of this section. The standard unit mile rate shall be used to determine the

transportation allocation for those services provided for in RCW 28A.41.505(2) and (3). For purposes of allocating funds for RCW 28A.41.505(2), the superintendent shall use the average number of miles reported by the district for the two school years, excluding field trips.

(3) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the committees on education and ways and means of the senate and house of representatives a report outlining the methodology and rationale used in determining the student mile and unit mile rates to be used the following year.

Sec. 3. Section 5, chapter 265, Laws of 1981 and RCW 28A.41.525 are each amended to read as follows:

The superintendent shall determine the preliminary, estimated student transportation allocation for each district and notify districts of their preliminary student transportation allocation by June 15. ~~((The superintendent shall include not less than twenty-five percent of the estimated student transportation allocation in the following September apportionment payment to school districts.))~~ By the following October 15th, every district shall notify the superintendent of any changes in the data utilized in calculating the preliminary student transportation allocation. The superintendent shall then make necessary corrections and shall notify districts of their final student transportation allocation before the following December 1st ~~((; and shall make the balance of the student transportation allocation in approximately equal parts as a part of the December, February, and April apportionment payments to school districts)).~~ If the number of eligible students in a school district changes ten percent or more from the final October 15 number, and the change is maintained for a period of twenty consecutive school days or more, the district may submit revised eligible student data to the superintendent of public instruction. The superintendent shall, to the extent funds are available, recalculate the district's allocation for the transportation of pupils to and from school.

The superintendent shall make the student transportation allocation in accordance with the apportionment payment schedule in RCW 28A.48.010, as now or hereafter amended. For the 1982-83 school year, no school district shall receive a reduction or increase in funds of over three percent of what it received the previous year as adjusted to its proportional share of funds appropriated by the legislature for 1982-83 transportation services.

NEW SECTION. Sec. 4. The superintendent of public instruction shall submit a report to the legislature which shall:

(1) Identify the factors that will be used to recognize cost differentials between districts, and the data elements that will be used to measure the factors that contribute to these cost differentials;

(2) Collect the appropriate financial and workload data necessary to measure cost differentials between districts;

(3) Describe and analyze the differential rates associated with the standard student mile allocation under the eligibility formula along with an analysis of each school district's eligibility for a differential rate. The rationale for choosing specific rates and the procedures used in evaluating district requests for differential rates shall also be included;

(4) Compare and analyze the difference in costs of changing the "eligible student" definition in RCW 28A.41.510 to include only those students whose residence or assigned route stop is more than one and one-half miles from the student's school, while still excepting handicapped students;

(5) Compare the distribution of transportation operating funds to each local school district under the interim methodology approved for the 1982-83 school year and the methodology requiring use of eligible student for 1983-84; and

(6) Present options for a continued phase-in of the eligible student allocation formula, with a description of the fiscal impact on school districts.

The report shall be submitted to the senate and house committees on education no later than December 15, 1982.

All data collected by the superintendent and requested by the committees on ways and means or education of the house or senate pertaining to the funding of pupil transportation shall be delivered to the legislative evaluation and accountability program (LEAP) as soon as possible in a machine readable form acceptable to the LEAP committee.

**NEW SECTION.** Sec. 5. Section 13, chapter 265, Laws of 1981 (uncodified) is hereby repealed.

**NEW SECTION.** Sec. 6. Sections 2 and 3 of this amendatory act shall take effect September 1, 1982.

**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."

On line 1 of the title after "transportation;" strike the remainder of the title and insert the following "amending section 7, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.162; amending section 4, chapter 265, Laws of 1981 and RCW 28A.41.520; amending section 5, chapter 265, Laws of 1981 and RCW 28A.41.525; creating new sections; repealing section 13, chapter 265, Laws of 1981 (uncodified); and providing an effective date.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

Senator Lee moved the Senate refuse to concur in the House amendments to Engrossed Substitute Senate Bill No. 4675, and ask the House to recede therefrom.

Senator Kiskaddon moved the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4675.

Debate ensued.

The positive motion by Senator Kiskaddon failed on a rising vote.

The motion by Senator Lee carried.

The Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 4675 and asks the House to recede therefrom.

#### MOTION

On motion of Senator Ridder, Senator Lysen was excused.

#### MESSAGE FROM THE HOUSE

March 9, 1982.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 4733 with the following amendments:

On page 3, beginning on line 5, after "Procedures to" strike all material through line 9 and insert "fix and collect fees for diversion services as provided in section 9 of this 1982 act."

On page 3, line 33, after "sessions" strike all material down to and including "pay" on page 4, line 1

On page 3, line 26, strike "((and))" and insert "and"

On page 7, beginning on line 19, strike all of subsection (13)

Beginning on page 11, line 35, strike all of subsection (4)

On page 17, line 2, after "person" insert "who is"

On page 17, after line 9, add a new section to read as follows:

**"NEW SECTION.** Sec. 9. There is added to chapter 13.04 RCW a new section to read as follows:

The parents of a child who receives diversion services or other person legally obligated to care for and support the child shall pay the fee charged for such services. The fee shall be fixed and collected by the juvenile court administrator. It shall not exceed seventy-five dollars and shall be reasonably within the ability to pay of the parents or other person charged. The amounts collected shall be deposited in the county general fund and shall be used solely to pay or help pay for the costs of the diversion program. In no case may the payment or nonpayment of the fee influence the amount of community service, or restitution or other obligations imposed by the diversion unit on the child with respect to whom the fee has or has not been paid. Fees established pursuant to this section shall also be imposed where a divertable child is referred to the court pursuant to RCW 13.40.080(5), and where the diversion unit, pursuant to RCW 13.40.080(10) refuses to enter into a diversion unit and the juvenile is referred to court.

This section shall expire June 30, 1983."

Re-number the remaining sections consecutively.

On page 1, line 16 of the title, after "13.50.050;" insert "adding a new section to chapter 13.04 RCW;"

On page 1, beginning on line 18 of the title, after "penalties;" strike the remainder of the title and insert "and providing an expiration date.", and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### MOTIONS

Senator Newhouse moved the Senate refuse to concur in the House amendments to Engrossed Senate Bill No. 4733 and ask the House to recede therefrom.

Senator Talmadge moved the Senate do concur in the House amendments to Engrossed Senate Bill No. 4733.

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

The President declared the question before the Senate to be the positive motion by Senator Talmadge that the Senate do concur in the House amendments to Engrossed Senate Bill No. 4733.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge failed by the following vote: Yeas, 20; nays, 25; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talmadge, Vogtild, Williams, Wilson, Wojahn—20.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senators Deccio, Woody—2.

Excused: Senators Lysen, Talley—2.

The motion by Senator Newhouse carried.

The Senate refused to concur in the House amendments to Engrossed Senate Bill No. 4733 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 9, 1982.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4963 with the following amendments:

On page 1, beginning on line 28 strike all material down to and including "proposition." on page 2, line 19.

On page 1, after line 27, insert a new paragraph as follows:

"A port district that is not imposing a levy under this section collectable in 1982 may only commence imposing levies under this section if it receives voter approval of a proposition authorizing such levies that is approved by majority vote of the port district voters voting on the proposition. This requirement for obtaining voter approval applies whether or not a port district has previously imposed levies under this section.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTIONS

Senator Patterson moved the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 4963 and ask the House to recede therefrom.

Senator Rasmussen moved the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4963.

The positive motion by Senator Rasmussen failed.

The motion by Senator Patterson carried.

The Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 4963 and asks the House to recede therefrom.

### MESSAGE FROM THE HOUSE

March 8, 1982.

Mr. President: The House has passed SENATE BILL NO. 4557 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. SHORT TITLE. Sections 1 through 14 of this act shall be known as the "self-service storage facility landlord-tenant act".

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Self-service storage facility" means any real property designed and used for the purpose of renting or leasing individual storage space to tenants who are to have access to such for the purpose of storing and removing personal property, or any use permitted by the rental agreement. No tenant shall use a self-service storage facility for residential purposes. If a landlord issues a warehouse receipt, bill of lading, or other document of title for the personal property stored, the provisions of this chapter do not apply. Nothing in this subsection shall be construed to imply that prior to the effective date of this act, the definition of self-service storage facilities differed from the definition given in this subsection.

(2) "Landlord" means the landlord, operator, lessor, or sublessor of a self-service storage facility, his agent, or any other person authorized by him to manage the facility, or to receive rent from a tenant under a rental agreement.

(3) "Tenant" means a person, his sublessee, successor, or assign, entitled to the use of the storage space at a self-service storage facility under a rental agreement, to the exclusion of others.

(4) "Rental agreement" means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of real property in a self-service storage facility.

(5) "Personal property" means movable property not affixed to land, and includes, but is not limited to, goods, merchandise, and household items.

(6) "Last known address" means that address provided by the tenant in the latest rental agreement, or the address provided by the tenant in a subsequent written notice of a change of address.

(7) "Abandoned" as it relates to personal property of a tenant in a self-service storage facility means the tenant has defaulted in rent and by words or actions reasonably indicates the intention not to continue tenancy.

**NEW SECTION.** Sec. 3. NOTICE OF APPARENT ABANDONMENT. (1) If the tenant defaults in rent and the landlord in good faith believes that the tenant has abandoned the tenancy and the personal property stored within the self-service storage facility, but does not know so for certain, the landlord may terminate the tenancy and declare the tenant's personal property abandoned if the following occurs subsequent to default:

(a) The landlord sends by first class and certified mail, return receipt requested, a notice of intent to declare the abandonment of the tenancy and the personal property to the last known address of the tenant. The landlord shall also send notice to any other addresses known to the landlord where the tenant might reasonably be expected to receive the notice; and

(b) No reply is received within thirty days of the mailing of the notice. This notice shall state that if no reply is received within thirty days that the landlord shall determine the tenancy and the personal property abandoned and subject to sale.

(2) This section is intended to provide landlords with assurance that a determination of abandonment is proper in the circumstances, and is not intended to be exclusive.

**NEW SECTION.** Sec. 4. TAKING POSSESSION. Upon abandonment, the landlord may immediately enter and take possession of any property of the tenant found on the premises and may remove the same to and store the same in a reasonably secure place.

**NEW SECTION.** Sec. 5. DISCOVERY OF SECURED CREDITORS. Upon taking possession, the landlord shall submit an information request under RCW 62A.9-407 to the department of licensing. Any secured creditors of the tenant discovered as a result of this information request shall receive notice as provided in section 7(1)(d) of this act.

**NEW SECTION.** Sec. 6. NOTICE TO TENANT. (1) A notice must be mailed by the landlord by first class and certified mail, return receipt requested, within three days after taking possession of the tenant's property to the last known address of the tenant.

(2) The notice shall state:

(a) The tenant's name;

(b) That the landlord is holding in safe storage property of the tenant;

(c) A description of the property;

(d) The location of the property;

(e) The name and address of the landlord;

(f) That if the tenant does not reclaim the tenant's property within sixty days after the specified date of default in rent, or thirty days after the date the notice required in subsection (1) of this section is sent, whichever is later, the landlord intends to sell the personal property stored and apply the proceeds as specified in section 10 of this act; and

(g) The conditions on which any person could reclaim the property, as specified in section 8 of this act, with the amounts set out where applicable as much as is reasonably practical.

**NEW SECTION.** Sec. 7. SALE OF TENANT'S PROPERTY. (1) The landlord may sell or otherwise dispose of any or all of the property taken possession of and stored by the tenant after the latest of the following:

(a) Sixty days after mailing of the notice under section 3 of this act;

(b) Thirty days after mailing of the notice prescribed in section 6 of this act;

(c) After reasonable efforts to locate the absent tenants;

(d) Ten days' notice to secured creditors of the tenant discovered through the information request submitted under section 5 of this act. This notice shall contain the same information as the notice to the tenant set forth in section 6(2) of this act.

(2) The property may be sold in its condition "as is" or following any commercially reasonable preparation for sale. Disposition of the property may be by public or private proceedings and may be as a unit or in parcels and at any time and place and on any terms, but every aspect of the disposition including the method, manner, time, place, and terms must be commercially reasonable. Reasonable notification of the time and place of any public sale or of the time of which any private sale or other intended disposition is to be made shall be sent by the landlord to the tenant and secured creditors identified in (1)(d) of this section. The landlord may buy at any public sale. If the property is of a type customarily sold on a recognized market, no notice of time and place of sale is required and the landlord may buy such property, as well as any other property which is of a type which is the subject of widely distributed standard price quotations.

(3) The fact that a better price could have been obtained by a sale at a different time or in a different method, or in a different place, from that selected by the landlord is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the landlord sells the property in conformity with reasonable commercial practices among dealers in the type of property sold, he has sold in a commercially reasonable manner. The principles stated in the two preceding sentences with respect to sales also apply as may be appropriate to other types of disposition.

**NEW SECTION. Sec. 8. REDEMPTION.** (1) At any time before the landlord has disposed of property or entered into contract for its disposition under this chapter, the tenant, unless otherwise agreed in writing, may redeem the property by tendering to the landlord fulfillment of all obligations owed by the tenant to the landlord as set out in section 12 of this act which have accrued up to the date of redemption.

(2) At any time before the landlord has disposed of property or entered into a contract for disposition under this chapter, any person who has a security interest in the property may, unless otherwise agreed in writing, redeem the property by tendering to the landlord:

(a) Any unpaid rent or charges specified in the rental agreement accrued up to the date of redemption: **PROVIDED**, That the amount of rent required to be tendered by the secured creditor shall not exceed two months' rent due; and

(b) The reasonable costs of taking possession, moving, storing, safeguarding, preparing the property for sale, the costs of arranging the sale, and selling the tenant's property plus reasonable attorney's fees and legal expenses incurred taking such actions.

**NEW SECTION. Sec. 9. EFFECT OF SALE.** (1) When property is disposed of by a landlord under this chapter, the disposition transfers to a purchaser for value all of the tenant's rights therein and discharges any security interest in or lien upon the property. The purchaser takes free of any such rights and interests even if the landlord fails to comply with the requirements of this chapter or of any judicial proceedings (a) in the case of a public sale, if the purchaser has no knowledge of any defects in the sale and if he does not buy in collusion with the landlord, other bidders, or the person conducting the sale; or (b) in any other case, if the purchaser acts in good faith as defined in RCW 62A.1-201(19).

(2) The director of licensing shall promulgate rules under chapter 34.04 RCW for the application for and the reissuance of the certificate of title showing ownership of any property sold or otherwise disposed of under the provisions of this chapter which property is required by Title 46 RCW to have a certificate of title.

NEW SECTION. Sec. 10. APPLICATION OF PROCEEDS FROM SALE.

(1) Any proceeds from the sale may be applied in the following order:

(a) To any reasonable costs of storing, moving, safeguarding, and selling the property;

(b) To any secured creditors of the tenant discoverable by an information request under RCW 62A.9-407 sent to the department of licensing;

(c) To any other moneys due the landlord as specified in section 11 of this act.

(2) Any excess proceeds from the sale of the property shall be paid to the state treasurer subject to a claim by the tenant within one year of sale.

NEW SECTION. Sec. 11. REMEDIES FOR NONCOMPLIANCE. If it is established that the landlord is not proceeding in accordance with the provisions of sections 3 through 10 of this act, disposition may be ordered or restrained on appropriate terms and conditions. If the disposition has occurred in violation of this chapter, the tenant or any person entitled to notice has a right to recover from the landlord any loss caused by a failure to comply with the provisions of this chapter, including but not limited to legal costs and reasonable attorney's fees.

NEW SECTION. Sec. 12. TENANT'S LIABILITY TO LANDLORD UPON ABANDONMENT. If a tenant abandons a tenancy the landlord shall make reasonable efforts to mitigate the damages resulting from the abandonment, and after such reasonable efforts are made, is entitled to the following from the tenant:

(1) The reasonable costs of taking possession of, moving, storing, safeguarding, preparing the property for sale, and the costs of arranging the sale, plus reasonable attorney's fees and legal expenses incurred in taking such actions if not otherwise reimbursed by the provisions of section 10 of this act;

(2) Any unpaid rent or charges specified in the rental agreement; and

(3) Any damages to the landlord's property caused by the tenant.

NEW SECTION. Sec. 13. LIEN GRANTED. The landlord has a lien upon all personal property located at a self-service storage facility for unpaid rent or charges specified in the rental agreement, and for expenses reasonably incurred in its sale or other disposition under this chapter: PROVIDED, That the landlord's lien for rent shall not exceed two months' rent due. The lien provided for in this section is superior to any other lien or security interest. Foreclosure shall be by the sale provisions of sections 3 through 10 of this act.

NEW SECTION. Sec. 14. REMEDIES NOT EXCLUSIVE. The remedies specified in sections 3 through 12 of this act are not exclusive and the parties retain the rights to all other actions or remedies. If a landlord sells a tenant's personal property as permitted by this chapter and the proceeds from the sale of those goods are insufficient to pay the landlord all that the tenant owes to the landlord, the tenant shall remain liable for the remainder.

NEW SECTION. Sec. 15. DECLARATION OF PURPOSE. The purpose of sections 1 through 14 of this act is to clarify the manner and circumstances in which self-service storage facility landlords may take possession of and sell the personal property of persons renting space at such facilities.

NEW SECTION. Sec. 16. Nothing in sections 1 through 14 of this act shall be construed to imply that self-service storage facilities subject to the operation of sections 1 through 14 of this act are or are not engaged in the business of warehousing or that the rental of storage space as defined herein does or does not constitute the rental of real property, or that the rent from which, as defined herein, does or does not constitute income from the rental of real property.

NEW SECTION. Sec. 17. Sections 1 through 14 and 18 of this act constitute a new chapter to be added to Title 59 RCW.

NEW SECTION. Sec. 18. Section captions as used in this act do not constitute any part of the law.

Sec. 19. Section 31, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18-310 are each amended to read as follows:

If the tenant defaults in the payment of rent and reasonably indicates by words or actions his intention not to resume tenancy, he shall be liable for the following for such abandonment: **PROVIDED**, That upon learning of such abandonment of the premises the landlord shall make a reasonable effort to mitigate the damages resulting from such abandonment:

(1) When the tenancy is month-to-month, the tenant shall be liable for the rent for the thirty days following either the date the landlord learns of the abandonment, or the date the next regular rental payment would have become due, whichever first occurs.

(2) When the tenancy is for a term greater than month-to-month, the tenant shall be liable for the lesser of the following:

(a) The entire rent due for the remainder of the term; or

(b) All rent accrued during the period reasonably necessary to rerent the premises at a fair rental, plus the difference between such fair rental and the rent agreed to in the prior agreement, plus actual costs incurred by the landlord in rerenting the premises together with statutory court costs and reasonable attorney's fees.

In the event of such abandonment of tenancy and an accompanying default in the payment of rent by the tenant, the landlord may immediately enter and take possession of any property of the tenant found on the premises and may store the same in ~~((a))~~ any reasonably secure place. A notice containing the name and address of landlord and the place where the property is stored must be mailed promptly by the landlord to the last known address of the tenant. After sixty days from the date of default in rent, and after prior notice of such sale is mailed to the last known address of the tenant, the landlord may sell such property and may apply any income derived therefrom against moneys due the landlord, including drayage and storage. After deducting the actual costs of transfer, storage, and sale of such property, any excess income derived from the sale of such property shall be held by the landlord for the benefit of the tenant for a period of one year from the date of sale, and if no claim is made or action commenced by the tenant for the recovery thereof prior to the expiration of that period of time, the balance shall be the property of the landlord. If the landlord reasonably determines that any of the property, other than memorabilia, official papers, documents, correspondence, or photographs, is of such little value that the cost of storage and sale probably exceeds the amount realizable from sale, the landlord may list such property on a notice to be mailed to the tenant's last known address indicating that such property may be destroyed or otherwise disposed of not less than fifteen days after the mailing.

On page 1, line 1 of the title after "tenants;" strike the remainder of the title and insert "amending section 31, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.310; adding a new chapter to Title 59 RCW; and creating new sections.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### POINT OF ORDER

On March 8, 1982, a Point of Order had been raised by Senator Talmadge on the House amendments to Senate Bill No. 4557.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Talmadge, the President finds that Senate Bill No. 4557 is a measure which deals with that portion of the residential landlord tenant act relating to the abandonment of property by a tenant.

"The amendment proposed by the House is a striking amendment, and deals not only with this aspect of the residential landlord tenant act, but also deals with the distinct subject of self-service storage facilities or mini-warehouses as they are commonly called.

"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."

"Pursuant to Senate Rule 72, Senate Bill No. 4557 is referred to the Judiciary Committee."

### MESSAGE FROM THE HOUSE

March 9, 1982.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3112, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 158, Laws of 1977 ex. sess. and RCW 4.24.350 are each amended to read as follows:

In any action for damages, whether based on tort or contract or otherwise, a claim or counterclaim for damages may be litigated in the principal action for malicious prosecution on the ground that the action was instituted with knowledge that the same was false, and unfounded, malicious and without probable cause in the filing of such action, or that the same was filed as a part of a conspiracy to misuse judicial process by filing an action known to be false and unfounded. In any action for malicious prosecution, whether brought by an independent lawsuit or brought in the principal action by claim or counterclaim, the injured party may recover actual damages or liquidated damages of five hundred dollars, a reasonable attorney's fee, and other costs of litigation. In an action for malicious prosecution, an arrest or seizure of property need not be an element of the claim nor do special damages need to be proved. The elimination of these requirements and permitting the recovery of actual damages or liquidated damages, a reasonable attorney's fee, and other costs of litigation is intended to be in derogation of the common law.

Sec. 2. Section 367, page 201, Laws of 1854 as last amended by section 505, Code of 1881 and RCW 4.84.010 are each amended to read as follows:

The measure and mode of compensation of attorneys and counselors, shall be left to the agreement, expressed or implied, of the parties, but there shall be allowed to the prevailing party upon the judgment certain sums by way of indemnity for his expenses in the action, which allowances are termed costs, including, but not limited to, the following expenses:

- (1) Filing fees;
- (2) Fees for the service of process;
- (3) Fees for service by publication;
- (4) Notary fees;
- (5) Reasonable expenses, exclusive of attorneys' fees, incurred in obtaining reports and records, including but not limited to medical records, tax records, personnel records, insurance reports, employment and wage records, police reports, school records, bank records, and legal files;

(6) Witness fees and expenses; and

(7) The reasonable expense of the transcription of depositions used at trial: PROVIDED, That the expenses of depositions shall be allowed on a pro rata basis for those portions of the depositions introduced into evidence or used for purposes of impeachment.

Sec. 3. Section 6, chapter 60, Laws of 1929 and RCW 4.56.100 are each amended to read as follows:

When any judgment for the payment of money only shall have been paid or satisfied, the clerk of the court in which such judgment was rendered shall note upon

the record in the execution docket satisfaction thereof giving the date of such satisfaction upon either the payment to such clerk of the amount of such judgment, costs and interest and any accrued costs by reason of the issuance of any execution, or the filing with such clerk of a satisfaction entitled in such action and identifying the same executed by the judgment creditor or his attorney of record in such action or his assignee acknowledged as deeds are acknowledged. Every satisfaction of judgment and every partial satisfaction of judgment, prior to its filing with the clerk, shall clearly designate the judgment creditor, his or her attorney, if any, the judgment debtor, the amount or type of satisfaction, whether the satisfaction was in full or partial, the cause number, the judgment number, if any, and the date of entry of the judgment and shall contain a signed, notarized, and dated authorization to the clerk to enter the satisfaction or partial satisfaction of judgment. A certificate by such clerk of the entry of such satisfaction by him may be filed in the office of the clerk of any county in which an abstract of such judgment has been filed. When so satisfied by the clerk or the filing of such certificate the lien of such judgment shall be discharged."

On page 1, line 1 of the title, after "procedure;" strike the remainder of the title and insert "amending section 1, chapter 158, Laws of 1977 ex. sess. and RCW 4.24.350; amending section 367, page 201, Laws of 1854 as last amended by section 505, Code of 1881 and RCW 4.84.010; and amending section 6, chapter 60, Laws of 1929 and RCW 4.56.100.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### POINT OF ORDER

Senator Talmadge: "Mr. President, I raise the question of scope and object with respect to the House amendments to Engrossed Senate Bill 3112.

"Mr. President, the original version of Senate Bill 3112 dealt with RCW 4.84, the award of costs in a civil litigation. The amendment by the House purports to establish a cause of action for malicious prosecution that has nothing to do with civil costs or the award thereof and it would be my judgment, Mr. President, that that expands the scope and object of the bill."

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Talmadge, the President finds that Senate Bill No. 3112 is a measure of limited scope which enumerates the types of expenses that the prevailing party in a lawsuit is entitled to recover.

"The amendment proposed by the House, while incorporating the provisions of Senate Bill No. 3112, also amends the law relating to malicious prosecution and satisfaction of judgments.

"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.

"Pursuant to Senate Rule 72, Senate Bill No. 3112 is referred to the Judiciary Committee."

#### MESSAGE FROM THE HOUSE

March 9, 1982.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4418, with the following amendments

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 10.82 RCW a new section to read as follows:

(1) When a superior court has, as a condition of the sentence for a person convicted of the unlawful receipt of public assistance, ordered restitution to the state of that overpayment or a portion thereof, the payments shall be made to the clerk of the appropriate county.

(2) The county clerk shall transmit those funds to the department of social and health services within forty-five days after receipt.

(3) The department of social and health services shall not be precluded from deducting the overpayments from subsequent assistance payments to the convicted person as provided in RCW 74.04.300 if the court has not ordered restitution under subsection (1) of this section.

NEW SECTION. Sec. 2. There is added to chapter 43.20A RCW a new section to read as follows:

(1) The term "license" means that exercise of regulatory authority by the secretary to grant permission, authority, or liberty to do or to forbear certain activities. The term includes licenses, permits, certifications, registrations, and other similar terms.

(2) The secretary shall charge fees to the licensee for obtaining a license. Municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(3) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(4) Department of social and health services advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

NEW SECTION. Sec. 3. There is added to chapter 50.40 RCW a new section to read as follows:

(1) An individual filing a new claim for unemployment compensation shall, at the time of filing the claim, disclose whether or not the individual owes child support obligations as defined under subsection (7) of this section. If the individual discloses that he or she owes child support obligations and is determined to be eligible for unemployment compensation, the commissioner shall notify the state or local child support enforcement agency enforcing those obligations that the individual has been determined to be eligible for unemployment compensation.

(2) The commissioner shall deduct and withhold from any unemployment compensation payable to an individual who owes child support obligations as defined under subsection (7) of this section:

(a) The amount specified by the individual to the commissioner to be deducted and withheld under this subsection, if neither (b) nor (c) of this subsection is applicable:

(b) The amount (if any) determined pursuant to an agreement submitted to the commissioner under section 454(20)(B)(i) of the Social Security Act by the state or local child support enforcement agency, unless (c) of this subsection is applicable; or

(c) Any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to legal process, as that term is defined in section 462(e) of the Social Security Act, properly served upon the commissioner.

(3) Any amount deducted and withheld under subsection (2) of this section shall be paid by the commissioner to the appropriate state or local child support enforcement agency.

(4) Any amount deducted and withheld under subsection (2) of this section shall be treated for all purposes as if it were paid to the individual as unemployment compensation and paid by that individual to the state or local child support enforcement agency in satisfaction of the individual's child support obligations.

(5) For the purposes of this section, "unemployment compensation" means any compensation payable under this chapter including amounts payable by the commissioner under an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

(6) This section applies only if appropriate arrangements have been made for reimbursement by the state or local child support enforcement agency for the administrative costs incurred by the commissioner under this section which are attributable to child support obligations being enforced by the state or local child support enforcement agency.

(7) "Child support obligations" as used in this section means only those obligations which are being enforced pursuant to a plan described in section 454 of the Social Security Act which has been approved by the secretary of health and human services under part D of Title IV of the Social Security Act.

(8) "State or local child support enforcement agency" as used in this section means any agency of this state or a political subdivision thereof operating pursuant to a plan described in subsection (7) of this section.

Sec. 4. Section 5, chapter 253, Laws of 1957 as amended by section 1, chapter 247, Laws of 1971 ex. sess. and RCW 18.20.050 are each amended to read as follows:

Upon receipt of an application for license, if the applicant and the boarding home facilities meet the requirements established under this chapter, the department or the department and the authorized health department jointly, shall issue a license. If there is a failure to comply with the provisions of this chapter or the standards, rules, and regulations promulgated pursuant thereto, the department, or the department and authorized health department, may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the boarding home for a period to be determined by the department, or the department and authorized health department, but not to exceed twelve months, which provisional license shall not be subject to renewal: At the time of the ~~((issuance))~~ application for or renewal of a license or provisional license the licensee shall pay a license fee ~~((of ten dollars plus one dollar per bed capacity per year, but in no event shall the total exceed fifty dollars))~~ as established by the department under section 2 of this 1982 act. When the license or provisional license is issued jointly by the department and authorized health department, the license fee shall be paid to the authorized health department. All licenses issued under the provisions of this chapter shall expire on a date to be set by the ~~((board))~~ department, but no license issued pursuant to this chapter shall exceed twelve months in duration: PROVIDED, That when the annual license renewal date of a previously licensed boarding home is set by the ~~((board))~~ department on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. All applications for renewal of license shall be made not later than thirty days prior to the date of expiration of the license. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 5. Section 4, chapter 168, Laws of 1951 and RCW 18.46.030 are each amended to read as follows:

An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires,

which may include affirmative evidence of ability to comply with rules and regulations as are lawfully prescribed hereunder. Each application for license or renewal of license shall be accompanied by a license fee ((of fifteen dollars plus one dollar per bed capacity per year, but in no event shall the total exceed one hundred dollars)) as established by the department under section 2 of this 1982 act: PROVIDED, That no fee shall be required of charitable or nonprofit or government-operated institutions.

Sec. 6. Section 5, chapter 168, Laws of 1951 and RCW 18.46.040 are each amended to read as follows:

Upon receipt of an application for a license and the license fee, ~~((where required,))~~ the licensing agency shall issue a license if the applicant and the maternity home facilities meet the requirements established under this chapter. A license, unless suspended or revoked, shall be renewable annually. ~~((All licenses issued under the provisions of this chapter shall expire on the first day of July next succeeding the date of issue.))~~ Applications for renewal shall be on forms provided by the department and shall be filed in the department not less than ten days prior to its expiration. Each application for renewal shall be accompanied by a license fee ~~((of twenty-five dollars))~~ as established by the department under section 2 of this 1982 act. Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 7. Section 183, chapter 35, Laws of 1945 and RCW 50.40.020 are each amended to read as follows:

Any assignment, pledge, or encumbrance of any right to benefits which are or may become due or payable under this title shall be void. Such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debts, except as provided in section 3 of this 1982 act. Benefits received by any individual, so long as they are not commingled with other funds of the recipient, shall be exempt from any remedy whatsoever for collection of all debts except debts incurred for necessities furnished such individual or his spouse or dependents during the time when such individual was unemployed. Any waiver of any exemption provided for in this section shall be void.

Sec. 8. Section 1, chapter 30, Laws of 1974 ex. sess. as last amended by section 11, chapter 171, Laws of 1979 ex. sess. and RCW 51.32.040 are each amended to read as follows:

No money paid or payable under this title shall, except as provided for in RCW 74.04.530 or 74.20A.260, prior to the issuance and delivery of the check or warrant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: PROVIDED, That if any worker suffers a permanent partial injury, and dies from some other cause than the accident which produced such injury before he or she shall have received payment of his or her award for such permanent partial injury, or if any worker suffers any other injury before he or she shall have received payment of any monthly installment covering any period of time prior to his or her death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to the surviving spouse, or to the child or children if there is no surviving spouse: PROVIDED FURTHER, That, if any worker suffers an injury and dies therefrom before he or she shall have received payment of any monthly installment covering time loss for any period of time prior to his or her death, the amount of such monthly payment shall be paid to the surviving spouse, or to the child or children if there is no surviving spouse:

PROVIDED FURTHER, That any application for compensation under the foregoing provisos of this section shall be filed with the department or self-insuring employer within one year of the date of death: PROVIDED FURTHER, That if the injured worker resided in the United States as long as three years prior to the date of injury, such payment shall not be made to any surviving spouse or child who was at the time of the injury a nonresident of the United States: PROVIDED FURTHER, That any worker receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible therefor while confined in any institution under conviction and sentence shall have all payments of such compensation canceled during the period of confinement but after discharge from the institution payment of benefits thereafter due shall be paid if such worker would, but for the provisions of this proviso, otherwise be entitled thereto: PROVIDED FURTHER, That if any prisoner is injured in the course of his or her employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he or she shall be entitled to payments under this title subject to the requirements of chapter 72.65 RCW unless his or her participation in such program has been canceled, or unless he or she is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence: PROVIDED FURTHER, That if such incarcerated worker has during such confinement period, any beneficiaries, they shall be paid directly the monthly benefits which would have been paid to him or her for himself or herself and his or her beneficiaries had he or she not been so confined. Any lump sum benefits to which the worker would otherwise be entitled but for the provisions of these provisos shall be paid on a monthly basis to his or her beneficiaries.

Sec. 9. Section 10, chapter 267, Laws of 1955 and RCW 70.41.100 are each amended to read as follows:

An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires which may include affirmative evidence of ability to comply with the standards, rules, and regulations as are lawfully prescribed hereunder. An application for renewal of license shall be made to the department upon forms provided by it and submitted thirty days prior to the date of expiration of the license. Each application for a license or renewal thereof by a hospital as defined by this chapter shall be accompanied by ~~((an annual))~~ a fee ~~((based on the number of beds in said hospital, excluding bassinets for the newborn, as follows: Less than fifty beds, twenty dollars; fifty beds or more, but less than one hundred twenty-five, thirty-five dollars, one hundred twenty-five beds or more, fifty dollars: PROVIDED, That no fee shall be required of government operated institutions))~~ as established by the department under section 2 of this 1982 act.

Sec. 10. Section 3, chapter 239, Laws of 1971 ex. sess. and RCW 70.62.220 are each amended to read as follows:

The person operating a transient accommodation as defined in this chapter shall secure each year an annual operating license and shall pay a fee therefor ~~((in the sum of fifteen dollars))~~ as established by the department under section 2 of this 1982 act. The annual licensure period shall run from January 1st through December 31st of each year. The license fee shall be paid to the department prior to the time the license is issued and such license shall be conspicuously displayed in the lobby or office of the facility for which it is issued.

Sec. 11. Section 4, chapter 239, Laws of 1971 ex. sess. and RCW 70.62.230 are each amended to read as follows:

In addition to the annual license fee, the person operating a transient accommodation shall pay an annual inspection fee ~~((if an))~~ for any inspection ~~((is))~~ made during the course of the year ~~((in accordance with the following schedule:~~

<del>3 to 24 lodging units</del> .....	<del>\$15.00</del>
<del>25 to 49 lodging units</del> .....	<del>25.00</del>
<del>50 to 74 lodging units</del> .....	<del>35.00</del>
<del>75 to 99 lodging units</del> .....	<del>50.00</del>
<del>100 to 199 lodging units</del> .....	<del>75.00</del>
<del>200 and up lodging units</del> .....	<del>100.00</del>

Only one such inspection fee shall be charged during any calendar year regardless of the number of inspections which may be made)) Fees for inspection shall be as established by the department under section 2 of this 1982 act.

Sec. 12. Section 11, chapter 267, Laws of 1955 as amended by section 3, chapter 247, Laws of 1971 ex. sess. and RCW 70.41.110 are each amended to read as follows:

Upon receipt of an application for license and the license fee, the department shall issue a license or a provisional license if the applicant and the hospital facilities meet the requirements of this chapter and the standards, rules and regulations established by the board. All licenses issued under the provisions of this chapter shall expire on a date to be set by the ~~((board, but no license issued pursuant to this chapter shall exceed twelve months in duration: PROVIDED, That when the annual license renewal date of a previously licensed hospital is set by the board on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license))~~ department: PROVIDED, That no license issued pursuant to this chapter shall exceed thirty-six months in duration. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

If there be a failure to comply with the provisions of this chapter or the standards, rules and regulations promulgated pursuant thereto, the department may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the hospital for a period to be determined by the department ~~((, but shall not exceed twelve months, unless approved by the board)).~~

Sec. 13. Section 10, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.100 are each amended to read as follows:

The issuance and renewal of a certificate shall be subject to the following conditions:

(1) Except as provided in RCW 70.119.090, a certificate shall be issued if the operator has satisfactorily passed a written examination, has paid the department an application fee ~~((of ten dollars))~~ as established by the department under section 2 of this 1982 act, and has met the requirements specified in the rules and regulations as authorized by this chapter.

(2) The terms for all certificates shall be for one year from the date of issuance. Every certificate shall be renewed annually upon the payment of a ~~((five dollar renewal))~~ fee as established by the department under section 2 of this 1982 act and satisfactory evidence presented to the secretary that the operator demonstrates continued professional growth in the field.

(3) The secretary shall notify operators who fail to renew their certificates before the end of the certificate year that their certificates are temporarily valid for two months following the end of the certificate year. Certificates not renewed during the two month period shall be invalid and the secretary shall so notify the holders of such certificates.

(4) An operator who has failed to renew a certificate pursuant to the provisions of this section, may reapply for certification and the secretary may require the operator to meet the requirements established for new applicants.

Sec. 14. Section 71.12.470, chapter 25, Laws of 1959 and RCW 71.12.470 are each amended to read as follows:

Every application for a license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the department requires. The application shall be accompanied by the proper license fee. The amount of the license fee ~~((for each fiscal year is fixed by the following schedule:~~

~~(1) For establishments licensed to receive not more than six patients, the fee is five dollars;~~

~~(2) For establishments licensed to receive more than six but not more than twenty-five patients, the fee is twenty-five dollars;~~

~~(3) For establishments licensed to receive more than twenty-five but not more than fifty patients, the fee is fifty dollars;~~

~~(4) For establishments licensed to receive more than fifty patients, the fee is seventy-five dollars)) shall be established by the department under section 2 of this 1982 act.~~

~~((In the case of the issuance of a license on or after the first day of January next succeeding the beginning of the fiscal year, the license fee for the remainder of the fiscal year is one-half the sum fixed for the entire fiscal year. The department shall require a license fee in situations where licensed establishments increase their number of patients during any fiscal year, based on a pro rata charge under the schedule set forth herein. No additional fee will be required in the event of an application for transfer of a license to another person to operate the same establishment. No additional license fee shall be required for the transfer of the license issued in the name of one person to operate an establishment at a certain location where an application is received to transfer that license to the same person to operate an establishment at a different location:))~~

Sec. 15. Section 71.12.490, chapter 25, Laws of 1959 as amended by section 4, chapter 247, Laws of 1971 ex. sess. and RCW 71.12.490 are each amended to read as follows:

All licenses issued under the provisions of this chapter shall expire on a date to be set by ~~((the state board of health, but no license issued pursuant to this chapter shall exceed twelve months in duration: PROVIDED, That when the annual license renewal date of a previously licensed private establishment is set by the board on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license))~~ department of social and health services: PROVIDED, That no license issued pursuant to this chapter shall exceed thirty-six months in duration. Application for renewal of the license, accompanied by the necessary fee as established by the department of social and health services under section 2 of this 1982 act, shall be filed with ~~((the))~~ that department ~~((of social and health services annually)),~~ not less than ~~((ten))~~ thirty days prior to its expiration and if application is not so filed, the license shall be automatically canceled.

Sec. 16. Section 74.04.300, chapter 26, Laws of 1959 as last amended by section 2, chapter 84, Laws of 1980 and RCW 74.04.300 are each amended to read as follows:

If a recipient receives public assistance and/or food stamps for which he is not eligible, or receives public assistance and/or food stamps 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)) and shall become a lien against the real and personal property of the recipient from the time of filing by the department with the county auditor of the county where the recipient resides or owns property, and the lien claim has preference over the claims of all unsecured creditors. It shall be the duty of recipients of public assistance and/or food stamps 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)). The department shall advise applicants for assistance that failure to report as required, failure to reveal resources or income, and false statements will result in recovery by the state of any overpayment and may result in criminal prosecution. When the department determines that the cost of collection is likely to exceed((s) the amount recoverable from ((a nonfraudulent)) any overpayment or the debt is uncollectible, the secretary may waive collection.~~

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, lien and foreclosure, order to withhold and deliver, or may be recovered by a civil action instituted by the attorney general.

Sec. 17. Section 1, chapter 102, Laws of 1973 1st ex. sess. and RCW 74.04.530 are each amended to read as follows:

Notwithstanding any provisions in Title 51 RCW to the contrary, by accepting public assistance from the department of social and health services, the recipient thereof shall be deemed to have subrogated said department to the recipient's right to recover net time loss compensation due to such recipient and his or her dependents pursuant to the provisions of Title 51 RCW of up to eighty percent of the extent of such assistance or compensation, whichever is less, furnished to the recipient and his or her dependents for or during the period for which time loss compensation is payable: PROVIDED, That ((where public assistance has been furnished to one or more persons to whom such a recipient owes a duty of support, whether such duty has been expressed by an order of court or otherwise, the department's right to recover any time loss compensation shall be limited to that part of such compensation allocated to such persons by RCW 51.32.090: PROVIDED, FURTHER; FThat)) the amount to be repaid to the department of social and health services shall bear its proportionate share of attorney's fees and costs, if any, incurred by the injured workman or his dependents. The department of social and health services may assert and enforce a lien and notice to withhold and deliver as hereinafter provided to secure reimbursement of any public assistance paid for or during the period and for the purposes expressed in this section: PROVIDED, FURTHER, That no claim for payment under chapter 73.34 RCW shall be subject to garnishment, attachment, levy, or execution.

Sec. 18. Section 1, chapter 163, Laws of 1981 and RCW 74.04.700 are each amended to read as follows:

(1) Any person who owes a debt to the state for an overpayment of public assistance (~~(obtained as a result of a wilfully false statement, or representation, or impersonation, or other fraudulent device, or wilful failure to reveal resources or income)~~) and/or food stamps shall be notified of that debt by either personal service or certified mail, return receipt requested. Personal service, return of the requested receipt, or refusal by the debtor of such notice is proof of notice to the debtor of the debt owed. Service of the notice shall be in the manner prescribed for the service of a summons in a civil action. The notice shall include a statement of the debt owed; a statement that the property of the debtor will be subject to collection action after the debtor terminates from public assistance and/or food stamps; a statement that the property will be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver; and a statement that the net proceeds will be applied to the satisfaction of the overpayment debt. Action to collect the debt by lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver, is lawful after ninety days from the debtor's termination from public assistance and/or food stamps or the receipt of the notice of debt, whichever is later. This does not preclude the department from recovering (~~(fraudulent)~~) overpayments by deduction from subsequent assistance payments, not exceeding (~~(ten percent of each subsequent assistance payment)~~) deductions as authorized under federal law with regard to financial assistance programs: PROVIDED, That subject to federal legal requirement, deductions shall not exceed five percent of the grant payment standard if the overpayment resulted from error on the part of the department or error on the part of the recipient without wilful or knowing intent of the recipient in obtaining or retaining the overpayment.

(2) Any debtor who alleges defenses to the debt or disputes the stated amount of the debt has the right to request in writing a hearing pursuant to RCW 74.08-.070. If no such request is made, the debt will be subject to collection action as authorized under this chapter. If a timely request is made, the execution of collection action on the debt shall be stayed pending the decision of the hearing or termination of the debtor from public assistance and/or food stamps, whichever occurs later. The right to an appeal shall be governed by RCW 74.08.070, 74.08.080, and the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 19. There is added to chapter 74.09 RCW a new section to read as follows:

The department is authorized to establish copayment, deductible, or coinsurance requirements for recipients of any medical programs defined in RCW 74.09-.010 but shall not establish copayment, deductible or coinsurance requirements for legend drugs as defined in RCW 69.41.210, unless required by federal law.

Sec. 20. Section 5, chapter 322, Laws of 1959 as last amended by section 1, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20.040 are each amended to read as follows:

(1) Whenever the department of social and health services receives an application for public assistance on behalf of a child (~~(and it shall appear to the satisfaction of the department that said child has been abandoned by its parents or that the child and one parent have been abandoned by the other parent or that the parent or other person who has a responsibility for the care, support, or maintenance of such child has failed or neglected to give proper care or support to such child)~~), the department shall take appropriate action under the provisions of this chapter, (~~(the abandonment or nonsupport statutes)~~) chapter 74.20A RCW, or other appropriate statutes of this state to (~~(insure that such parent or other person responsible shall pay for the care, support, or maintenance of said dependent child)~~) establish or enforce support obligations against the parent or other persons owing a duty to pay support moneys.

The department shall collect data from cases of support under RCW 74.20.270 where there is no court-ordered support obligation. Such data shall include: Income

characteristics of those obligated to pay support, obligation established, and resulting payments. The department shall report its findings to the appropriate legislative committees by January 1, 1983. The department shall reconsider its administrative standards under RCW 74.20.270 in light of relevant data and shall, to the extent feasible without substantial impact on aid to families with dependent children, bring those standards into conformity with payment standards based on actual experience.

(2) The secretary may accept applications for support enforcement services on behalf of persons who are not recipients of public assistance and may take action as he deems appropriate to establish or enforce support obligations against the parent or other persons owing a duty to pay moneys. Applications accepted under this section may be conditioned upon the payment of a fee as required through regulation issued by the secretary. Action may be taken under the provisions of chapter 74.20 RCW, the abandonment or nonsupport statutes, or other appropriate statutes of this state, including but not limited to remedies established in chapter 74.20A RCW, to establish and enforce said support obligations. The secretary may establish by regulation, such reasonable standards as he deems necessary to limit applications for support enforcement services. Said standards shall take into account the income, property, or other resources already available to support said person for whom a support obligation exists.

(3) The secretary may charge a fee to compensate the department for services rendered in establishment of or enforcement of support obligations. This fee shall be agreed on in writing with the custodian or guardian of the person for whom a support obligation is owed, or that person if no custodian or guardian exists and shall be limited to not more than ten percent of any support money collected as a result of action taken by the secretary. The secretary shall by regulation establish reasonable fees for support enforcement services and said schedule of fees shall be made available to all applicants for support enforcement services. The secretary may, on showing of necessity, waive or defer any such fee.

(4) The secretary may impose a fee on the individual who owes a child support or spousal support obligation with respect to all such child and spousal support obligations for which collection is made on behalf of persons who are not recipients of public assistance.

Fees, due and owing, may be collected as delinquent support moneys utilizing any of the remedies in chapter 74.20 RCW, chapter 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity available to the department or any agencies with whom it has a cooperative or contractual arrangement to establish, enforce, or collect support moneys or support obligations.

(5) The secretary may waive the fee, or any portion thereof, as a part of a compromise of disputed claims or may grant partial or total charge off of said fee if the secretary finds there are no available, practical, or lawful means by which said fee may be collected or to facilitate payment of the amount of delinquent support moneys owed.

Sec. 21. Section 9, chapter 164, Laws of 1971 ex. sess. as last amended by section 10, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.090 are each amended to read as follows:

Whenever a support lien or order to withhold and deliver is served upon any person, firm, corporation, association, political subdivision, or department of the state asserting a support debt against earnings and there is in the possession of such person, firm, corporation, association, political subdivision, or department of the state, any such earnings, RCW 7.33.280 shall not apply, but fifty percent of the disposable earnings shall be exempt and may be disbursed to the debtor whether such earnings are paid, or to be paid weekly, monthly, or at other intervals and whether there be due the debtor earnings for one week or for a longer period. The lien or order to withhold and deliver shall continue to operate and require said person, firm,

corporation, association, political subdivision, or department of the state to withhold the nonexempt portion of earnings at each succeeding earnings disbursement interval until the entire amount of the support debt stated in the lien or order to withhold and deliver has been withheld. As used in this chapter, the term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and, notwithstanding any other provision of law making such payments exempt from garnishment, attachment, or other process to satisfy support obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title ~~((56 or))~~ 74 RCW. Earnings shall specifically include all gain derived from capital, from labor, or from both combined, not including profit gained through sale or conversion of capital assets. The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount required by law to be withheld.

**NEW SECTION.** Sec. 22. Section 1, chapter 91, Laws of 1965 ex. sess., section 307, chapter 141, Laws of 1979 and RCW 74.04.305 are each repealed.

**NEW SECTION.** Sec. 23. 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. 24. A joint select committee on financial responsibility for residential and nonresidential services shall be created. Such committee shall study the equity and fairness among the various services provided to clients and families of similar needs and the fees charged to clients and families of similar needs. The committee shall determine whether there is justification for differences in responsibilities of parents for residential services provided to children, and further determine whether fees for residential services are in excess of or less than what parents of similar income would likely expend for a child at home.

The study shall further examine methods for instituting a common, uniform and consistent approach to charging fees for residential and nonresidential services provided by the department which includes but is not limited to the following considerations:

- (1) The ability of parents to pay for services;
- (2) Financial considerations for encouraging parental contact with institutionalized children; and

- (3) Appropriate offsets to any liabilities to be imposed on parents.

In addition, the study committee shall take the following into consideration when developing its recommendations:

- (1) Methods to maximize support from third party payors, including the military where appropriate;
- (2) The need to minimize disruption to the current service level because of diminished general state revenues;

- (3) The financial responsibility programs utilized by other states for similar services; and

- (4) The need to ensure that the financial obligations of the parent do not discourage the participation in necessary residential and nonresidential services.

The speaker of the house of representatives and the president of the senate shall appoint the joint select committee composed of six members of the house of representatives and six members of the senate, three members of the majority caucus and three members of the minority caucus each. A report of the findings of this study shall be submitted to the speaker of the house of representatives and the president of the senate no later than January 1, 1983, along with recommendations for legislative action."

On page 1, on line 27 of the title, after "74.04.700;" strike all material down through "74.04.710;" on line 28, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION

Senator Newhouse moved the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 4418.

## PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, a point of parliamentary inquiry. Is this amendment so drafted that we may separate or divide the question and concur in, excuse, me, and vote not to concur on one amendment?"

## REPLY BY THE PRESIDENT

President Cherberg: "Senator Bottiger, the members are aware this amendment is a striking amendment but the President believes that if you wish to concur with a portion and perhaps not with another portion, that that would be permissible."

There being no objection, the House Message on Engrossed Substitute Senate Bill No. 4418, together with the motion by Senator Newhouse that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 4418, the Parliamentary Inquiry by Senator Bottiger, will be considered following House Message on Engrossed Substitute Senate Bill No. 4655.

## MESSAGE FROM THE HOUSE

March 9, 1982.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 4917, with the following amendments:

On page 1, line 16, after "vote" strike everything through "~~thereon~~")" on line 19 and insert "only when there is a question before the board upon which no majority opinion has been reached among the board members present and voting thereon and the superintendent's vote is essential for action thereon"

On page 4, after line 18, insert a new section to read as follows:

"Sec. 3. Section 28A.04.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.100 are each amended to read as follows:

The (~~superintendent of public instruction~~) state board of education shall appoint some person to be ex officio secretary of said board who shall not be entitled to a vote in its proceedings. The secretary shall keep a correct record of board proceedings (~~in a good and well bound book~~), which shall be kept in the office of the superintendent of public instruction. He shall also, upon request, furnish to interested school officials a (~~certified~~) copy of such proceedings."

Renumber the remaining section.

On page 1, line 5, after "28A.03.030;" insert "amending section 28A.04.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.100;" and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTIONS

Senator Kiskaddon moved the Senate concur in the House amendments to Substitute Senate Bill No. 4917.

Senator Gaspard moved the Senate do not concur in the House amendments to Substitute Senate Bill No. 4917.

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

The President declared the question before the Senate to be the positive motion by Senator Kiskaddon that the Senate concur in the House amendments to Substitute Senate Bill No. 4917.

#### ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 26; nays, 21; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shinpoch, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Excused: Senators Lysen, Talley—2.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4917, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; nays, 21; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shinpoch, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Excused: Senators Lysen, Talley—2.

SUBSTITUTE SENATE BILL NO. 4917, 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 9, 1982.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4655, with the following amendments:

On page 2, beginning on line 24, strike everything down to and including "reduction." on page 6, line 23, and insert the following:

"(1) For the purposes of this section and RCW 28A.41.130 and 28A.41.140, each as now or hereafter amended:

(a) The term "total program hour offering" shall mean those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences which are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.

(b) "Instruction in work skills" shall include instruction in one or more of the following areas: Industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education.

(2) Satisfaction of the basic education goal identified in RCW 28A.58.752 shall be considered to be implemented by the following program requirements:

(a) Each school district shall make available to students in kindergarten at least a total program offering of four hundred fifty hours. The program shall include reading, arithmetic, language skills and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students in grades one through three, at least a total program hour offering of two thousand seven hundred hours with an emphasis being placed on basic skills. (~~A minimum of ninety-five percent of the total~~) Program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health (~~and~~), physical education (~~The remaining five percent of the total program hour offerings may include~~), and in such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(c) Each school district shall make available to students in grades four through six at least a total program hour offering of two thousand nine hundred seventy hours with an emphasis being placed on basic skills. (~~A minimum of ninety percent of the total~~) Program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health (~~and~~), physical education (~~The remaining ten percent of the total program hour offerings may include~~), and in such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(d) Each school district shall make available to students in grades seven through eight, at least a total program hour offering of one thousand nine hundred eighty hours with an emphasis being placed on basic skills and work skills. (~~A minimum of eighty-five percent of the total~~) Program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education (~~A minimum of ten percent of the total program hour offerings shall be~~); in the area of work skills (~~The remaining five percent of the total program hour offerings may include~~); and in such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(e) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three hundred twenty hours with an emphasis being placed on basic skills and work skills. (~~A minimum of sixty percent of the total~~) Program hour offerings shall be in the basic skills areas of language arts, foreign language, mathematics, social studies, science, music, art, health and physical education (~~A minimum of twenty percent of the total program hour offerings shall be~~); in the area of work skills (~~The remaining twenty percent of the total program hour offerings may include traffic safety or~~); and in such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades (~~with not less than one-half thereof in basic skills and/or work skills~~): PROVIDED, That each school district shall have the option of including grade nine within the program hour offering requirements of grades seven and eight so long as such requirements for grades seven through nine are increased to two thousand nine hundred seventy hours and such requirements for grades ten through twelve are decreased to three thousand two hundred forty hours.

(3) (~~In order to provide flexibility to the local school districts in the setting of their curricula, and in order to maintain the intent of this legislation, which is to stress the instruction of basic skills and work skills, any local school district may~~

~~establish minimum course mix percentages that deviate by up to five percentage points above or below those minimums required by subsection (2) of this section, so long as the total program hour requirement is still met.~~

~~((4))~~ Nothing contained in subsection (2) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

~~((5))~~ (4) Each school district's basic educational program shall be accessible to all students who are five years of age and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten~~((: PROVIDED, That effective May 1, 1979:))~~. A school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.41.130 and 28A.41.140, each as now or hereafter amended.

~~((6))~~ (5) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.41.130 and 28A.41.140, each as now or hereafter amended, and such related supplemental program approval requirements as the state board may establish~~((: PROVIDED, That))~~. Each school district board of directors shall establish ((the basis and means for determining and monitoring the district's compliance with the basic skills and work skills percentage and course requirements of this section. The certification of the board of directors and the superintendent of a school district that the district is in compliance with such basic skills and work skills requirements may be accepted by the superintendent of public instruction and the state board of education)) a schedule for regular public review of the emphasis and priority allotted to basic skills and work skills within the district's basic education program.

~~((7))~~ (6) Handicapped education programs, vocational-technical institute programs, state institution and state residential school programs, all of which programs are conducted for the common school age, kindergarten through secondary school program students encompassed by this section, shall be exempt from the basic skills and work skills ~~((percentage and))~~ course requirements of this section in order that the unique needs, abilities or limitations of such students may be met.

~~((8))~~ (7) Any school district may petition the state board of education for a reduction in the total program hour offering requirements for one or more of the grade level groupings specified in this section. The state board of education shall grant all such petitions that are accompanied by an assurance that the minimum total program hour offering requirements in one or more other grade level groupings will be exceeded concurrently by no less than the number of hours of the reduction."

On page 6, following section 2, add a new section to read as follows, renumber the remaining sections consecutively, and make internal reference changes as necessary throughout the bill:

"Sec. 3. Section 1, chapter 47, Laws of 1975 and RCW 28A.58.430 are each amended to read as follows:

Any common school district board of directors is empowered to direct and authorize, and to delegate authority to an employee, officer, or agent of the common school district or the educational service district to direct and authorize, the county treasurer to invest funds described in RCW 28A.58.435 and 28A.58.440 and funds from state and federal sources as are then or thereafter received by the educational service district, and such funds from county sources as are then or thereafter received by the county treasurer, for distribution to the common school districts.

Funds from state, county and federal sources which are so invested may be invested only for the period the funds are not required for the immediate necessities of the common school district as determined by the school district board of directors or its delegatee, and shall be invested in behalf of the common school district pursuant to the terms of RCW 28A.58.435 ((or)), 28A.58.440, or 36.29.020, as now or hereafter amended, as the nature of the funds shall dictate. A grant of authority by a common school district pursuant to this section shall be by resolution of the board of directors and shall specify the duration and extent of the authority so granted. Any authority delegated to an educational service district pursuant to this section may be redelegated pursuant to RCW 28A.21.095, as now or hereafter amended."

On line 6 of the title after "RCW 28A.58.754;" add "amending section 1, chapter 47, Laws of 1975 and RCW 28A.58.430;", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

Senator Kiskaddon moved the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4655.

### POINT OF ORDER

Senator Pullen: "Mr. President, the House amendment clearly expands the scope and object of the bill.

"I think even Senator Kiskaddon admitted that in his own discussion. He said that we, the House went back and added into the bill some of the substantial and significant language that we had been looking at before. I would point out to the President that the bill, as it passed the Senate, was a very, very minor bill which made only housekeeping changes. However, the bill, as it came back from the House, has a very, very major policy change amendment within the bill which would make radical changes in the basic education act.

"The President, in his wisdom, has always looked at the intent of the bill rather than the mere wording of the title, and I would submit when that tradition is followed that the House amendment is clearly out of scope and object of the bill."

### MOTION

On motion of Senator Bottiger, the House Message on Engrossed Substitute Senate Bill No. 4655, together with the Point of Order raised by Senator Pullen was held for a Ruling by the President.

The Secretary again commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 4418 and the House amendments thereto.

Debate ensued.

### MOTION

On motion of Senator Clarke, the House Message on Engrossed Substitute Senate Bill No. 4418 will be considered during the evening session.

### MESSAGE FROM THE HOUSE

March 9, 1982,

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 4470, with the following amendments:

On page 1, after line 25, insert new sections to read as follows:

"NEW SECTION. Sec. 2. There is added to Chapter 9.41 RCW a new section to read as follows:

(1) It is unlawful for anyone knowingly to carry onto public or private elementary or secondary school premises: (a) Any firearm, or (b) any dangerous weapon as defined in RCW 9.41.250, or (c) any device commonly known as "nun-chu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means, or (d) any device, commonly known as "throwing stars," which are multi-pointed, metal objects designed to embed upon impact from any aspect.

(2) Any person violating subsection (1) of this section is guilty of a gross misdemeanor.

(3) Subsection (1) of this section does not apply to:

(a) Any person who by virtue of the person's office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of the duty;

(b) Any person engaged in military activities, sponsored by the federal or state governments while engaged in official duties; or

(c) Any person who has obtained prior written permission from the appropriate public school principal or equivalent private school official to carry the firearm, dangerous weapon, or other device under subsection (1) of this section onto school premises.

(d) Any person who keeps his or her weapons within the confines of a vehicle.

(e) Any person who possesses a valid concealed weapons permit.

(f) Any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes conducted on the school premises.

(4) The perimeter of the premises of the school shall be posted at reasonable intervals to alert the public as to the existence of the prohibitions of this act.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 3 of the title, strike "and defining crimes." and insert "adding a new section to chapter 9.41 RCW; defining crimes; and prescribing penalties.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTIONS

Senator Newhouse moved the Senate do concur in the House amendments to Senate Bill No. 4470.

## POINT OF ORDER

Senator Pullen: "Point of Order, Mr. President. The House amendment clearly expands the scope and object of the bill, if I might speak to that.

"Senate Bill 4470 is a bill of very limited scope and merely sets forth circumstances under which a pistol may be possessed within a vehicle. The House amendment, however, greatly expands the scope and object of the bill by attaching a gun control amendment to the bill dealing with the possession of pistols, rifles, shotguns, non-chu-ka sticks, throwing stars, and other weapons on private and public property."

## MOTION

On motion of Senator Clarke, the House Message on Senate Bill No. 4470, together with the motion by Senator Newhouse that the Senate do concur in the

House amendments thereto, and the Point of Order raised by Senator Pullen, was ordered held for further consideration during the evening session tonight.

### MOTION

At 6:11 p.m., on motion of Senator Clarke, the Senate recessed until 7:45 p.m.

### EVENING SESSION

The President called the Senate to order at 7:45 p.m.

The Senate resumed consideration of the House Message on Engrossed Substitute Senate Bill No. 4418 from earlier today. Senator Newhouse had moved that the Senate do concur in the House amendments to the measure. Senator Bottiger had moved the Senate do not concur in the House amendments and ask the House to recede therefrom.

On motion of Senator Bottiger, the motion to not concur in the House amendments to Engrossed Substitute Senate Bill No. 4418 was withdrawn.

Senator Bottiger agreed with the motion by Senator Newhouse that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4418.

### MOTION

On motion of Senator Newhouse, further consideration of the House Message and the amendments thereto to Engrossed Substitute Senate Bill No. 4418 was ordered held for March 11, 1982.

### MESSAGE FROM THE HOUSE

March 9, 1982.

Mr. President: The House has passed SENATE BILL NO. 4619 with the following amendment:

On page 1, line 5, after "all" insert "licensed" and on line 6, after "centers" strike "licensed", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

Senator Metcalf moved the Senate do concur in the House amendment to Senate Bill No. 4619.

### POINT OF INQUIRY

Senator Talmadge: "Senator Metcalf, does this House amendment mean that information on agent orange and the delayed stress syndrome must be furnished the mental health centers whether or not they are licensed?"

Senator Metcalf: "Thank you, Senator Talmadge. Our original intent was to insure that the information would go to licensed physicians and mental health centers. I believe moving the term 'licensed' as shown in the House amendment should read to apply to both. I urge you to pass the bill now."

The motion by Senator Metcalf carried and the Senate concurred in the House amendment to Senate Bill No. 4619.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4619, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 6; excused, 2.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talmadge, Vognild, Williams, Wilson, Woody, Zimmerman—40.

Voting nay: Senator Haley—1.

Absent or not voting: Senators Benitz, Fleming, McDermott, Ridder, von Reichbauer, Wojahn—6.

Excused: Senators Lysen, Talley—2.

SENATE BILL NO. 4619, 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 9, 1982

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 4684 with the following amendments:

Strike everything after the enacting clause, and insert the following:

"Section 1. Section 43.06.010, chapter 8, Laws of 1965 as last amended by section 4, chapter 53, Laws of 1979 ex. sess. and RCW 43.06.010 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) The governor shall supervise the conduct of all executive and ministerial offices;

(2) The governor shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) The governor shall make the appointments and supply the vacancies mentioned in this title;

(4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of his duties;

(8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;

(9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) The governor shall issue and transmit election proclamations as prescribed by law;

(11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;

(12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor shall, when appropriate, submit to the select joint committee created by RCW 43.131.120, lists of state agencies, as defined by RCW 43.131.030, which agencies might appropriately be scheduled for termination by a bill proposed by the select joint committee;

(14) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.005 or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides.

**NEW SECTION.** Sec. 2. There is added to chapter 17.24 RCW a new section to read as follows:

(1) If the director of agriculture of the state of Washington determines that there exists an imminent danger of an infestation of plant pests or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, he shall request the governor to order emergency measures to control the pests or plant diseases pursuant to RCW 43.06.010(14). The director's findings shall contain an evaluation of the effect of the emergency measures upon public health.

(2) The director shall appoint a committee to advise him in the development of the criteria for determining when an emergency situation exists and the procedure for implementing emergency measures. The committee shall report back to the director within one hundred twenty days of the effective date of this act. The committee shall review emergency measures performed under the authority of RCW 43.06.010(14) and this section and make subsequent recommendations to the director. The committee shall include representatives of the agricultural industries, state and local government, public health interests, technical service providers, and environmental organizations. The public shall have access to the recommendations of the committee.

(3) Upon the order of the governor of the use of emergency measures, the director is authorized to apply such emergency measures to prevent, control, or eradicate plant pests or plant diseases that are now established or may later become established and that may seriously endanger the agricultural or horticultural industries, or which seriously threaten life, health, or economic well-being of the state of Washington. Such measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides.

(4) Upon the order of the governor of the use of emergency measures, the director is authorized to enter into agreements with individuals and/or companies to accomplish the prevention, control, or eradication of plant pests or plant diseases, notwithstanding the provisions of chapter 15.58 RCW or chapter 17.21 RCW or any other statute.

(5) The director shall continually evaluate the emergency measures taken and report to the governor at intervals of not less than ten days. The director shall immediately advise the governor if he finds that the emergency no longer exists or if certain emergency measures should be discontinued.

NEW SECTION. Sec. 3. There is added to chapter 17.24 RCW a new section to read as follows:

The director of agriculture may, on the behalf of the state of Washington, enter into indemnity contracts wherein the state of Washington agrees to repay any person, firm, corporation, or other entity acting under the direction or control of the proper authority to provide plant pest or plant disease prevention, control, or eradication measures as provided in this chapter or any rule adopted pursuant to the provisions of this chapter, for losses and damages incurred as a result of such prevention, control, or eradication measures if all of the following conditions occur:

(1) At the time of the incident the worker is performing services as an emergency measures worker and is acting within the course of his duties as an emergency measures worker;

(2) At the time of the injury, loss, or damage, the organization providing emergency measures by which the worker is employed is an approved organization for providing emergency measures;

(3) The injury, loss, or damage is proximately caused by his service either with or without negligence as an emergency measures worker;

(4) The injury, loss, or damage is not caused by the intoxication of the worker; and

(5) The injury, loss, or damage is not due to wilful misconduct or gross negligence on the part of a worker.

Where an act or omission by an emergency services provider in the course of providing emergency services injures a person or property, the provider and the state may be jointly and severally liable for the injury, if state liability is proved under existing or hereafter enacted law.

Each person, firm, corporation, or other entity authorized to provide the prevention, control, or eradication measures implementing a program approved under section 2 of this act shall be identified on a list approved by the director. For the purposes of this section, each person on the list shall be known, for the duration of the person's services under the program, as "an emergency measures worker."

Sec. 4. Section 8, chapter 113, Laws of 1969 and RCW 15.09.080 are each amended to read as follows:

(1) Whenever the horticultural pest and disease control board finds that an owner of land has failed to control and prevent the spread of horticultural pests and diseases on his land, as is his duty under RCW 15.09.060, it shall provide such person with written notice, which notice shall identify the pests and diseases found to be present and shall order prompt control or disinfection action to be taken within a specified and reasonable time period.

(2) If the person to whom the notice is directed fails to take action in accordance with this notice, then the board shall perform or cause to be performed such measures as are necessary to control and prevent the spread of the pests and diseases on such property and the expense of this work shall be charged to such person (~~PROVIDED, That the board shall have no power to order the destruction of any plant~~)).

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.

NEW SECTION. Sec. 6. There is appropriated to the department of agriculture from the general fund for the biennium ending June 30, 1983, the sum of three hundred thousand dollars, or so much thereof as may be necessary, for the operation and expenses of an insect detection and control program.

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 April 1, 1982.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

Senator Newhouse moved the Senate do concur in the House amendment to Senate Bill No. 4684.

### POINT OF INQUIRY

Senator Talmadge: "Senator Newhouse, the question I had was with respect to the liability. We think the bill is necessary, also; but the question we had was with respect to the ability of the director to say in certain instances that an operator was liable, and in certain instances to say that the operator was not liable. The Senate version said that under no circumstances would the operator be liable.

"Could you tell us how that would work, with the director having the authority to say who is or who is not subject to liability?"

Senator Newhouse: "I recognize that that is an awfully good legal question and I feel, in my mind, that the director should determine that the state is liable if the operator were not negligent and if the operator's negligence caused damage, then the operator himself should be liable."

The motion by Senator Newhouse carried.

The Senate concurred in the House amendments to Senate Bill No. 4684.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No 4684, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays 5; excused, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Vognild, Wilson, Woody, Zimmerman—38.

Voting nay: Senators Bottiger, Hughes, Talmadge, Williams—5.

Excused: Senators Fleming, Lysen, McDermott, Talley, von Reichbauer, Wojahn—6.

SENATE BILL NO. 4684, 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 9, 1982.

Mr. President: The House has passed SENATE BILL NO. 4706, with the following amendments:

On page 1, section 1, line 7 after "known as" strike "~~((state route number 504))~~" and insert "state route number 504, hereby designated"

On page 1, after line 16, insert the following:

"NEW SECTION. Sec. 2. There is added to chapter 47.20 RCW a new section to read as follows:

The department of transportation may provide for the construction of an extension of state route number 504 from the vicinity of Maple Flats to the vicinity of the United States Corps of Engineers debris dam on the north fork of the Toutle river

on an alignment to be approved by the department of transportation. The department may enter into an agreement with the principal owner of the necessary right of way providing as follows:

(1) The owner of the right of way shall construct the highway extension and public parking facilities as specified by the department of transportation.

(2) The owner of the right of way shall convey to the state, right of way for the highway extension a minimum of one hundred fifty feet in width (except right of way presently under the control of the department of natural resources), together with areas for public parking facilities as designated by the department of transportation.

(3) The department of transportation shall reimburse the present owner of the right of way for the actual cost of construction of the highway extension and the public parking facilities.

(4) The construction of the highway extension and public parking facilities shall be completed within one year after the effective date of this act.

The department of transportation may acquire that part of the right of way necessary for the highway extension that is now under the control of the department of natural resources in the manner provided in RCW 27.12.023 through 47.12.029.

All expenditures by the department of transportation pursuant to this section shall be from appropriations for the construction of category A projects.

**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."

In line 1 of the title, after "Highway;" strike "and"

In line 3 of the title, after "47.17.655" and before the period, insert "adding a new section to chapter 47.20 RCW, and declaring an emergency", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

Senator Quigg moved the Senate do concur in the House amendments to Senate Bill No. 4706.

### POINT OF INQUIRY

Senator Shinpoch: "Senator Quigg, the first question is, 'What does it cost?' The second question really dealt with what I understood you to rather refer to, that they would be able to acquire land as the highway department does, and it sounds like we are attempting to give eminent domain authority to a private company, and those are the two questions."

Senator Quigg: "First of all, 'The owner,' sub (2), Senator, 'The owner of the right of way shall convey to the state, right of way for the highway extension . . . ' the language used; and so there is no use of eminent domain. In fact, in this case as you probably realize, there is really only one major owner of property in the area between Maple Flat and the north fork of the Toutle river debris dam — it's the Weyerhaeuser Company, and Weyerhaeuser Company has agreed to cooperate in this effort and see to it that there is a road opened up in there for the purposes of providing tour bus access to that Mount St. Helens site."

Senator Shinpoch: "Do they own all the land or is there . . . ?"

Senator Quigg: "There is an interspersal. A small portion of it is owned by the department of natural resources. And so this is being done simply because of the short time between now and the tourism season and with the problems they have with people getting in there in 4-wheel drive vehicles and getting around, the idea is to provide an access so that all folks can get up and see the Mount St. Helens area."

Senator Shinpoch: "How about the cost?"

Senator Quigg: "The cost, the latest cost estimate that I have heard is somewhere in the area of \$200,000."

#### POINT OF INQUIRY

Senator Peterson: "Senator Quigg, Senator Talley was prime sponsor on this measure, and before it came back from the House his principal reason for introducing the bill was to rename 504 to the 'Spirit Lake Memorial Highway.'

We have broadened the bill and I have no objections to that but what I am fearful of, is that perhaps we will lose the original intent of Senator Talley's motive for the introduction of this measure by reverting back to highway 4, and I would suggest an oral amendment to the bill which wouldn't affect the House amendment. On page 8, 'The Spirit Lake Memorial Highway, 504.' I think we may lose the memorial highway if we don't put this in the bill or make it clear by legislative intent, that it is to be named . . . Well, all right; is this going to be state route 504 or is this going to be known as the Spirit Lake Memorial Highway?"

Senator Quigg: "Senator Peterson, the intent of the bill is that this be known as the 'Spirit Lake Memorial Highway.' It was previously state route 504."

Senator Peterson: "And it will be designated so?"

Senator Quigg: "And it will be so designated."

The motion by Senator Quigg carried and the Senate concurred in the House amendments to Senate Bill No. 4706.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4706, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Lysen, McDermott, Talley, von Reichbauer—4.

SENATE BILL NO. 4706, 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 9, 1982

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4786, 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 community mental health services act.

NEW SECTION. Sec. 2. It is the intent of the legislature to establish a community mental health program which provides for:

(1) Access to mental health services for residents of the state who are acutely mentally ill, seriously disturbed, or chronically mentally ill, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons;

(2) Accountability of services through state-wide standards for management, monitoring, and reporting of information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill; and

(5) Coordination of services within the department and among state mental hospitals, county authorities, community mental health services, and other support services, which may also include the families of the mentally ill.

**NEW SECTION.** Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of: (a) A mental disorder as defined in RCW 71.05.020(2); (b) being gravely disabled as defined in RCW 71.05.020(1); or (c) presenting a likelihood of serious harm as defined in RCW 71.05.020(3).

(2) "Available resources" means those funds which shall be appropriated under this chapter by the legislature during any biennium for the purpose of providing community mental health programs under section 5 of this act.

(3) "Licensed service provider" means an entity licensed by the department according to state minimum standards or individuals licensed under chapter 18.71, 18.83, or 18.88 RCW.

(4) "Chronically mentally ill person" means a person who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years;

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Community mental health program" means all mental health services established by a county authority.

(6) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(7) "Department" means the department of social and health services.

(8) "Mental health services" means community services pursuant to section 4(4)(b) of this act and other services provided by the state for the mentally ill.

(9) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), and (11) of this section.

(10) "Residential services" means a facility or distinct part thereof which provides food, clothing, and shelter, and may include day treatment services as defined in section 5 of this act, for acutely mentally ill, chronically mentally ill, or seriously disturbed persons as defined in this section. Such facilities include, but are not limited to, congregate care facilities providing mental health client services as stipulated by contract with the department beginning January 1, 1982.

(11) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a minor child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(12) "Secretary" means the secretary of social and health services.

(13) "State minimum standards" means: (a) Minimum requirements for management and delivery of mental health services as established by departmental rules and necessary to implement this chapter, including but not limited to county administration, licensing service providers, information, accountability, contracts, and services; and (b) minimum service requirements for licensed service providers for the provision of mental health services as established by departmental rules pursuant to chapter 34.04 RCW as necessary to implement this chapter, including, but not limited to: Qualifications for staff providing services directly to mentally ill persons; the intended result of each service for those priority groups identified in section 4(4)(b) of this act; and the rights and responsibilities of persons receiving mental health services pursuant to this chapter.

NEW SECTION. Sec. 4. (1) The department is designated as the state mental health authority.

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under section 5 of this act.

(4) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for the mentally ill. The secretary may also develop a six-year state mental health plan;

(b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) the chronically mentally ill; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Consultation and education services; and

(F) Community support services for acutely and chronically mentally ill persons which include: (I) Discharge planning for clients leaving state mental hospitals and other acute care inpatient facilities; (II) sufficient contacts with clients, families, or significant others to provide for an effective program of community maintenance; and (III) medication monitoring.

(c) Develop and promulgate rules establishing state minimum standards for the management and delivery of mental health services including, but not limited to:

(i) Licensed service providers;

(ii) County administration;

(iii) Information required to assure accountability of services delivered to the mentally ill; and

(iv) Residential and inpatient services, if a county chooses to provide such optional services;

(d) Assure coordination of services consistent with state minimum standards for individuals who are released from a state hospital into the community to assure a continuum of care;

(e) Assure that the special needs of minorities, children, the elderly, disabled, and low-income persons are met within the priorities established in section 4(4)(b) of this act;

(f) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;

(g) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;

(h) Develop and maintain an information system to be used by the state and counties which shall include a tracking method which allows the department to identify mental health clients' participation in any mental health service or public program. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440;

(i) License service providers who meet state minimum standards;

(j) Establish criteria to evaluate the performance of counties in administering mental health programs as established under this chapter. Evaluation of community mental health services shall include all categories of illnesses treated, all types of treatment given, the number of people treated, and costs related thereto; and

(k) Prior to September 1, 1982, adopt such rules as are necessary to implement this chapter pursuant to chapter 34.04 RCW: PROVIDED, That such rules shall be submitted to the appropriate committees of the legislature for review and comment prior to adoption.

(5) The secretary shall use available resources appropriated specifically for community mental health programs only for programs under section 5 of this act.

(6) The department shall propose in its biennial budget document the formulas used to distribute available resources to county authorities for the priorities listed in subsection (4)(b) of this section. The formula shall be based on the needs assessment required by section 5(1) of this act.

**NEW SECTION. Sec. 5. The county authority shall:**

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents who are acutely mentally ill, chronically mentally ill, or seriously disturbed. The county program shall provide:

(a) Outpatient services;

(b) Emergency care services for twenty-four hours per day;

(c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment;

(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;

(e) Consultation and education services;

(f) Residential and inpatient services, if the county chooses to provide such optional services; and

(g) Community support services for acutely and chronically mentally ill persons which include: (i) Discharge planning for clients leaving state mental hospitals and other acute care inpatient facilities; (ii) sufficient contacts with clients, families, or

significant others to provide for an effective program of community maintenance; and (iii) medication monitoring.

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective. Whenever a county authority chooses to operate as a licensed service provider, the secretary shall act as the county authority for that service.

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of management and service delivery as established by the department;

(5) Assure that the special needs of minorities, children, the elderly, disabled, and low-income persons are met within the priorities established in section 4(4)(b) of this act;

(6) Maintain patient tracking information in a central location for the chronically mentally ill;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under section 9 of this act: PROVIDED, That county authorities serving a county or combination of counties whose population is equal to or greater than that of a county of the first class may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board; and

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

Sec. 6. Section 3, chapter 111, Laws of 1967 ex. sess. as last amended by section 5, chapter 155, Laws of 1973 1st ex. sess. and RCW 71.24.030 are each amended to read as follows:

The secretary is authorized, pursuant to ~~((the provisions of))~~ this chapter and the rules ~~((and regulations))~~ promulgated to effectuate its purposes, to make grants to ~~((assist))~~ counties or combinations of counties in the establishment and operation of community mental health programs ~~((to provide one or more of the following services:~~

~~(1) Outpatient diagnostic and treatment services:~~

~~(2) Inpatient psychiatric services:~~

~~(3) Rehabilitation services for patients with psychiatric illnesses.~~

~~(4) Informational services to the general public and educational services furnished by qualified mental health personnel to schools, courts, health agencies, welfare agencies, probation departments and other appropriate public or private agencies or groups.~~

~~(5) Consultant services to public or private agencies for the promotion and coordination of services that preserve mental health and for the early recognition and management of conditions that might develop into psychiatric illnesses.~~

~~(6) Inpatient or outpatient care, treatment or rehabilitation services of persons using controlled substances in violation of chapter 69.50 RCW.~~

~~(7) Such services as are set forth in subsection (4) which pertain to the education and information about and prevention of problems of drug abuse.~~

~~Such inservice training as may be necessary in providing any of the foregoing services shall be proper items of expenditure in connection therewith).~~

Sec. 7. Section 10, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.100 are each amended to read as follows:

Any agreement between ~~((the board of commissioners of))~~ two or more ~~((counties;))~~ county authorities for the establishment of a community mental health program shall provide:

(1) That each county shall bear a share of the cost of mental health services~~(:); and~~

(2) That the treasurer of one participating county shall be the custodian of funds made available for the purposes of such mental health services, and that the treasurer may make payments from such funds upon audit by the appropriate auditing officer of the county for which he is treasurer.

Sec. 8. Section 11, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.110 are each amended to read as follows:

Such agreement for the establishment of a community mental health program may also provide:

(1) For the joint supervision or operation of services and facilities or for the supervision or operation of service and facilities by one participating county under contract for the other participating counties~~(:); and~~

(2) ~~((For the appointments of members of the community mental health program administrative board between or among participating counties.~~

~~(3) That for specified purposes, officers and employees of a community mental health program shall be considered to be officers and employees of one participating county only.~~

~~(4))~~ For such other matters as are necessary or proper to effectuate the purposes of this chapter.

NEW SECTION. Sec. 9. Grants shall be made by the department to counties for community mental health programs totaling not less than ninety-five percent of available resources. The department may use up to forty percent of the remaining five percent to provide community demonstration projects and the remainder shall be for emergency needs and technical assistance under this chapter. The department shall provide a biennial accounting of the use of these funds to the ways and means committees of the senate and the house of representatives.

Sec. 10. Section 16, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.160 are each amended to read as follows:

The ~~((board or boards of county commissioners))~~ county authority shall make satisfactory showing to the ~~((director that all increases in state matching funds distributed under the provisions of this chapter shall be used for expansion of existing services or for developing new services, and that such state matching))~~ secretary that state funds shall in no case be used to replace local funds from any source being

used to finance mental health services prior to ~~((the effective date of this chapter))~~ January 1, 1982.

NEW SECTION. Sec. 11. Clients receiving mental health services funded by available resources shall be charged a fee under sliding-scale fee schedules, based on ability to pay, approved by the department. Fees shall not exceed the actual cost of care.

Sec. 12. Section 22, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.220 are each amended to read as follows:

The ~~((director))~~ secretary may withhold state ~~((reimbursement))~~ grants in whole or in part for any community mental health program in the event of a failure to comply with ~~((the provisions of))~~ this chapter or regulations made by the department pursuant thereto relating to the community mental health program or the administration thereof.

Sec. 13. Section 24, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.240 are each amended to read as follows:

In order to establish eligibility for funding under this chapter, any county or counties seeking to obtain federal funds for the support of any aspect of a community mental health program as defined in this chapter shall submit program plans to the ~~((director))~~ secretary for prior review and approval before such plans are submitted to any federal agency.

Sec. 14. Section 25, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.250 are each amended to read as follows:

The ~~((board or boards of county commissioners are authorized to))~~ county authority may accept and expend gifts and grants received from private, county, state, and federal sources.

Sec. 15. Section 5, chapter 50, Laws of 1970 ex. sess. as amended by section 170, chapter 141, Laws of 1979 and RCW 72.01.454 are each amended to read as follows:

(1) The secretary may permit the use of the facilities of any state institution by any community service organization, nonprofit corporation, group or association for the purpose of conducting a program of education, training, entertainment or other purpose, for the residents of such institutions, if determined by the secretary to be beneficial to such residents or a portion thereof.

(2) The secretary may permit the nonresidential use of the facilities of any state institution by any county, community service organization, nonprofit corporation, group or association for the purpose of conducting programs under RCW 72.06.070.

NEW SECTION. Sec. 16. There is added to chapter 74.04 RCW a new section to read as follows:

Persons eligible for general assistance under RCW 74.04.005 are eligible for mental health services to the extent that they meet the client definitions and priorities established by chapter 71.24 RCW.

Sec. 17. Section 1, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.010 are each amended to read as follows:

It is the purpose of this chapter ~~((and RCW 71.24.020 and 71.24.030))~~ to provide the financial assistance necessary to enable the department of social and health services to offer a meaningful program of rehabilitation for those persons suffering problems related to narcotic drugs, dangerous drugs, and alcohol and to develop a community educational program as to those problems for the benefit of the state's population generally. Such programs can develop in the people of this state a knowledge of the problems caused by alcohol and drug abuse, an acceptance of responsibility for alcohol and drug related problems, an understanding of the causes and consequences of the use and abuse of alcohol and drugs, and thus may prevent many problems from occurring.

It is the further purpose of this chapter ((and RCW 71.24.020 and 71.24.030)) to provide for qualified drug treatment centers approved by the department of social and health services.

Sec. 18. Section 2, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.020 are each amended to read as follows:

The following words and phrases shall have the following meaning when used in this chapter ((and RCW 71.24.020 and 71.24.030)):

(1) "Secretary" shall mean the secretary of the department of social and health services.

(2) "Department" shall mean the department of social and health services.

(3) "Drug and alcohol rehabilitation program" shall mean the program developed by the department of social and health services to aid persons suffering problems related to narcotic drugs, dangerous drugs, and alcohol.

(4) "Drug and alcohol educational program" shall mean the program developed by the department of social and health services outside of the kindergarten through twelve programs in the schools to educate the people of this state relative to the use and abuse of narcotic drugs, dangerous drugs and alcohol, and the prevention and consequences thereof.

(5) "Drug treatment center" shall mean any organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of persons using narcotic drugs or dangerous drugs.

Sec. 19. Section 4, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.040 are each amended to read as follows:

The secretary shall establish within the department a program designed to aid and rehabilitate persons suffering from problems relating to narcotic drugs, dangerous drugs, and alcohol. Without duplicating, and in coordination with the programs established by the state superintendent of public instruction, the secretary shall establish community educational programs outside of the kindergarten through twelve programs in the schools relating to alcohol and drug use and abuse. The secretary is authorized to promulgate rules and regulations pursuant to chapter 34.04 RCW to carry out the provisions and purposes of this chapter ((and RCW 71.24.020 and 71.24.030)) and is authorized to contract, cooperate and coordinate with other public or private agencies or individuals for such purposes.

Sec. 20. Section 5, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.050 are each amended to read as follows:

Pursuant to the provisions of the Interlocal Cooperation Act, chapter 39.34 RCW, the department may enter into agreements as provided therein to accomplish the purposes of this chapter ((and RCW 71.24.020 and 71.24.030)).

Sec. 21. Section 8, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.060 are each amended to read as follows:

Any person fourteen years of age or older may give consent for himself to the furnishing of counseling, care, treatment or rehabilitation by an approved drug treatment center or person licensed or certified by the state related to conditions and problems caused by drug or alcohol abuse. Consent of the parent, parents, or legal guardian of a person less than eighteen years of age shall not be necessary to authorize such care, except that such person shall not become a resident of such treatment center without parental permission. The parent, parents or legal guardian of a person less than eighteen years of age shall not be liable for payment of care for such persons pursuant to this chapter ((and RCW 71.24.020 and 71.24.030)), unless they have joined in the consent to such counseling, care, treatment or rehabilitation.

Sec. 22. Section 9, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.070 are each amended to read as follows:

When an individual submits himself for care, treatment, counseling, or rehabilitation to any organization, institution or corporation, public or private, approved

pursuant to this chapter (~~and RCW 71.24.020 and 71.24.030~~), or any person licensed or certified by the state whose principal function is the care, treatment, counseling or rehabilitation of alcohol abusers or users of narcotic or dangerous drugs, or the providing of medical, psychological or social counseling or treatment, notwithstanding any other provision of law, such individual is hereby guaranteed confidentiality. No such person, organization, institution or corporation or their agents acting in the scope and course of their duties, providing such care, treatment, counseling or rehabilitation shall divulge nor shall they be required to provide any specific information concerning individuals being cared for, treated, counseled or rehabilitated, nor shall pharmacists or their agents provide such information when or if they become aware of or receive such information when requested to or for the purpose of providing products or performing services relevant to said care, treatment, counseling or rehabilitation. Should any person, organization, institution or corporation, or their agents, breach confidentiality as provided for in this section, such information and any product thereof shall not be admissible as evidence or be considered in any criminal proceeding. The fact of an individual of authorized age being cared for, treated, counseled or rehabilitated pursuant to this chapter (~~and RCW 71.24.020 and 71.24.030~~) shall likewise be held confidential and shall not be admissible as evidence or be considered in any criminal proceeding.

Any confidentiality provided for by this section may be waived by the individual, provided such waiver is freely and voluntarily made, and with full prior information as to the consequences thereof.

Sec. 23. Section 10, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.080 are each amended to read as follows:

Nothing contained in this chapter (~~and RCW 71.24.020 and 71.24.030~~) shall prohibit or be construed to prohibit the divulging or providing of statistical or other substantive information pertaining to care, treatment, counseling or rehabilitation, pursuant to this chapter (~~and RCW 71.24.020 and 71.24.030~~), so long as no individual is identified or reasonably identifiable, and individual privacy and confidentiality is retained.

Sec. 24. Section 11, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.090 are each amended to read as follows:

Nothing contained in this chapter (~~and RCW 71.24.020 and 71.24.030~~) shall relieve any person or firm from the requirements under federal and state drug laws and regulations for the keeping of records and the responsibility for the accountability of drugs received and dispensed. Such records, insofar as they contain confidential information under this chapter (~~and RCW 71.24.020 and 71.24.030~~), shall only be available to state and federal drug inspectors who shall not divulge such information as is contained in these records, including the identification of individuals, except (1) upon subpoena in a court or administrative proceeding to which the person to whom such prescription, orders or other records relate is a party, or (2) when the information reasonably leads to the conclusion that there has been a violation of RCW 69.33.380 or 69.40.090, then the information may be referred to other law enforcement officers.

**NEW SECTION.** Sec. 25. It is the intent of the legislature that licensed service providers hold administrative cost to a minimum and that available resources be utilized to the maximum extent for direct services to clients. For that purpose, the department of social and health services shall conduct a study to determine the appropriate limitation of the total available resources spent by licensed service providers for administrative purposes and report its recommendations to the legislature by the 1984 session of the legislature.

**NEW SECTION.** Sec. 26. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.010;

(2) Section 2, chapter 111, Laws of 1967 ex. sess., section 6, chapter 304, Laws of 1971 ex. sess. and RCW 71.24.020;

(3) Section 4, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.040;

(4) Section 5, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.050;

(5) Section 6, chapter 111, Laws of 1967 ex. sess., section 1, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.060;

(6) Section 7, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.070;

(7) Section 8, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.080;

(8) Section 9, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.090;

(9) Section 12, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.120;

(10) Section 13, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.130;

(11) Section 14, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.140;

(12) Section 15, chapter 111, Laws of 1967 ex. sess., section 2, chapter 204, Laws of 1971 ex. sess., and RCW 71.24.150;

(13) Section 1, chapter 61, Laws of 1969, section 141, chapter 141, Laws of 1979 and RCW 71.24.165;

(14) Section 19, chapter 111, Laws of 1967 ex. sess., section 165, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 71.24.190;

(15) Section 21, chapter 111, Laws of 1967 ex. sess., section 1, chapter 145, Laws of 1979 ex. sess. and RCW 71.24.210; and

(16) Section 23, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.230.

NEW SECTION. Sec. 27. Sections 1 through 5, 9 and 11 of this act are each added to chapter 71.24 RCW.

NEW SECTION. Sec. 28. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending section 3, chapter 111, Laws of 1967 ex. sess. as last amended by section 5, chapter 155, Laws of 1973 1st ex. sess. and RCW 71.24.030; amending section 10, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.100; amending section 11, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.110; amending section 16, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.160; amending section 22, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.220; amending section 24, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.240; amending section 25, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.250; amending section 1, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.010; amending section 2, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.020; amending section 4, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.040; amending section 5, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.050; amending section 8, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.060; amending section 9, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.070; amending section 10, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.080; amending section 11, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.090; amending section 5, chapter 50, Laws of 1970 ex. sess. as amended by section 170, chapter 141, Laws of 1979 and RCW 72.01.454; adding new sections to chapter 71.24 RCW; adding a new section to chapter 74.04 RCW; creating a new section: repealing section 1, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.010; repealing section 2, chapter 111, Laws of 1967 ex. sess., section 6, chapter 304, Laws of 1971 ex. sess. and RCW 71.24.020; repealing section 4, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.040; repealing section 5, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.050; repealing section 6, chapter 111, Laws of 1967 ex. sess., section 1, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.060; repealing section 7, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.070; repealing section 8, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.080; repealing section 9, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.090;

repealing section 12, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.120; repealing section 13, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.130; repealing section 14, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.140; repealing section 15, chapter 111, Laws of 1967 ex. sess., section 2, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.150; repealing section 1, chapter 61, Laws of 1969, section 141, chapter 141, Laws of 1979 and RCW 71.24.165; repealing section 19, chapter 111, Laws of 1967 ex. sess., section 165, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 71.24.190; repealing section 21, chapter 111, Laws of 1967 ex. sess., section 1, chapter 145, Laws of 1979 ex. sess. and RCW 71.24.210; and repealing section 23, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.230.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Lee, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4786.

### POINT OF INQUIRY

Senator Talmadge: "Senator Lee, one of the amendments that was accomplished in the House deleted a section that we had in the Senate that said that you could not charge fees to any persons with incomes less than 38% of the state median income level.

"Is it the intent of the sponsor of the bill that there be a proviso or requirement to the department of social and health services that people be charged fees only based on an ability to pay?"

Senator Lee: "Yes, the ability-to-pay concept is the one that is currently in the bill that will govern the setting of those particular fees. One of the things that was pointed out when it went over to the House is that there are, indeed, some people who are in that below 38% of median income level, who, in fact, have been paying fees to community mental health centers and they would have lost a considerable portion of their income. There are others who are higher than that particular median but because of other demands upon their income, their ability to pay, indeed, is lessened, so the ability-to-pay concept is still there without pegging it at a particular level."

### POINT OF INQUIRY

Senator Wilson: "Senator Lee, is this the bill that still has or used to have a provision regarding the size of the county? In other words, any county of any population conduct its own mental health program if it wants to? Or is it compelled to consider regionalization or a state (sic) program?"

Senator Lee: "There is no requirement that any county has to consider regionalization. Every county is free to decide for itself whether it wishes to be a county mental health authority or whether it wishes to turn that authority over to the state itself. The only place where a county size is in the bill is in the case of the very large counties to enable them to use something beyond their administrative funds for up to a salary for one individual to staff a volunteer or advisory group. That is the only place where any size county enters in."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4786, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 3; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, Williams, Wilson, Woyahn, Woody, Zimmerman—41.

Voting nay: Senator Pullen—1.

Absent or not voting: Senators Bottiger, Fleming, Quigg—3.

Excused: Senators Lysen, McDermott, Talley, von Reichbauer—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4786, 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 9, 1982.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 4859 with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Section 3, chapter 94, Laws of 1970 ex. sess. as amended by section 4, chapter 144, Laws of 1981 and RCW 82.14.020 are each amended to read as follows:

For purposes of this chapter:

(1) A retail sale consisting solely of the sale of tangible personal property shall be deemed to have occurred at the retail outlet at or from which delivery is made to the consumer;

(2) A retail sale consisting essentially of the performance of personal business or professional services shall be deemed to have occurred at the place at which such services were primarily performed;

(3) A retail sale consisting of the rental of tangible personal property shall be deemed to have occurred (a) in the case of a rental involving periodic rental payments, at the primary place of use by the lessee during the period covered by each payment, or (b) in all other cases, at the place of first use by the lessee;

(4) A retail sale within the scope of the second paragraph of RCW 82.04.050, and a retail sale of taxable personal property to be installed by the seller shall be deemed to have occurred at the place where the labor and services involved were primarily performed;

(5) A retail sale consisting of the providing to a consumer of competitive telephone service, as defined in RCW 82.16.010, other than a sale of tangible personal property under subsection (1) of this section or a rental of tangible personal property under subsection (3) of this section, shall be deemed to have occurred at the situs of the primary telephone or other instrument through which the competitive telephone service is rendered;

(6) "City" means a city or town;

(7) The meaning ascribed to words and phrases in chapters 82.04, 82.08 and 82.12 RCW, as now or hereafter amended, insofar as applicable, shall have full force and effect with respect to taxes imposed under authority of this chapter;

(8) "Taxable event" shall mean any retail sale, or any use of an article of tangible personal property, upon which a state tax is imposed pursuant to chapter 82.08 or 82.12 RCW, as they now exist or may hereafter be amended: PROVIDED, HOWEVER, That the term shall not include a retail sale taxable pursuant to RCW 82.08.150, as now or hereafter amended;

(9) "Treasurer or other legal depository" shall mean the treasurer or legal depository of a county or city.

NEW SECTION. Sec. 2. There is added to chapter 94, Laws of 1970 ex. sess. and to chapter 82.14 RCW a new section to read as follows:

The taxes provided by this chapter may be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: PROVIDED, That the taxpayer may with the concurrence of the legislative authority designate a particular fund of such county or city against which such prepayment of tax or assessment is made. Such prepayment of taxes or assessments shall not be considered to be a debt for the purpose of the limitation of indebtedness imposed by law on a county or city.

By agreement made pursuant to chapter 39.34 RCW, counties or cities may utilize tax revenues received under the authority of this chapter in connection with large construction projects, including energy facilities as defined in RCW 80.50.020, for any purpose within their power or powers, privileges or authority exercised or capable of exercise by such counties or cities including, but not limited to, the purpose of the mitigation of socioeconomic impacts that may be caused by such large construction projects: PROVIDED, That the taxable event need not take place within the jurisdiction where the socioeconomic impact occurs if an intergovernmental agreement provides for redistribution.

NEW SECTION. Sec. 3. There is added to chapter 94, Laws of 1970 ex. sess. and to chapter 82.14 RCW a new section to read as follows:

When permitted by resolution or ordinance, any tax authorized by this chapter may be paid prior to the taxable event to which it may be attributable. Such prepayment shall be made by deposit with the treasurer or other legal depository for the benefit of the funds to which they belong. They shall be credited by any county or city against any future tax that may become due from a taxpayer: PROVIDED, That the taxpayer with the concurrence of the legislative authority may designate a particular fund of such county or city against which such prepayment of tax is made. Prepayment of taxes under this section shall not relieve any taxpayer from remitting the full amount of any tax imposed under the authority of this chapter upon the occurrence of the taxable event."

In the title, page 1, line 1, strike everything after "AN ACT Relating to" and insert "retail sales and use taxes imposed by counties and cities; amending section 3, chapter 94, Laws of 1970 ex. sess. as amended by section 4, chapter 144, Laws of 1981 and RCW 82.14.020; and adding new sections to chapter 94, Laws of 1970 ex. sess. and to chapter 82.14 RCW.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Zimmerman, the Senate concurred in the House amendments to Substitute Senate Bill No. 4859.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4859, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—41.

Absent or not voting: Senators Hurley, Quigg, Sellar—3.

Excused: Senators Hansen, Lysen, McDermott, Talley, von Reichbauer—5.

SUBSTITUTE SENATE BILL NO. 4859, 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 9, 1982.

Mr. President: The House has passed SENATE BILL NO. 4909, with the following amendment:

On page 1, beginning on line 22, strike "~~((and))~~, resource recovery, and dangerous waste industries." and insert "and resource recovery industries. The director shall include among his ten appointees representatives of activities from which dangerous wastes arise and the Washington State Patrol's hazardous materials technical advisory committee.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Fuller, the Senate concurred in the House amendment to Senate Bill No. 4909.

### MOTION

On motion of Senator Bluechel, Senator Sellar was excused.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4909, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 2; absent or not voting, 2; excused, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, Wilson, Wojahn, Woody, Zimmerman—39.

Voting nay: Senators Pullen, Williams—2.

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

Excused: Senators Hansen, Lysen, McDermott, Sellar, Talley, von Reichbauer—6.

SENATE BILL NO. 4909, 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 10, 1982.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 4561, with the following amendments:

On page 2, line 8, strike "~~((Charitable organization))~~" and insert "(k) charitable organization;"

Reletter remaining paragraphs alphabetically.

On page 4, line 2, strike "(m) Charitable organizations;"

Reletter remaining paragraphs alphabetically, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Substitute Senate Bill No. 4561.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4561, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

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

Excused: Senators Lysen, McDermott, Talley, von Reichbauer—4.

SUBSTITUTE SENATE BILL NO. 4561, 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 9, 1982.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 923 and asks the Senate to recede therefrom, and said bill with amendments is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

Senator Metcalf moved the Senate recede from the Senate amendments to Engrossed Substitute House Bill No. 923.

The motion by Senator Metcalf failed on a rising vote.

### MOTION

On motion of Senator Newhouse, the Senate insists on its amendments to Engrossed Substitute House Bill No. 923 and once again asks the House to concur therein.

### MESSAGE FROM THE HOUSE

March 9, 1982.

Mr. President: The House refuses to concur in the Senate amendment to HOUSE BILL NO. 967 and asks the Senate to recede therefrom, and said bill with the attached amendment is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Pullen, the Senate insists on its amendment to House Bill No. 967 and once again asks the House to concur therein.

## CONFIRMATION OF CONFERENCE COMMITTEE

Earlier today, the President appointed Senators Benitz, Quigg and Vognild as members of the Conference Committee on Engrossed Senate Bill No. 4748.

## MOTION

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

## MESSAGE FROM THE HOUSE

March 9, 1982

Mr. President: The House has passed SENATE BILL NO. 3394, with the following amendments:

On page 1, line 13 at the beginning, delete "~~((two)) ten~~" and insert "two"

On page 1, line 29, delete "." and insert "less the total amount of federal investment credit or other federal tax credits applicable to the cogeneration facility."

On page 2, line 1, after "(5)" delete the entire subsection and insert "State credits shall not become available until one year after final cost verification by the department."

On page 2, after line 9, insert the following:

"Sec. 2. Section 3, chapter 191, Laws of 1979 ex. sess. and RCW 82.35.030 are each amended to read as follows:

(1) An application for a certificate shall be filed with the department. The application shall contain the estimated or actual cost, plans, and specifications of the cogeneration facility, including all materials incorporated or to be incorporated therein, and a list describing and showing all expenditures made by the applicant for the purpose of cogeneration, together with the operating procedure for the facility, and if the facility has not been constructed, a time schedule for the acquisition and installation or attachment of the cogeneration facility and the proposed operating procedure for the cogeneration facility.

(2) The department shall provide a copy of the application to the energy office within ten days after receipt thereof. Within sixty days after receipt of the application from the department, the office shall approve the application but only if it first determines that construction of the cogeneration facility began or will begin after September 1, ~~((1979))~~ 1975, that the cogeneration facility is designed and is operated or will be operated primarily for cogeneration, and that the cogeneration facility is suitable, reasonably adequate, and meets the intent and purposes of this chapter.

(3) Within ten days after approval of the application, the office shall provide a copy thereof to the department. Within thirty days after receipt thereof the department shall issue the certificate but only if it finds that the cost data in the application is accurate.

If the application contains estimated cost data, the certificate shall be conditioned upon the applicant providing sufficient information for the department to determine the actual cost of the cogeneration facility on the date it becomes operational. Within sixty days after the cogeneration facility is operational the department shall review the certificate. If the actual cost of the cogeneration facility is less than the cost shown in the certificate, the department shall issue a modified certificate or a supplement to the original certificate, showing the actual cost of the cogeneration facility.

(4) The department, with the approval of the office, may adopt rules specifying the administrative procedures applicable to applications for certification, the form and manner in which the applications shall be filed and additional information to be contained therein. The rules shall apply to administrative procedures before both the

office and the department. An applicant shall have the opportunity for a hearing before the office and the department in respect to their respective decisions granting or denying approval or certification.

This section shall expire on December 31, 1984.

**NEW SECTION.** Sec. 3. Section 2 of 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, strike "and" and on line 2, after "82.35.050" insert "; amending section 3, chapter 191, Laws of 1979 ex. sess. and RCW 82.35.030; and declaring an emergency"

On page 2, after line 9, insert the following:

"Sec. 2. Section 4, chapter 191, Laws of 1979 ex. sess. and RCW 82.55.040 are each amended to read as follows:

(1) No certificate or supplement may be issued after December 31, 1984. No certificate including a supplement thereto may be issued for cogeneration facility costs in excess of ten million dollars for any application submitted under this chapter.

(2) The department shall keep a running tabulation of the total cogeneration facility costs incurred or planned to be incurred pursuant to certificates or supplements issued under this chapter. The department may not issue any new certificate or any supplement if the certificate or supplement would result in the tabulation exceeding one hundred million dollars. Nothing in this section shall be deemed to bar any certificate holder from amending the certificate or obtaining a supplement thereto so long as the amendment or supplement is issued prior to December 1, 1984, and does not increase the total amount of cogeneration facility costs incurred or planned to be incurred under the original certificate.

(3) The department may adopt any rules under chapter 34.04 RCW it considers necessary for the administration of this chapter.

**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, line 1 of the title, strike "and" and insert "amending section 4, chapter 191, Laws of 1979 ex. sess. and RCW 82.35.040;"

On page 1, line 2 of the title, after "82.35.050" and before the period insert "; and declaring an emergency", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

Senator Gould moved the Senate do concur in all of the House amendments to Senate Bill No. 3394 with the exception of the House amendment to page 1, line 13 and ask the House to recede therefrom.

### POINT OF INQUIRY

Senator Goltz: "Senator Gould, in light of that explanation about the retroactive nature of one of the amendments, I think it should be put in the record that it is the intention of that, making this retroactive to 1975, it is, in fact, to include only one company that has started a project in March of 1979 and that project is the Baagen Brothers Lumber Company of Colville, who were, on a technicality, denied what they thought they were entitled to, and that is the tax credit, because they started the project too soon. Is that correct?"

Senator Gould: "That is correct. It certainly is the intent. I asked the sponsor of the amendment if that was the only company affected and I was assured that that is true and that is our intention."

The motion by Senator Gould carried.

The Senate concurred in the House amendments to Senate Bill No. 3394 with the exception of the House amendment to page 1, line 13 and asks the House to recede therefrom.

The Senate resumed consideration of the House Message on Senate Bill No. 4470.

Earlier today, Senator Newhouse had moved the Senate do concur in the House amendments to Senate Bill No. 4470. At that time, Senator Pullen raised a Point of Order on the House amendments.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Pullen, the President finds that Senate Bill No. 4470 is a measure which deals with the circumstances under which a pistol can be carried in a vehicle or on one's person.

"The amendment proposed by the House imposes limits on the possession of firearms and other dangerous weapons on elementary or secondary schools' premises.

"The President therefore finds that the proposed amendment does expand the scope and object to the bill and that the Point of Order is well taken.

"Pursuant to Senate Rule 72, Senate Bill No. 4470 is referred to the Judiciary Committee."

The Senate resumed consideration of the House Message on Engrossed Substitute Senate Bill No. 4655 from earlier today. At that time Senator Kiskaddon had moved the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 4655. Senator Pullen raised a Point of Order on the House amendments.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Pullen, the President finds that Engrossed Substitute Senate Bill No. 4655 through amendment became a measure of limited scope which modifies the state's review requirements for school district compliance with the student learning objectives act.

"The amendment proposed by the House makes a substantial policy change in the Basic Education Act by allowing school districts to establish their own course percentage mix requirements.

"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.

"Pursuant to Senate Rule 72, Engrossed Substitute Senate Bill No. 4655 is referred to the Senate Committee on Education."

#### MESSAGES FROM THE HOUSE

March 10, 1982.

Mr. President: The House concurred in the Senate amendment(s) to the following listed bills and passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 15,  
 SUBSTITUTE HOUSE BILL NO. 40,  
 SUBSTITUTE HOUSE BILL NO. 58,  
 SECOND SUBSTITUTE HOUSE BILL NO. 378,  
 ENGROSSED HOUSE BILL NO. 381,  
 SUBSTITUTE HOUSE BILL NO. 419,  
 SUBSTITUTE HOUSE BILL NO. 452,  
 SUBSTITUTE HOUSE BILL NO. 593,  
 ENGROSSED HOUSE BILL NO. 621,  
 SUBSTITUTE HOUSE BILL NO. 663,  
 ENGROSSED HOUSE BILL NO. 728,  
 ENGROSSED HOUSE BILL NO. 745,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 762,  
 SUBSTITUTE HOUSE BILL NO. 837,  
 SUBSTITUTE HOUSE BILL NO. 849,  
 HOUSE BILL NO. 859,  
 SUBSTITUTE HOUSE BILL NO. 874,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 891,  
 HOUSE BILL NO. 907,  
 HOUSE BILL NO. 916,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1011,  
 SUBSTITUTE HOUSE BILL NO. 1131.

VITO T. CHIECHI, Chief Clerk.

March 10, 1982.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 3913, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 10, 1982.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 3944, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 10, 1982.

Mr. President: The Speaker has signed:  
 SUBSTITUTE HOUSE BILL NO. 855,  
 SUBSTITUTE HOUSE BILL NO. 868,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 936, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 10, 1982.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 3617, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE HOUSE BILL NO. 855,  
 SUBSTITUTE HOUSE BILL NO. 868,  
 SUBSTITUTE HOUSE BILL NO. 936.

#### SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 3587,  
 SUBSTITUTE SENATE BILL NO. 3913,  
 SENATE BILL NO. 4366,  
 SENATE BILL NO. 4691,  
 SENATE BILL NO. 4749,  
 SENATE CONCURRENT RESOLUTION NO. 146.

#### MOTION

On motion of Senator Clarke, the Senate resumed consideration of House Bill No. 1084.

## SECOND READING

HOUSE BILL NO. 1084, by House Committee on Education and Representative Taylor (by State Board of Education request):

Clarifying law relating to terms and qualifications of state board of education members.

The Senate resumed consideration of House Bill No. 1084. Earlier today, the committee amendments were moved for adoption. At that time, Senator Lee raised a Point of Order on the committee amendments and the measure was held pending a Ruling by the President.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Lee, the President finds that House Bill No. 1084 is a measure which deals with the membership structure of the state board of education.

The amendment proposed by the Senate Committee on Education also deals with the membership structure of the state board of education, by permitting the member representing private schools a vote on matters directly relating to private schools.

"The President therefore finds that the proposed amendments do not expand the scope and object of the bill and that the Point of Order is not well taken."

The Senate Committee amendment to House Bill No. 1084 was ruled in order.

Senator Hemstad moved adoption of the following amendment by Senators Hemstad and Bottiger to the committee amendment:

On line 27 of the committee amendment, after "amended;" strike the new language through line 31.

Debate ensued.

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

Further debate ensued.

## POINT OF INQUIRY

Senator Gaspard: "Senator Talmadge, when this bill came up I would like to have asked you a couple of instances in the education committee. I won't ask Senator Bottiger since he did not make that particular meeting.

"But we are talking about this bill giving these private school board representatives more say in what goes on in state regulations regarding private schools. But isn't it a fact that we have had very serious accounts by the private schools to be relieved of any type of state regulation that they are asking the legislature to exempt them from the laws and the state superintendent's regulations?"

Senator Talmadge: "Yes, I think they have and Senator Bottiger acknowledged that in his remarks also."

## PARLIAMENTARY INQUIRY

Senator Clarke: "The 3-minute rule and one time speaking for each person, can you still get up and engage in a question-and-answer colloquy when you have already spoken on a bill?"

## REPLY BY THE PRESIDENT

President Cherberg: "The President thought that perhaps the question would be permissible, but if it is not, the President will strictly adhere to the rule."

## PERSONAL PRIVILEGE

Senator Bottiger: "A full and accurate answer to the question of Senator Gaspard would have disclosed that a very small minority of the private schools asked for exemption; that the vast majority of the private schools either took no position or actually opposed the exemption of state regulations."

## POINT OF INQUIRY

Senator Wojahn: "Senator Gaspard, wasn't it true in the education committee that this amendment that was offered by Senator Bottiger did come up and there was a request to expand the voting privilege of the private schools? And wasn't the vote on that that the education committee would agree to expand it only to the extent of the questions that occurred on private schools? If anything occurred on private schools, then they would be a participating voter, but if it occurred on all public schools they would not be. Is that not true?"

Senator Gaspard: "Senator Wojahn, that is correct. I believe the chairman of education would concur with that understanding. I think the records would also show that, too."

The President declared the question before the Senate to be the roll call on the amendment by Senators Hemstad and Bottiger to the committee amendment.

## ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 30; nays, 15; excused, 4.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Vognild, Wilson, Zimmerman—30.

Voting nay: Senators Bauer, Charnley, Fleming, Gaspard, Goltz, Gould, Hughes, Lee, Moore, Rasmussen, Ridder, Talmadge, Williams, Wojahn, Woody—15.

Excused: Senators Lysen, McDermott, Talley, von Reichbauer—4.

The motion by Senator Kiskaddon carried and the committee amendment, as amended, was adopted.

On motion of Senator Kiskaddon, the committee amendment to the title was adopted.

On motion of Senator Kiskaddon, the rules were suspended, House Bill No. 1084, 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. 1084, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; excused, 4.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Vognild, Wilson, Zimmerman—32.

Voting nay: Senators Bauer, Charnley, Fleming, Gaspard, Goltz, Lee, Moore, Rasmussen, Ridder, Talmadge, Williams, Wojahn, Woody—13.

Excused: Senators Lysen, McDermott, Talley, von Reichbauer—4.

HOUSE BILL NO. 1084, 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. 623, by House Committee on State Government and Representatives Addison, Walk, Owen and North:

Modifying eligibility requirements for veterans' free license plates.

### REPORT OF STANDING COMMITTEE

February 25, 1982.

HOUSE BILL NO. 623, modifying eligibility requirements for veterans' free license plates (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 16, after "States" strike "for" and insert "~~(for)~~ and and has"

On page 1, line 20, after "prosthesis" insert "for the rated disability"

On page 2, line 12, after "this" strike "1981" and insert "1982"

On page 2, after line 19, insert the following:

"NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "plates;" strike "and"

On page 1, line 3 of the title, after "RCW 73.04.110" insert ", and declaring an emergency"

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Rasmussen, Sellar.

The bill was read the second time by sections.

On motion of Senator Metcalf, the committee amendments were considered and adopted simultaneously.

On motion of Senator Metcalf, the committee amendments to the title were adopted.

On motion of Senator Metcalf, the rules were suspended, House Bill No. 623, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 623, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Excused: Senators Lysen, McDermott, Talley, von Reichbauer—4.

HOUSE BILL NO. 623, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 883, by Representatives Garson, Clayton, Martinis, Patrick, Walk, Wilson, Hankins and McCormick:

Limiting liability for persons rendering aid in hazardous materials incidents.

The bill was read the second time by sections.

Senator Talmadge moved adoption of the following amendment:

On page 6, after line 4, insert the following:

"NEW SECTION. Sec. 8. The legislature finds that a growing number of unfounded lawsuits, claims, and liens are filed against law enforcement officers, prosecuting authorities, and judges, and against their property, having the purpose and effect of deterring those officers in the exercise of their discretion and inhibiting the performance of their public duties.

The legislature also finds that the cost of defending against such unfounded suits, claims and liens is severely burdensome to such officers, and also to the state and the various cities and counties of the state. The purpose of the amendment of RCW 4.24.350 by this 1982 act is to provide a remedy to those public officers and to the public.

Sec. 9. Section 1, chapter 158, Laws of 1977 ex. sess. and RCW 4.24.350 are each amended to read as follows:

(1) In any action for damages, whether based on tort or contract or otherwise, a claim or counterclaim for damages may be litigated in the principal action for malicious prosecution on the ground that the action was instituted with knowledge that the same was false, and unfounded, malicious and without probable cause in the filing of such action, or that the same was filed as a part of a conspiracy to misuse judicial process by filing an action known to be false and unfounded.

(2) In any action, claim, or counterclaim brought by a judicial officer, prosecuting authority, or law enforcement officer for malicious prosecution arising out of the performance or purported performance of the public duty of such officer, an arrest or seizure of property need not be an element of the claim, nor do special damages need to be proved. An officer prevailing in such an action may be allowed an amount up to one thousand dollars as liquidated damages, together with a reasonable attorneys' fee, and other costs of suit. No action may be brought against an attorney under this subsection solely because of that attorney's representation of a party in a lawsuit.

(3) As used in this section:

(a) "Judicial officer" means a justice, judge, magistrate, or other judicial officer of the state or a city, town, or county.

(b) "Prosecuting authority" means any officer or employee of the state or a city, town, or county who is authorized by law to initiate a criminal or civil proceeding on behalf of the public.

(c) "Law enforcement officer" means a member of the state patrol, a sheriff or deputy sheriff, or a member of the police force of a city or town.

NEW SECTION. Sec. 10. The provisions of this 1982 act are remedial and shall be liberally construed.

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 consecutively and correct all internal references accordingly.

## POINT OF ORDER

Senator Guess: "Mr. President, I raise the scope and object on the amendment. The bill is the 'Good Sam' act to protect the people who go to the rescue of the

hazardous waste spills on the highways or wherever they might be, railroads, other forms of transportation. And this has to do with the, "The legislature finds that a growing number of unfounded lawsuits, claims and liens were filed against law enforcement officers, prosecuting attorneys. . . ."

"It is clearly and patently beyond the scope and object of the original act."

### MOTION

On motion of Senator Clarke, House Bill No. 883, together with the pending amendment by Senator Talmadge, and the Point of Order raised by Senator Guess, was ordered held for a Ruling by the President on March 11, 1982.

### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 778**, by House Select Committee on Deregulation and Productivity (originally sponsored by House Select Committee on Deregulation and Productivity and Representative Williams):

Revising provisions for licensing and regulation of certain professions.

### REPORT OF STANDING COMMITTEE

February 26, 1982.

**SUBSTITUTE HOUSE BILL NO. 778**, revising provisions for licensing and regulation of certain professions (reported by Committee on Commerce and Labor):

**MAJORITY recommendation:** Do pass with the following amendments:

On page 4, strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Section 1. The employment agency advisory committee and the Washington reciprocity commission are each hereby abolished and their powers, duties, and functions are transferred to the department of licensing. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the employment agency advisory committee and the reciprocity commission and pertaining to the functions transferred by this section shall be delivered to the custody of the department of licensing. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the employment agency advisory committee and the reciprocity commission in carrying out the powers and duties transferred by this section shall be made available to the department of licensing. All funds, credits, or other assets held in connection with the functions transferred by this section shall be assigned to the department of licensing.

Any appropriations made to or available to the employment agency advisory committee and the reciprocity commission for the purpose of carrying out the powers and duties transferred by this section shall, on the effective date of this act, be transferred and credited to the department of licensing.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

**NEW SECTION.** Sec. 2. All rules and regulations and all pending business before the employment agency advisory committee and the reciprocity commission pertaining to the powers and duties transferred by section 1 of this act shall be continued and acted upon by the department of licensing. All existing contracts and

obligations shall remain in full force and effect and shall be performed by the department of licensing.

NEW SECTION. Sec. 3. The transfer of the powers, duties, and functions of the employment agency advisory committee and the reciprocity commission pertaining to the functions transferred by section 1 of this act shall not affect the validity of any act performed by any employee, agent, or member prior to the effective date of this act.

NEW SECTION. Sec. 4. If apportionments of budgeted funds are required because of the transfers directed by this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 5. The state treasurer shall transfer the remaining fund balance within the opticians' account to the basic state general fund on June 30, 1983.

Sec. 6. Section 13, chapter 43, Laws of 1957 and RCW 18.34.130 are each amended to read as follows:

~~((There is created the opticians' account of the general fund:))~~ All fees required to be paid under the provisions of this chapter shall be paid to the state treasurer to be paid into the ~~((opticians' account of the))~~ state general fund.

Sec. 7. Section 10, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.100 are each amended to read as follows:

~~((Upon receipt of an application in the proper form for registration, the director shall immediately initiate an examination to determine that))~~ The following conditions apply to solicitations as defined by RCW 19.09.020:

(1) The cost of solicitation (including payments to professional fund raisers and professional solicitors and internal fund raising and solicitation salaries and expenses) during ~~((the))~~ any calendar year ~~((immediately preceding the date of application has not exceeded, or, for the specified year in which the application is submitted, will))~~ shall not exceed twenty percent of the total moneys, pledges, or other property raised or received or to be raised or received by reason of any solicitation and/or fund raising activities or campaigns. The term "internal fund raising and solicitation salaries and expenses" shall include, but not be limited to, such portions of the charitable organization's salary and overhead expenses as is fairly allocable (on a time or other appropriate basis) to its solicitation and/or fund raising expense. As provided in RCW 19.09.020(5), the cost of solicitation shall not include the reasonable purchase price to the charitable organization of any tangible goods or services resold by the organization as a part of its fund-raising activities. The amount of such expenditure by the organization shall be deducted from the gross amount collected, or from the organization's support received directly from the public, prior to computing the percentage limitation. In the event special facts or circumstances are presented showing that expenses higher than twenty percent were not or will not be unreasonable, and the organization is primarily engaged in research, advocacy, or public education and uses its own paid staff to carry out these functions, the director ~~((has the discretion to))~~ shall allow such higher expense and ~~((enter))~~ issue an order ~~((registering the charitable organization))~~ so stating. Such an order shall be reviewed annually by the director. When such an order is ~~((entered))~~ issued, the cost of solicitation shall be disclosed by the organization to each person being solicited at the time of each solicitation. To further the purposes of this chapter, the director shall from time to time apprise the public of the names of those organizations for which ~~((discretionary action has been exercised in connection with the cost of solicitation limitations))~~ such an order has been issued. The

director may require submission of any information necessary in making a determination whether to issue such an order. Compliance with this subsection is required prior to commencing solicitations;

(2) ~~((The))~~ A charitable organization ~~((has complied))~~ shall comply with all local governmental regulations which apply to soliciting for or on behalf of charitable organizations;

(3) The advertising material and the general promotional plan ~~((are))~~ for a solicitation shall not be false, misleading, or deceptive~~((; comply with the standards, rules, and regulations which the director may adopt;)),~~ and shall afford full and fair disclosure;

(4) ~~((The))~~ Solicitations shall not be conducted by a charitable organization that has ~~((not))~~, or if a corporation, its officers, directors, ~~((and))~~ or principals have ~~((not))~~, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years and has ~~((not))~~ been subject to any permanent injunction or administrative order or judgment, under the provisions of RCW 19.86.080 or 19.86.090, involving a violation or violations of the provisions of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

Sec. 8. Section 19, chapter 13, Laws of 1973 1st ex. sess. as amended by section 9, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.190 are each amended to read as follows:

Every person employed or retained as a professional fund raiser or professional solicitor by or for a charitable organization shall ~~((file with the director a valid registration or renewal of such registration. Applications for such registration shall be in writing, under oath, and in the form prescribed by the director. The form shall require information as to the identity and previous related activities of the registrant as may be necessary or appropriate for the public interest or for the protection of contributors. A corporation, partnership, or sole proprietorship which is a professional fund raiser or professional solicitor, may register for and pay a single fee on behalf of all its members, officers, agents, servants, and employees. However, the names and addresses of all officers, agents, servants, and employees of professional fund raisers and professional solicitors must be listed in the application. In addition, a professional fund raiser shall file, at the time of making application, with and have approved by the director))~~ execute a surety bond ~~((executed by the applicant))~~ as principal in the amount of five thousand dollars with one or more sureties whose liability in the aggregate as such sureties will at least equal the said sum. The bond shall run to ~~((the director for the use of))~~ the state and to any person who may have a cause of action against the obligor of said bond for any malfeasance or misfeasance in the conduct of such solicitation. ~~((The director or his designee shall examine each application, and if he finds it to be in conformity with the requirements of this chapter and all relevant rules and regulations he shall approve the registration. Any applicant who is denied registration may, within twenty days from the date of notification of such denial, request, in writing, a hearing, which hearing shall be held in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW. Registration, when effected, shall be for a period of one year, or any part thereof, expiring on the last day of December and may be renewed for additional periods unless rejected for legally sufficient cause or for failure to file the bond prescribed in this section. The additional periods shall be for not more than one calendar year or such shorter period as the director may prescribe by regulation.))~~

Sec. 9. Section 20, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.200 are each amended to read as follows:

Charitable organizations and professional fund raisers~~((; required to be registered under this chapter;))~~ shall maintain accurate, current, and readily available

books and records at their usual business locations(~~(, as designated in the registration statement filed with the director;))~~ until at least three years shall have elapsed following the effective period to which they relate.

All contracts between professional fund raisers and charitable organizations shall be in writing and true and correct copies of such contracts or records thereof shall be kept on file in the various offices of the charitable organization and/or professional fund raiser for a three-year period as provided in this section. Such records and contracts shall be available for inspection and examination by the ~~((director))~~ attorney general or by the county prosecuting attorney. A copy of such contract or record shall be ~~((mailed to or filed with the director))~~ submitted by the charitable organization or professional fund raiser, within ten days, following receipt of a written demand therefor from the ~~((director))~~ attorney general or county prosecutor.

Sec. 10. Section 21, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.210 are each amended to read as follows:

~~((a) On or before the fifteenth day of the fifth month following the close of its fiscal year every charitable organization which is required to file a registration statement under RCW 19.09.060 and which has received contributions during the previous fiscal year shall file with the director))~~ Upon the request of the attorney general or the county prosecutor, a charitable organization shall submit a financial statement containing, but not limited to, the following information:

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required either by general rule or by specific written request of the director.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to professional fund raisers and solicitors.

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

~~((b) The director may prescribe such forms as may be necessary or convenient for the furnishing of such information. In addition, the director may require that within thirty days after the close of any special period of solicitation the charitable organization conducting such solicitation shall file a special report containing the information specified in this section for such special period of solicitation:))~~

Sec. 11. Section 23, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.230 are each amended to read as follows:

No ~~((person who is required to register under this chapter))~~ charitable organization, professional fund raiser, or professional solicitor shall knowingly use the name of any other person for the purpose of soliciting contributions from persons in this state without the written consent of such other person: **PROVIDED**, That such consent may be deemed to have been given by anyone who is a director, trustee, other officer, employee, agent, professional fund raiser, or professional solicitor of ~~((such person registering under this chapter))~~ the charitable organization.

A person may be deemed to have used the name of another person for the purpose of soliciting contributions if such latter person's name is listed on any stationery, advertisement, brochure, or correspondence of the charitable organization or person or if such name is listed or represented to any one who has contributed to, sponsored, or endorsed the charitable organization or person, or its or his activities.

Sec. 12. Section 14, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.275 Are each amended to read as follows:

Any person who wilfully and knowingly violates any provisions of this ((act)) chapter or who shall wilfully and knowingly give false or incorrect information to the director, attorney general, or county prosecuting attorney in filing statements ((or reports)) required by this ((+1977 amendatory act)) chapter, whether or not such statement or report is verified, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be sentenced for the first offense to pay a fine of not less than one hundred dollars and not more than two hundred and fifty dollars or be imprisoned in the county jail for not more than forty-five days, or both; and for the second and any subsequent offense, to pay a fine of not less than two hundred and fifty dollars and not more than five hundred dollars or be imprisoned in the county jail for not more than ninety days, or both.

Sec. 13. Section 34, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.340 are each amended to read as follows:

(1) The commission by any person of an act or practice prohibited by this chapter is hereby declared to be an unfair act or practice or unfair method of competition in the conduct of trade or commerce for the purpose of application of the Consumer Protection Act, chapter 19.86 RCW.

(2) The director may refer such evidence, as may be available to him, concerning violations of this chapter((; or of any rule or regulation adopted thereof;)) to the attorney general or the prosecuting attorney of the county wherein the alleged violation arose. In addition to any other action they might commence, the attorney general or the county ((prosecutor)) prosecuting attorney may bring an action in the name of the state, with or without such reference, against any person to restrain and prevent the doing of any act or practice prohibited by this chapter: PROVIDED, That this chapter shall be considered in conjunction with chapters 9.04 and 19.86 RCW, as now or hereafter amended, and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons subject to this chapter.

Sec. 14. Section 10, chapter 228, Laws of 1969 ex. sess. as amended by section 5, chapter 51, Laws of 1977 ex. sess. and RCW 19.31.100 are each amended to read as follows:

(1) Every applicant for an employment agency's license or a renewal thereof shall file with the director a written application stating the name and address of the applicant; the street and number of the building in which the business of the employment agency is to be conducted; the name of the person who is to have the general management of the office; the name under which the business of the office is to be carried on; whether or not the applicant is pecuniarily interested in the business to be carried on under the license; shall be signed by the applicant and sworn to before a notary public; and shall identify anyone holding over twenty percent interest in the agency. If the applicant is a corporation, the application shall state the names and addresses of the officers and directors of the corporation, and shall be signed and sworn to by the president and secretary thereof. If the applicant is a partnership, the application shall also state the names and addresses of all partners therein, and shall be signed and sworn to by all of them. The application shall also state whether or not the applicant is, at the time of making the application, or has at any previous time been engaged in or interested in or employed by anyone engaged in the business of an employment agency.

(2) The application shall require a certification that no officer or holder of more than twenty percent interest in the business has been convicted of a felony within ten years of the application which directly relates to the business for which the license is sought, or had any judgment entered against such person in any civil action involving fraud, misrepresentation, or conversion.

(3) All applications for employment agency licenses shall be accompanied by a copy of the form of contract and fee schedule to be used between the employment agency and the applicant.

(4) No license to operate an employment agency in this state shall be issued, transferred, renewed, or remain in effect, unless the person who has or is to have the general management of the office has qualified pursuant to this section. The director may, for good cause shown, waive the requirement imposed by this section for a period not to exceed one hundred and twenty days. Persons who have been previously licensed or who have operated to the satisfaction of the director for at least one year prior to September 21, 1977 as a general manager shall be entitled to operate for up to one year from such date before being required to qualify under this section. In order to qualify, such person shall, through testing procedures developed by the ~~((employment agency advisory board, show to the director's satisfaction))~~ director, show that such person has a knowledge of this law, pertinent labor laws, and laws against discrimination in employment in this state and of the United States. Said examination shall be given at least once each quarter and a fee for such examination shall be established by the director. Nothing in this chapter shall be construed to preclude any one natural person from being designated as the person who is to have the general management of up to three offices operated by any one licensee.

Sec. 15. Section 43.24.060, chapter 8, Laws of 1965 as last amended by section 98, chapter 158, Laws of 1979 and RCW 43.24.060 are each amended to read as follows:

(1) The director of licensing shall, from time to time, fix such times and places for holding examinations of applicants as may be convenient, and adopt general rules and regulations prescribing the method of conducting examinations.

The governor, from time to time, upon the request of the director of licensing, shall appoint examining committees, composed of three persons possessing the qualifications provided by law to conduct examinations of applicants for licenses to practice the respective professions or callings for which licenses are required.

The committees shall prepare the necessary lists of examination questions, conduct the examinations, which may be either oral or written, or partly oral and partly written, and shall make and file with the director of licensing lists, signed by all the members conducting the examination, showing the names and addresses of all applicants for licenses who have successfully passed the examination, and showing separately the names and addresses of the applicants who have failed to pass the examination, together with all examination questions and the written answers thereto submitted by the applicants.

Each member of a committee shall receive twenty-five dollars per day for each day spent in conducting the examination and in going to and returning from the place of examination, and travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The director of licensing may appoint advisory committees to advise the department regarding the preparation of examinations for professional licensing and such other specific aspects of regulating the professions within the jurisdiction of the department as the director may designate. Such a committee and its members shall serve at the pleasure of the director.

Each member of an advisory committee shall receive reimbursement for travel expenses incurred in attending meetings of the committee in accordance with RCW 43.03.060.

Sec. 16. Section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 16, chapter 53, Laws of 1981 and RCW 43.24.085 are each amended to read as follows:

It shall be the policy of the state of Washington that the director of licensing shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or registration of professions, occupations, or businesses, administered by the business and professions administration in the department of

licensing. In fixing said fees the director shall, insofar as is practicable, fix the fees relating to each profession, occupation, or business in such a manner that the income from each will match the anticipated expenses to be incurred in the administration of the laws relating to each such profession, occupation, or business. All such fees shall be fixed by rule and regulation adopted by the director in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW: PROVIDED, That

(1) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than five dollars or in excess of fifteen dollars:

- Barber
- Student barber
- Cosmetologist (manager-operator)
- Cosmetologist (operator)
- Cosmetologist (instructor-operator)
- Apprentice embalmers
- Manicurist
- Apprentice funeral directors
- Registered nurse
- Licensed practical nurse
- ~~((Charitable organization~~
- ~~Professional solicitor));~~

(2) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than ten dollars or in excess of twenty dollars:

- Dental hygienist
- Barber instructor
- Barber manager instructor
- Psychologist
- Embalmer
- Funeral director
- Sanitarian
- Veterinarian
- Cosmetology shop
- Barber shop
- Proprietary school agent
- Specialized and advance registered nurse
- Physician's assistant
- Osteopathic physician's assistant;

(3) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than fifteen dollars or in excess of thirty-five dollars:

- Architect
- Dentist
- Engineer
- Land Surveyor
- Midwife
- Podiatrist
- Chiropractor
- Drugless therapeutic
- Osteopathic physician
- Osteopathic physician and surgeon
- Physical therapist

Physician and surgeon  
 Optometrist  
 Dispensing optician  
 Landscape architect  
 Nursing home administrator  
 Hearing aid fitter;

(4) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than fifty dollars or in excess of two hundred dollars:

Engineer corporation  
 Engineer partnership  
 Cosmetology school  
 Barber school  
 Debt adjuster agency  
 Debt adjuster branch office  
 Debt adjuster  
 Proprietary school  
 Employment agency  
 Employment agency branch office  
 Collection agency  
 Collection agency branch office  
 ((Professional fund raiser)).

Sec. 17. Section 38, chapter 3, Laws of 1963 ex. sess. as last amended by section 7, chapter 235, Laws of 1977 ex. sess. and RCW 44.40.030 are each amended to read as follows:

In addition to the powers and duties heretofore conferred upon it, the legislative transportation committee may participate in: (1) The activities of committees of the council of state governments concerned with transportation activities; (2) activities of the national committee on uniform traffic laws and ordinances; (3) any interstate reciprocity or proration meetings designated by the (~~Washington reciprocity commission~~) department of licensing; and (4) such other organizations as it deems necessary and appropriate.

Sec. 18. Section 2, chapter 106, Laws of 1963 as amended by section 1, chapter 222, Laws of 1981 and RCW 46.85.020 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial vehicle" means any vehicle which is operated in more than one state and used for the transportation of persons for hire, compensation, or profit, or designed or used primarily for the transportation of property.

(2) "Jurisdiction" means and includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, and a state or province of a foreign country.

(3) "Owner" means a person who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner shall be deemed to be such person in whom is vested right of possession or control.

(4) "Properly registered," as applied to place of registration, means:

(a) The jurisdiction where the person registering the vehicle has his legal residence; or

(b) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which such vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from such place of business, and, the vehicle has been assigned to such place of business; or

(c) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by said jurisdiction.

In case of doubt or dispute as to the proper place of registration of a vehicle, the department shall make the final determination, but in making such determination, may confer with departments of the other jurisdictions affected.

(5) "Fleet" means three or more commercial vehicles: PROVIDED, That the ~~((reciprocity commission))~~ department may require proportional registration and licensing of a fleet of less than three vehicles whenever in its judgment the interests of this state will be best served and protected thereby.

(6) The words "department," "motor vehicle," "person," and "vehicle" each have the meanings ascribed to them, respectively, by RCW 46.04.690, 46.04.320, 46.04.405, and 46.04.670.

(7) "Preceding year" means a period of twelve consecutive months fixed by the department which period shall be within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought; and the department in fixing such period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

(8) "Registration year" means the period from January 1st through December 31st of each calendar year.

Sec. 19. Section 3, chapter 106, Laws of 1963 as last amended by section 2, chapter 222, Laws of 1981 and RCW 46.85.030 are each amended to read as follows:

~~((1)) The reciprocity commission, hereby created, shall consist of the director of licensing or a designee, the chief of the Washington state patrol or a designee, a designee of the state transportation commission, and, ex officio, the chairman and vice chairman of the legislative transportation committee or their duly designated representatives. The department shall provide such assistance and facilities to the commission as it may require. The members of the commission shall receive no additional compensation for their services except that they shall be allowed reimbursement for travel expenses incurred in the performance of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended to be paid from funds made available for the use of the commission.))~~ The ~~((commission))~~ department of licensing shall have the authority to execute agreements, arrangements, or declarations to carry out the provisions of this chapter.

~~((2))~~ The ~~((reciprocity commission))~~ department may enter into a multistate proportional registration agreement which prescribes a different definition of any terms defined in chapter 46.85 RCW. The agreement definition shall control unless appropriate exception is taken thereto.

If the ~~((reciprocity commission))~~ department enters into a multistate proportional registration agreement which prescribes a different procedure for vehicle identification, the agreement procedures shall control.

If the ~~((reciprocity commission))~~ department enters into a multistate proportional registration agreement which requires this state to perform acts in a quasi agency relationship, the department may collect and forward applicable registration fees and applications to other jurisdictions on behalf of the applicant or on behalf of

another jurisdiction and may take such other action as will facilitate the administration of such agreement.

If the ~~((reciprocity commission))~~ department enters into a multistate proportional registration agreement which prescribes procedures applicable to vehicles not specifically described in chapter 46.85 RCW, such as but not limited to "owner-operator" or "rental" vehicles, it shall promulgate rules accomplishing the procedures prescribed in such agreement.

If the ~~((reciprocity commission))~~ department enters into a multistate proportional registration agreement which prohibits the collection of minimum fees or taxes provided for in this chapter or elsewhere for the ownership or operation of motor vehicles, the prohibitions contained in the agreement shall control.

It is the purpose and intent of this subsection to facilitate the membership in the International Registration Plan and at the same time allow the ~~((reciprocity commission))~~ department to continue to participate in such agreements and compacts as may be necessary and desirable in addition to the International Registration Plan.

Sec. 20. Section 4, chapter 106, Laws of 1963 and RCW 46.85.040 are each amended to read as follows:

The ~~((reciprocity commission))~~ department may enter into an agreement or arrangement with the duly authorized representatives of another jurisdiction, granting to vehicles or to owners of vehicles which are properly registered or licensed in such jurisdiction and for which evidence of compliance is supplied, benefits, privileges and exemptions from the payment, wholly or partially, of any taxes, fees, or other charges imposed upon such vehicles or owners with respect to the operation or ownership of such vehicles under the laws of this state, except gallonage taxes on motor fuels. Such an agreement or arrangement shall provide that vehicles properly registered or licensed in this state when operated upon highways of such other jurisdiction shall receive exemptions, benefits and privileges of a similar kind or to a similar degree as are extended to vehicles properly registered or licensed in such jurisdiction when operated in this state. Each such agreement or arrangement shall, in the judgment of the ~~((reciprocity commission))~~ department, be in the best interest of this state and the citizens thereof and shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce.

Sec. 21. Section 6, chapter 106, Laws of 1963 and RCW 46.85.060 are each amended to read as follows:

In the absence of an agreement or arrangement with another jurisdiction, the ~~((reciprocity commission))~~ department may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in such other jurisdiction, or to the owners of such vehicles, which shall, in the judgment of the ~~((reciprocity commission))~~ department, be in the best interest of this state and the citizens thereof and which shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce.

Sec. 22. Section 10, chapter 106, Laws of 1963 as amended by section 114, chapter 32, Laws of 1967 and RCW 46.85.100 are each amended to read as follows:

All agreements, arrangements, or declarations or amendments thereto shall be in writing and shall be filed ~~((in the office of the reciprocity commission. A copy of each agreement, arrangement or declaration, or amendment thereto, shall be filed by the reciprocity commission in the office of the director within ten days after execution or the effective date of the instrument whichever is later))~~ with the department.

Upon becoming effective, they shall supersede the provisions of RCW 46.16.030 to the extent that they are inconsistent therewith. The department shall provide copies for public distribution upon request.

Sec. 23. Section 27, chapter 106, Laws of 1963 and RCW 46.85.270 are each amended to read as follows:

The (~~reciprocity commission~~) department may require the display of a special reciprocity identification plate upon any commercial vehicle operating within this state under the provisions of any reciprocal agreement between this state and the state or other jurisdiction in which such vehicle is properly licensed: PROVIDED, That such reciprocal agreement is on file with the (~~reciprocity commission~~) department: PROVIDED FURTHER, That the issuance and display of such identification plate shall not be deemed to enlarge upon, restrict, or in any manner affect the terms or conditions of such reciprocal agreement.

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

- (1) Section 4, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.040;
  - (2) Section 6, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.060;
  - (3) Section 7, chapter 13, Laws of 1973 1st ex. sess., section 3, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.070;
  - (4) Section 8, chapter 13, Laws of 1973 1st ex. sess., section 4, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.080;
  - (5) Section 9, chapter 13, Laws of 1973 1st ex. sess., section 5, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.090;
  - (6) Section 11, chapter 13, Laws of 1973 1st ex. sess., section 7, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.110;
  - (7) Section 14, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.140;
  - (8) Section 15, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.150;
  - (9) Section 16, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.160;
  - (10) Section 17, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.170;
  - (11) Section 18, chapter 13, Laws of 1973 1st ex. sess., section 8, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.180;
  - (12) Section 22, chapter 13, Laws of 1973 1st ex. sess., section 11, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.220;
  - (13) Section 25, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.250;
  - (14) Section 26, chapter 13, Laws of 1973 1st ex. sess., section 12, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.260;
  - (15) Section 13, chapter 222, Laws of 1977 ex. sess., section 25, chapter 67, Laws of 1981 and RCW 19.09.265;
  - (16) Section 27, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.270;
  - (17) Section 28, chapter 13, Laws of 1973 1st ex. sess., section 15, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.280;
  - (18) Section 16, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.285;
  - (19) Section 29, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.290;
  - (20) Section 30, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.300;
  - (21) Section 31, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.310;
  - (22) Section 32, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.320;
  - (23) Section 35, chapter 13, Laws of 1973 1st ex. sess., section 89, chapter 30, Laws of 1975 1st ex. sess. and RCW 19.09.350;
  - (24) Section 36, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.360;
  - (25) Section 1, chapter 66, Laws of 1973 1st ex. sess., section 17, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.370;
  - (26) Section 37, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.900;
- and

(27) Section 20, chapter 228, Laws of 1969 ex. sess., section 9, chapter 51, Laws of 1977 ex. sess. and RCW 19.31.200.

**NEW SECTION.** Sec. 25. Sections 5 and 6 of this act shall take effect June 30, 1983. The remaining sections 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 March 1, 1982."

On page 1, line 1 of the title, strike everything after "state government;" and insert "amending section 13, chapter 43, Laws of 1957 and RCW 18.34.130; amending section 10, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.100; amending section 19, chapter 13, Laws of 1973 1st ex. sess. as amended by section 9, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.190; amending section 20, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.200; amending section 21, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.210; amending section 23, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.230; amending section 14, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.275; amending section 34, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.340; amending section 10, chapter 228, Laws of 1969 ex. sess. as amended by section 5, chapter 51, Laws of 1977 ex. sess. and RCW 19.31.100; amending section 43.24.060, chapter 8, Laws of 1965 as last amended by section 98, chapter 158, Laws of 1979 and RCW 43.24.060; amending section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 16, chapter 53, Laws of 1981 and RCW 43.24.085; amending section 38, chapter 3, Laws of 1963 ex. sess. as last amended by section 7, chapter 235, Laws of 1977 ex. sess. and RCW 44.40.030; amending section 2, chapter 106, Laws of 1963 as amended by section 1, chapter 222, Laws of 1981 and RCW 46.85.020; amending section 3, chapter 106, Laws of 1963 as last amended by section 2, chapter 222, Laws of 1981 and RCW 46.85.030; amending section 4, chapter 106, Laws of 1963 and RCW 46.85.040; amending section 6, chapter 106, Laws of 1963 and RCW 46.85.060; amending section 10, chapter 106, Laws of 1963 as amended by section 114, chapter 32, Laws of 1967 and RCW 46.85.100; amending section 27, chapter 106, Laws of 1963 and RCW 46.85.270; creating new sections; repealing section 4, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.040; repealing section 6, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.060; repealing section 7, chapter 13, Laws of 1973 1st ex. sess., section 3, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.070; repealing section 8, chapter 13, Laws of 1973 1st ex. sess., section 4, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.080; repealing section 9, chapter 13, Laws of 1973 1st ex. sess., section 5, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.090; repealing section 11, chapter 13, Laws of 1973 1st ex. sess., section 7, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.110; repealing section 14, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.140; repealing section 15, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.150; repealing section 16, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.160; repealing section 17, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.170; repealing section 18, chapter 13, Laws of 1973 1st ex. sess., section 8, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.180; repealing section 22, chapter 13, Laws of 1973 1st ex. sess., section 11, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.220; repealing section 25, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.250; repealing section 26, chapter 13, Laws of 1973 1st ex. sess., section 12, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.260; repealing section 13, chapter 222, Laws of 1977 ex. sess., section 25, chapter 67, Laws of 1981 and RCW 19.09.265; repealing section 27, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.270; repealing section 28, chapter 13, Laws of 1973 1st ex. sess., section 15, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.280; repealing section 16, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.285;

repealing section 29, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.290; repealing section 30, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.300; repealing section 31, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.310; repealing section 32, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.320; repealing section 35, chapter 13, Laws of 1973 1st ex. sess., section 89, chapter 30, Laws of 1975 1st ex. sess. and RCW 19.09.350; repealing section 36, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.360; repealing section 1, chapter 66, Laws of 1973 1st ex. sess., section 17, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.370; repealing section 37, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.900; repealing section 20, chapter 228, Laws of 1969 ex. sess., section 9, chapter 51, Laws of 1977 ex. sess. and RCW 19.31.200; providing effective dates; and declaring an emergency."

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Vognild.

The bill was read the second time by sections.

On motion of Senator Newhouse, the committee amendment was adopted.

On motion of Senator Newhouse, the committee amendment to the title was adopted.

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 778, 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 Quigg, as you know, one of the principal gripes of the public pertains to charitable organizations which raise a great deal of money and spend an inordinate amount of it on administration and so-called 'fund raising expenses.'

"Now does this bill in any way weaken the state's control over what ratio of the money being raised an organization can spend on administrative overhead rather than seeing that it goes for the purpose for which it was intended?"

Senator Quigg: "What it does, Senator, is put that under the department of licensing rather than under a board; the regulatory requirements are still there, it's just that rather being under a board they will go to the department of licensing.

"And what we have here, in the fiscal note, it indicates a biennial savings of around \$150,000, because of the cost of a board that really wasn't doing anything. This will now be transferred over to the department of licensing so that those kinds of charitable organizations whose greatest charity is the officers and directors of that organization will be under the regular scrutiny of the licensing department rather than under the periodic but expensive scrutiny of a board that hasn't proved very effective."

Senator Wilson: "Did we previously have a 20% limitation which now may be waived under terms of this bill?"

Senator Quigg: "No, Senator, the regulations are still there. It is just that the board that enforces them is replaced by the department of licensing."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 778, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, Williams, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Charnley, Fleming, Moore, Wilson—4.

Excused: Senators Lysen, McDermott, Talley, von Reichbauer—4.

**SUBSTITUTE HOUSE BILL NO. 778**, 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. 696**, by House Committee on Local Government (originally sponsored by House Committee on Local Government and Representatives Isaacson and Stratton):

Modifying investment authority of municipal employees' pension system boards.

## REPORT OF STANDING COMMITTEE

February 23, 1982.

**SUBSTITUTE HOUSE BILL NO. 696**, modifying the investment authority of municipal employees' pension system boards (reported by Committee on Local Government):

**MAJORITY recommendation:** Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Section 1. Any city or town now or hereafter operating an employees' pension system with the approval of the board otherwise responsible for management of its respective funds may invest, reinvest, manage, contract, sell, or exchange investments acquired. Investments shall be made in accordance with investment policy duly established and published by the board. In discharging its duties under this section, the board shall act with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; shall diversify the investments of the employees' pension system so as to minimize the risk of large losses; and shall act in accordance with the documents and instruments governing the employees' pension system, insofar as such documents and instruments are consistent with the provisions of this title.

**NEW SECTION.** Sec. 2. The city treasurer may cause any securities in which the city retirement system deals to be registered in the name of a nominee without mention of any fiduciary relationship, except that adequate records shall be maintained to identify the actual owner of the security so registered. The securities so registered shall be held in the physical custody of the city treasurer, the federal reserve system, the designee of the city treasurer, or at the election of the designee and upon approval of the city treasurer, the Pacific Securities Depository Trust Company Inc. or the Depository Trust Company of New York City or its designees.

With respect to the securities, the nominee shall act only on the direction of the retirement board. All rights to the dividends, interest, and sale proceeds from the securities and all voting rights of the securities shall be vested in the actual owners of the securities, and not in the nominee.

**NEW SECTION.** Sec. 3. The retirement board of any city which is responsible for the management of an employees' retirement system established to provide retirement benefits for nonpublic safety employees shall appoint an investment advisory committee consisting of at least three members who are considered experienced and qualified in the field of investments.

**NEW SECTION.** Sec. 4. In addition to its other powers and duties, the investment advisory committee shall:

(1) Make recommendations as to general investment policies, practices, and procedures to the retirement board;

(2) Review the investment transactions of the retirement board annually;

(3) Prepare a written report of its activities during each fiscal year. Each report shall be submitted not more than thirty days after the end of each fiscal year to the retirement board and to any other person who has submitted a request therefor.

NEW SECTION. Sec. 5. No advisory committee member during the term of appointment may be employed by any investment brokerage or mortgage servicing firm doing business with the retirement board.

NEW SECTION. Sec. 6. No member of the investment advisory committee is liable for the negligence, default, or failure of any other person or other member of the committee to perform the duties of his or her office, and no member of the committee may be considered or held to be an insurer of the funds or assets of the retirement system nor shall any member be liable for actions performed with the exercise of reasonable diligence within the scope of his or her duly authorized activities as a member of the committee.

NEW SECTION. Sec. 7. Section 1, chapter 34, Laws of 1980 and RCW 35.39.041 are each repealed.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act are each added to chapter 35.39 RCW.

NEW SECTION. Sec. 9. This act shall take effect July 1, 1982."

On page 1, on line 1 of the title, after "systems;" strike the remainder of the title and insert "adding new sections to chapter 35.39 RCW; repealing section 1, chapter 34, Laws of 1980 and RCW 35.39.041; and providing an effective date."

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, McCaslin, Wilson.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the committee amendment was adopted.

On motion of Senator Zimmerman, the committee amendment to the title was adopted.

On motion of Senator Zimmerman, the rules were suspended, Substitute House Bill No. 696, 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. 696, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 1; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senator Moore—1.

Absent or not voting: Senator Scott—1.

Excused: Senators Lysen, McDermott, Talley, von Reichbauer—4.

SUBSTITUTE HOUSE BILL NO. 696, 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 Bottiger moved that the Senate now consider Senate Bill No. 4609.

Debate ensued.

### POINT OF INQUIRY

Senator Vognild: "Thank you, Mr. President. I think this bill is probably one of the most well-aided and probably the most closely scrutinized bill that this Senate will see in the whole session. I recognize Senator Hayner's request here that as a courtesy we allow this bill to be held.

"And I guess I would ask, along those lines, could we be assured that this bill would be placed number one on tomorrow's calendar, and be heard?"

President Cherberg: "Senator Hayner."

Senator Hayner: "It will be taken up tomorrow."

Senator Vognild: "Well, Senator, I am fearful if it is not number one on the calendar tomorrow that there will be absolutely no way that we can move this through the legislature."

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 motion by Senator Bottiger that the Senate now consider Senate Bill No. 4609.

### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 21; nays 24; excused, 4.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—24.

Excused: Senators Lysen, McDermott, Talley, von Reichbauer—4.

### MOTION

On motion of Senator Clarke, the Senate resumed consideration of Substitute House Bill No. 888.

### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 888**, by House Committee on State Government (originally sponsored by Representatives Nickell, Houchen and Granlund) (by Secretary of State request):

Making general election ballots uniform.

The Senate resumed consideration of Substitute House Bill No. 888. On March 9, 1982, the committee amendments were adopted. Senator Pullen had moved adoption of an amendment and Senator Woody had raised a Point of Order on the amendment.

On motion of Senator Pullen, there being no objection, the amendment moved for adoption on March 9, 1982 was withdrawn.

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 888, 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. 888, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Absent or not voting: Senators Charnley, Hughes—2.

Excused: Senators Lysen, McDermott, Talley, von Reichbauer—4.

SUBSTITUTE HOUSE BILL NO. 888, 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 Clarke, the Senate returned to the first order of business.

## REPORTS OF STANDING COMMITTEES

March 10, 1982.

SENATE BILL NO. 3402, pertaining to the taxation of business inventories (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3402 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Craswell, Deccio, Haley, Hayner, Lee, Zimmerman.

Passed to Committee on Rules for second reading.

March 10, 1982.

HOUSE BILL NO. 1092, modifying the unfair cigarette sales act (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Haley, Hayner, Jones, McDermott, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

## MOTION

At 10:07 p.m., on motion of Senator Clarke, the Senate adjourned until 9:00 a.m., Thursday, March 11, 1982.

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

## SIXTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, March 11, 1982.

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 Senator Talley. On motion of Senator Ridder, Senator Talley was excused.

The Color Guard, consisting of Pages Dan Schilperoot and Mark Hurley, presented the Colors. Reverend Mark Anthony Davis, Associate Minister, Christ Memorial Baptist Church of Seattle, offered the prayer.

Reverend Davis was a guest of Senator Fleming.

### MOTION

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

### MESSAGES FROM THE HOUSE

March 10, 1982.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 878,

SUBSTITUTE HOUSE BILL NO. 891,

HOUSE BILL NO. 916,

HOUSE BILL NO. 999,

SUBSTITUTE HOUSE BILL NO. 1131,

HOUSE BILL NO. 1174, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 10, 1982.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 15,

SUBSTITUTE HOUSE BILL NO. 40,

SUBSTITUTE HOUSE BILL NO. 58,

SECOND SUBSTITUTE HOUSE BILL NO. 378,

HOUSE BILL NO. 381,

SUBSTITUTE HOUSE BILL NO. 419,

SUBSTITUTE HOUSE BILL NO. 452,

SUBSTITUTE HOUSE BILL NO. 593,

HOUSE BILL NO. 621,

SUBSTITUTE HOUSE BILL NO. 663,

HOUSE BILL NO. 728,

HOUSE BILL NO. 745,

SUBSTITUTE HOUSE BILL NO. 762,

SUBSTITUTE HOUSE BILL NO. 837,

HOUSE BILL NO. 859,

SUBSTITUTE HOUSE BILL NO. 874,

HOUSE BILL NO. 907,

SUBSTITUTE HOUSE BILL NO. 1011, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 10, 1982.

Mr. President: The Speaker has signed:  
 SUBSTITUTE HOUSE BILL NO. 848,  
 SUBSTITUTE HOUSE BILL NO. 849, and the same are herewith  
 transmitted.

VITO T. CHIECHI, Chief Clerk.

March 10, 1982.

Mr. President: The Speaker has signed:  
 SENATE BILL NO. 3587,  
 SUBSTITUTE SENATE BILL NO. 3913,  
 SENATE BILL NO. 4366,  
 SENATE BILL NO. 4691,  
 SENATE BILL NO. 4749,  
 SENATE CONCURRENT RESOLUTION NO. 146, and the same are here-  
 with transmitted.

VITO T. CHIECHI, Chief Clerk.

March 10, 1982.

Mr. President: The House has passed: ENGROSSED SECOND SUBSTI-  
 TUTE HOUSE BILL NO. 1103, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE HOUSE BILL NO. 15,  
 SUBSTITUTE HOUSE BILL NO. 40,  
 SUBSTITUTE HOUSE BILL NO. 58,  
 SECOND SUBSTITUTE HOUSE BILL NO. 378,  
 HOUSE BILL NO. 381,  
 SUBSTITUTE HOUSE BILL NO. 419,  
 SUBSTITUTE HOUSE BILL NO. 452,  
 SUBSTITUTE HOUSE BILL NO. 593,  
 HOUSE BILL NO. 621,  
 SUBSTITUTE HOUSE BILL NO. 663,  
 HOUSE BILL NO. 728,  
 HOUSE BILL NO. 745,  
 SUBSTITUTE HOUSE BILL NO. 762,  
 SUBSTITUTE HOUSE BILL NO. 837,  
 SUBSTITUTE HOUSE BILL NO. 848,  
 SUBSTITUTE HOUSE BILL NO. 849,  
 HOUSE BILL NO. 859,  
 SUBSTITUTE HOUSE BILL NO. 874,  
 SUBSTITUTE HOUSE BILL NO. 878,  
 SUBSTITUTE HOUSE BILL NO. 891,  
 HOUSE BILL NO. 907,  
 HOUSE BILL NO. 916,  
 HOUSE BILL NO. 999,  
 SUBSTITUTE HOUSE BILL NO. 1011,  
 SUBSTITUTE HOUSE BILL NO. 1131,  
 HOUSE BILL NO. 1174.

## MESSAGE FROM THE HOUSE

March 10, 1982.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 4559, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

March 10, 1982.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 4559, as amended by the House, modifying the state forms management program, have had the same under consideration, and we report that we cannot agree and request powers of Free Conference in order to recommend the following: That the House amendment be adopted with the following additional amendments to the House amendment:

On page 2, line 2, after "state agency" strike all material down to and including "education." on line 16 and insert "or agency" means and is limited to each of the following: the department of licensing, the department of labor and industries and the department of revenue."

On page 4, line 24, after "June 30," strike "1985" and insert "1987"

Signed by: Senators Lee, Metcalf and Rasmussen; Representatives Addison, Walk and McGinnis.

## MOTION

On motion of Senator Newhouse, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

## REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, ladies and gentlemen. We come to that stage of our session when we have got to review what is still before us and the mechanical possibilities of what the work room could do.

"For the information of the members, we are either going to have to kill some bills that the House has amended or shortcut our normal procedure a little. And I am going to suggest that of four bills before us on the concurring calendar, we have consensus on both sides on 3242, 4153, 4201, that the House amendments are not acceptable to either side and I am going to suggest that we short-cut our usual process procedure and not concur in those bills rather early this morning in the hopes that we can get the basic bill through.

"As a matter of information for amendments to be adopted in the House, go through the procedure of engrossing, send down to the bill drafters, and then go through our analyst, takes at least four hours. So it is actually impossible to accomplish what the House is asking us. And I understand that there are still some bills acted on last night in the House, with amendments, that we have not mechanically received here, and if those bills are of value to both sides, we'll talk it over and try to short-cut the procedures on those."

## REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: Mr. President, for the information of our members, the ranking member on each committee or the individual responsible for it has seen all the amendments and have worked the bills that Senator Newhouse enumerated and we, those members at least, and I are in agreement with this procedure."

## MESSAGE FROM THE HOUSE

March 9, 1982.

The House has passed ENGROSSED SENATE BILL NO. 3242 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 28A.59.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 118, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.59.150 are each amended to read as follows:

All accounts shall be (~~audited by a committee of board members chosen in such manner as the board so determines to be styled the "auditing committee," and, except as otherwise provided by law, no expenditure greater than three hundred dollars shall be voted by the board except in accordance with a written contract, nor shall any money or appropriation be paid out of the school fund except on~~) reviewed by the board and the board shall indicate its approval by a recorded affirmative vote of a majority of all members of the board(~~(- PROVIDED, That nothing herein shall be construed to prevent the board from making any repairs or improvements to the property of the district through their shop and repair department as otherwise provided in RCW 28A.58.135, and the accounts and the records of said board shall at all times be subject to the inspection and examination of the educational service district superintendent, whose duty it shall be, annually, to examine said records and check said accounts, and report in writing to the proper board of county commissioners the nature and state of said accounts, and any facts that may be required concerning said records)~~). If the board disapproves some items, the superintendent shall not allow payment of the disapproved items or, if already paid, the superintendent shall cause the disapproved items to be treated as district receivables until the amounts disapproved are collected or until the board is satisfied and approves the items.

Sec. 2. Section 1, chapter 111, Laws of 1973 as amended by section 21, chapter 43, Laws of 1975 and RCW 28A.60.328 are each amended to read as follows:

Second class school districts, subject to the approval of the superintendent of public instruction, may draw and issue warrants for the payment of moneys (~~upon approval of a majority of the board of directors, such warrants to be signed by the chairman of the board and countersigned by the secretary. PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the chairman of the board personally imposes too great a task on the chairman, the board of directors, after auditing all payrolls and bills, may authorize the issuing of one general certificate to the county treasurer, to be signed by the chairman of the board, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn, thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants~~) using the same procedures as those required of first class districts in RCW 28A.59.110 and 28A.59.150.

~~((Accounts and the records of second class school districts drawing and issuing warrants as provided in this section shall at all times be subject to the inspection and examination of the educational service district superintendent, whose duty it shall be, annually, to examine said records and check said accounts, and report in writing~~

~~to the proper board of county commissioners the nature and state of said accounts, and any facts that may be required concerning said records.))~~

Sec. 3. Section 16, chapter 176, Laws of 1969 ex. sess. as last amended by section 32, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.160 are each amended to read as follows:

All funds under the control of the office of each educational service district shall be combined into the educational service district general expense fund and deposited in the office of the county treasurer of the county in which the educational service district headquarters office is located: PROVIDED, That funds under the control of an educational service district may be placed in one or more special purpose funds in the office of the county treasurer as now or hereafter authorized by rule or regulation of the superintendent of public instruction. The superintendent of public instruction, by rule or regulation, shall establish the standards, conditions and procedures governing the establishment and use of general expense and special purpose funds by educational service districts, including transfers from one fund to another, and shall provide by an established formula for the proper distribution of moneys received from the county current expense fund, the county institute fund, and the county circulating library fund in those counties which are a part of two or more educational service districts. In case the boundaries of any of the educational service districts are changed, the superintendent of public instruction shall order an equitable transfer of such funds from one educational service district to another which the superintendent of public instruction deems necessary to adjust for the increase and decrease in the operating costs of the respective districts for the balance of the fiscal year and shall certify to the county ((commissioners)) legislative authority of the affected counties a new ratio for the appropriation of funds to the general expense funds of two or more educational service districts under RCW 28A.21.180, as now or hereafter amended.

Sec. 4. Section 28A.57.255, chapter 223, Laws of 1969 ex. sess. as last amended by section 97, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.255 are each amended to read as follows:

The registered voters residing within a joint school district shall be entitled to vote on the office of school director of their district ~~((and on the office of their educational service district board member)).~~

Jurisdiction of any such election shall rest with the county auditor of the county administering such joint district as provided in RCW 28A.57.250.

At each general election, or upon approval of a request for a special election as provided for in RCW 29.13.020, such county auditor shall:

- (1) See that there shall be at least one polling place in each county;
- (2) At least twenty days prior to the elections concerned, certify in writing to the superintendent of the school district the number and location of the polling places established by such auditor for such regular or special elections; and
- (3) Do all things otherwise required by law for the conduct of such election.

It is the intention of this section that the qualified electors of a joint school district shall not be forced to go to a different polling place on the same day when other elections are being held to vote for school directors of their district ~~((and members of the educational service district board concerned with their school district)).~~

Sec. 5. Section 28A.51.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 170, Laws of 1980 and RCW 28A.51.010 are each amended to read as follows:

The board of directors of any school district may borrow money and issue negotiable coupon bonds therefor for the purpose of:

- (1) Funding outstanding indebtedness or bonds theretofore issued; or

(2) For the purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or

(3) For erecting all buildings authorized by law, including but not limited to those mentioned in subparagraph (2) immediately above or necessary or proper to carry out the functions of a school district, and providing the necessary furniture, apparatus, or equipment therefor; or

(4) For improving the energy efficiency of school district buildings and/or installing systems and components to utilize renewable and/or inexhaustible energy resources; or

(5) 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) After September 1, 1982, for the purchase of additional pupil transportation vehicles that are not for the replacement of vehicles that are in the current district fleet or retired from service by the school district; or

(7) For any or all of these purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed the limitation of indebtedness prescribed by chapter 39.36 RCW, as now or hereafter amended.

Bonds may be issued only when authorized by the vote of the qualified electors of the district as provided by law.

The bonds so issued shall be in such form, for such terms, bear such interest, be sold in such manner, and be payable and redeemable, as the board of directors shall determine in accordance with this chapter and chapter 39.44 RCW;

PROVIDED, That the term of bonds issued for pupil transportation vehicles shall not exceed ten years and the county treasurer shall place the money specified by the school district board of directors as having been derived from a bond sale for such purpose to the credit of the transportation vehicle fund of the district.

**NEW SECTION. Sec. 6.** 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 intent of this section is to enhance the effectiveness of educational service districts by establishing a pilot program which will permit selected school districts in conjunction with their educational service district to operate on a flexible school year basis.

In addition to determining whether or not a flexible school year aids educational service districts in the accomplishment of their goals it shall be the objective of this pilot program to determine if cost savings, constant or improved achievement, and positive support from students, staff, parents, and the community will result from adopting a school year based on a four-day work week.

Notwithstanding the requirement of a school term of at least one hundred eighty days in RCW 28A.58.180, 28A.01.025, 28A.41.130, 28A.41.170, 28A.58-.075, 28A.58.754 or 28A.59.180, or in other provision of law, any school district chosen to participate in the flexible school year pilot program pursuant to this section shall be required to maintain a minimum school term of at least a total number of hours equal to the minimum program hour offering required for each grade level under RCW 28A.58.754. Funding shall not be reduced to any school district due to participation in this program.

Any school district may apply to the superintendent of public instruction for participation in the flexible school year project through its educational service district. At least one public hearing must be held by the school district prior to application. Application must be submitted no later than May 1 of each year prior to the 1982-83 and 1983-84 school year on forms provided by the superintendent of public

instruction to educational service districts and shall include an assurance by the school district that the following conditions will be met:

- (1) The school will work closely with its educational service district to insure the maximum benefit of the program is obtained by this schedule change;
- (2) The school year will be based on a four-day week;
- (3) Participation will be for a minimum of one complete school year;
- (4) Participation for two school years, although not required, will be a goal of the district;
- (5) Additional fiscal data as required by the superintendent of public instruction or educational service district will be reported;
- (6) A district survey of students, parents, staff, and the community will be conducted and reported as required by the superintendent of public instruction or educational service district.

The superintendent of public instruction shall:

- (a) Prepare and distribute project applications to educational service districts;
- (b) Select up to ten school districts that have an educational service district that apply for the project; every effort shall be made to select a cross-section of districts based on enrollment, geographical size, historic use of educational service districts and location;
- (c) Collect such fiscal information necessary to evaluate the cost impact of a flexible school year;
- (d) Prepare, distribute to districts, and collect the results of a survey of students, district staff, parents, and the community at the end of each school year;
- (e) Submit a project report which shall include an analysis of the impact on educational service districts to the education and ways and means committees of the house of representatives and senate by October 1, 1983, and October 1, 1984.

The superintendent of public instruction and the state board of education may adopt new or amended rules as necessary to carry out this pilot project.

**NEW SECTION.** Sec. 7. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW a new section to read as follows:

In addition to the procedure provided in RCW 28A.57.415 for returning to the system of school directors running at large, upon receipt of written notice from any school district superintendent of a school district theretofore divided into directors' districts, that such school district board of directors by majority vote requests a return to the system of directors running at large within the district, an educational service district superintendent, after formation of the question to be submitted to the voters, shall give notice thereof to the county auditor who shall call and hold a special election of the voters of the entire school district to approve or reject such proposal, such election to be called, conducted and the returns canvassed as in regular school district elections.

If approval of a majority of those registered voters voting in the election is acquired, at the expiration of terms of the incumbent directors of such school district their successors shall be elected at large.

Nothing in this section is applicable to any school district either (1) of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties, or (2) formed through the consolidation of two or more pre-existing school districts.

Sec. 8. Section 9, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.415 are each amended to read as follows:

In addition to the procedure provided in section 7 of this amendatory act for returning to the system of school directors running at large, upon receipt of a written petition ((by an educational service district superintendent)) signed by at least twenty percent of the registered voters of a school district theretofore divided into directors' districts ((after a majority vote thereon in accordance with RCW

~~28A.57.050(4), as now or hereafter amended~~)), which petition shall request a return to the system of directors running at large within the district, ~~((the))~~ an educational service district superintendent, after formation of the question to be submitted to the voters, shall give notice thereof to the county auditor who shall call and hold a special election of the voters of the entire school district to approve or reject such proposal, such election to be called, conducted and the returns canvassed as in regular school district elections.

If approval of a majority of those registered voters voting in said election is acquired, at the expiration of terms of the incumbent directors of such school district their successors shall be elected at large.

Nothing in this section is applicable to any school district either (1) of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties, or (2) formed through the consolidation of two or more pre-existing school districts.

Sec. 9. Section 28A.57.344, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 183, Laws of 1979 ex. sess. and RCW 28A.57.344 are each amended to read as follows:

The board of directors of every school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the county committee to divide the district into directors' districts. Alternatively, upon receipt of a written petition signed by at least twenty percent of the registered voters in a school district, other than a school district either (1) of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties or (2) formed through the consolidation of two or more pre-existing school districts, which petition requests the district to be divided into directors' districts, an educational service district superintendent shall give notice thereof to the county auditor who shall submit the proposal to voters at the next regular school district election. If a majority of the votes cast on the proposition shall be affirmative, the county committee shall proceed to divide the district into directors' districts. ~~((Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of five director districts from among the residents of the respective director district by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years.))~~

After the division, the chairman of the school district board of directors shall designate an existing school board member to represent each of the director districts. Any director district having only one existing school board member residing within its boundaries shall be represented by that member. Any director district with more than one member residing within its boundaries shall be represented by the member whose term expires last. If there are two or more members whose terms will expire simultaneously and later than any other member or members residing within the director district, the chairman of the school district board of directors shall determine which member shall represent the director district. At the expiration of the term of each school board member, the electors of the director district represented by the member shall select a resident to represent the director district on the school board.

Sec. 10. Section 28A.59.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.110 are each amended to read as follows:

Moneys of such school districts shall be paid out only upon ~~((orders for))~~ warrants signed by the ~~((president, or a majority of the board of directors and counter-signed by the secretary. PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the president personally imposes too great a task on the president, the board of directors, after auditing all payrolls and bills as provided by RCW 28A.59.150, may authorize the issuing of one general certificate to the county treasurer, to be signed by the president, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants))~~ superintendent and certified by the auditing officer of the district as provided in chapter 42.24 RCW.

The board of directors may require the superintendent to furnish an official bond for the faithful discharge of his duties in an amount fixed by the board of directors with good and sufficient surety, and to cause the premium for such bond to be paid by the district. The school district board of directors shall adopt contracting, hiring, purchasing, and disbursing policies that implement effective internal controls.

Sec. 11. Section 28A.66.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 27, chapter 43, Laws of 1975 and RCW 28A.66.010 are each amended to read as follows:

~~((The county auditor shall register in his own office, and present to the treasurer for registration in the office of the county treasurer;))~~ Before issuing warrants, the district superintendent shall deliver to the county treasurer a register of all warrants of first class districts, and all warrants of second class districts electing to draw and issue their own warrants under RCW 28A.60.328, as now or hereafter amended(, received from school district superintendents or district secretaries before delivery of the same to claimants)).

Sec. 12. Section 28A.66.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.030 are each amended to read as follows:

The county auditors of the several counties of this state shall audit all accounts of the ~~((several))~~ school districts of their respective counties~~((;))~~ for which the county auditors issue warrants in the same manner as other accounts are audited with the other departments of the county.

Sec. 13. Section 36.22.090, chapter 4, Laws of 1963 as last amended by section 31, chapter 43, Laws of 1975 and RCW 36.22.090 are each amended to read as follows:

All warrants for the payment of claims against diking, ditch, drainage and irrigation districts and school districts of the second class, who do not issue their own warrants, as well as political subdivisions within the county for which no other provision is made by law, shall be drawn and issued by the county auditor of the county wherein such subdivision is located upon vouchers properly ~~((approved by the governing body))~~ certified by the auditing officer thereof.

NEW SECTION. Sec. 14. The following acts or parts thereof are each hereby repealed:

(1) Section 28A.66.050, chapter 223, Laws of 1969 ex. sess., section 45, chapter 48, Laws of 1971, section 1, chapter 72, Laws of 1973 and RCW 28A.66.050;

(2) Section 28A.66.060, chapter 223, Laws of 1969 ex. sess., section 46, chapter 48, Laws of 1971, section 129, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.66.060;

(3) Section 28A.66.080, chapter 223, Laws of 1969 ex. sess., section 30, chapter 43, Laws of 1975 and RCW 28A.66.080;

(4) Section 28A.66.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.090; and

(5) Section 28A.66.100, chapter 223, Laws of 1969 ex. sess., section 47, chapter 48, Laws of 1971, section 130, chapter 275, Laws of 1975 1st ex. sess., section 32, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.66.100.

**NEW SECTION.** Sec. 15. 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 12 of the title, after "28A.57.255;" strike the remainder of the title and insert "amending section 28A.51.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 170, Laws of 1980 and RCW 28A.51.010; amending section 28A.59.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.110; amending section 28A.66.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 27, chapter 43, Laws of 1975 and RCW 28A.66.010; amending section 28A.66.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.030; amending section 36.22.090, chapter 4, Laws of 1963 as last amended by section 31, chapter 43, Laws of 1975 and RCW 36.22.090; amending section 9, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.415; amending section 28A.57.344, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 183, Laws of 1979 ex. sess. and RCW 28A.57.344; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; creating new sections; repealing section 28A.66.050, chapter 223, Laws of 1969 ex. sess., section 45, chapter 48, Laws of 1971, section 1, chapter 72, Laws of 1973 and RCW 28A.66.050; repealing section 28A.66.060, chapter 223, Laws of 1969 ex. sess., section 46, chapter 48, Laws of 1971, section 129, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.66.060; repealing section 28A.66.080, chapter 223, Laws of 1969 ex. sess., section 30, chapter 43, Laws of 1975 and RCW 28A.66.080; repealing section 28A.66.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.090; and repealing section 28A.66.100, chapter 223, Laws of 1969 ex. sess., section 47, chapter 48, Laws of 1975 1st ex. sess., section 32, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.66.100.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Newhouse, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 3242 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 10, 1982.

Mr. President: The House has passed **SUBSTITUTE SENATE BILL NO. 4153** with the following amendments:

On page 2, after line 24, insert the following:

"Sec. 2. Section 46.56.040, chapter 12, Laws of 1961 as last amended by section 3, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.61.520 are each amended to read as follows:

(1) When the death of any person shall ensue within three years as a proximate result of injury received by the driving of any vehicle by any person (a) while under the influence of or affected by intoxicating liquor or drugs, or (b) by the operation of any vehicle in a reckless manner or with disregard for the safety of others, the person so operating such vehicle shall be guilty of negligent homicide by means of a motor vehicle.

(2) Any person convicted of negligent homicide by means of a motor vehicle shall be punished by imprisonment in the state penitentiary for not more than ten

years, or by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars, or by both fine and imprisonment: PROVIDED, That in addition to any fine imposed under this section, a person convicted under subsection (1) (a) of this section, as determined by a special interrogatory to the jury, shall be imprisoned for a minimum of two years. With the exception of up to four months or residential alcoholism treatment if appropriate, no portion of the two years is subject to suspension, deferral, parole, or probation."

On page 2, after line 24, insert the following:

"Sec. 2. Section 11, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 215, Laws of 1979 ex. sess. and RCW 10.77.110 are each amended to read as follows:

If a defendant is acquitted of a felony by reason of insanity, and it is found that he is not a substantial danger to other persons, or does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall direct his final discharge. If it is found that such defendant is a substantial danger to (~~himself or others and in need of~~) other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall order his hospitalization, or any appropriate alternative treatment less restrictive than detention in a state mental hospital, pursuant to the terms of this chapter. If it is found that such defendant is not a substantial danger to other persons, or does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, but that he is in need of control by the court or other persons or institutions, the court shall direct his conditional release. If the defendant is acquitted by reason of insanity of a crime which is not a felony, the court shall order the defendant's release or order the defendant's continued custody only for a reasonable time to allow the county-designated mental-health professional to evaluate the individual and to proceed with civil commitment pursuant to chapter 71.05 RCW, if considered appropriate."

On page 1, on line 1 of the title, after "punishments;" strike "and" and on line 3 after "46.20.391" insert "; and amending section 11, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 215, Laws of 1979 ex. sess. and RCW 10.77.110"

On page 2, after line 24, insert new sections to read as follows:

NEW SECTION. Sec. 2. There is added to chapter 46.61 RCW a new section to read as follows:

(a) Any vehicle being driven by, or under the control of a person at the time of a violation of RCW 46.61.502 or 46.61.504 for which the person is later convicted, is subject to the provisions of this section.

(b) Except as provided in subsections (c) and (d), such vehicles are subject to seizure by and forfeiture to the law enforcement agency which made the arrest which resulted in the conviction.

(c) No vehicle is subject to forfeiture under this section if the owner of the vehicle did not knowingly consent to the violation.

(d) A forfeiture of a vehicle encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party did not knowingly consent to the violation.

(e) A vehicle subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if the seizure is incident to an arrest for a violation of RCW 46.61.502 or 46.61.504.

(f) In the event of seizure pursuant to subsection (e), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under

whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the vehicle seized and the person in charge thereof and any person having any known right of interest therein, of the seizure and intended forfeiture of the seized vehicle. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(g) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the vehicle within forty-five days of the seizure, the vehicle seized shall be deemed forfeited.

(h) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the vehicle within forty-five days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, or an administrative law judge if required by chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the value of the vehicle involved is more than five hundred dollars. A hearing before the seizing agency and any appeal therefrom shall be under chapter 34.04 RCW. In a court hearing between two or more claimants to the vehicle involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the hearing officer or court that the claimant is the present lawful owner or is lawfully entitled to possession.

(i) When a vehicle is forfeited under this chapter the seizing law enforcement agency may retain it for official use or sell it.

**NEW SECTION.** Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, strike "and"

On page 1, line 3 of the title, after "RCW 46.20.391" insert "; and adding a new section to chapter 46.61 RCW"

On page 2, after line 24 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."

On page 1, line 1 of the title, after "punishments;" strike "and"

On page 1, line 3 of the title, after "46.20.391" strike the period and insert "; and amending section 46.56.040, chapter 12, Laws of 1961 as last amended by section 3, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.61.520."

On page 1, line 3 of the title, after "46.20.391" strike the period and insert "; and declaring an emergency.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Newhouse, the Senate refused to concur in the House amendments to Substitute Senate Bill No. 4153 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

March 10, 1982.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 4201 with the following amendment:

On page 43, after line 5, insert the following:

"NEW SECTION. Sec. 35. The commissioner shall by regulation establish the amount of the filing fee for filing insurance rates and forms. In fixing said fee, which shall not exceed twenty dollars per filing, the commissioner shall, insofar as practicable, fix the fee in such a manner that the income will match the anticipated expenses to be incurred in connection with the regulation of rates and forms filings as required by statute: PROVIDED, That during the first fiscal year of operation, fees shall be set at such a level as to produce a surplus of the amount of two month's estimated expenditures which shall be maintained on a continuing basis. Revenues collected shall be deposited in the insurance regulatory fund, shall be separately accounted for and shall be available only for the costs associated with the regulation of rates and forms filings.

NEW SECTION. Sec. 36. There is created the insurance regulatory fund as a local fund which shall consist of all moneys specified by statute to be deposited therein and which shall be used for the purchase of supplies and necessary equipment and the payment of salaries, wages, utilities and other incidental costs required for the regulation of rates and forms filings in the insurance commissioner's office. The state treasurer shall be custodian of the fund. Disbursements from the fund shall be on authorization of the insurance commissioner or his designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

NEW SECTION. Sec. 37. Sections 35 and 36 of this act shall terminate on June 30, 1985."

Renumber remaining sections consecutively, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Newhouse, the Senate refused to concur in the House amendment to Substitute Senate Bill No. 4201 and asks the House to recede therefrom.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Metcalf moved the Senate reconsider the vote by which the Senate refused to concur in the House amendments to Substitute Senate Bill No. 4153.

Debate ensued.

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

The President declared the question before the Senate to be the motion by Senator Metcalf that the Senate reconsider the vote by which the Senate refused to concur in the House amendments to Substitute Senate Bill No. 4153.

## ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 16; nays, 32; excused, 1.

Voting yea: Senators Bluechel, Deccio, Gallagher, Guess, Hughes, Hurley, Jones, Lysen, Metcalf, Pullen, Quigg, Rasmussen, Ridder, Sellar, von Reichbauer, Wojahn—16.

Voting nay: Senators Bauer, Benitz, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Scott, Shinpoch, Talmadge, Vognild, Williams, Wilson, Woody, Zimmerman—32.

Excused: Senator Talley—1.

### MESSAGE FROM THE HOUSE

March 10, 1982.

Mr. President: The House has concurred in the Senate amendment(s) to the following listed bills and said bills have been passed as Senate amended:

ENGROSSED HOUSE BILL NO. 22,

ENGROSSED HOUSE BILL NO. 183,

REENGROSSED HOUSE BILL NO. 768,

HOUSE BILL NO. 851,

HOUSE BILL NO. 864,

SUBSTITUTE HOUSE BILL NO. 902,

SUBSTITUTE HOUSE BILL NO. 931,

SUBSTITUTE HOUSE BILL NO. 1024,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1063, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

At 9:44 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 11:05 a.m.

### MOTION

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

### REPORT OF STANDING COMMITTEE

March 9, 1982.

HOUSE JOINT MEMORIAL NO. 1, requesting Congress to amend the Constitution to require a balanced Federal Budget (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

### MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

### SECOND READING

SENATE BILL NO. 4609, by Senators Kiskaddon and Vognild (by Governor Spellman request):

Revising laws governing labor relations for ferry workers.

### MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 4609 was substituted for Senate Bill No. 4609 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. 4609 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### POINT OF ORDER

Senator Newhouse: "Mr. President, I would rise to a point of order on the personal remarks of the last speaker. I would move that they be taken down under Reed's 222."

### REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "Mr. President, speaking on the point of order, Senator Talmadge only spoke about one person on that side of the aisle, the chairman of the transportation commission was making personal remarks about our majority leader. I don't find it any different. I wonder what makes it so different when it comes from this side of the aisle than it was when the chairman of the transportation commission spoke. If you want to call Reed's order, the rule, well then get up and do it when the chairman of the transportation commission is doing it also. Don't wait just until it gets to this side of the aisle."

Further debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4609 and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—38.

Voting nay: Senators Bluechel, Clarke, Craswell, Deccio, Hayner, Jones, McCaslin, Newhouse, Pullen, Sellar—10.

Excused: Senator Talley—1.

SUBSTITUTE SENATE BILL NO. 4609, having received the 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 von Reichbauer, Substitute Senate Bill No. 4609 was ordered immediately transmitted to the House.

### PERSONAL PRIVILEGE

Senator Gaspard: "Mr. President, I wish to rise to a point of order. The point of order I would like to make is that when we were considering the Kiskaddon motion to concur in the House amendment to Senate Bill 4917, the vote was

announced as 27 yeas, 21 nays, and 2 excused. I have checked the voting record with that, and there were 26 yeas, 21 nays, 2 excused, and I wish to have the journal corrected."

#### MOTION

On motion of Senator Clarke, the Senate resumed consideration of House Bill No. 883.

#### SECOND READING

HOUSE BILL NO. 883, by Representatives Garson, Clayton, Martinis, Patrick, Walk, Wilson, Hankins and McCormick:

Limiting liability for persons rendering aid in hazardous materials incidents.

The Senate resumed consideration of House Bill No. 883. On March 10, 1982, Senator Talmadge moved adoption of an amendment to page 6, following line 4. At that time, Senator Guess raised a Point of Order on the amendment by Senator Talmadge.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Guess, the President finds that House Bill No. 883 is a measure which grants civil immunity to those who assist public authorities during a hazardous materials incident. Public employees acting in their official capacity are specifically excluded.

"The amendment proposed by Senator Talmadge amends the law relating to malicious prosecution in actions where judicial officers, prosecuting attorneys and law enforcement officers are involved.

"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 Talmadge was ruled out of order.

On motion of Senator Vognild, the rules were suspended, House Bill No. 883 was advanced to third reading, the second 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. 883 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talley—1.

HOUSE BILL NO. 883, having received the 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. 448, by House Committee on Labor and Economic Development (originally sponsored by Representatives Nisbet, Sherman, Brekke, Lane, Rust, Nelson (D.), Valle, Gruger, Rinehart, Wang and Teutsch):

Prohibiting pull-tab beverage containers.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, Substitute House Bill No. 448 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Bottiger: "Senator Quigg, as I understand this bill, it is the pull-off and throw-away that we are prohibiting. The punch-out, punch-down is still permissible?"

Senator Quigg: "The punch-out, punch-down is still permissible and the lift-push-back-down-again is still permissible and the adhesive aluminum lift roll-up, drink the beverage and stick back in the can is still permissible."

### MOTION

On motion of Senator Ridder, Senator Bauer was excused.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 448 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators McCaslin, Patterson, Pullen—3.

Excused: Senators Bauer, Talley—2.

SUBSTITUTE HOUSE BILL NO. 448, having received the 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. 221, by House Committee on Local Government (originally sponsored by Representatives Thompson and Flanagan):

Authorizing county solid waste disposal districts.

The bill was read the second time by sections.

On motion of Senator Guess, the following amendment was adopted:

On page 3, line 21, after the word "tax" insert the following: "on the privilege of living in or operating a business in a solid waste disposal taxing district"

Senator Shipoch moved adoption of the following amendment by Senators Shipoch and Lee:

Following line 26, page 5, insert the following:

"NEW SECTION. Sec. 8. There is added to chapter 36.58 RCW a new section to read as follows:

County owned solid waste facilities shall not be subject to any tax or excise imposed by any city or town. Cities or towns may charge counties to mitigate impacts directly attributable to the solid waste facility: PROVIDED, That any city or town establishes that such charges are reasonably necessary to mitigate such impacts and that revenue generated from such charges is expended only to mitigate

such impacts. Impacts resulting from commercial and residential solid waste collection within any city or town shall not be considered to be directly attributable to the solid waste facility."

#### POINT OF INQUIRY

Senator Charnley: "Senator Shinpoch, the 'Provided,' the first sentence there is a very puzzling sentence. I wonder if you would mind explaining to me exactly what that sentence says. There are about three 'thats' in there that . . . ."

Senator Shinpoch: "Well, what I think it says and what it is intended to say is that any city or town can establish the charges that a reasonable person would say was necessary in order to fix up the streets, or those kinds of things that are caused by those large trucks coming in and out of the facility, of the disposal facility.

"And the rest of it is to say that the normal pickup of garbage within a town is excluded from that impact."

Senator Charnley: "So that a city or town may recover the cost necessary to mitigate those expenses, . . . fees or whatever."

Senator Shinpoch: "Right. If in this town the normal life of a road is say, twenty years, and the main road leading to the facility is breaking down within six, then they can impose charges that would redo the road."

Senator Charnley: "All right, thank you very much. I just wanted to be sure that we weren't just shutting a door on cities and towns unnecessarily or unfairly."

Senator Shinpoch: "No, it is not intended to be that. If it is, I will help you fix it next time, if it turns out that way."

#### POINT OF INQUIRY

Senator Hansen: "Senator Shinpoch, I want to turn this thing around and reverse, Senator Shinpoch, where the solid waste facilities are on rural county roads and the cities are using the disposal site on these county roads. How are we going to answer that one if it goes from your direction where the facilities are outside?"

Senator Shinpoch: "Senator Hansen, I guess it is, the problem that you describe is not one, and it was the counties that brought the amendment, not the cities and towns. It was the county that brought the amendment to solve some of their problems, not with the cities and towns. And they did not indicate to me that they had a problem such as you describe. But I could see where that is possible. In my area it does not exist that way. They are located all within city limits, down through the valley, Renton, Kent, Auburn; and as far as that goes, Algona Pacific, but I would have to assume that the counties did not have the problem or they would have been talking to it in this bill."

The motion by Senator Shinpoch carried and the amendment was adopted.

On motion of Senator Zimmerman, the rules were suspended, Substitute House Bill No. 221, 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 Zimmerman, on page 1, it reads the ' . . . solid waste disposal district is a quasi-municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1. . . .' How independent is that? Can they just go ahead and levy any tax that they want to in excess of the 106%?"

Senator Zimmerman: "No, no they are very tightly bound as to what they can do. They have the ability, of course, to collect disposal fees; they have the ability to have a voter-approved excess levy for capital purposes, that would have to of course

go to the voters for that privilege. They have to have an issuance of general obligation which would be also only for capital purposes, so they can issue revenue bonds, of course, which would be funded in the usual manner of that sort. And they can have excess tax levies.

"It will be a tightly controlled district. There were some heavy concerns in the early stages of this bill in the past two years but through that time the bill was modified appreciably to assure that they would have a very tight control on their taxing ability."

Senator Rasmussen: "Another question, Senator Zimmerman. Also in section 5, it reads that they shall ' . . . levy and collect an excise tax. . . ' and further down it says ' . . . shall have lien for delinquent taxes and penalties. . . ' and ' . . . lien shall be attached to . . . property. . . The lien shall be foreclosed in the same manner as the foreclosure of real property taxes.'

"So if you form a waste disposal taxing district and a person is unable to pay the taxes that are levied on them on a home within this taxing district, there then will be a lien that can be foreclosed. The present time, of course, liens for taxes are foreclosed after three years' delinquency. It used to be five. This would provide for the three years or would it be a one-year like a LID?"

Senator Zimmerman: "My understanding it would be under the usual procedure of the three-year period as far as I know. Our friends from the counties are saying it would be the three-year period."

Senator Rasmussen: "But it does become a lien on the property?"

Senator Zimmerman: "Oh, it is a lien it is . . . ."

Senator Rasmussen: "And it can be sold out, you may own your own home but you can't pay the waste disposal tax that they have levied on it and it can be sold out?"

Senator Zimmerman: "It is in the usual system of what liens deal with but we would hope that county local officials would be sensitive to those problems and would do their utmost to see that people were not pushed out of their houses and we hope they will be very, very sympathetic and understanding."

Senator Rasmussen: "Well, of course, you understand . . . in the Seattle area, a lot of people were sold out of their houses for very small charges."

Senator Zimmerman: "That problem, we hope, will not arise under this bill."

#### MOTION

On motion of Senator Ridder, Senator Vognild was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 221, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Craswell, Rasmussen—2.

Absent or not voting: Senators McDermott, von Reichbauer—2.

Excused: Senators Talley, Vognild—2.

SUBSTITUTE HOUSE BILL NO. 221, 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 Charnley moved that House Bill No. 288 be made a special order of business for consideration immediately following the noon recess.

Debate ensued.

## MOTION

At 11:58 a.m., Senator Clarke moved the Senate recess until 1:30 p.m.

## PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, the motion to recess does not take Senator Charnley's motion with it, does it?"

## REPLY BY THE PRESIDENT

President Cherberg: "No, it does not."

The motion by Senator Clarke carried and at 12:01 p.m., the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 2:18 p.m.

The President declared the question before the Senate to be the motion by Senator Charnley that House Bill No. 288 be made a special order of business immediately following the noon recess.

Senator Bottiger 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 Charnley that House Bill No. 288 be made a special order of business for consideration immediately following the noon recess.

## ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 19; nays, 25; absent or not voting, 3; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Haley, Hughes, Hurley, McDermott, Moore, Peterson, Ridder, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody—19.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallaghan, Gould, Guess, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senators Conner, Hansen, Lysen—3.

Excused: Senators Talley, Vognild—2.

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Hurley served notice that she would, at the proper time, move for reconsideration of the vote by which Substitute House Bill No. 221 passed the Senate.

Senator Hurley was advised that the motion must be made when the Senate is on the eighth order of business.

## MOTION

On motion of Senator Clarke, the Senate resumed consideration of the House Message on Engrossed Substitute Senate Bill No. 4418.

On March 10, 1982, Senator Newhouse had moved the Senate concur in the House amendments to Substitute Senate Bill No. 4418. At that time, Senator Bottiger had moved that the question be divided. Later on that day, Senator Bottiger also moved the Senate concur in the House amendments and the matter was subsequently held for consideration today.

The motion by Senator Newhouse carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4418.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4418, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; absent or not voting 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Absent or not voting: Senator Lysen—1.

Excused: Senator Talley—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4418, 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 10, 1982.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 4492, with the following amendments:

Strike everything after the enacting clause and insert the following:

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

(1) To renew a vehicle license, an applicant shall satisfy the fines, including penalties, relating to all standing, stopping, and parking violations for the vehicle incurred while the vehicle was registered in the applicant's name and forwarded to the department pursuant to RCW 46.20.270(3) since the vehicle's license was last issued or renewed. The renewal application may be processed by the director or his agents only if the applicant both:

(a) Presents a preprinted renewal application, or in the absence of such presentation, the agent, at his discretion, verifies the information which would be contained on the preprinted renewal application; and

(b) Presents either proof of payment on a form provided by the department or payment of the total standing, stopping, and parking fines stated on the preprinted renewal application and, in the case of payment, payment of a twenty-five percent surcharge on such fines, including penalties.

(2) The twenty-five percent surcharge referred to in subsection (1) of this section shall be allocated as follows:

(a) Eighty percent to the department of licensing; and

(b) Twenty percent to the agent handling the renewal application to be used by the agent for the administration of this section.

(3) All fines and surcharges collected under subsection (1) of this section, with the exception of twenty percent of the surcharge collected by and for the agent, shall be forwarded to the director with a proper identifying detailed report, who shall transmit the accounts from fines to the local charging jurisdictions. Amounts from the percentage of the surcharge received shall be deposited in the general fund to be used exclusively for the administrative costs of the department of licensing and its agents in implementing this section.

(4) If there is a change in the registered owner of the vehicle, the department shall forward such information regarding the change to the local charging jurisdiction and release any hold on the renewal of the vehicle license resulting from standing, stopping, and parking violations incurred while the certificate of license registration was in a prior registered owner's name.

(5) The department shall send to all registered owners of vehicles who have been reported to have outstanding standing, stopping, and parking violations, at the time of renewal, a statement listing the dates and jurisdictions in which the violations occurred as well as the amounts of unpaid fines and the surcharge to be collected. The preprinted renewal application shall state the total amount of such fines and of the surcharge.

Sec. 2. Section 8, chapter 136, Laws of 1979 ex. sess. as amended by section 1, chapter 128, Laws of 1980 and RCW 46.63.060 are each amended to read as follows:

(1) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The form for the notice of traffic infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; that the penalty for a traffic infraction may include sanctions against the person's driver's license including suspension, revocation, or denial; that the penalty for a traffic infraction related to standing, stopping, or parking may include nonrenewal of the vehicle license;

(c) A statement of the specific traffic infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the traffic infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within seven days or the person's driver's license will not be renewed by the department until any penalties imposed pursuant to this chapter have been satisfied;

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in the refusal of the department to renew the person's driver's license, or in the case of a standing, stopping, or parking violation the vehicle license, until any penalties imposed pursuant to this chapter have been satisfied;

(j) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter;

(k) A statement that failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by a fine or imprisonment in jail.

Sec. 3. Section 9, chapter 136, Laws of 1979 ex. sess. as amended by section 2, chapter 128, Laws of 1980 and RCW 46.63.070 are each amended to read as follows:

(1) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within seven days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department in accordance with RCW 46.20.270.

(3) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing.

(5) (a) If any person issued a notice of traffic infraction:

(i) Fails to respond to the notice of traffic infraction as provided in subsection (2) of this section; or

(ii) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section;

the court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic infraction and any other penalty authorized by this chapter and shall notify the department in accordance with RCW 46.20.270, of the failure to respond to the notice of infraction or to appear at a requested hearing.

(b) The department may not renew the driver's license, or in the case of a standing, stopping, or parking violation the vehicle license, of any person for whom the court has entered an order pursuant to (a) of this subsection until any penalties imposed pursuant to this chapter have been satisfied. For purposes of driver's license nonrenewal only, the lessee of a vehicle shall be considered to be the person to whom a notice of a standing, stopping, or parking violation has been issued for such violations of the vehicle incurred while the vehicle was leased or rented under a bona fide commercial lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner, if the lease agreement contains a provision prohibiting anyone other than the lessee from operating the vehicle. Such a lessor shall, upon the request of the municipality issuing the notice of infraction, supply the municipality with the name and driver's license number of the person leasing the vehicle at the time of the infraction.

Sec. 4. Section 13, chapter 10, Laws of 1982 and RCW 46.63.110 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court may prescribe by rule a schedule of monetary penalties for designated traffic infractions.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to ~~((overtime))~~ parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. ~~((The monetary penalty for failure to respond to a notice of a traffic infraction relating to overtime parking as defined by local law, ordinance, regulation, or resolution shall be set by the local legislative body which originally enacted the local law, ordinance, regulation, or resolution creating the parking offense.))~~ A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court ((may)) shall impose the monetary penalty set by the local legislative body. ((Such locally set)) Any monetary penalty imposed under this subsection is not subject to the statutory assessments applicable to traffic offenses, including but not limited to the assessments required by RCW 46.81.030 ((and)), 43.101.210 ((and related court rules)), 2.56-.100, 3.62.080, and 13.40.260.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty and the department may not renew the person's driver's license, or after July 1, 1984, in the case of a standing, stopping, or parking violation, the vehicle license, until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid.

(6) There shall be levied and paid into the general fund of the state treasury, a five-dollar fee in addition to the monetary penalty imposed for a traffic infraction other than a parking, standing, stopping, or pedestrian infraction. The five-dollar fee shall not be suspended by the court.

Sec. 5. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 58, chapter 136, Laws of 1979 ex. sess. and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That if the convicted person testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the

department may not issue a driver's license to such persons during the period of suspension or revocation: PROVIDED, ALSO, That if the driver's license of such convicted person has been lost or destroyed and such convicted person makes an affidavit to that effect, sworn to before the judge, the convicted person may not be so confined, but the department may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine or penalty, a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.

(3) Every municipality having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, may forward to the department within ten days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, or parking, or failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing the finding by such municipality that three or more violations of laws governing standing, stopping, and parking have been committed and indicating the nature of the defendant's failure to act. Such violations may not have occurred while the vehicle is stolen from the registered owner or is leased or rented under a bona fide commercial vehicle lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner. The department may enter into agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

(4) For the purposes of Title 46 RCW the term "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence is deferred or the penalty is suspended.

((4)) (5) For the purposes of Title 46 RCW the term "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding.

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. Sections 1, 2, 3, and 5 of this act shall take effect July 1, 1984, and shall apply to standing, stopping, and parking violations committed on or after July 1, 1984."

On page 1, line 1 of the title after "penalties;" strike the remainder of the title and insert "amending section 8, chapter 136, Laws of 1979 ex. sess. as amended by section 1, chapter 128, Laws of 1980 and RCW 46.63.060; amending section 9, chapter 136, Laws of 1979 ex. sess. as amended by section 2, chapter 128, Laws of 1980 and RCW 46.63.070; amending section 13, chapter 10, Laws of 1982 and RCW 46.63.110; amending section 46.20.270, chapter 12, Laws of 1961 as last amended by section 58, chapter 136, Laws of 1979 ex. sess. and RCW 46.20.270; adding a new section to chapter 46.16 RCW; prescribing penalties; and providing an effective date.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

Senator Newhouse moved the Senate do not concur in the House amendments to Engrossed Senate Bill No. 4492.

### POINT OF ORDER

Senator Rasmussen: "Mr. President, I would raise the point of order and scope and object on the House amendment to Engrossed Senate Bill 4492.

### PARLIAMENTARY INQUIRY

Senator Newhouse: "Point of parliamentary inquiry. My motion to not concur would have, perhaps, the same effect, Senator Rasmussen, and then we would send it back to the House, telling them that we will not accept their amendment."

### REPLY BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, the President believes that Senator Newhouse's remarks are well taken. The President, in retrospect, believes that in the event that the motion to not concur fails, the essence is that the Senate has concurred in the amendment, thus would eliminate the point of order as to scope and object."

Debate ensued.

### PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President, would Senator Rasmussen not have the right to raise the point of scope and object up until final passage of the bill?"

### PARLIAMENTARY INQUIRY

Senator Clarke: "Should I make a motion at this time that the Chair delay a ruling on the point of order until the body has considered the motion to concur or not concur with the caveat that the point would still be reserved and if the body should elect to affirmatively act on that motion, would the chair move that that motion was in order?"

### REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "I don't know, I can't follow Senator Clarke; but it was my understanding you must raise the point of order and the scope and object immediately or you lose that right to do that once you start working on the bill."

## REPLY BY THE PRESIDENT

President Cherberg: "Once an amendment is adopted, you lose the right."

Senator Rasmussen: "And that is why I raised the point of order . . ."

President Cherberg: "The President would suggest a gentlemen's agreement between Senator Clarke and you, Senator Rasmussen, that you would have the right to raise the point up until final passage of the bill."

Senator Rasmussen: "I would like to raise it right now so I would know whether we are going to be working on it or not. I am not withdrawing the point of order, Mr. President."

President Cherberg: "That is your privilege, Senator Rasmussen."

## MOTION

On motion of Senator Clarke, further consideration on the House Message on Engrossed Senate Bill No. 4492 was held following consideration of the House Message on Substitute House Bill No. 4663.

## MESSAGE FROM THE HOUSE

March 10, 1982

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4663, with the following amendments:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Section 1. (1) The legislature finds as follows:

(a) A competitive, financially healthy forest products industry is important to the economic well-being of the state and the trust beneficiaries of the state forest lands administered by the department of natural resources. The forest products industry provides employment, tax revenues, and a long-term, continuous source of income for the state educational system and other trust beneficiaries. A reduction in the number of timber companies would increase unemployment, decrease tax revenues, and reduce competition and the levels of short-term and long-term income for the trust beneficiaries.

(b) The forest products industry is currently suffering an economic downturn. Current economic conditions will hinder certain purchasers from meeting timber contract obligations to the state and may lead to business failures.

(c) The United States forest service and the state of Oregon have provided certain relief to some timber sales purchasers. Action by this state is necessary to maintain a competitive timber sales program and to insure a regular and timely harvest of timber from state lands.

(d) The interests of the state and the trust beneficiaries will be best served by modifying current state law as it applies to the state's timber sales program.

(e) The measures provided for in this act balance the needs of the trust beneficiaries for short-term revenue and cash flow with the long-term need for a competitive forest products industry which will provide a sustained income to the trusts in the future.

(2) The legislature further finds that the department of natural resources should have authority to take certain steps to:

(a) Help retain the values of existing sales of timber;

(b) Promote harvesting and the production of income to the state;

(c) Stimulate employment in the forest products industry; and

(d) Assist the forest products industry to assure future diversity and competitiveness.

(3) The legislature further finds that the board of natural resources, as the designated trust land manager, is the appropriate body to establish annual sales levels of timber from state trust lands, and that a significant volume of short-term sales

offered over the course of the next two years will aid in efforts to generate sufficient trust income and help meet the goals outlined in subsection (2) of this section.

**NEW SECTION.** Sec. 2. Sections 3 through 9 of this act shall be known as the forest products industry recovery act of 1982.

**NEW SECTION.** Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 3 through 9 of this act.

(1) "Commissioner" means the commissioner of public lands.

(2) "Department" means the department of natural resources.

(3) "Timber sale contract" means a contract for the purchase of state timber from the department which has a minimum appraisal value over twenty thousand dollars and has been purchased at public auction by voice or sealed bid.

(4) The term "purchaser" shall include any affiliate, subsidiary or parent company thereof.

**NEW SECTION.** Sec. 4. Notwithstanding the provisions of RCW 79.01.132, the department, upon application by the purchaser of an existing state timber sale contract entered into between January 1, 1978, and July 1, 1980, or any Lincoln day blowdown sales contracts purchased in 1980, is authorized to extend such contract without charge one day for every day the purchaser engages in or has agreed to engage in the removal of timber purchased by that purchaser under a timber sale contract: **PROVIDED,** That no more than sixty percent of the timber sales sold in calendar years 1982 and 1983 shall be designated by the department as sales on which a purchaser may earn extension time credits. Such extension shall be in accordance with and computed on the basis of rules adopted by the department, including specifying the minimum volume required to be removed on a daily basis to earn an extension time credit. The department's authority to grant the extensions under this section expires on December 31, 1983. The extension days earned as provided in this section may only be utilized to extend a state timber sale without charge up to and including December 31, 1984.

**NEW SECTION.** Sec. 5. (1) The department of natural resources is authorized for existing sales of timber purchased at auction between January 1, 1978, and July 1, 1980, or any Lincoln day blowdown sales contracts purchased in 1980, which sales had a minimum appraised price of more than twenty thousand dollars, to enter into agreements with a purchaser authorizing the credit of the extension fee to the purchase of timber if the extension fee is paid prior to the expiration date of the existing contract or an extension thereof. The credit shall be applied to payments for the removal, processing, or cutting of timber or other forest products conveyed. The department of natural resources may enter into agreements under this section upon application by a purchaser of a qualifying sale in accordance with rules adopted by the department.

(2) Any person extending a timber sale contract on which that person has paid extension fees prior to the effective date of this act is entitled to an equivalent extension of time without payment on that contract up to a maximum of one year per contract.

**NEW SECTION.** Sec. 6. (1) Subsections (2), (3) and (4) of this section shall only apply to defaults by purchasers of any state timber sale contract entered into between January 1, 1978, and July 1, 1980, or any Lincoln day blowdown sales contracts purchased in 1980:

(a) If the default is after the effective date of this act; and

(b) If the department receives notification from the purchaser in writing prior to July 15, 1982; and

(c) Limited to a total number of sales having a cumulative volume remaining under contract of not more than fifteen million board feet of timber. Such volume of each sale shall be determined by utilizing the original cruise estimates.

(2) Any purchaser defaulting on a contract under subsection (1) of this section shall not be refunded any cash moneys paid to the department or any other moneys expended as a result of the contract, including, but not limited to, cash deposits, extension fees, bond deposits, or interest charges. That purchaser shall also be charged a fee of twenty-five hundred dollars for the administrative costs of reselling the timber.

(3) The purchaser shall receive a credit from the department for the value of any road work completed. The value of the road work shall be the value of the percentage of road work completed based on the original appraisal for the entire road work on the sale as determined by the department of natural resources. Additional credits shall not be allowed on the defaulted contract and additional damages, fees, or penalties shall not be assessed by the department against the purchaser.

(4) The credit for road work completed shall be used, at the choice of the purchaser of state timber, as an off-setting dollar amount of up to one-half of the price of stumpage being purchased, or as an off-setting dollar amount of up to one-half of any cash security deposits required on a contract for the purchase of state timber, or as an off-setting dollar amount of up to one-half for any extension fee due on a contract for the purchase of state timber.

(5) Defaults by a purchaser on sales not falling within the provisions of subsection (1) of this section shall be governed by the applicable provisions of state law, rules, and timber sale contracts in existence prior to the effective date of this act.

NEW SECTION. Sec. 7. If a timber sale contract otherwise eligible for extension or default under sections 3 through 6 of this act is in default, it may be extended by paying the extension fee at the rate provided under the contract of sale from the date of the expiration of the contract, or from the date of the last extension, to the date of application for extension or default under sections 3 through 6 of this act.

NEW SECTION. Sec. 8. The commissioner shall adopt rules as necessary for the administration of sections 2 through 9 of this act. However, the failure to adopt such rules shall not prevent the immediate implementation of sections 2 through 9 of this act.

NEW SECTION. Sec. 9. The interest rate on extensions granted after the effective date of this act on existing state timber sale contracts purchased prior to December 31, 1980, shall not exceed thirteen percent per year.

NEW SECTION. Sec. 10. Sections 2 through 9 of this act do not apply to any sales of timber damaged by the eruption of Mount St. Helens.

Sec. 11. Section 33, chapter 255, Laws of 1927 as last amended by section 1, chapter 52, Laws of 1975 1st ex. sess. and RCW 79.01.132 are each amended to read as follows:

When any timber, fallen timber, stone, gravel, or other valuable material on state lands is sold separate from the land, it may be sold as a lump sum sale or as a scale sale: PROVIDED, That upon the request of the purchaser, any lump sum sale over five thousand dollars appraised value shall be on the installment plan. Lump sum sales under five thousand dollars appraised value shall be paid for in cash. The initial deposits required in RCW 79.01.204, not to exceed twenty-five percent of the actual or projected purchase price, but in the case of lump sum sales over five thousand dollars not less than five thousand dollars, shall be made on the day of the sale. The purchaser shall notify the department of natural resources before any timber is cut and before removal or processing of any valuable materials on the sale area, at which time the department of natural resources may require, in the amount determined by the department, advance payment for the removal, processing, and/or cutting of timber or other valuable materials, or payment bonds or assignments of savings accounts acceptable to the department as adequate security. The amount of such advance payments and/or security shall at all times equal or exceed the value

of timber cut and other valuable materials processed or removed until paid for. The initial deposit shall be maintained until all contract obligations of the purchaser are satisfied: **PROVIDED HOWEVER**, That all or a portion of said initial deposit may be applied as the final payment for said materials in the event the department of natural resources determines that adequate security exists for the performance or fulfillment of any remaining obligations of the purchaser under the sale contract.

In all cases where timber, fallen timber, stone, gravel, or other valuable material is sold separate from the land, the same shall revert to the state if not removed from the land within the period specified in the sale contract. Said specified period shall not exceed five years from the date of the purchase thereof: **PROVIDED**, That the specified periods in the sale contract for stone, sand, fill material, or building stone shall not exceed twenty years: **PROVIDED FURTHER**, That in all cases where, in the judgment of the department of natural resources, the purchaser is acting in good faith and endeavoring to remove such materials, the department of natural resources may extend the time for the removal thereof for any period not exceeding twenty years from the date of purchase for the stone, sand, fill material or building stone or for a total of ten years beyond the normal termination date specified in the original sale contract for all other material, upon payment to the state of a sum to be fixed by the department of natural resources, based on the estimated loss of income per acre to the state resulting from the granting of the extension but in no event less than fifty dollars per extension, plus interest on the unpaid portion of the contract. The interest rate shall be fixed, from time to time, by rule adopted by the board of natural resources and shall not be less than six percent per annum. The applicable rate of interest as fixed at the date of sale and the maximum extension payment shall be set forth in the contract. The method for calculating the unpaid portion of the contract upon which such interest shall be paid by the purchaser shall be set forth in the contract. The department of natural resources shall pay into the state treasury all sums received for such extension and the same shall be credited to the fund to which was credited the original purchase price of the material so sold: **AND PROVIDED FURTHER**, That any sale of timber, fallen timber, stone, gravel, sand, fill material, or building stone of an appraised value of five hundred dollars or less may be sold directly to the applicant for cash at full appraised value without notice or advertising.

The provisions of this section apply unless otherwise provided by statute.

**NEW SECTION.** Sec. 12. Sections 2 through 9 of this act shall expire December 31, 1984. Such expiration shall not, however, modify or terminate any rights created by this act prior to its expiration.

**NEW SECTION.** Sec. 13. Sections 2 through 9 of this act are each added to chapter 79.01 RCW.

**NEW SECTION.** Sec. 14. There is added to chapter 79.01 RCW a new section to read as follows:

(1) When timber situated on state lands is sold separately from the land, the sale contract shall include provisions for adjustments in the sale price to reflect changes in the market index subsequent to the time of sale. The price to be paid by a purchaser for timber removed during a calendar quarter shall equal the sum of the contract bid price and the market index change amount for that quarter.

(2) As used in this section:

(a) "Market index" means a composite index established by the department of natural resources. Each index shall consist of either the current market prices of various species and grades of logs harvested in this state, or the current market price of wood products made from logs harvested in this state. The department shall establish as many distinct indexes as it finds necessary to accurately reflect changes in market prices of various species and grades of logs or wood products made from logs.

(b) "Market index change amount" means an amount calculated by:

(i) Subtracting the market index for the calendar quarter during which the timber was sold from the market index for the calendar quarter in which the timber was removed; and

(ii) Dividing the remainder calculated under (b)(i) of this subsection by two.

NEW SECTION. Sec. 15. Sections 2 through 9 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. Section 13 of this act shall take effect April 1, 1983.

NEW SECTION. Sec. 16. An advisory committee on timber contract price indexing is hereby created. The committee shall have eleven members. The speaker of the house of representatives shall appoint two representatives, one from each party, to be members of the committee. The president of the senate shall appoint two senators, one from each party, to be members of the committee. The commissioner of public lands shall appoint seven members of the committee representing the department of natural resources, the timber products industry, the beneficiaries of the trusts, and the public. The committee shall study section 13 of this act and make recommendations to the department of natural resources regarding the implementation of the section. The department of natural resources shall provide such assistance as may be required by the committee. The department shall report its proposed rules for timber contract price indexing to the legislature prior to January 15, 1983.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 4 of the title, after "79.01 RCW;" insert "creating a new section; providing an effective date;"; and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

Senator Newhouse moved the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 4663.

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 motion by Senator Newhouse that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 4663.

#### ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 31; nays, 17; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Decchio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Peterson, Quigg, Ridder, Scott, Talmadge, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—31.

Voting nay: Senators Bauer, Charnley, Goltz, Hansen, Hughes, Hurley, Lysen, McCaslin, McDermott, Moore, Patterson, Pullen, Rasmussen, Sellar, Shipoch, Williams, Wilson—17.

Excused: Senator Talley—1.

The Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4663.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4663, as amended by the House.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4663, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Peterson, Quigg, Scott, Vognild, von Reichbauer, Woody, Zimmerman—26.

Voting nay: Senators Bauer, Charnley, Deccio, Fleming, Goltz, Hansen, Hughes, Hurley, Lysen, McCaslin, McDermott, Moore, Patterson, Pullen, Rasmussen, Ridder, Sellar, Shipoch, Talmadge, Williams, Wilson, Wojahn—22.

Excused: Senator Talley—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4663, 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 10, 1982.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 4824, with the following amendments:

On page 101, after line 18 insert the following:

"NEW SECTION. Sec. 178. There is added to chapter 79.01 RCW a new section to read as follows:

When state aquatic lands and harbor areas are used or leased for a dock to be used for personal recreational use by the upland owner, no rent or fee of any nature shall be charged."

On page 100, after line 20, insert the following:

"Sec. 176. Section 2, chapter 97, Laws of 1979 ex. sess. and RCW 79.01.525 are each amended to read as follows:

During the term of an existing lease and in issuing or renewing leases or re-leasing tidelands, shorelands, beds of navigable waters, waterways and harbor areas ((pursuant to RCW 79.01.520)), the annual rental fee for a ((harbor area)) lease shall not increase at a rate of more than six percent per year, ((regardless of the reappraised value of the harbor area unless the reappraisal is conducted by an independent fee appraiser who is a member of the Appraisal Institute and designated M.A.I. or a member of the Society of Real Estate Appraisers who is designated S.R.P.A. or S.R.E.A. and who uses local comparable land values)) beyond the rental fee in effect January 1, 1981, under the same lease or, for leases issued or renewed since then, beyond the rental fees for similar aquatic lands used for similar uses prevailing on January 1, 1981. This section does not apply to geoduck harvesting leases, clam harvesting leases or oyster bed leases which are established by a competitive bid process. This section shall expire and have no further legal effect after July 1, ((1982)) 1983."

Re-number the remaining sections consecutively.

On page 101, following line 18 insert a new section to read as follows:

"NEW SECTION. Sec. 178. An aquatic lands task force shall be convened to study the laws governing the management of state-owned marine lands, shorelands, and harbor areas and the manner in which the department of natural resources has interpreted and administered these laws in fulfillment of trust management responsibilities. The purpose of the study is to propose legislation which will (1) clearly define aquatic lands; (2) articulate a management philosophy; (3) provide procedures for managing and appraising these lands; and (4) provide a comprehensive recodification and revision of laws related to aquatic lands. Task force membership

shall include three members of the house of representatives appointed by the speaker; three members of the senate appointed by the president; representatives of the department of natural resources and other public and private entities interested in the administration of aquatic lands. A chairman shall be elected by the legislative membership. The chairman shall determine specific task force membership. The task force shall report its findings, not later than January 1, 1983, to the natural resources and environmental affairs committee of the house of representatives and the natural resources committee of the senate."

On page 101, line 20 strike "and 79.01.525"

On page 108, after line 18 add sections as follows:

"NEW SECTION. Sec. 185. Sections 176 (amending RCW 79.01.525) and 178 (creating a new section providing for an aquatic lands task force) 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. 186. Except as provided in section 185 of this act, this act shall take effect July 1, 1983."

On page 2, line 23 of the title after "79.01.414;" insert "amending section 2, chapter 97, Laws of 1979 and RCW 79.01.525;"

On page 2, beginning on line 26 of the title after ".521" strike "and 79.01.525"

On page 7, line 4 of the title after "79.20.170;" strike "and" and on line 6 after "79.20.180" insert "; declaring an emergency; and providing an effective date;"; and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

Senator Newhouse moved the Senate concur in the House amendments to Substitute Senate Bill No. 4824.

Debate ensued.

#### POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order that the House amendment expands the scope and object of the bill and I would like to speak to it.

"Senate Bill 4824, when it came through here, was professed to be, advertised to be, and testified to be no substantive change in the existing law. It was simply a single codification in one place of all of the aquatic land statutes; in fact, your own digest says that, that there is no substantive change of any kind in the existing law, it is simply a single codification.

"The House amendment is a very substantive change in existing law, modifying the rights of the landlord, the state, and the tenant, the renters of the property; and I think it clearly expands the scope and object of the proposed statute."

#### MOTION

On motion of Senator Clarke, the House Message on Substitute Senate Bill No. 4824, together with the Point of Order raised by Senator Bottiger, was ordered held for a Ruling by the President.

#### MOTION

On motion of Senator Clarke, the Senate resumed consideration of the House Message on Engrossed Senate Bill No. 4492 from earlier today. At that time, Senator Newhouse had moved the Senate not concur in the House amendments. A Point

of Order was raised by Senator Rasmussen and the matter was held for later consideration.

#### MOTION

Senator Clarke moved the Point of Order by Senator Rasmussen not be considered until a vote is had on the motion by Senator Newhouse that was made previously, that the Senate do not concur in the House amendments to Engrossed Senate Bill No. 4492.

Debate ensued.

On motion of Senator Rasmussen, there being no objection, the Point of Order was withdrawn.

The motion by Senator Newhouse carried and the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 4492 and asks the House to recede therefrom.

#### MOTION

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

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, Senator Hurley moved that the Senate reconsider the vote by which Substitute House Bill No. 221, as amended by the Senate, passed the Senate earlier today.

Debate ensued.

Senator Hurley 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 Hurley that the Senate reconsider the vote by which Substitute House Bill No. 221, as amended by the Senate, passed the Senate earlier today.

#### ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion failed by the following vote: Yeas, 18; nays, 29; absent or not voting, 1; excused, 1.

Voting yea: Senators Conner, Craswell, Deccio, Gaspard, Hughes, Hurley, Lysen, McCaslin, Pullen, Rasmussen, Ridder, Sellar, Shinpoch, Vognild, Williams, Wilson, Wojahn, Woody—18.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Scott, Talmadge, von Reichbauer, Zimmerman—29.

Absent or not voting: Senator Metcalf—1.

Excused: Senator Talley—1.

#### MOTION

On motion of Senator Charnley, Substitute House Bill No. 221, as amended by the Senate, was ordered immediately transmitted to the House.

#### STATEMENT FOR THE JOURNAL

Statement by Senator Margaret Hurley on passage of SHB-221.

After having voted "Yes" on passage of SHB-221, I learned of the lien provision which would permit a lien on the property of an owner who was delinquent on

payment of taxes and penalties in a solid waste disposal district (relating to a garbage dump.)

Following is the Senate Floor Transcript of my attempt for reconsideration of the bill so I could change my vote to "No":

"Mr. President and members of the Senate:

I was off the floor briefly and I think, if this portion of the bill was discussed, I did miss it. But it gives me a great deal of concern, section 5, page 3, that reads, 'A solid waste disposal district shall have a lien for delinquent taxes and penalties, plus an interest rate equal to the interest rate for delinquent property taxes. The lien shall be attached to each parcel of property in the district that is occupied by the person so taxed and shall be superior to all other liens and encumbrances except liens for property taxes.', and it goes on about liens.

And I think the business of liens on people's property, especially the homes, homes for the poor, the homes for senior citizens—anybody's home. I have a great respect for homes because ordinarily homes are the only things that a family acquires in a whole lifetime and to make that home subject to a lien just for the purpose of collecting a garbage fee, a garbage tax, I think is absolutely against the desires of this Senate. It certainly isn't going to be one of those things they are going to welcome us home with open arms for, when we come home. I think everybody ought to realize what they voted for and I think we ought to do something about having passed that portion of the bill."

Signed: Senator Margaret Hurley

#### MOTIONS

On motion of Senator McDermott, the rules were suspended and any member wishing to be added as a sponsor to Senate Resolution 1982-198 will be permitted.

On motion of Senator McDermott, the following resolution was unanimously adopted:

#### SENATE RESOLUTION

1982-198

By Senators McDermott, Hughes, Jones, Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Marilyn Brachtenbach, Deputy Secretary of the Senate; and Fred Hildebrand, Sergeant at Arms:

WHEREAS, The Honorable Thelma M. Doran, the Irish Consul General, will visit Washington State for the first time on March 10-13, 1982 in celebration of "Irish Week"; and

WHEREAS, The Washington State Senate, with its tradition of honoring St. Patrick and those lucky enough through birth or tradition to be called "Irish," is honored to welcome Ms. Doran from the Land of Erin to the "Ever-Green" State; and

WHEREAS, Governor Spellman and Mayor Royer will both proclaim the period of time between March 12-19 as "Irish Week" in their respective jurisdictions; and

WHEREAS, The Citizens of Washington may participate in Irish Week by watching the St. Patrick's Day parade in Seattle on March 13 or participating in that afternoon's Irish entertainment, culture, history and enjoyment at the Seattle Center; and

WHEREAS, The cultural advancements in art, music and poetry made by such Irishmen as Yeats, Shaw, Synge, O'Casey and Beckett have enriched the world; and

WHEREAS, The Washington State Senate is cognizant of the present problems taking place in Ireland and Northern Ireland, and joins citizens who will attend a Catholic Mass at the Plymouth Congregational Church, a Protestant Church in downtown Seattle, on Wednesday, March 17, in honor of St. Patrick and as a symbol of peace; and

WHEREAS, Washington is proud of the contributions made by its Irish citizens in government, business, and in the growth of Washington and indeed the nation, made by Irish men and women throughout our history;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in session, That the Senate, its members and staff, welcome Consul General Doran to Washington and appreciate her celebrating St. Patrick's Day and Irish Week with us Washingtonians; and

BE IT FURTHER RESOLVED, That the Washington State Senate does indeed approve of the celebration of Irish Week during March 12-19, 1982; and

BE IT FURTHER RESOLVED, That the Washington State Senate, its members and staff, whether in session or adjourned, will too pray on Wednesday, March 17, for peace in Ireland and celebrate the American Spirit which attracted Irish men and women to America, helping America and Washington to become strong, healthy and good places to live.

With permission of the Senate, business was suspended to permit The Honorable Thelma M. Doran, the Irish Consul General, to address the Senate.

President Cherberg presented a Distinguished Citizen of Washington Certificate to the honored guest.

### MOTIONS

On motion of Senator Clarke, the Senate commenced consideration of House Joint Memorial No. 1.

Senator Talmadge moved that the three minute rule imposed earlier in the session not be imposed during consideration of House Joint Memorial No. 1.

Debate ensued.

The motion by Senator Talmadge failed on a rising vote.

### SECOND READING

HOUSE JOINT MEMORIAL NO. 1, by Representatives Tilly, Padden, Leonard, Barrett, Isaacson, Addison, Sanders, Eberle, Patrick, Barr, Schmitten, Lewis, Taylor, Tupper, Berleen, Schmidt, Smith, Bond, Hastings, Clayton, Mitchell, McGinnis, Ellis and Owen:

Requesting Congress to amend the Constitution to require a balanced Federal Budget.

### REPORT OF STANDING COMMITTEE

March 9, 1982.

HOUSE JOINT MEMORIAL NO. 1, requesting Congress to amend the Constitution to require a balanced Federal Budget (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, after line 10, insert the following:

"AND BE IT FURTHER RESOLVED, That this Memorial shall be submitted to the people for their ratification, 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;

AND BE IT FURTHER RESOLVED, That this Memorial is an application by the legislature within the meaning of Article V of the Federal Constitution unless rejected by the people; and if rejected by the people, this Memorial shall be considered null and void;"

On page 3, line 11, after "That" insert ", if ratified by the people,"

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

The memorial was read the second time in full.

Senator Metcalf moved adoption of the committee amendment to page 3, after line 10.

Senator Hemstad moved adoption of the following amendment by Senators Hemstad, Gaspard, Gould, Haley, Bottiger and Zimmerman to the committee amendment:

Following the words "the operation thereof," at the end of the first paragraph of the first amendment, strike all of the second paragraph beginning with "AND BE IT FURTHER RESOLVED," down to and including "null and void;" at the end of the second paragraph, thus striking all of the second paragraph.

Debate ensued.

Senator Fleming raised the Point of Order that Senator Hayner was not speaking to the issue.

The President ruled that Senator Hayner so far in her discussion had spoken to the amendment to the committee amendment.

Further debate ensued.

Senator Hayner 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 Senators Hemstad, Gaspard, Gould, Haley, Bottiger and Zimmerman to the committee amendment.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Kiskaddon, Lysen, McDermott, Moore, Newhouse, Patterson, Peterson, Ridder, Scott, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—32.

Voting nay: Senators Benitz, Craswell, Deccio, Fuller, Guess, Hayner, Hurley, Jones, Lee, McCaslin, Metcalf, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer—16.

Excused: Senator Talley—1.

The President declared the question before the Senate to be the committee amendment to page 3, after line 10, as amended.

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

The President declared the question before the Senate to be the roll call on the committee amendment to page 3, after line 10, as amended.

#### ROLL CALL

The Secretary called the roll and the committee amendment, as amended, was not adopted by the following vote: Yeas, 20; nays, 28, excused, 1.

Voting yea: Senators Benitz, Bluechel, Craswell, Deccio, Gallagher, Guess, Hansen, Hayner, Hurley, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Wilson—20.

Voting nay: Senators Bauer, Bottiger, Charnley, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Gould, Haley, Hemstad, Hughes, Kiskaddon, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, Williams, Wojahn, Woody, Zimmerman—28.

Excused: Senator Talley—1.

On motion of Senator Metcalf, the committee amendment to page 3, line 11 was not adopted.

Senator Haley moved the following amendments by Senators Haley, Fleming, McDermott, Ridder, Zimmerman, Bluechel, Hemstad, Gould, Kiskaddon, Scott, Talmadge, Charnley and Vognild be considered and adopted simultaneously:

On page 2, line 6 after "necessary" strike all material down to and including "amendments" on line 9.

On page 2, line 20 beginning with "THAT," strike all material down to and including "further" on page 3, line 4.

On page 3, line 8 after "Constitution" strike all material down to and including "Constitution" on line 10.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendments by Senators Haley, Fleming, McDermott, Ridder, Zimmerman, Bluechel, Hemstad, Gould, Kiskaddon, Scott, Talmadge, Charnley and Vognild.

#### ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 31; nays, 17; excused, 1.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Kiskaddon, Lysen, McDermott, Moore, Newhouse, Patterson, Peterson, Ridder, Scott, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—31.

Voting nay: Senators Benitz, Craswell, Deccio, Fuller, Gallagher, Guess, Hayner, Hurley, Jones, Lee, McCaslin, Metcalf, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer—17.

Excused: Senator Talley—1.

On motion of Senator Bottiger, the following amendment was adopted:

On page 2, line 16, after "that" insert the total Federal debt shall not exceed nine percent of all estimated Federal revenues and"

On motion of Senator Talmadge, there being no objection, amendments on the desk of the Secretary of the Senate by Senator Talmadge were withdrawn.

On motion of Senator Metcalf, the rules were suspended, House Joint Memorial No. 1, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

Senators Peterson, Shinpoch and Guess 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 House Joint Memorial No. 1, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No.

1, as amended by the Senate, and the memorial passed the Senate by the following vote: Yeas, 35; nays 13, excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, Talmadge, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—35.

Voting nay: Senators Bottiger, Conner, Deccio, Fleming, Goltz, Hemstad, McDermott, Peterson, Ridder, Scott, Shinpoch, Williams, Wojahn—13.

Excused: Senator Talley—1.

HOUSE JOINT MEMORIAL NO. 1, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MOTION

At 5:45 p.m., on motion of Senator Jones, the Senate recessed until 6:45 p.m.

#### EVENING SESSION

The President called the Senate to order at 6:45 p.m.

#### MOTION

On motion of Senator Clarke, the Senate returned to the fourth order of business.

#### MESSAGES FROM THE HOUSE

March 11, 1982.

Mr. President: The House has passed:  
SUBSTITUTE SENATE BILL NO. 4605,

SENATE BILL NO. 4680, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The House has adopted: ENGROSSED SENATE CONCURRENT RESOLUTION NO. 127, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 4483, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 4507, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 22,

HOUSE BILL NO. 183,

HOUSE BILL NO. 768,

HOUSE BILL NO. 851,

HOUSE BILL NO. 864,

SUBSTITUTE HOUSE BILL NO. 902,  
 SUBSTITUTE HOUSE BILL NO. 931,  
 SUBSTITUTE HOUSE BILL NO. 1024,  
 SUBSTITUTE HOUSE BILL NO. 1063, and the same are herewith  
 transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The House has passed:  
 SENATE BILL NO. 4522,  
 ENGROSSED SENATE BILL NO. 4547.  
 ENGROSSED SENATE BILL NO. 4551,  
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 118, and the same are  
 herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
 HOUSE BILL NO. 22,  
 HOUSE BILL NO. 183,  
 HOUSE BILL NO. 768,  
 HOUSE BILL NO. 851,  
 HOUSE BILL NO. 864,  
 SUBSTITUTE HOUSE BILL NO. 902,  
 SUBSTITUTE HOUSE BILL NO. 931,  
 SUBSTITUTE HOUSE BILL NO. 1024,  
 SUBSTITUTE HOUSE BILL NO. 1063.

#### SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE SENATE BILL NO. 4561,  
 SENATE BILL NO. 4619,  
 SUBSTITUTE SENATE BILL NO. 4684,  
 SENATE BILL NO. 4706,  
 SUBSTITUTE SENATE BILL NO. 4859,  
 SENATE BILL NO. 4909.

#### MOTION

On motion of Senator Clarke, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 4559.

#### MESSAGE FROM THE HOUSE

March 11, 1982.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 4559, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### REPORT OF FREE CONFERENCE COMMITTEE

March 11, 1982

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom was referred Engrossed Senate Bill No. 4559 as amended by the House, modifying the state forms management program, have had the same under consideration, and we recommend that the House amendment be adopted and the following additional amendments to the House amendment be adopted.

On page 2, line 2, after "state agency" strike all material down to and including "education." on line 16 and insert "or agency" "or "agency" means and is limited to each of the following: the department of licensing, the department of labor and industries and the department of revenue."

On page 4, line 24, after "June 30," strike "1985" and insert "1987"

Signed by: Senators Lee, Metcalf and Rasmussen; Representatives Addison, Walk and McGinnis.

### MOTION

On motion of Senator Lee, the report of the Free Conference Committee on Engrossed Senate Bill No. 4559 was adopted.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4559, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 33; absent or not voting, 15; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, Newhouse, Patterson, Pullen, Rasmussen, Ridder, Scott, Shinpoch, Vognil, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—33.

Absent or not voting: Senators Fleming, Fuller, Gallagher, Haley, Hughes, Hurley, McCaslin, McDermott, Metcalf, Moore, Peterson, Quigg, Sellar, Talmadge, Williams—15.

Excused: Senator Talley—1.

ENGROSSED SENATE BILL NO. 4559, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Engrossed House Bill No. 955.

### SECOND READING

ENGROSSED HOUSE BILL NO. 955, by House Committee on Human Services and Representative Mitchell:

Revising laws regulating public hospital districts.

### MOTION

On motion of Senator Shinpoch, there being no objection, an amendment on the desk of the Secretary of the Senate by Senator Shinpoch was withdrawn.

The bill was read the second time by sections.

On motion of Senator Shinpoch, the rules were suspended, Engrossed House Bill No. 955 was advanced to third reading, the second 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. 955, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 12; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Jones, Kiskaddon, Lee, Lysen, Metcalf, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Ridder, Scott, Shinpoch, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—36.

Absent or not voting: Senators Bottiger, Haley, Hemstad, Hughes, Hurley, McCaslin, McDermott, Moore, Quigg, Sellar, Talmadge, Williams—12.

Excused: Senator Talley—1.

ENGROSSED HOUSE BILL NO. 955, having received the 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

SECOND SUBSTITUTE HOUSE BILL NO. 828, by House Committee on Ways and Means (originally sponsored by Representatives Tilly, Johnson, Wilson, Wang, Cole, Kaiser, North, Granlund, Rust, Addison, Ellis, Grengo, King (J.), Stratton, Tupper, Patrick, Winsley, Martinis, Hine, Pruitt, Galloway, Maxie, Barr and Armstrong):

Continuing compensation for crime victims.

### REPORT OF STANDING COMMITTEE

March 8, 1982.

SECOND SUBSTITUTE HOUSE BILL NO. 828, continuing compensation for crime victims (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 10, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.035 are each amended to read as follows:

(1) Whenever any person is found guilty in any court of competent jurisdiction of having committed (~~(an act prohibited under the provisions of Title 9A RCW as now or hereafter amended, which act involved a victim and is punishable as a felony or gross misdemeanor)~~ a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment ((in the amount of twenty-five dollars or ten percent of any other penalty or fine, whichever is greater, which penalty assessment shall be in addition to any other penalty or fine imposed by law)) of fifty dollars for a felony or gross misdemeanor and twenty-five dollars for a misdemeanor. The assessment shall be in addition to any other penalty or fine imposed by law.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.024, 46.52.090, 46.70.140, 46.65.090, 46.61.502, 46.61.504, 46.52.100, 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.525, 46.61-.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.090(2) and 46.09.120(2).

(3) Whenever any person accused of having committed a criminal act (~~prohibited under the provisions of Title 9A RCW as now or hereafter amended, which act involved a victim and is punishable as a felony or gross misdemeanor~~), posts bail pursuant to the provisions of chapter 10.19 RCW, and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment (~~of twenty-five dollars~~), in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the criminal act.

((3)) (4) Notwithstanding any other provision of law, such penalty assessments shall be paid by the clerk of the court to the city or county treasurer, as the case may be, who shall monthly transmit eighty percent of such penalty assessments to the state treasurer. The state treasurer shall deposit such assessments in an account within the state general fund to be known as the crime victims compensation account, hereby created, and all moneys (~~derived from such assessments~~) placed in the account shall be used exclusively for the administration of this chapter, after appropriation by statute. Except as provided in subsection (5) of this section, the remaining twenty percent of such assessments shall be provided to the county prosecuting attorney to be used exclusively for comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

(5) If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section, the city or county treasurer, as the case may be, shall monthly transmit one hundred percent of such penalty assessments to the state treasurer for deposit in the crime victims compensation account within the state general fund.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Penalty assessments under this section shall also be imposed in juvenile offense dispositions under Title 13 RCW.

Sec. 2. Section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 26, chapter 6, Laws of 1981 1st ex. sess. and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190 and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act (~~committed prior to July 1, 1981~~) including criminal acts committed between July 1, 1981, and the effective date of this 1982 act, or his family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations and procedures applicable to a workman as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person shall be entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation or incitement by the victim;

(b) The result of an act or acts committed by a person living in the same household with the victim;

(c) The result of an act or acts committed by a person who is at the time of the criminal act the spouse, child, parent, or sibling of the victim by the half or whole blood, adoption or marriage, or the parent of the spouse of or sibling of the spouse of the victim by the half or whole blood, adoption, or marriage, or the son-in-law or daughter-in-law of the victim, unless in the director's sole discretion it is determined that:

(i) The parties to the marriage which establishes the relationship between the person committing the criminal act and the victim described above are estranged and living apart, and

(ii) The interests of justice require otherwise in the particular case;

(d) The result of the victim assisting, attempting, or committing a criminal act;

or

(e) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a workman and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That in the event the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act;

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived him or where such spouse has legal custody of all of his children, shall be limited to burial expenses (~~as provided in RCW 51.32.050 as now or hereafter amended~~) not to exceed five hundred dollars and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits shall be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: PROVIDED, That in the event a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, such victim shall receive monthly during the period of such disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of such average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of such average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of such average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of such average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of such average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of such average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of such average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of such average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of such average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of such average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of such average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of such average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: PROVIDED, That no person shall be eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of

the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended shall apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workmen contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160 and 51.32.210 as now or hereafter amended shall be applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person shall be entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) Except for benefits authorized under RCW 7.68.080, no more than fifteen thousand dollars may be granted as a result of any single injury or death.

(13) Notwithstanding the provisions of Title 51 RCW, no victim shall be eligible for benefits for the first two hundred dollars worth of loss suffered: PROVIDED, That this subsection shall not apply to costs covered by RCW 7.68.170 or to other medical costs incurred by the victim of a sexual assault.

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for any one injury or death for loss of earnings or future earnings or for loss of support shall be limited to ten thousand dollars.

NEW SECTION. Sec. 3. There is added to chapter 7.68 RCW a new section to read as follows:

Nothing in this act affects or impairs any right to benefits existing prior to the effective date of this act. For injuries occurring on and after July 1, 1981, and before the effective date of this act, the statute of limitations for filing claims under this chapter shall begin to run on the effective date of this act.

Sec. 4. Section 1, chapter 24, Laws of 1905 as last amended by section 1, chapter 29, Laws of 1979 and RCW 9.92.060 are each amended to read as follows:

Whenever any person shall be convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, carnal knowledge of a female child under the age of ten years, or rape, the court may in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by such court, and that the sentenced person be placed under the charge of a parole or peace officer during the term of such suspension, upon such terms as the court may determine: PROVIDED, That as a condition to suspension of sentence, the court shall require the payment of the penalty assessment required by RCW 7.68.035: PROVIDED FURTHER, That as a condition to suspension of sentence, the court may require the convicted person to make such monetary payments, on such terms as the court deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question, and (3) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required. In no case

shall a sentence be suspended under the provisions of this section unless the person if sentenced to confinement in a penal institution be placed under the charge of a parole officer, who is a duly appointed and acting officer of the institution to which the person is sentenced: **PROVIDED**, That persons convicted in justice court may be placed under supervision of a probation officer employed for that purpose by the board of county commissioners of the county wherein the court is located. If restitution to the victim has been ordered under subsection (2) of this section, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

Sec. 5. Section 1, chapter 19, Laws of 1980 as amended by section 42, chapter 136, Laws of 1981 and RCW 9.95.210 are each amended to read as follows:

The court in granting probation, may suspend the imposing or the execution of the sentence and may direct that such suspension may continue for such period of time, not exceeding the maximum term of sentence, except as hereinafter set forth and upon such terms and conditions as it shall determine.

The court in the order granting probation and as a condition thereof, may in its discretion imprison the defendant in the county jail for a period not exceeding one year or may fine the defendant any sum not exceeding one thousand dollars plus the costs of the action, and may in connection with such probation impose both imprisonment in the county jail and fine and court costs. As a condition of probation, the court shall require the payment of the penalty assessment required by RCW 7.68-.035. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support; (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question, (3) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, and (4) to contribute to a county or interlocal drug fund, and may require bonds for the faithful observance of any and all conditions imposed in the probation. The court shall order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of said probation to follow implicitly the instructions of the secretary. If the probationer has been ordered to make restitution, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of such person during the term of his probation: **PROVIDED**, That for defendants found guilty in justice court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the board of county commissioners of the county wherein the court is located.

NEW SECTION. Sec. 6. There is added to chapter 2.56 RCW a new section to read as follows:

Beginning in 1983, the administrator for the courts shall annually compile a report, covering the previous year, showing: (1) For each superior court district, the number of convictions and the amount of assessments paid and amount due for felonies, gross misdemeanors, and misdemeanors; (2) for each county, the number of gross misdemeanor and misdemeanor convictions in courts of limited jurisdiction and the amount of assessments paid and the amount due. This information shall be

provided by class of crime (felony, gross misdemeanor, and misdemeanor). "Assessment" means the crime victims compensation assessment required under RCW 7.68.035.

**NEW SECTION.** Sec. 7. There is appropriated to the department of labor and industries from the crime victims compensation account in the general fund for the biennium ending June 30, 1983, the sum of three million two hundred thousand dollars, or so much thereof as may be necessary for the purposes of chapter 7.68 RCW.

**NEW SECTION.** Sec. 8. There is appropriated to the department of labor and industries from the general fund for the biennium ending June 30, 1983, the sum of two hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of chapter 7.68 RCW.

**NEW SECTION.** Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except sections 2 through 6 of this act shall take effect on January 1, 1983.

**NEW SECTION.** Sec. 10. The intent of the legislature is that the victim of crime program will be self-funded. Toward that end, the department of labor and industries shall not pay benefits beyond the resources of the account. The department of labor and industries and the administrator for the courts shall cooperatively prepare a report on the collection of penalty assessments and the level of expenditures, and recommend adjustments to the revenue collection mechanism to the legislature before January 1, 1983. It is further the intent of the legislature that the percentage of funds devoted to comprehensive programs for victim assistance, as provided in section 1 of this act, be re-examined to ensure that it does not unreasonably conflict with the higher priority of compensating victims. To that end, the county prosecuting attorneys shall report to the legislature no later than January 1, 1984, either individually or as a group, on their experience and costs associated with such programs, describing the nature and extent of the victim assistance provided."

On page 1, line 1 of the title after "crime;" strike the remainder of the title and insert "amending section 10, chapter 302, Laws of 1977 ex. sess. and RCW 7.68-.035; amending section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 26, chapter 6, Laws of 1981 1st ex. sess. and RCW 7.68.070; amending section 1, chapter 24, Laws of 1905 as last amended by section 1, chapter 29, Laws of 1979 and RCW 9.92.060; amending section 1, chapter 19, Laws of 1980 as amended by section 42, chapter 136, Laws of 1981 and RCW 9.95.210; adding new sections to chapter 7.68 RCW; creating a new section; making appropriations; providing an effective date; and declaring an emergency."

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Fleming, Haley, Hayner, Jones, Lee, Ridder, Zimmerman.

The bill was read the second time by sections.

Senator Scott moved adoption of the committee amendment.

Senator Scott moved adoption of the following amendment to the committee amendment:

On page 8, line 13, after "three" insert "thousand seven"

#### POINT OF INQUIRY

Senator Wilson: "Senator Scott, even though the bill is set down, I have a couple of questions that might be relevant. On the comparison sheet you distributed, the last page, items 7 through 11 are crossed out . . ."

Senator Scott: "They are underlined, Senator."

Senator Wilson: "That's supposed to be underlining?"

Senator Scott: "I would be as startled as you are . . ."

Senator Wilson: "I would have to say you missed again, Senator."

"My other question is, the last question, 'Can awards be terminated or reduced due to lack of funding?', and both versions remain silent; and the question is, could we run up an enormous latent obligation after we had run out of the money appropriated for this program?"

Senator Scott: "The answer is 'yes,' Senator, but the change in format here to broaden the number of penalties against which fines will be assessed, the specific stipulation in the bill that prosecutors, judges, and court administrators are to be informed that they have to impose the fine, the surtax, and that they have to collect it.

"The provision in the bill that they get 20% of the take, as it were, to encourage them to do that, is expected to bring a much higher return, in the neighborhood of 40%, which will more than adequately fund the program as opposed to the current 15% level. We frankly don't know, we don't claim that that is anything more than a conservative guess, so you are right, there is no contingency clause or clauses there; however, we will know more in January when this whole process has been going for a while and make the necessary adjustments.

"We believe that the features I just described make for a very conservative estimate which should cover the added costs. Obviously there are going to be more claimants, too."

#### MOTION

On motion of Senator Fleming, Second Substitute House Bill No. 828, together with the pending committee amendment and the amendment by Senator Scott to the committee amendment, was ordered held following consideration of House Bill No. 1082.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 987, by House Committee on Appropriations-General Government and Compensation (originally sponsored by House Committee on Appropriations-General Government and Compensation and Representatives Williams, Wang, McDonald, Ellis and James):

Placing limitations on certain payments to school employees.

#### REPORT OF STANDING COMMITTEE

March 4, 1982.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 987, placing limitations on certain payments to school employees (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) No school district board of directors or administrators may:

(a) Increase an employee's salary or compensation to include a payment in lieu of providing a fringe benefit;

(b) Allow payment to any employee for unused vacation leave; except, that contracts may provide a mechanism for all accumulated vacation leave to be taken as vacation leave; or

(c) Allow any payment to an employee which is partially or fully conditioned on the termination or retirement of the employee, except as provided in subsection (2) of this section.

(2) A school district board of directors may compensate an employee for termination of the employee's contract in accordance with the termination provisions of

the contract. If no such provisions exist the compensation must be reasonable based on the proportion of the uncompleted contract. Compensation received under this subsection shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

(3) Provisions of any contract in force on the effective date of this act which conflict with the requirements of this section shall continue in effect until contract expiration. After expiration, any new contract including any renewal, extension, amendment or modification of an existing contract executed between the parties shall be consistent with this section.

**NEW SECTION.** Sec. 2. There is added to chapter 41.32 RCW a new section to read as follows:

The department of retirement systems shall make a review of each member employed by a school district being retired on and after July 1, 1982, and whose benefits are determined by RCW 41.32.497 or 41.32.498. The purpose of the review is to identify any retiree whose average annual earnable compensation for purposes of determining retirement benefits exceeds the average annual earnable compensation during the two year period immediately preceding the years used in computing retirement benefits by more than the percentage increase determined as set forth in subsection (1) of this section.

(1) For the retirees average final compensation period, the basis for making the comparison required by this section, shall be a percentage increase equal to one percentage point in excess of the average percentage salary increase granted to certificated employees of such employees district in accordance with the state operating appropriations act in effect at the time the salary is payable, adjusted for incremental increases for seniority and educational attainment and staff position changes.

(2) For all retirees identified in this section, the department of retirement systems shall calculate the increase in the basic retirement benefit which results from any increase in salary granted an employee in excess of the district average certificated salary increase. The department of retirement systems will then, utilizing tables developed by the state actuary, determine the extra pension cost attributable to exceeding such average and shall bill the retiree's employer who shall remit the entire amount determined to the retirement system within thirty days, except that the director of the department of retirement systems shall be empowered to omit billing an amount less than fifty dollars.

(3) Any post-retirement increases resulting from the excess benefit identified in subsection (2) of this section shall be billed to the last employer as they occur on the basis set forth in subsection (2) of this section.

**NEW SECTION.** Sec. 3. 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. 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."

In line 3 of the title after "28A.58 RCW;" strike the remainder of the title and insert "adding a new section to chapter 41.32 RCW; and declaring an emergency."

Signed by: Senators Scott, Chairman; Bluechel, Craswell, Deccio, Gaspard, Haley, Lee, Ridder, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Scott, the committee amendment was adopted.

#### POINT OF INQUIRY

Senator Vognild: "Senator Scott, I was interested in the second portion of this where it says it applies only to school district employees. I am under the impression

that the service districts are also covered under this retirement act. Would they be excluded from the provisions of this act, the way that it is written?"

Senator Scott: "This is written to include those that are members of TRF or the state PERS, so it is inclusive."

On motion of Senator Scott, the committee amendment to the title was adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Second Substitute House Bill No. 987, 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 Bauer: "Senator Scott, in committee we discussed the impact of districts that may have increased its salary beyond the LEAP run in the last year and the way the language was written that this impact would go back one year, two years, whatever the case might have been.

"My question in committee was, would those school districts be obligated to pay a part of the retirement, repay that to the state? Would they be in violation of the provisions of this?"

Senator Scott: "I have the language of the act in front of me, Senator. The act is prospective; with another minute I could locate the section for you.

"Section 2 on page 2 says 'Department of retirement systems shall make a review of each member being retired on or after July 1, 1982.'

"You can't, of course, constitutionally retract benefits once granted to the member, nor would it be fair to the district to reach back a year, as it were, and make that imposition for them to pick up the overage."

Senator Bauer: "So in other words, those districts that exceeded the guidelines, would not be penalized . . ."

Senator Scott: "That's right, the act is prospective from this coming July first."

### MOTION

On motion of Senator Ridder, Senators Moore and Peterson were excused.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 987, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Moore, Peterson, Talley—3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 987, 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. 964, by House Committee on Revenue and Representative Greengo:

Modifying provisions on real estate excise taxation.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, House Bill No. 964 was advanced to third reading, the second 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. 964, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Jones—1.

Excused: Senators Moore, Talley—2.

HOUSE BILL NO. 964, having received the 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 Clarke, the Senate advanced to the seventh order of business.

#### THIRD READING

SUBSTITUTE HOUSE BILL NO. 268, by House Committee on Ethics, Law and Justice (originally sponsored by House Committee on Ethics, Law and Justice and Representatives Ellis, Hine, Burns and Rust):

Delaying vehicle license renewal until unpaid parking fines are paid.

The Senate commenced consideration of Substitute House Bill No. 268, on reconsideration. The bill had failed to pass the Senate on March 3, 1982.

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

#### POINT OF ORDER

Senator Rasmussen: "Mr. President, I thought this bill was defeated twice."

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, the bill was originally defeated, then the vote by which the bill was lost was reconsidered, and then the bill was held on third reading."

Debate ensued.

Senators Deccio, Guess and Clarke demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 268, as amended by the Senate, on reconsideration.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 268, as amended by the Senate, and the bill passed the Senate on reconsideration, by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bauer, Bluechel, Charnley, Clarke, Craswell, Fleming, Gallagher, Gaspard, Goltz, Guess, Haley, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McDermott, Metcalf, Moore, Pullen, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—27.

Voting nay: Senators Benitz, Bottiger, Conner, Deccio, Fuller, Gould, Hansen, Hayner, Lee, Lysen, McCaslin, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Vognild—21.

Excused: Senator Talley—1.

SUBSTITUTE HOUSE BILL NO. 268, 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 Clarke, the Senate returned to the sixth order of business.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 828, by House Committee on Ways and Means (originally sponsored by Representatives Tilly, Johnson, Wilson, Wang, Cole, Kaiser, North, Granlund, Rust, Addison, Ellis, Greengo, King (J.), Stratton, Tupper, Patrick, Winsley, Martinis, Hine, Pruitt, Galloway, Maxie, Barr and Armstrong):

Continuing compensation for crime victims.

The Senate resumed consideration of Second Substitute House Bill No. 828. Earlier today, Senator Scott had moved adoption of the committee amendment. Senator Scott had moved adoption of the following amendment to the committee amendment:

On page 8, line 13, after "three" insert "thousand seven"

The motion by Senator Scott carried and the amendment to the committee amendment was adopted.

Senator Talmadge moved adoption of the following amendment to the committee amendment:

On page 17, line 37, strike "two hundred" and insert "three hundred eighty-five"

On motion of Senator Talmadge, on the last line of the amendment, there being no objection, "eighty-five" was stricken.

The motion by Senator Talmadge carried and the amendment to the committee amendment was adopted.

The motion by Senator Scott carried and the committee amendment, as amended, was adopted.

On motion of Senator Scott, the committee amendment to the title was adopted.

On motion of Senator Scott, the rules were suspended, Second Substitute House Bill No. 828, 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 Scott, I am glad to see the program being funded again because it is very important to have some protection when we take care of the prisoners in pretty good style. But at the bottom of your sheet it says, 'State residency required for benefits, not specified.' 'Not being specified,' where does that leave the crime victim?"

Senator Scott: "It leave it, if the crime takes place in the state of Washington, the individual is covered. The important thing is that the individual is the victim."

Debate ensued.

## POINT OF INQUIRY

Senator Talmadge: "Senator Scott, the concern that some people have was with respect to those people who were crime victims during the 'window' period between July 1, of '81 and the present.

"Could you tell us about whether or not those people will be entitled, under this act, to present a claim for benefits if they were a victim of crime during that time?"

Senator Scott: "Indeed they will, Senator Talmadge. Our budget provides the necessary amount for those who applied prior to July 1, 1981 for which we have not heretofore paid and this bill picks up all those in the hiatus between the effect of the act and that previous date."

Senator Talmadge: "One other question if I could. In the present law, or the former law of crime victim's compensation, there was a bar against the lawsuit by the crime victim against the state of Washington. Is that bar still in the law?"

Senator Scott: "I have to confess I can't answer that question on horseback; I am searching my memory for the testimony on the subject in the committee, and my memory is that that person cannot; you can appeal, cannot sue."

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 828, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Craswell, Pullen—2.

Excused: Senator Talley—1.

SECOND SUBSTITUTE HOUSE BILL NO. 828, 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. 822, by House Committee on Appropriations—General Government and Representative Williams:

Modifying the filing officer's duties and filing fees for amendments under Article 9 of the UCC.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Engrossed House Bill No. 822 was advanced to third reading, the second 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. 822, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talley—1.

ENGROSSED HOUSE BILL NO. 822, having received the 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. 1162, by House Committee on Appropriations—General Government and Representative Williams:

Providing for an intensive management plan for geoducks.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, House Bill NO. 1162 was advanced to third reading, the second 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. 1162, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Wilson—1.

Absent or not voting: Senator Williams—1.

Excused: Senator Talley—1.

HOUSE BILL NO. 1162, having received the 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. 894, by Representatives Rosbach, Monohon, Williams, Nisbet, Mitchell and Johnson:

Appropriating funds for razor clam programs.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Engrossed House Bill No. 894 was advanced to third reading, the second 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. 894 and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Lysen, Patterson, Wilson—3.

Excused: Senator Talley—1.

ENGROSSED HOUSE BILL NO. 894, having received the 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. 829, by Representatives Padden, Mitchell, James, Sprague, Stratton, Tupper and Patrick:

Restricting ability of local public officials to mail campaign material at public expense.

## REPORT OF STANDING COMMITTEE

February 25, 1982.

ENGROSSED HOUSE BILL NO. 829, restricting the ability of local public officials to mail campaign material at public expense (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause, and insert the following:

"**NEW SECTION.** Section 1. For purposes of this chapter:

(1) "Ballot proposition" means any initiative, recall, referendum, or other proposition or question to be submitted to the voters;

(2) "Elected official" means any person elected at a primary or general election, regular or special, to any office, or any person appointed to fill a vacancy in any such office;

(3) "Prohibited material" means any printed material which contains the name or picture of an elected official or identifying information regarding a ballot proposition when such official or proposition will appear on the ballot of a primary or general election, regular or special, to be held ninety days or less after the distribution of the material; and

(4) "Public official" means any any official other than an elected official required to report under RCW 42.17.240.

(5) "Candidate" means any person who has filed for elective office pursuant to RCW 29.18.030 or 29.21.020.

**NEW SECTION.** Sec. 2. No elected official, candidate for elective office, or public official, nor any employee of their office may mail or otherwise distribute, or cause to be mailed or distributed, at public expense, any prohibited material to voters.

**NEW SECTION.** Sec. 3. It is not unlawful for an elected official, candidate for elective office, or public official, or any employee of their office, to mail or otherwise distribute, or cause to be mailed or distributed, material prohibited by this chapter when such mailing or distribution is expressly required by law.

NEW SECTION. Sec. 4. Nothing in this chapter may be construed to alter the operation of RCW 42.17.130.

NEW SECTION. Sec. 5. A violation of this chapter is a misdemeanor.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 42 RCW."

Signed by: Senators Pullen, Chairman; Gould; Metcalf, Ridder, Woody.

The bill was read the second time by sections.

Senator Pullen moved adoption of the committee amendment.

On motion of Senator Woody, the following amendment by Senators Woody, Gould, Ridder, Pullen and Conner to the committee amendment was adopted:

On page 1, line 7 of the amendment, after "Section 1." strike all material down through "42.17.130" on page 2, line 24, and insert: "For purposes of this chapter:

(1) "Ballot proposition" means any initiative, recall, referendum, or other proposition or question to be submitted to the voters;

(2) "Elected official" means any person elected at a primary or general election, regular or special, to any office, or any person appointed to fill a vacancy in any such office;

(3) "Public official" means any official other than an elected official required to report under RCW 42.17.240;

(4) "Candidate" means any person who has filed for elective office pursuant to RCW 29.18.030 or 29.21.020.

NEW SECTION. Sec. 2. No elected official, candidate for elective office, or public official, nor any employee of their office may mail or otherwise distribute, or cause to be mailed or distributed, at public expense, any material which contains the name or picture of an elected official or information regarding a ballot proposition when such official or proposition will appear on the ballot of a primary or general election, regular or special, to be held ninety days or less after the distribution of the material: PROVIDED, That this will not preclude: (1) Bulk or mass mailings made by a legislator within thirty days after adjournment or recess of any legislative session or after the general election; (2) any individual constituent correspondence; (3) any activities permitted by RCW 42.17.130(1), (2), and (3); or (4) any other mailing or distribution which is expressly required by law."

Renumber the remaining sections consecutively and change internal references accordingly.

The motion by Senator Pullen carried and the committee amendment, as amended, was adopted.

On motion of Senator Pullen, the rules were suspended, 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.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 829, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Bauer, Charnley, Hurley, Moore, Talmadge—5.

Excused: Senator Talley—1.

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.

### NOTICE OF RECONSIDERATION

Senator Hughes served notice that he would move for reconsideration of the vote on passage of House Bill No. 829, as amended by the Senate.

### MOTION

On motion of Senator Clarke, the motion by Senator Hughes will be considered at a later time.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1130, by House Committee on Appropriations—General Government and Compensation (originally sponsored by Representatives Nickell, Becker, Martinis, Vander Stoep, Patrick, Clayton and Nelson (G.)):

Funding uniform crime reports program of sheriffs and police chiefs association.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Substitute House Bill No. 1130 was advanced to third reading, the second 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. 1130, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

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

Excused: Senator Talley—1.

SUBSTITUTE HOUSE BILL NO. 1130, having received the 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. 1066, by House Committee on Institutions and Representative Houchen:

Modifying provisions relating to criminal justice training commission.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Engrossed House Bill No. 1066 was advanced to third reading, the second 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. 1066, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Pullen—1.

Excused: Senator Talley—1.

ENGROSSED HOUSE BILL NO. 1066, having received the 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 CONCURRENT RESOLUTION NO. 137, by Senators Deccio, Bottiger, Jones and Shinpoch:

Establishing a joint select committee on mandated health care benefits.

## MOTIONS

On motion of Senator Deccio, Substitute Senate Concurrent Resolution No. 137 was substituted for Senate Concurrent Resolution No. 137 and the substitute resolution was read the second time in full.

Senator Goltz moved adoption of the following amendments by Senators Goltz and Deccio:

On page 1, after line 17, insert:

WHEREAS, The Washington State Senate further recognizes the importance of encouraging elderly, infirm and terminally ill persons to remain in their homes rather than living in health care institutions; and

WHEREAS, Certified home health care and hospice agencies currently provide skilled nursing services, physical, speech, and occupational therapy, and other vital health services to thousand of home-bound Washington citizens who otherwise would require institutional care; and"

On page 1, line 26 after "state" insert "and to also study mandated home health care and hospice insurance"

## POINT OF INQUIRY

Senator Wilson: "Senator Goltz, first question. Since this is a concurrent resolution, should it be the 'Washington State Senate' or the 'Washington State Legislature?'"

Senator Goltz: "That is a very good suggestion. I believe that the 'Washington State Legislature' would be more appropriate and I would therefore suggest that we have an oral amendment to that effect."

On motion of Senator Wilson, the following amendment to the amendment by Senators Goltz and Deccio was adopted:

On the first line of the amendment, following "State" strike "Senate" and insert "Legislature"

The motion by Senator Goltz carried and the amendments, as amended, were adopted.

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

#### MOTION

On motion of Senator Deccio, Engrossed Substitute Senate Concurrent Resolution No. 137 was ordered immediately transmitted to the House.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3297,  
 SUBSTITUTE SENATE BILL NO. 3361,  
 SUBSTITUTE SENATE BILL NO. 3617,  
 SENATE BILL NO. 3795,  
 SENATE BILL NO. 3944,  
 SUBSTITUTE SENATE BILL NO. 4115,  
 SENATE BILL NO. 4199,  
 SENATE BILL NO. 4436,  
 SUBSTITUTE SENATE BILL NO. 4438,  
 SENATE BILL NO. 4468,  
 SENATE BILL NO. 4507,  
 SENATE BILL NO. 4544,  
 SENATE BILL NO. 4584,  
 SUBSTITUTE SENATE BILL NO. 4605,  
 SENATE BILL NO. 4660,  
 SUBSTITUTE SENATE BILL NO. 4663,  
 SENATE BILL NO. 4680,  
 SUBSTITUTE SENATE BILL NO. 4728,  
 SUBSTITUTE SENATE BILL NO. 4786,  
 SENATE BILL NO. 4905,  
 SUBSTITUTE SENATE BILL NO. 4917,  
 SENATE CONCURRENT RESOLUTION NO. 127.

#### MOTION

On motion of Senator Hughes, the notice of reconsideration to move for reconsideration of the vote on Engrossed House Bill No. 829, as amended by the Senate, was withdrawn.

#### SECOND READING

HOUSE BILL NO. 1092, by Representatives Struthers, Hastings and McGinnis:

Modifying unfair cigarette sales act.

#### REPORT OF STANDING COMMITTEE

March 10, 1982.

HOUSE BILL NO. 1092, modifying the unfair cigarette sales act (report by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 8, line 11, after "of the" strike all material down to and including "thereof." on line 11 and insert "legislature."

On page 8, line 14, after "RCW" strike all material down to and including "fund" on line 16.

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Haley, Hayner, Jones, McDermott, Wojahn, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Scott, the committee amendments were not adopted.

On motion of Senator Scott, there being no objection, an amendment by Senators Scott and Deccio on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Scott, the following amendments were adopted:

On page 8, line 1, after "general fund" strike all material down to and including "fund" on line 16.

On page 8, after line 16, insert the following:

"NEW SECTION. Sec. 6. There is hereby appropriated for the biennium ending June 30, 1983, from the general fund the sum of seventy thousand seven hundred dollars or so much thereof, as necessary to carry out the purposes of this act."

On motion of Senator Scott, the rules were suspended, House Bill No. 1092, 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 Wilson: "Senator Scott, are there other products who we ought to get involved in some price fixing in order to prevent the employment of loss leaders that would be disadvantageous to small business?"

Senator Scott: "You phrase that beautifully, Senator. Not to my knowledge."

Senator Wilson: "Well, think about it."

Further debate ensued.

#### POINT OF INQUIRY

Senator Ridder: "Senator Zimmerman, you caught my attention. You implied that this is a revenue measure above and beyond its own self-auditing? What kind of loop holes . . .?"

Senator Zimmerman: "The loss leaders are selling at a lower price. We are not getting sales tax, we are not getting B&O tax from those businesses. Now you would have to figure it out. Be apt to be quite a bit of figuring, but there is an obvious missing. We are missing some dollars that would normally be revenue that we would get."

Senator Ridder: "Well, the summary, of course, just implies that the money that is raised from the licensing will go to the auditing to insure that they are not sold below level and it is expressed in terms that I would feel it was a regulatory . . ."

Senator Zimmerman: "I just have been hearing so much about loop holes over the years, I thought this was a nice little loophole to close and we might as well do it."

Senator Ridder: "Senator Scott is about to tell me how much revenue this raises. Senator — is it a revenue measure?"

#### REMARKS BY SENATOR HAYNER

Senator Hayner: "A revenue measure. What it is, it just raises the license fees so that they can have some enforcement on the law that is on the books. That is all; and the small businessmen are asking for that because they are being put out of business by the large businesses, some of whom had only a small part of this in their inventory and yet they cut prices way below the cost, and then they put the cost on

all of their other products and that is unfair to the individual; it is unfair competition, really, and it is in the Federal law as well."

Senator Ridder: "I would say that it does seem to be a bit adverse to the philosophy that usually comes from that side of the aisle. It seems to me it is increased regulation, and I see Senator Scott's a little uncomfortable with the whole thing."

Further debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1092, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 17; absent or not voting, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, McDermott, Moore, Scott, Sellar, Talmadge, Wojahn, Woody, Zimmerman—28.

Voting nay: Senators Charnley, Conner, Craswell, Hurley, Lee, Lysen, McCaslin, Metcalf, Peterson, Pullen, Quigg, Rasmussen, Ridder, Shinpoch, Vognild, von Reichbauer, Wilson—17.

Absent or not voting: Senators Newhouse, Patterson, Williams—3.

Excused: Senator Talley—1.

HOUSE BILL NO. 1092, 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

Senator McDermott moved the Committee on Commerce and Labor be relieved from further consideration of House Bill No. 796 and the measure be considered by 10:00 p.m. tonight.

Debate ensued.

### POINT OF ORDER

Senator Clarke: "I don't think we are in the proper order of business for this motion."

### RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke's point is well taken. The motion is not in order."

### POINT OF INQUIRY

Senator Bottiger: "Senator Clarke, I am concerned. We have sent messages and called your attention to two things that are in House Bill 795 and also House Bill 796. One major thing is, and I hope everybody understands it, if you are under 18 and you want to work, you have to get a work permit and as of this year there is no more money to issue work permits, so unless we pass this bill, and that is 795, all of the kids that are working at McDonald's can't work there any more."

Senator Clarke: "Senator, I won't respond to such a question because I don't think it is the proper order and we do have business that we have to get through."

Senator Bottiger: "Senator, as long as you understand it, that is my whole point, that you are not doing it accidentally, it's on purpose."

## MOTION

Senator Fleming moved the Senate advance to the eighth order of business.

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 motion by Senator Fleming that the Senate advance to the eighth order of business.

## ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senator Talley—1.

## PERSONAL PRIVILEGE

Senator Ridder: "Mr. President, I think it is a point of personal privilege. I would like some information and I have a question to address to Senator Scott.

"Yesterday morning I find two sheets of paper as a member of the ways and means committee, one was for 795 and one was for 796. Now on the strength of that, I corresponded with people and told them that the apprenticeship bills about which they have so much concern, were out of ways and means . . . ."

## POINT OF ORDER

Senator Clarke: "It is not personal privilege, it relates to a matter before the body; and I would call attention for the benefit of those listening, that we have a calendar here and a limited time that we are endeavoring to take care of and I hope that you people on the other side will assist us in handling this calendar, instead, in effect, of raising objections which are improper and endeavoring to speak on personal privilege when it is not personal privilege, but relates to matters before the body."

## RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke, the President believes that Senator Ridder's remarks up to this time, at least, have been on personal privilege."

Senator Ridder: "I am dismayed; my, I have a great deal of correspondence on these particular bills . . . ."

President Cherberg: "You have explained that, Senator."

Senator Ridder: "I have therefore given out incorrect information on the basis of . . . ."

President Cherberg: "You have explained that, so would you please ask your question?"

Senator Ridder: "Sure. I would like to know why those were presented to me to sign after what I understood was a meeting of the ways and means committee at which those were properly before us?"

## REMARKS BY SENATOR HAYNER

Senator Hayner: "Those bills were heard in commerce and labor. What happened was that the bills were never transferred from commerce and labor to ways and means."

President Cherberg: "Senator Hayner is endeavoring to answer the question?"

## POINT OF ORDER

Senator Fleming: "Senator Ridder asked Senator Scott a question, not Senator Hayner."

President Cherberg: "Perhaps Senator Scott did not respond. Do you respond to the question, Senator?"

## REMARKS BY SENATOR SCOTT

Senator Scott: ". . . The correct explanation has been rendered."

Senator Ridder: "I am sorry; perhaps I didn't hear it. Were the bills heard in ways and means? And I did sign them out, at least it was a green sheet of the kind I usually sign."

Senator Scott: "I have to view that as a rhetorical question, Senator. The proper explanation is that mechanically, the bills were never transferred to ways and means, and I will take responsibility. It was thought that they had been and we heard them and indeed we did sign them, but we have no legal possession of them, therefore our signatures are irrelevant."

Senator Ridder: "Thank you."

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 436, by House Committee on Labor and Economic Development (originally sponsored by Representatives North, Clayton, O'Brien and Garrett):

Require auctioneering licensing.

The bill was read the second time by sections.

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 436 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Charnley: "Senator Newhouse, I have a couple of questions. I was concerned, how does this affect the, I suppose the fund-raising type auction, the amateur auction, or situations that you have used, some other people have used as fund-raisers or at nonprofit organizations where a volunteer is asked to be an auctioneer, and so forth? Does that person . . . ?"

Senator Newhouse: "Those are exempted from the act; I can't quote the section number but I recall . . . ."

Senator Charnley: "All right. That is fine. How would this go about, you say it is consumer protection and I think that is good. But how would this go about preventing the ripoff that has occasionally happened? What is the procedure . . . ?"

Senator Newhouse: "The auctioneer would be in violation of the law if he operated without the trust account or the bond. And any time he would hold such a sale, the department of licenses is empowered to supervise that operation to go and see if he is properly protected, that is, the customers are protected, and if he were operating illegally, of course it would be a violation of this act."

Senator Charnley: "Is it possible, even if we have this, that somebody might come in who is a professional, set up something, hold a sale, and take off, and the department would never know about it?"

Senator Newhouse: "That would be possible but I would suggest that there are enough auctioneers in the state who would be watching the competition and would know if they were licensed and could blow the whistle."

Senator Charnley: "So you do see some self-policing . . .?"

Senator Newhouse: "I see a good deal of self-policing and protection for the public."

Senator Charnley: "The last question I had, it was suggested to me and I can't remember now where it came from, that there might be some concern here for restraint of trade. Is there any concern in what we are doing here that that would be an effect or a question raised?"

Senator Newhouse: "I honestly, Senator Charnley, do not believe that there is any more restraint of trade here than in licensing any other profession such as doctors or dentists or whatever, maybe a little less, because in this one we don't have a board setting exams and so forth. They are licensed to practice."

#### POINT OF INQUIRY

Senator McDermott: "Senator Newhouse, on page 7 of the bill, line 14, it talks about trainees. Is this an apprenticeship kind of traineeship or how do you get to be a trainee?"

Senator Newhouse: "If you look back in the previous page, it mentions the application for a trainee's license, so not only would you auctioneer, the journeyman auctioneer get a license but there would be an intermediate step, a trainee's license."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 436, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Charnley, Craswell, McCaslin, McDermott, Moore—5.

Excused: Senator Talley—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 436, having received the 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 Ridder, Senator Goltz was excused,

On motion of Senator Clarke, the Senate returned to the fourth order of business.

## MESSAGES FROM THE HOUSE

March 11, 1982.

Mr. President: The House has passed: ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 42, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 313,

SUBSTITUTE HOUSE BILL NO. 1158,

SUBSTITUTE HOUSE BILL NO. 1165, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 313, by Committee on Revenue (originally sponsored by House Committee on Revenue and Representatives Greengo and Clayton):

Pertaining to the taxation of business inventories.

## MOTIONS

On motion of Senator Clarke, the rules were suspended, Substitute House Bill No. 313, was advanced to second reading and read the second time in full.

On motion of Senator Scott, the rules were suspended, Substitute House Bill No. 313 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 313, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Deccio—1.

Excused: Senators Goltz, Talley—2.

SUBSTITUTE HOUSE BILL NO. 313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 42, by Representatives Rosbach, Martinis, Nesbitt, Owen, Lundquist, North, Chamberlain, Stratton, Vander Stoep, Mitchell, Dawson, Erak, Barr and Garson:

State timber sales procedure.

## MOTIONS

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

On motion of Senator Clarke, the rules were suspended, Engrossed House Concurrent Resolution No. 42 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## MOTION

Senator Rasmussen moved that consideration of Engrossed House Concurrent Resolution No. 42 be indefinitely postponed.

Debate ensued.

## POINT OF INQUIRY

Senator Metcalf: "Senator Quigg, I have heard of the rape of the state and all the bad things here, and as I read this, I would like to have you inform me, what does this force the department to do? What will they do under this that they couldn't do presently? This isn't a law, this just says 'requested,' 'the department of natural resources be requested.' What can they do under this that they couldn't otherwise do? What power and force does this have? Senator Vognild or whoever?"

Senator Vognild: "Senator, during the discussions on 4663, the department said that they could do this. They said that they would do it. And then at a later time they said they would like to have a resolution from the legislature asking them to or advising them that we would like them to do this. That is exactly where it came from."

Senator Metcalf: "Then they could do nothing under this. They are not forced to do anything. This is just an intent that they should do it?"

Senator Vognild: "Yes, Senator, that is correct."

Further debate ensued.

## POINT OF INQUIRY

Senator Goltz: "If Senator Clarke would answer the question as to the effect of a resolution. I note, for example, in the second 'Resolved,' we say ' . . . That the department of natural resources be requested . . . ' which seems like perfectly good language for a resolution, ' . . . ' to require purchasers to remove timber in not more than twenty-four months in eighty percent of its timber sales volume offered for sale . . . ', and then we go on to say, ' . . . that such sale shall not be granted contract extensions. . . . '

"Now the language becomes very firm all of a sudden, it says, ' . . . shall not be granted . . . ;' in the first part we say, we are requesting them to require purchasers to remove timber. I just wonder, Senator Clarke, if it is appropriate for a resolution to carry mandatory language about contract extensions as though they have the force and effect of law?"

Senator Clarke: "My answer to that would be that they are requested to do these various things, in other words to put these contracts into effect with these limitations, into effect. I think it all goes back to the request which constitutes a desire on the part of the legislature that they do this, but it is merely a request to them."

Senator Goltz: "That is the way I first was reading it, too, but when you get past the first request, we are requesting . . . ."

Senator Clarke: "Request them to require and then those required months are rather definite, but the request is that they make those rather definite requirements."

I can appreciate your concern if that was a direction rather than a request, but it seems to me that it all goes back to the request."

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

### MOTIONS

Senator Lysen moved that Engrossed House Concurrent Resolution No. 42 be referred to the Committee on Natural Resources.

On motion of Senator Clarke, the motion by the Senator Lysen was laid upon the table.

The President declared the question before the Senate to be the roll call on the motion by Senator Rasmussen that consideration of Engrossed House Concurrent Resolution No. 42 be indefinitely postponed.

### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 17; nays, 29; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Charnley, Fleming, Gaspard, Goltz, Hansen, Hurley, Lysen, McCaslin, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Williams, Wojahn—17.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—29.

Absent or not voting: Senators Hughes, Sellar—2.

Excused: Senator Talley—1.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Concurrent Resolution No. 42.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 42, and the resolution passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Lee, Metcalf, Peterson, Pullen, Quigg, Scott, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—25.

Voting nay: Senators Bauer, Charnley, Deccio, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Kiskaddon, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Williams, Wojahn—23.

Excused: Senator Talley—1.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 42, having received the constitutional majority, was declared passed.

### MOTION

On motion of Senator Clarke, the Senate returned to the fourth order of business.

### MESSAGES FROM THE HOUSE

March 11, 1982.

Mr. President: The House has passed:

SUBSTITUTE SENATE BILL NO. 4550,  
 ENGROSSED SENATE BILL NO. 4947, and the same are herewith  
 transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The Speaker has signed:  
 SUBSTITUTE SENATE BILL NO. 4561,  
 SENATE BILL NO. 4619,  
 SUBSTITUTE SENATE BILL NO. 4684,  
 SENATE BILL NO. 4706,  
 SUBSTITUTE SENATE BILL NO. 4859,  
 SENATE BILL NO. 4909, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The Speaker has signed:  
 SUBSTITUTE HOUSE BILL NO. 448,  
 HOUSE BILL NO. 883, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

At 9:41 p.m., on motion of Senator Clarke, the Senate was declared to be at  
 ease.

The President called the Senate to order at 10:10 p.m.

#### MESSAGES FROM THE HOUSE

March 11, 1982.

Mr. President: The Speaker has signed:  
 SENATE BILL NO. 3297,  
 SUBSTITUTE SENATE BILL NO. 3361,  
 SUBSTITUTE SENATE BILL NO. 3617,  
 SENATE BILL NO. 3795,  
 SENATE BILL NO. 3944,  
 SUBSTITUTE SENATE BILL NO. 4115,  
 SENATE BILL NO. 4199,  
 SENATE BILL NO. 4436,  
 SUBSTITUTE SENATE BILL NO. 4438,  
 SENATE BILL NO. 4468,  
 SENATE BILL NO. 4507,  
 SENATE BILL NO. 4544,  
 SENATE BILL NO. 4584,  
 SUBSTITUTE SENATE BILL NO. 4605,  
 SENATE BILL NO. 4660,  
 SUBSTITUTE SENATE BILL NO. 4663,  
 SENATE BILL NO. 4680,  
 SUBSTITUTE SENATE BILL NO. 4728,  
 SUBSTITUTE SENATE BILL NO. 4786,  
 SENATE BILL NO. 4905,  
 SUBSTITUTE SENATE BILL NO. 4917,

SENATE CONCURRENT RESOLUTION NO. 127, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 955,

HOUSE BILL NO. 964, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 955,

HOUSE BILL NO. 964.

### SECOND READING

HOUSE BILL NO. 980, by House Committee on Human Services (originally sponsored by Representative Mitchell)(by Department of Social and Health Services request):

Modifying the energy allowances for public assistance recipients.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Engrossed House Bill No. 980 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 Talmadge, it is my understanding that the reason that the energy is considered separately and is not considered a part of income, is to make more people qualify for other kinds of assistance. In other words, it is to help people who receive these energy grants from not counting that as income which places them above a level of income which would make them ineligible for other forms of assistance. Is that correct?"

Senator Talmadge: "Senator, I think you may be right, but I think its net effect in terms of dollars to the public assistance recipient is minor and what it does do, is it creates a policy, it ratifies what was done last April. It ratifies the Federal policy which I happen to believe was unwise and I think that the statement you made is essentially correct but it still doesn't do much in the way of the policy of public assistance in establishing what is a real need-level for the people who are receiving that kind of assistance."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 980 and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; absent or not voting, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Moore, Newhouse, Patterson, Peterson, Quigg, Scott, Vognild, von Reichbauer, Williams, Zimmerman—32.

Voting nay: Senators Charnley, Fleming, Gaspard, Lysen, McDermott, Pullen, Rasmussen, Ridder, Shipoch, Talmadge, Wilson, Wojahn, Woody—13.

Absent or not voting: Senators Bottiger, Metcalf, Sellar—3.

Excused: Senator Talley—1.

ENGROSSED HOUSE BILL NO. 980, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

HOUSE BILL NO. 410, by House Committee on Human Services and Representatives Mitchell and Hine (by Department of Social and Health Services request):

Modifying provisions relating to county alcoholism and drug abuse programs.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, House Bill No. 410 was advanced to third reading, the second 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. 410, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Pullen, Wilson—2.

Absent or not voting: Senator Bottiger—1.

Excused: Senator Talley—1.

HOUSE BILL NO. 410, having received the 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 ORDER

Senator Charnley: "Mr. President, my point is simply this. I have had an order for consideration calendar as all of us had in front of us all evening and we have been going down in order; the last bill we considered before recess was 980; when you called us back we were down to 410, now we are down to 1145. Is there a new calendar or new sequence of bills? If so, I have certainly not been informed of it."

### RULING BY THE PRESIDENT

President Cherberg: "The Secretary advises that this is the order that was suggested to the Secretary, but over many years, Senator, the dying days of the session generally speaking, this is the procedure that is followed to try to consider those bills that are considered to be the most important."

Senator Charnley: "Well, Mr. President, as I am very conversant with dying days (I have gone through a few myself), but I think it would be, out of courtesy, I would like to at least have some idea what bills are coming so I could have a chance to look ahead; so I wondered if maybe the floor leader could at least inform us, what are we going to be considering?"

Senator Clarke: "Senator, I get those bills about two minutes before they are sent up to the desk, and leadership is continually evaluating them and sending them in to me and that is the only answer I can give you. You know about it two minutes after I do."

Senator Charnley: "I appreciate your problems, Senator Clarke, and I am certainly not criticizing you, but I would like to suggest to the leadership over there that this is a very bad way to run a legislative session."

## SECOND READING

HOUSE BILL NO. 1145, by House Committee on Local Government and Representative Isaacson:

Modifying provisions relating to special purpose districts.

## REPORT OF STANDING COMMITTEE

March 8, 1982.

HOUSE BILL NO. 1145, modifying provisions relating to special purpose districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 56.02 RCW a new section to read as follows:

Whenever the boundaries or proposed boundaries of a sewer district include or are proposed to include by means of formation, annexation, consolidation, or merger (including merger with a water district) territory in more than one county, all duties delegated by Title 56 RCW to officers of the county in which the district is located shall be delegated to the officers of the county in which the largest land area of the district is located, except that elections shall be conducted pursuant to RCW 56.02-.050, actions subject to review and approval under RCW 56.02.060 and 56.02.070 shall be reviewed and approved by only the officers or boards in the county in which such actions are proposed to occur, verification of electors' signatures shall be conducted by the county election officer of the county in which such signators reside, and comprehensive plan review and approval or rejection by the respective county legislative authorities under RCW 56.08.020 shall be limited to that part of such plans within the respective counties.

NEW SECTION. Sec. 2. There is added to chapter 56.02 RCW a new section to read as follows:

All actions taken in regard to the formation, annexation, consolidation, or merger of sewer districts prior to the effective date of this act but consistent with this title, as amended, are hereby approved and ratified and shall be legal for all purposes.

Sec. 3. Section 1, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.070 are each amended to read as follows:

The territory adjoining or in close proximity to (~~and in the same county with~~) a district may be annexed to and become a part of the district in the following manner: Twenty percent of the number of registered voters residing in the territory proposed to be annexed who voted at the last election may file a petition with the district commissioners and cause the question to be submitted to the electors of the territory whether such territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county (~~auditor~~) election officer, who shall, within ten days, examine the signatures thereon and certify to the sufficiency or insufficiency thereof; and for such purpose (~~he~~) the county election officer shall have access to all registration books in the possession of the officers of any city or town in the proposed district. If the petition contains a sufficient number of signatures, the (~~auditor~~) election officer shall transmit it, together with (~~his~~) a certificate of sufficiency attached thereto to the sewer commissioners of the district. If there are no electors residing in the territory to be annexed, the petition may be signed by such a number as appear of record to own at

least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority.

The county ~~((commissioners))~~ legislative authority, upon receipt of a petition certified to contain a sufficient number of signatures of electors, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the sewer commissioners; at a regular or special meeting shall cause to be published for at least two weeks in two successive issues of some weekly newspaper ~~((printed in the county, and))~~ in general circulation throughout the territory proposed to be annexed~~(, and in case no such newspaper is printed in the county, then in some such newspaper of general circulation therein;)~~ a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

Sec. 4. Section 1, chapter 148, Laws of 1969 ex. sess. and RCW 56.36.010 are each amended to read as follows:

Any water district, acting alone or in conjunction with any other water district or districts similarly situated as hereafter described, the territory of which lies wholly or partly within, or which is adjoining or in proximity to~~(, and in the same county with;)~~ a sewer district, may merge into the sewer district, and the sewer district will survive under its original name. The term "in proximity to" as used herein shall mean within one mile of each other, measured in a straight line between the closest points of approach of the territorial boundaries of the respective districts.

NEW SECTION. Sec. 5. There is added to chapter 57.02 RCW a new section to read as follows:

Whenever the boundaries or proposed boundaries of a water district include or are proposed to include by means of formation, annexation, consolidation, or merger (including merger with a sewer district) territory in more than one county, all duties delegated by Title 57 RCW to officers of the county in which the district is located shall be delegated to the officers of the county in which the largest land area of the district is located, except that elections shall be conducted pursuant to section 6 of this act, as now existing or hereafter amended, actions subject to review and approval under RCW 57.02.040 and 56.02.070 shall be reviewed and approved only by the officers or boards in the county in which such actions are proposed to occur, verification of electors' signatures shall be conducted by the county election officer of the county in which such signatories reside, and comprehensive plan review and approval or rejection by the respective county legislative authorities under RCW 57.16.010 shall be limited to that part of such plans within the respective counties.

NEW SECTION. Sec. 6. There is added to chapter 57.02 RCW a new section to read as follows:

(1) Jurisdiction of any election held on the same date as a general election shall rest with the county election officer of each county in which the district or proposed district is located. Election returns of such elections shall be canvassed by the canvassing board of each county and the official results certified to the county election officer of the county in which the largest land area of the district or proposed district is located. Such county election officer shall then combine the official results from each county into a single official result.

(2) Jurisdiction of any election held on a different date than a general election shall rest with the county election officer of the county in which the largest land area of the district or proposed district is located. Election returns of such elections shall be canvassed by the canvassing board of such county and certified to the county election officer of such county.

(3) Candidates for the office of commissioner shall file declarations of candidacy with the county election officer of the county in which the largest land area of the district is located.

(4) Elections referred to in this section shall be conducted as provided by this section and by the general election laws not inconsistent with this section.

NEW SECTION. Sec. 7. There is added to chapter 57.02 RCW a new section to read as follows:

All actions taken in regard to the formation, annexation, consolidation, or merger of water districts taken prior to the effective date of this act but consistent with this title, as amended, are hereby approved and ratified and shall be legal for all purposes.

Sec. 8. Section 24, chapter 251, Laws of 1953 and RCW 57.02.010 are each amended to read as follows:

Wherever in Title 57 RCW petitions are required to be signed by the owners of property, the following rules shall govern the sufficiency thereof:

(1) The signature of a record owner, as determined by the records of the county auditor of the county in which the real property is located, shall be sufficient without the signature of his or her spouse.

(2) In the case of mortgaged property, the signature of the mortgagor shall be sufficient.

(3) In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor of the county in which the real property is located, shall be deemed sufficient.

(4) Any officer of a corporation owning land in the district duly authorized to execute deeds or encumbrances on behalf of the corporation may sign on behalf of such corporation: PROVIDED, That there shall be attached to the petition a certified excerpt from the bylaws showing such authority.

(5) If any property in the district stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator or guardian, as the case may be, shall be equivalent to the signature of the owner of the property.

Sec. 9. Section 1, chapter 114, Laws of 1929 and RCW 57.04.020 are each amended to read as follows:

Water districts for the acquirement, construction, maintenance, operation, development and regulation of a water supply system and providing for additions and betterments thereto (~~within such districts~~) are (~~hereby~~) authorized to be established (~~in the various counties of this state, as in this act provided~~). Such districts may include within their boundaries one or more incorporated cities and towns.

Sec. 10. Section 2, chapter 114, Laws of 1929 as amended by section 3, chapter 72, Laws of 1931 and RCW 57.04.030 are each amended to read as follows:

For the purpose of formation of (~~such~~) water districts, a petition shall be presented to the (~~board of~~) county (~~commissioners~~) legislative authority of (~~the~~) each county in which (~~said~~) the proposed water district is located, which petition shall set forth the object for the creation of the (~~said~~) district, shall designate the boundaries thereof and set forth the further fact that (~~the~~) establishment of (~~said~~) the district will be conducive to the public health, convenience and welfare and will be of benefit to the property included (~~therein~~) in the district. (~~Said~~) The petition shall be signed by at least twenty-five percent of the qualified electors who shall be qualified electors on the date of filing the petition, residing within the district described in the (~~said~~) petition. The (~~said~~) petition shall be filed with the county (~~auditor~~) election officer of each county in which the proposed district is located, who shall, within ten days examine and verify the signatures (~~thereof and certify to the sufficiency or insufficiency thereof~~) of the signers residing in the

county; and for such purpose the county (~~(auditor)~~) election official shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed district. No person having signed such a petition shall be allowed to withdraw his name (~~(therefrom)~~) from the petition after the filing of the (~~(same)~~) petition with the county (~~(auditor)~~) election officer. The petition shall be transmitted to the election officer of the county in which the largest land area of the district is located who shall certify to the sufficiency or insufficiency of the number of signatures. If (~~(such)~~) the petition shall be found to contain a sufficient number of signatures, the county (~~(auditor)~~) election officer shall then transmit the same, together with (~~(his)~~) a certificate of sufficiency attached thereto to the (~~(board of)~~) county (~~(commissioners. If such)~~) legislative authority of each county in which the proposed district is located. Following receipt of a petition (~~(is)~~) certified to contain a sufficient number of signatures, (~~(then)~~) at a regular or special meeting (~~(of the board of county commissioners of such county, the said county commissioners)~~) the county legislative authority shall cause to be published for at least two weeks in (~~(two)~~) successive issues of (~~(some)~~) one or more weekly newspapers (~~(printed and published in said county, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein before the time at which the same is to be printed)~~) of general circulation in the proposed district, a notice that such a petition has been presented, stating the time of the meeting at which the (~~(same)~~) petition shall be (~~(presented)~~) considered, and setting forth the boundaries of (~~(said)~~) the proposed district. When such a petition is presented for hearing, (~~(the board of)~~) each county (~~(commissioners)~~) legislative authority shall hear the (~~(same)~~) petition or may adjourn (~~(said)~~) the hearing from time to time not exceeding one month in all (~~(and)~~). Any person, firm, or corporation may appear before the (~~(said board of county commissioners)~~) county legislative authority and make objections to the establishment of the (~~(said)~~) district or the proposed boundary lines thereof (~~(and)~~). Upon a final hearing (~~(said board of county commissioners)~~) each county legislative authority shall make such changes in the proposed boundary lines within the county as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed water district will be conducive to the public health, welfare and convenience and be of special benefit to the land included within the (~~(said)~~) boundaries of (~~(said)~~) the proposed district (~~(so established by the said board of county commissioners. PROVIDED, That)~~). No lands which will not, in the judgment of (~~(said board)~~) the county legislative authority, be benefited by inclusion therein, shall be included within the boundaries of (~~(said)~~) the district (~~(as so established and defined: AND PROVIDED FURTHER, That)~~). No change shall be made by the (~~(said board of county commissioners)~~) county legislative authority in the (~~(said)~~) boundary lines to include any territory outside of the boundaries described in the (~~(said)~~) petition, except that the boundaries of any proposed district may be extended by the (~~(board of county commissioners at such hearing)~~) county legislative authority to include other lands in (~~(said)~~) the county upon a petition signed by the owners of all of the land within the proposed extension.

Sec. 11. Section 3, chapter 114, Laws of 1929 as last amended by section 67, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.04.050 are each amended to read as follows:

Upon entry of the findings of the final hearing on the petition if (~~(the commissioners)~~) one or more county legislative authorities find that the proposed district will be conducive to the public health, welfare, and convenience and be of special benefit to the land therein, they shall by resolution call a special election to be held not less than thirty days from the date of the resolution, and cause to be published a notice of the election for four successive weeks in a newspaper of general circulation in the (~~(county in which the)~~) proposed district (~~(is located)~~), which notice shall

state the hours during which the polls will be open, the boundaries of the district as finally adopted and the object of the election, and the notice shall also be posted for ten days in ten public places in the proposed district. In submitting the proposition to the voters, it shall be expressed on the ballots in the following terms:

- Water District ..... YES
- Water District ..... NO

giving the name of the district as ~~((may be decided by the board))~~ provided in the petition.

At the same election ~~((the county commissioners shall submit))~~ a proposition shall be submitted to the voters, for their approval or rejection, authorizing the water district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in excess of the limitations provided by law, of not to exceed one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district, said proposition to be expressed on the ballots in the following terms:

- One year one dollar and twenty-five cents per thousand dollars of assessed value tax ..... YES
- One year one dollar and twenty-five cents per thousand dollars of assessed value tax ..... NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the electors thereof voting on the proposition in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended.

Sec. 12. Section 2, chapter 108, Laws of 1959 and RCW 57.08.080 are each amended to read as follows:

The commissioners shall enforce collection of the water connection charges and rates and charges for water supplied against property owners connecting with the system and/or receiving such water, such charges being deemed charges against the property served, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either water connection charges or rates and charges for water supplied are delinquent for any specified period of time, the district shall certify the delinquencies to the treasurer of the county in which the ~~((district is situated))~~ real property is located, and the charges and any penalties added thereto and interest thereon at the rate of not more than eight percent per year shall be a lien against the property upon which the service was received, subject only to the lien for general taxes.

Sec. 13. Section 3, chapter 108, Laws of 1959 as amended by section 1, chapter 299, Laws of 1977 ex. sess. and RCW 57.08.090 are each amended to read as follows:

The district may, at any time after the connection charges or rates and charges for water supplied and penalties are delinquent for a period of sixty days, bring suit in foreclosure by civil action in the superior court of the county in which the ~~((district is situated))~~ real property is located. The court may allow, in addition to the costs and disbursements provided by statute, such an attorney's fee as it adjudges reasonable. The action shall be in rem, and may be brought in the name of the district against an individual, or against all of those who are delinquent in one action, and the laws and rules of the court shall control as in other civil actions.

In addition to the right to foreclose provided in this section, the district may also cut off all or part of the service after charges for water supplied are delinquent for a period of sixty days.

Sec. 14. Section 4, chapter 18, Laws of 1959 as amended by section 39, chapter 126, Laws of 1979 ex. sess. and RCW 57.12.030 are each amended to read as follows:

The general laws of the state of Washington governing the registration of voters for a general or a special city election shall govern the registration of voters for elections held under this chapter. The manner of holding any general or special election for said water district shall be in accordance with the laws of this state. All elections in a water district shall be conducted ~~((by the canvassing board of the county within which it is located))~~ under section 6 of this 1982 act. All expenses of elections for a water district shall be paid for out of the funds of ~~((such))~~ the water district: PROVIDED, That if the voters fail to approve the formation of a water district, the ~~((county shall pay all))~~ expenses of the formation election shall be paid by each county in which the proposed district is located, in proportion to the number of registered voters in the proposed district residing in each county.

Except as in this section otherwise provided, the term of office of each water district commissioner shall be six years, such term to be computed from the first day of January following ~~((his))~~ the election, and one ~~((such))~~ commissioner shall be elected at each biennial general election, as provided in RCW 29.13.020, for the term of six years and until his or her successor is elected and qualified and assumes office in accordance with RCW 29.04.170. All candidates shall be voted upon by the entire water district.

~~((In any water district hereafter formed,))~~ Three water district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such water district shall be formed. The commissioner ~~((residing))~~ elected in commissioner ~~((district))~~ position number one shall hold office for the term of six years; the commissioner ~~((residing))~~ elected in commissioner ~~((district))~~ position number two shall hold office for the term of four years; and the commissioner ~~((residing))~~ elected in commissioner ~~((district))~~ position number three shall hold office for the term of two years: PROVIDED, That the members of the first commission shall take office immediately upon their election and qualification. The terms of all commissioners first to be elected ~~((as above provided))~~ shall also include the time intervening between the date that the results of their election are declared in the canvass of returns thereof and the first day of January following the next general district election as provided in RCW 29.13.020.

Sec. 15. Section 9, chapter 114, Laws of 1929 as last amended by section 13, chapter 251, Laws of 1953 and RCW 57.16.050 are each amended to read as follows:

A district may establish local improvement districts within its territory; levy special assessments under the mode of annual installments extending over a period not exceeding twenty years, on all property specially benefited by a local improvement, on the basis of special benefits to pay in whole or in part the damage or costs of any improvements ordered in the district; and issue local improvement bonds in the improvement district to be repaid by the collection of local improvement assessments. The levying, collection and enforcement of such assessments and issuance of bonds shall be as provided for the levying, collection, and enforcement of local improvement assessments and the issuance of local improvement bonds by cities of the first class insofar as consistent herewith. The duties devolving upon the city treasurer are hereby imposed upon the county treasurer of the county in which the real property is located for the purposes hereof. The mode of assessment shall be determined by the water commissioners by resolution. When in the petition or resolution for the establishment of a local improvement district, and in the comprehensive plan or amendment thereto or plan providing for additions and betterments to the original plan, previously adopted, it is provided that the assessments shall be for the sole purpose of payment into the revenue bond fund for the payment of revenue

bonds, then the local improvement district shall be designated as a "utility local improvement district." No warrants or bonds shall be issued in a utility local improvement district, but the collection of interest and principal on all assessments in the utility local improvement district shall be paid into the revenue bond fund.

Sec. 16. Section 11, chapter 18, Laws of 1959 as last amended by section 7, chapter 299, Laws of 1977 ex. sess. and RCW 57.16.060 are each amended to read as follows:

Local improvement districts or utility local improvement districts to carry out the whole or any portion of the general comprehensive plan of improvements or plan providing for additions and betterments to the original general comprehensive plan previously adopted may be initiated either by resolution of the board of water commissioners or by petition signed by the owners according to the records of the office of the applicable county auditor of at least fifty-one percent of the area of the land within the limits of the local improvement district to be created.

In case the board of water commissioners shall desire to initiate the formation of a local improvement district or a utility local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed local improvement district or utility local improvement district, and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

In case any such local improvement district or utility local improvement district shall be initiated by petition, such petition shall set forth the nature and territorial extent of the proposed improvement requested to be ordered and the fact that the signers thereof are the owners according to the records of the applicable county auditor of at least fifty-one percent of the area of land within the limits of the local improvement district or utility local improvement district to be created. Upon the filing of such petition the board shall determine whether the same shall be sufficient, and the board's determination thereof shall be conclusive upon all persons. No person shall withdraw his name from the petition after the same has been filed with the board of water commissioners. If the board shall find the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of said improvement, designating the number of the proposed local district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

Notice of the adoption of the resolution of intention, whether the resolution was adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of water commissioners. Notice of the adoption of the resolution of intention shall also be given each owner or reputed owner of any lot, tract, parcel of land or other property within the proposed improvement district by mailing said notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer of the county in which the real property is located at the address shown thereon. Whenever such notices are mailed, the water commissioners shall maintain a list of such reputed property owners, which list shall be kept on file at a location within the water district and shall be made available for public perusal. The notices shall refer to the

resolution of intention and designate the proposed improvement district by number. Said notices shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the date, time and place of the hearing before the board of water commissioners. In the case of improvements initiated by resolution, said notice shall also: (1) State that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of water commissioners before the time fixed for said public hearing; (2) state that if owners of at least forty percent of the area of land within the proposed district file written protests with the secretary of the board, the power of the water commissioners to proceed with the creation of the proposed district shall be divested; (3) provide the name and address of the secretary of the board; and (4) state the hours and location within the water district where the names of the property owners within the proposed district are kept available for public perusal. In the case of the notice given each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract, parcel of land or other property.

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in the plans for the proposed improvement as shall be deemed necessary: PROVIDED, That the board may not change the boundaries of the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time herein provided for the original notice.

After said hearing the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution: PROVIDED, That the jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the secretary of the board prior to said public hearing signed by the owners, according to the records of the applicable county auditor, of at least forty percent of the area of land within the proposed local district.

If the commissioners find that the district should be formed, they shall by resolution order the improvement, provide the general funds of the water district to be applied thereto, adopt detailed plans of the local improvement district or utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the water district such eminent domain proceedings as may be necessary to entitle the district to proceed with the work. The board shall thereupon proceed with the work and file with the county treasurer of the county in which the real property is located its roll levying special assessments in the amount to be paid by special assessment against the property situated within the improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

Sec. 17. Section 12, chapter 18, Laws of 1959 and RCW 57.16.070 are each amended to read as follows:

Before approval of the roll a notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the local district, stating that the roll is on file and open to inspection in the office of the secretary, and fixing the time, not less than fifteen or more than thirty days from the date of the first publication of the notice, within which protests must be filed with the secretary against any assessments shown thereon, and fixing a time when a hearing will be held by the commissioners on the protests. Notice shall also be given by mailing, at least fifteen days before the hearing, a similar notice to the owners or reputed owners of the land

in the local district as they appear on the books of the treasurer of the county in which the ~~((water district))~~ real property is located. At the hearing, or any adjournment thereof, the commissioners may correct, change or modify the roll, or any part thereof, or set aside the roll and order a new assessment, and may then by resolution approve it. If an assessment is raised a new notice similar to the first shall be given, after which final approval of the roll may be made. When property has been entered originally upon the roll and the assessment thereon is not raised, no objection thereto shall be considered by the commissioners or by any court on appeal unless the objection is made in writing at, or prior, to the date fixed for the original hearing upon the roll.

Sec. 18. Section 13, chapter 114, Laws of 1929 as last amended by section 126, chapter 81, Laws of 1971 and RCW 57.16.090 are each amended to read as follows:

The decision of the water district commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said water district commission and with the clerk of the superior court in the county in which ~~((such water district))~~ the real property is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment; and within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of ~~((said))~~ the court, a transcript consisting of the assessment roll and ~~((his))~~ the appellant's objections thereto, together with the resolution confirming such assessment roll and the record of the water district commission with reference to ~~((said))~~ the assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by ~~((such))~~ the secretary of ~~((said))~~ the water district commission ~~((and by him))~~ certified by the secretary to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of said court, conditioned to prosecute such appeal without delay, and if unsuccessful to pay all costs to which the water district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, ~~((as aforesaid;))~~ the appellant shall give written notice to the secretary of such water district, that such transcript is filed. ~~((Said))~~ The notice shall state a time ~~((t))~~, not less than three days from the service thereof ~~((t))~~, when the appellant will call up the ~~((said))~~ cause for hearing; and the superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury; and such cause shall have preference over all civil causes pending in ~~((said))~~ the court, except proceedings under an act relating to eminent domain ~~((in such water district))~~ and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, ~~((and he))~~ who shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases: PROVIDED, HOWEVER, That such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court; and the record and opening brief of the appellant in ~~((said))~~ the

cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this ((act)) title. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. ((And)) The supreme court or the court of appeals on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

Sec. 19. Section 23, chapter 251, Laws of 1953 and RCW 57.16.110 are each amended to read as follows:

Whenever any land against which there has been levied any special assessment by any water district shall have been sold in part or subdivided, the board of water commissioners of such district shall have the power to order a segregation of the assessment.

Any person desiring to have such a special assessment against a tract of land segregated to apply to smaller parts thereof shall apply to the board of commissioners of the water district which levied the assessment. If the water commissioners determine that a segregation should be made, they shall by resolution order the ((county)) treasurer of the county in which the real property is located to make segregation on the original assessment roll as directed in the resolution. The segregation shall be made as nearly as possible on the same basis as the original assessment was levied, and the total of the segregated parts of the assessment shall equal the assessment before segregation. The resolution shall describe the original tract, the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part. A certified copy of the resolution shall be delivered to the ((county)) treasurer of the county in which the real property is located who shall proceed to make the segregation ordered upon being tendered a fee of three dollars for each tract of land for which a segregation is to be made. In addition to such charge the board of water commissioners may require as a condition to the order of segregation that the person seeking it pay the district the reasonable engineering and clerical costs incident to making the segregation.

Sec. 20. Section 1, chapter 82, Laws of 1935 as last amended by section 20, chapter 156, Laws of 1981 and RCW 57.20.030 are each amended to read as follows:

Every water district in the state is hereby authorized to create a fund for the purpose of guaranteeing, to the extent of such fund, and in the manner hereinafter provided, the payment of all of its local improvement bonds issued, subsequent to ((the effective date of this act)) June 9, 1937, to pay for any local improvement within its confines. Such fund shall be designated "Local Improvement Guaranty Fund, Water District No. . . . .," and shall be established by resolution of the board of water commissioners. For the purpose of maintaining such fund, every water district, after the establishment thereof, shall at all times set aside and pay into such a fund such proportion of the monthly gross revenues of the water supply system of such water district as the commissioners thereof may direct by resolution. This proportion may be varied from time to time as the commissioners deem expedient or necessary: PROVIDED, HOWEVER, That under the existence of the conditions set forth in subsections (1) and (2) next hereunder, then the proportion must be as therein specified, to wit:

(1) Whenever any bonds of any local improvement district have been guaranteed under this act and the guaranty fund does not have a cash balance equal to twenty percent of all bonds originally guaranteed under this act, (excluding issues

which have been retired in full) then twenty percent of the gross monthly revenues derived from all water users in the territory included in said local improvement district (but not necessarily from users in other parts of the water district as a whole) shall be set aside and paid into the guaranty fund: PROVIDED, HOWEVER, That whenever, under the requirements of this subsection, said cash balance accumulates so that it is equal to twenty percent of all bonds guaranteed, or to the full amount of all bonds guaranteed, outstanding and unpaid (which amount might be less than twenty percent of the original total guaranteed), then no further moneys need be set aside and paid into said guaranty fund so long as said condition shall continue.

(2) Whenever any warrants issued against the guaranty fund, as hereinbelow provided, remain outstanding and uncalled for lack of funds for six months from date of issuance thereof; or whenever any coupons or bonds guaranteed under this act have been matured for six months and have not been redeemed either in cash or by issuance and delivery of warrants upon the guaranty fund, then twenty percent of the gross monthly revenues (or such portion thereof as the commissioners of the water district determine will be sufficient to retire said warrants or redeem said coupons or bonds in the ensuing six months) derived from all water users in the water district shall be set aside and paid into the guaranty fund: PROVIDED, HOWEVER, That whenever under the requirements of this subsection all warrants, coupons, or bonds specified in this subsection above have been redeemed, no further income need be set aside and paid into said guaranty fund under the requirements of this subsection until and unless other warrants remain outstanding and unpaid for six months or other coupons or bonds default.

(3) For the purpose of complying with the requirements of setting aside and paying into the local improvement guaranty fund a proportion of the monthly gross revenues of the water supply system of any water district, as hereinabove provided, said water district shall bind and obligate itself to maintain and operate said system and further bind and obligate itself to establish, maintain and collect such rates for water as will produce gross revenues sufficient to maintain and operate said water supply system and to make necessary provision for the local improvement guaranty fund as specified by this section and RCW 57.20.080 and 57.20.090. And said water district shall alter its rates for water from time to time and shall vary the same in different portions of its territory to comply with the said requirements.

(4) Whenever any coupon or bond guaranteed by this act shall mature and there shall not be sufficient funds in the appropriate local improvement district bond redemption fund to pay same, then the applicable county treasurer shall pay same from the local improvement guaranty fund of the water district; if there shall not be sufficient funds in the said guaranty fund to pay same, then the same may be paid by issuance and delivery of a warrant upon the local improvement guaranty fund.

(5) Whenever the cash balance in the local improvement guaranty fund is insufficient for the required purposes, warrants drawing interest at a rate determined by the commissioners may be issued by the applicable county auditor (~~(of the county in which the water district is located)~~), against the said fund to meet any liability accrued against it and must be issued upon demand of the holders of any maturing coupons and/or bonds guaranteed by this (~~(act)~~) section, or to pay for any certificates of delinquency for delinquent installments of assessments as provided in subsection (6) (~~(hereunder)~~) of this section. Guaranty fund warrants shall be a first lien in their order of issuance upon the gross revenues set aside and paid into said fund.

(6) Within twenty days after the date of delinquency of any annual installment of assessments levied for the purpose of paying the local improvement bonds of any water district guaranteed under the provisions of this act, it shall be mandatory for the county treasurer of the county in which (~~(said water district)~~) the real property is located to compile a statement of all installments delinquent, together with the amount of accrued interest and penalty appurtenant to each of said installments.

Thereupon the applicable county treasurer shall forthwith purchase (for the water district) certificates of delinquency for all such delinquent installments. Payment for all such certificates of delinquency shall be made from the local improvement guaranty fund and if there shall not be sufficient moneys in said fund to pay for such certificates of delinquency, the applicable county treasurer shall accept said local improvement guaranty fund warrants in payment therefor. All such certificates of delinquency shall be issued in the name of the local improvement guaranty fund and all guaranty fund warrants issued in payment therefor shall be issued in the name of the appropriate local improvement district fund. Whenever any market is available and the commissioners of the water district so direct, the applicable county treasurer shall sell any certificates of delinquency belonging to the local improvement guaranty fund: PROVIDED, That any such sale must not be for less than face value thereof plus accrued interest from date of issuance to date of sale.

Such certificates of delinquency, as above provided, shall be issued by the county treasurer of the county in which the ~~((water district))~~ real property is located, shall bear interest at the rate of ten percent per annum, shall be in each instance for the face value of the delinquent installment, plus accrued interest to date of issuance of certificate of delinquency, plus a penalty of five percent of such face value, and shall set forth:

- (a) Description of property assessed;
- (b) Date installment of assessment became delinquent;
- (c) Name of owner or reputed owner, if known.

Such certificates of delinquency may be redeemed by the owner of the property assessed at any time up to two years from the date of foreclosure of such certificate of delinquency.

If any such certificate of delinquency be not redeemed on the second occurring first day of January subsequent to its issuance, the county treasurer who issued the certificate of delinquency shall then proceed to foreclose such certificate of delinquency in the manner specified for the foreclosure of the lien of local improvement assessments, pursuant to ~~((chapter 9 of the Session Laws of 1933 and amendments thereto;))~~ chapter 35.50 RCW and if no redemption be made within the succeeding two years shall execute and deliver a deed conveying fee simple title to the property described in the foreclosed certificate of delinquency.

Sec. 21. Section 15, chapter 18, Laws of 1959 and RCW 57.24.010 are each amended to read as follows:

The territory adjoining or in close proximity to ~~((and in the same county with))~~ a district may be annexed to and become a part of the district in the following manner: Twenty percent of the number of registered voters residing in the territory proposed to be annexed who voted at the last election may file a petition with the district commissioners and cause the question to be submitted to the electors of the territory whether such territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county ~~((auditor))~~ election officer of each county in which the real property proposed to be annexed is located, who shall, within ten days, examine and validate the signatures thereon and certify to the sufficiency or insufficiency thereof; and for such purpose ~~((he))~~ the county election officer shall have access to all registration books in the possession of the officers of any city or town in the proposed district. If the petition contains a sufficient number of signatures, the ~~((auditor))~~ county election officer of the county in which the real property proposed to be annexed is located shall transmit it, together with ~~((his))~~ a certificate of sufficiency attached thereto to the water commissioners of the district. If there are no electors residing in the territory to be annexed, the petition may be signed by such a number as appear of record to own at least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of

land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of each county in which the territory proposed to be annexed is located.

The county ~~((commissioners))~~ legislative authority, upon receipt of a petition certified to contain a sufficient number of signatures of electors, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the water commissioners, at a regular or special meeting shall cause to be published once a week for at least two weeks in ~~((two successive issues of some weekly))~~ a newspaper ~~((printed in the county, and))~~ in general circulation throughout the territory proposed to be annexed~~((, and in case no such newspaper is printed in the county, then in some such newspaper of general circulation therein;))~~ a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

Sec. 22, Section 16, chapter 18, Laws of 1959 and RCW 57.24.020 are each amended to read as follows:

When such petition is presented for hearing, the ~~((said board of county commissioners))~~ legislative authority of each county in which the territory proposed to be annexed is located shall hear the ~~((same))~~ petition or may adjourn ~~((said))~~ the hearing from time to time not exceeding one month in all, and any person, firm, or corporation may appear before the ~~((board of))~~ county ~~((commissioners))~~ legislative authority and make objections to the proposed boundary lines or to ~~((the))~~ annexation of the territory described in the petition~~((, and))~~. Upon a final hearing ~~((the said board of))~~ each county ~~((commissioners))~~ legislative authority shall make such changes in the proposed boundary lines within the county as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed annexation ~~((of the said territory))~~ as established by the ~~((said board of))~~ county ~~((commissioners))~~ legislative authority to the ~~((said))~~ water district will be conducive to the public health, welfare and convenience and will be of special benefit to the land included within the boundaries of the territory proposed to be annexed to the ~~((said))~~ water district ~~((and so established by the said board of county commissioners. PROVIDED, That))~~. No lands which will not, in the judgment of ~~((said board))~~ the county legislative authority, be benefited by inclusion therein, shall be included within the boundaries of ~~((said))~~ the territory as so established and defined~~((: AND PROVIDED FURTHER, That))~~. No change shall be made by the ~~((said board of))~~ county ~~((commissioners))~~ legislative authority in the ~~((said))~~ boundary lines, including any territory outside of the boundary lines described in the petition~~((: PROVIDED FURTHER, That))~~. No person having signed such petition ~~((as herein provided for))~~ shall be allowed to withdraw his name therefrom after the filing of the ~~((same))~~ petition with the board of water commissioners ~~((to said water district))~~.

Upon the entry of the findings of the final hearing ~~((to the said petition by the said))~~ each county ~~((commissioners of such county))~~ legislative authority, if they find the ~~((said))~~ proposed annexation ~~((of the territory to the said water district))~~ to be conducive to the public health, welfare and convenience and to be of special benefit to the land proposed to be annexed and included within the boundaries of the district, ~~((they))~~ shall give notice of a special election to be held within the boundaries of the territory proposed to be annexed to ~~((said))~~ the water district for the purpose of determining whether the same shall be annexed to the ~~((said))~~ water district~~((, and such))~~. The notice shall particularly describe the boundaries established by the ~~((board of))~~ county ~~((commissioners on its final hearing of the said petition))~~ legislative authority, and shall state the name of the water district to which the

~~((said)) territory is proposed to be annexed, and the ((same)) notice shall be published ((for at least two weeks prior to such election in a weekly newspaper printed and published within the county within which said district is located, and in case no such newspaper be printed or published in such county, then in some such)) in a newspaper of general circulation ((therein for)) in the territory proposed to be annexed at least once a week for a minimum of two successive ((issues thereof;)) weeks prior to the election and shall be posted for the same period in at least four public places within the boundaries of the ((district)) territory proposed to be annexed, which notice shall designate the places within the territory proposed to be annexed ((to said water district)) where the ((said)) election shall be held, and ((shall require the voters to cast)) the proposition to the voters shall be expressed on ballots which ((shall)) contain the words:~~

For Annexation to Water District  
or  
Against Annexation to Water District

The ~~((said)) county ((commissioners)) legislative authority~~ shall name the persons to act as judges at such election.

Sec. 23. Section 2, chapter 55, Laws of 1941 and RCW 57.28.020 are each amended to read as follows:

The petition for withdrawal shall be filed with the county ~~((auditor)) election officer of ((the)) each county in which ((such)) the water district is located, and after ((such)) the filing no person having signed ((such)) the petition shall be allowed to withdraw his name therefrom. Within ten days after such filing, ((the)) each county ((auditor)) election officer shall examine and verify the signatures ((thereon and certify to the sufficiency or insufficiency thereof and)) of signers residing in the county. For such purpose the county ~~((auditor)) election officer shall have access to all appropriate registration books in the possession of the election officers of any incorporated city or town within the water district. The petition shall be transmitted to the election officer of the county in which the largest land area of the district is located, who shall certify to the sufficiency or insufficiency of the signatures. If such petition be found by ((the)) such county ((auditor)) election officer to contain sufficient signatures, ((he shall transmit the same)) the petition, together with ((his)) a certificate of sufficiency attached thereto, shall be transmitted to the commissioners of the water district.~~~~

Sec. 24. Section 6, chapter 55, Laws of 1941 and RCW 57.28.060 are each amended to read as follows:

Within ten days after ~~((such)) the final hearing the commissioners of ((such)) the water district shall transmit to the county ((commissioners of the)) legislative authority of each county in which ((such)) the water district is located the ((said)) petition for withdrawal together with a copy of the findings and recommendations of the commissioners of the water district certified by the secretary of ((such)) the water district to be a true and correct copy of such findings and recommendations as the same appear on the records of ((such)) the water district.~~

Sec. 25. Section 7, chapter 55, Laws of 1941 and RCW 57.28.070 are each amended to read as follows:

Upon receipt of ~~((such)) the petition and certified copy of the findings and recommendation adopted by the water commissioners, the county ((commissioners)) legislative authority of each county in which the district is located at a regular or special meeting shall fix a time and place for hearing thereon and shall cause to be published at least once a week for ((at least)) two or more weeks in ((two)) successive issues of a ~~((weekly newspaper printed and published in said county and in general circulation throughout the said water district, and in case no newspaper is printed or published in said county, then in some)) newspaper of general circulation~~~~

in (~~the said county and~~) the water district, a notice that such petition has been presented to the county (~~commissioners~~) legislative authority stating the time and place of the hearing thereon, setting forth the boundaries of the territory proposed to be withdrawn as such boundaries are established and defined in the findings or recommendations of the commissioners of the water district.

Sec. 26. Section 9, chapter 55, Laws of 1941 and RCW 57.28.090 are each amended to read as follows:

If the (~~said~~) findings of (~~the~~) any county (~~commissioners~~) legislative authority answer any of such questions of fact in the negative, or if any of the findings of the county (~~commissioners~~) legislative authority are not the same as the findings of the water district commissioners upon the same question, then in either of such events, the petition for withdrawal shall be deemed denied. Thereupon, and in such event, the (~~said county commissioners~~) county legislative authority of each county in which the district is located shall by resolution cause a special election to be held not less than thirty days or more than sixty days from the date of the final hearing of (~~the said~~) any county (~~commissioners~~) legislative authority upon the (~~said~~) petition for withdrawal, at which election the proposition expressed on the ballots shall be substantially as follows:

"Shall the territory established and defined by the water district commissioners at their meeting held on the ..... (insert date of final hearing of water district commissioners upon the petition for withdrawal) be withdrawn from water district ..... (naming it).

YES  NO

Sec. 27. Section 10, chapter 55, Laws of 1941 and RCW 57.28.100 are each amended to read as follows:

(~~The county commissioners shall cause~~) Notice of such election (~~to~~) shall be posted and published in the same manner provided by law for the posting and publication of notice of elections to annex territory to water districts. The territory described in (~~such~~) the notice shall be that established and defined by the water district commissioners (~~as above provided~~). All qualified voters residing within (~~such~~) the water district shall have the right to vote at (~~such~~) the election. If a majority of the votes cast (~~at such election~~) favor the withdrawal from the water district of such territory, then within ten days after the official canvass of such election the (~~said~~) county (~~commissioners~~) legislative authority of each county in which the district is located, shall by resolution establish that (~~such~~) the territory has been withdrawn, and (~~such~~) the territory shall thereupon be withdrawn and excluded from (~~such~~) the water district the same as if it had never been included therein except for the lien of any taxes as hereinafter set forth.

Sec. 28. Section 1, chapter 267, Laws of 1943 as amended by section 1, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.010 are each amended to read as follows:

Two or more water districts, adjoining or in close proximity to (~~and in the same county with~~) each other, may be joined into one consolidated water district. The consolidation may be initiated in either of the following ways: Ten percent of the legal electors residing within each of the water districts proposed to be consolidated may petition the board of water commissioners of each of their respective water districts to cause the question to be submitted to the legal electors of the water districts proposed to be consolidated; or the boards of water commissioners of each of the water districts proposed to be consolidated may by resolution determine that the consolidation of the districts shall be conducive to the public health, welfare, and convenience and to be of special benefit to the lands of the districts.

Sec. 29. Section 1, chapter 28, Laws of 1961 as amended by section 3, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.010 are each amended to read as follows:

Whenever there are two water districts, the territories of which are adjoining or in close proximity to (~~and in the same county with~~) each other, either district,

hereinafter referred to as the "merging district", may merge into the other district, hereinafter referred to as the "merger district", and the merger district will survive under its original number. The term "in proximity to" as used hereinabove shall mean within one mile of each other, measured in a straight line between the closest points of approach of the territorial boundaries of the two districts.

Sec. 30. Section 2, chapter 267, Laws of 1943 as amended by section 2, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.020 are each amended to read as follows:

If the consolidation proceedings are initiated by petition, upon the filing of such petitions with the boards of water commissioners of the water districts, the boards of water commissioners of ~~((all of said))~~ each district~~((s))~~ shall file such petitions with the ~~((county auditor))~~ election officer of each county in which any district is located who shall within ten days examine and verify the signatures ~~((thereon and certify to the sufficiency or insufficiency thereof))~~ of the signers residing in the county. The petition shall be transmitted by the other county election officers to the county election officer of the county in which the largest land area involved in the petitions is located, who shall certify to the sufficiency or insufficiency of the signatures. If all of such petitions shall be found to contain a sufficient number of signatures, the county ~~((auditor))~~ election officer shall transmit the same, together with ~~((his))~~ a certificate of sufficiency attached thereto, to the boards of water commissioners of each of the districts proposed for consolidation. In the event that there are no legal electors residing in one or more of the water districts proposed to be consolidated, such petitions may be signed by such a number as appear of record to own at least a majority of the acreage in the pertinent water district, and the petitions shall disclose the total number of acres of land in the said water district and shall also contain the names of all record owners of land therein.

Sec. 31. Section 9, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.022 are each amended to read as follows:

The respective boards of water commissioners of the consolidating districts shall certify the agreement to the county ~~((auditor))~~ election officer of ~~((the))~~ each county in which the districts are located. ~~((Thereupon, the county auditor shall call))~~ A special election shall be called by the county election officer under section 6 of this 1982 act for the purpose of submitting to the voters of each of the consolidating districts the proposition of whether or not the several districts shall be consolidated into one water district. The proposition shall give the title of the proposed consolidated district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

Sec. 32. Section 10, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.023 are each amended to read as follows:

If at the election a majority of the voters in each of the consolidating districts ~~((shall))~~ vote in favor of the consolidation, the county canvassing board shall so declare in its canvass under section 6 of this 1982 act and the return of such election shall be made within ten days after the date thereof. Upon the return the consolidation shall be effective and the consolidating districts shall cease to exist and shall then be and become a new water district and municipal corporation of the state of Washington. The name of such new water district shall be "Water District No. . . . . ((, . . . . . County))", which shall be the name appearing on the ballot. The district shall have all and every power, right, and privilege possessed by other water districts of the state of Washington. The district may issue revenue bonds to pay for the construction of any additions and betterments set forth in the comprehensive ~~((scheme and))~~ plan of water supply contained in the agreement for consolidation and any future additions and betterments to the comprehensive ~~((scheme and))~~ plan of water supply, as its board of water commissioners shall by resolution adopt, without submitting a proposition therefor to the voters of the district.

Sec. 33. Section 3, chapter 28, Laws of 1961 as amended by section 5, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.030 are each amended to read as follows:

Whenever a merger is initiated in either of the two ways ~~((hereinabove))~~ provided under this chapter, the boards of water commissioners of the two districts shall enter into an agreement providing for the merger. Said agreement must be entered into within ninety days following completion of the last act ~~((, as hereinabove provided;))~~ in initiation of the merger.

The respective boards of water commissioners ~~((of said districts))~~ shall certify ~~((such))~~ the agreement to the county ~~((auditor))~~ election officer of ~~((the))~~ each county in which the districts are located. ~~((Thereupon;))~~ The ~~((said))~~ county ~~((auditor))~~ election officer shall call a special election for the purpose of submitting to the voters of the merging district the proposition of whether the merging district shall be merged into the merger district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

Sec. 34. Section 1, chapter 146, Laws of 1971 ex. sess. and RCW 57.40.100 are each amended to read as follows:

Any sewer district, acting alone or in conjunction with any other sewer district or districts similarly situated as hereafter described, the territory of which lies wholly or partly within, or which is adjoining or in proximity to ~~((, and in the same county with;))~~ a water district, may merge into the water district, and the water district will survive under its original name. The term "in proximity to" as used herein shall mean within one mile of each other, measured in a straight line between the closest points of approach of the territorial boundaries of the respective districts.

Sec. 35. Section 2, chapter 55, Laws of 1963 and RCW 57.90.020 are each amended to read as follows:

Upon the filing with the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of ~~((the))~~ each county in which the district is located of a resolution of any governmental unit calling for the disincorporation of a special district, or upon the filing with the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of each county in which the district is located of the petition of twenty percent of the qualified electors within a special district calling for the disincorporation of a special district the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall hold public hearings to determine whether or not any services have been provided within a consecutive five year period and whether the best interests of all persons concerned will be served by the proposed dissolution of the special district."

On page 1, line 1 of the title after "districts;" strike the remainder of the title and insert "amending section 1, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.070; amending section 1, chapter 148, Laws of 1969 ex. sess. and RCW 56.36.010; amending section 24, chapter 251, Laws of 1953 and RCW 57.02.010; amending section 1, chapter 114, Laws of 1929 and RCW 57.04.020; amending section 2, chapter 114, Laws of 1929 as amended by section 3, chapter 72, Laws of 1931 and RCW 57.04.030; amending section 3, chapter 114, Laws of 1929 as last amended by section 67, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.04.050; amending section 2, chapter 108, Laws of 1959 and RCW 57.08.080; amending section 3, chapter 108, Laws of 1959 as amended by section 1, chapter 299, Laws of 1977 ex. sess. and RCW 57.08.090; amending section 4, chapter 18, Laws of 1959 as amended by section 39, chapter 126, Laws of 1979 ex. sess. and RCW 57.12.030; amending section 9, chapter 114, Laws of 1929 as last amended by section 13, chapter 251, Laws of 1953 and RCW 57.16.050; amending section 11, chapter 18, Laws of 1959 as last amended by section 7, chapter 299, Laws of 1977 ex. sess. and RCW 57.16.060; amending section 12, chapter 18, Laws of 1959 and RCW 57.16.070; amending section 13, chapter 114, Laws of 1929 as last amended by section 126, chapter 81, Laws of 1971 and RCW 57.16.090; amending section 23, chapter 251, Laws of 1953 and RCW 57.16.110; amending section 1, chapter 82,

Laws of 1935 as last amended by section 20, chapter 156, Laws of 1981 and RCW 57.20.030; amending section 15, chapter 18, Laws of 1959 and RCW 57.24.010; amending section 16, chapter 18, Laws of 1959 and RCW 57.24.020; amending section 2, chapter 55, Laws of 1941 and RCW 57.28.020; amending section 6, chapter 55, Laws of 1941 and RCW 57.28.060; amending section 7, chapter 55, Laws of 1941 and RCW 57.28.070; amending section 9, chapter 55, Laws of 1941 and RCW 57.28.090; amending section 10, chapter 55, Laws of 1941 and RCW 57.28.100; amending section 1, chapter 267, Laws of 1943 as amended by section 1, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.010; amending section 1, chapter 28, Laws of 1961 as amended by section 3, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.010; amending section 2, chapter 267, Laws of 1943 as amended by section 2, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.020; amending section 9, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.022; amending section 10, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.023; amending section 3, chapter 28, Laws of 1961 as amended by section 5, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.030; amending section 1, chapter 146, Laws of 1971 ex. sess. and RCW 57.40.100; amending section 2, chapter 55, Laws of 1963 and RCW 57.90.020; adding new sections to chapter 56.02 RCW; and adding new sections to chapter 57.02 RCW."

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the committee amendment was adopted.

On motion of Senator von Reichbauer, the committee amendment to the title was adopted.

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 1145, 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. 1145, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talley—1.

HOUSE BILL NO. 1145, 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 von Reichbauer, House Bill No. 1145, as amended by the Senate, was ordered immediately transmitted to the House.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 852, by House Committee on Human Services (originally sponsored by House Committee on Human Services and Representative Mitchell)(by Department of Social and Health Services request):

Modifying provisions relating to nursing homes.

No. 852 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Kiskaddon: "Senator Deccio, Substitute House Bill No. 852 states in section 4, that 'The resident's attending or staff physician or authorized practitioner shall order all medications for the resident.' The bill then defines who 'authorized practitioners are.' It simply states that 'authorized practitioners are osteopathy assistants, physician assistants and registered nurses.'

"Is it the intent of the language of this bill to prevent any properly licensed physician from serving as an attending or staff physician?"

Senator Deccio: "Senator Kiskaddon, the answer is 'no.' Attending or staff physicians may be licensed under RCW 18.22, 18.57, and 18.71. Nothing in this bill would change the ability of physicians licensed under these sections from being an attending or staff physician in a nursing home. Does that answer your question?"

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 852 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talley—1.

SUBSTITUTE HOUSE BILL NO. 852, having received the 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. 286, by Representatives Teutsch, Brekke, Mitchell, Valle, Williams, Wang, King (J.), Tilly, Rinehart, Thompson, Sommers, McDonald, Stratton, Pruitt, Nisbet, Chamberlain, Winsley, Sanders, Ehlers, Sherman, Patrick, Lux, Isaacson, Eng, Greengo, Gruger, Tupper, Garrett, Wilson, Maxie, Erickson, Eberle, Heck, Granlund, Kreidler, Hine, Burns and Rust:

Continuing the displaced homemaker program.

### REPORT OF STANDING COMMITTEE

February 23, 1982.

REENGROSSED HOUSE BILL NO. 286, continuing the displaced homemaker program (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 2, chapter 73, Laws of 1979 and RCW 28B.04.020 are each amended to read as follows:

The legislature finds that homemakers are an unrecognized part of the work force who make an invaluable contribution to the strength, durability, and purpose of our state.

The legislature further finds that there is an increasing number of persons in this state who, having fulfilled a role as homemaker, find themselves "displaced" in their middle years through divorce, death of spouse, disability of spouse, or other loss of family income of a spouse. As a consequence, displaced homemakers are very often left with little or no income; they are ineligible for categorical welfare assistance; they are subject to the highest rate of unemployment of any sector of the work force; they face continuing discrimination in employment because of their age and lack of recent paid work experience; they are ineligible for unemployment insurance because they have been engaged in unpaid labor in the home; they are ineligible for social security benefits because they are too young, and many never qualify because they have been divorced from the family wage earner; they may have lost beneficiaries' rights under employer's pension and health plans through divorce or death of spouse; and they are often unacceptable to private health insurance plans because of their age.

It is the purpose of this chapter to establish (~~a two-year pilot project~~) guidelines under which the council for postsecondary education shall contract to establish multipurpose service centers and programs to provide necessary training opportunities, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life.

Sec. 2. Section 4, chapter 73, Laws of 1979 and RCW 28B.04.040 are each amended to read as follows:

(1) The council, in consultation with state and local governmental agencies, community groups, and local and national organizations concerned with displaced homemakers, shall receive applications and may contract with public or private nonprofit organizations to establish multipurpose service centers for displaced homemakers. In determining sites and administering agencies or organizations for the centers, the council shall consider the experience and capabilities of the public or private nonprofit organizations making application to provide services to a center.

(2) Not later than ninety days after June 7, 1979, the council shall issue rules prescribing the standards to be met by each center in accordance with the (~~policies~~) policies set forth in this chapter. Continuing funds for the maintenance of each center shall be contingent upon the determination by the council that the center is in compliance with the contractual conditions and with the rules prescribed by the council.

Sec. 3. Section 5, chapter 73, Laws of 1979 and RCW 28B.04.050 are each amended to read as follows:

(1) Each center contracted for under this chapter shall include or provide information and referral to the following services:

(a) Job counseling services which shall:

(i) Be specifically designed for displaced homemakers;

(ii) Counsel displaced homemakers with respect to appropriate job opportunities; and

(iii) Take into account and build upon the skills and experience of a homemaker and emphasize job readiness as well as skill development;

(b) Job training and job placement services which shall:

(i) Emphasize short-term training programs and programs which expand upon homemaking skills and volunteer experience and which lead to gainful employment;

(ii) Develop, through cooperation with state and local government agencies and private employers, model training and placement programs for jobs in the public and private sectors;

(iii) Assist displaced homemakers in gaining admission to existing public and private job training programs and opportunities, including vocational education and apprenticeship training programs; and

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Substitute House Bill

(iv) Assist in identifying community needs and creating new jobs in the public and private sectors;

(c) Health counseling services, including referral to existing health programs, with respect to:

(i) General principles of preventative health care;

(ii) Health care consumer education, particularly in the selection of physicians and health care services, including, but not limited to, health maintenance organizations and health insurance;

(iii) Family health care and nutrition;

(iv) Alcohol and drug abuse; and

(v) Other related health care matters;

(d) Financial management services which provide information and assistance with respect to insurance, taxes, estate and probate problems, mortgages, loans, and other related financial matters;

(e) Educational services, including:

(i) Outreach and information about courses offering credit through secondary or postsecondary education programs, and other re-entry programs, including bilingual programming where appropriate; and

(ii) Information about such other programs as are determined to be of interest and benefit to displaced homemakers by the council;

(f) Legal counseling and referral services; and

(g) Outreach and information services with respect to federal and state employment, education, health, public assistance, and unemployment assistance programs which the council determines would be of interest and benefit to displaced homemakers.

(2) The staff positions of each multipurpose center contracted for in accordance with RCW ((~~28B.04.030~~) 28B.04.040), including supervisory, technical, and administrative positions, shall, to the maximum extent possible, be filled by displaced homemakers.

Sec. 4. Section 6, chapter 73, Laws of 1979 and RCW 28B.04.060 are each amended to read as follows:

The council may contract, where appropriate, with public or private nonprofit groups or organizations serving the needs of displaced homemakers for programs designed to:

(1) Provide direct services to displaced homemakers, including job counseling, job training and placement, health counseling, financial management, educational counseling, legal counseling, and referral services as described in RCW ((~~28B.04.040~~) 28B.04.050);

(2) Provide state-wide outreach and information services for displaced homemakers; and

(3) Provide training opportunities for persons serving the needs of displaced homemakers, including those persons in areas not directly served by programs and centers established under this chapter.

Sec. 5. Section 7, chapter 73, Laws of 1979 and RCW 28B.04.070 are each amended to read as follows:

The council shall submit to the legislature ((~~a final~~) an) evaluation at the end of the ((~~two-year project~~) first two years and a biennial evaluation beginning in January 1984.) The evaluations may include recommendation for future programs as ((~~submitted by the centers established under this chapter~~) determined by the council.)

Sec. 6. Section 8, chapter 73, Laws of 1979 and RCW 28B.04.080 are each amended to read as follows:

(1) The council shall consult and cooperate with the department of social and health services; the state board for community college education; the superintendent

of public instruction; the commission for vocational education; the employment security department; the department of labor and industries; sponsoring agencies under the federal comprehensive employment and training act (87 Stat. 839; 29 U.S.C. Sec. 801 et seq.), and any other persons or agencies as the council deems appropriate to facilitate the coordination of centers established under this chapter with existing programs of a similar nature.

(2) Annually on July 1st, each agency listed in subsection (1) of this section shall submit a description of each service or program under its jurisdiction which would support the programs and centers established by this chapter and the funds available for such support.

(3) The council shall serve as a clearinghouse for displaced homemaker information and resources and shall compile and disseminate ((the)) state-wide information to the centers, related agencies, and interested persons upon request.

Sec. 7. Section 36.18.010, chapter 4, Laws of 1963 as last amended by section 12, chapter ... (3SHB 179), Laws of 1982 and RCW 36.18.010 are each amended to read as follows:

County auditors shall collect the following fees for their official services: For filing each chattel mortgage, renewal affidavit, or conditional sale contract, and entering same as required by law, two dollars; for each assignment, modification, transfer, correction, or release of chattel mortgage, conditional sale contract, or miscellaneous instrument, two dollars;

For filing a release of chattel mortgage, conditional sale contract, or miscellaneous instrument, two dollars: PROVIDED, That said fee shall be paid at the time of filing the chattel mortgage, conditional sale contract, or miscellaneous instrument, and no charge shall be made when the release of any of the above instruments is filed;

For recording instruments, for the first page, legal size (eight and one-half by thirteen inches or less), three dollars; for each additional legal size page, one dollar; for indexing each name over two, fifty cents;

For marginal release of mortgage or lien, one dollar;

For preparing and certifying copies, for the first legal size page, two dollars; for each additional legal size page, one dollar;

For preparing noncertified copies, for each legal size page, fifty cents;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund, which five-dollar fee shall expire June 30, 1984, plus an additional five-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund which five-dollar fee shall expire June 30, 1987;

For searching records per hour, four dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For filing of miscellaneous records, not listed above, three dollars;

For making marginal notations on original recording when blanket assignment or release of instrument is filed for record, each notation, fifty cents;

For recording of miscellaneous records, not listed above, for first legal size page, three dollars; for each additional legal size page, one dollar.

NEW SECTION. Sec. 8. There is appropriated to the council for postsecondary education from the general fund for the biennium ending June 30, 1983, the

sum of two hundred forty-four thousand dollars to carry out the purposes of this act.

NEW SECTION. Sec. 9. Section 13, chapter 73, Laws of 1979 and RCW 28B.04.130 are each repealed.

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.

NEW SECTION. Sec. 11. The provisions of this 1982 act shall cease to exist on June 30, 1987, unless extended by law for an additional fixed period of time."

On page 1, line 1 of the title after "homemakers;" strike the remainder of the title and insert "amending section 2, chapter 73, Laws of 1979 and RCW 28B.04.020; amending section 4, chapter 73, Laws of 1979 and RCW 28B.04.040; amending section 5, chapter 73, Laws of 1979 and RCW 28B.04.050; amending section 6, chapter 73, Laws of 1979 and RCW 28B.04.060; amending section 7, chapter 73, Laws of 1979 and RCW 28B.04.070; amending section 8, chapter 73, Laws of 1979 and RCW 28B.04.080; amending section 36.18.010, chapter 4, Laws of 1963 as last amended by section 12, chapter ... (3SHB 179), Laws of 1982 and RCW 36.18.010; repealing section 13, chapter 73, Laws of 1979 and RCW 28B.04.130; making an appropriation; providing an expiration date; and declaring an emergency."

Signed by: Senators Hemstad, Vice Chairman; Hayner, Shinpoch, Talmadge, Woody.

The bill was read the second time by sections.

Senator Hemstad moved adoption of the committee amendment.

#### POINT OF INQUIRY

Senator Pullen: "Senator Hemstad, it seems like we are driving the cost of marriage licenses ever higher. Earlier this session we passed a bill, dealing with abused children which would fund the program by putting a surcharge on marriage licenses. With that prior surcharge plus the basic fee plus this particular surcharge, just how high are we driving the cost of marriage licenses?"

Senator Hemstad: "I believe the total cost now will be twenty-three dollars or, I may be fifty cents off or so, but approximately twenty-three dollars. To put that into perspective, the state of Oregon charges, I believe, fifty or fifty-five dollars for a marriage certificate. So at least on a state-by-state comparison it is still quite inexpensive."

The motion by Senator Hemstad carried and the committee amendment was adopted.

On motion of Senator Hemstad, the committee amendment to the title of was adopted.

On motion of Senator Hemstad, the rules were suspended, Reengrossed House Bill No. 286, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 286, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar,

Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Craswell, Lysen, Pullen—3.

Absent or not voting: Senators Conner, Deccio—2.

Excused: Senator Talley—1.

REENGROSSED HOUSE BILL NO. 286, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 11, 1982.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4200 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 183, Laws of 1923 as amended by section 1, chapter 177, Laws of 1977 ex. sess. and RCW 39.04.010 are each amended to read as follows:

The term state shall include the state of Washington and all departments, supervisors, commissioners and agencies thereof.

The term municipality shall include every city, county, town, district or other public agency thereof which is authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts or any such other districts as shall from time to time be authorized by law for the reclamation or development of waste or undeveloped lands.

The term public work shall include all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein, but nothing herein shall apply to the construction, alteration, repair, or improvement of any municipal street railway system. All public works, including maintenance when performed by contract shall comply with the provisions of RCW 39.12.020.

The term contract shall mean a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid. However, a contract which is awarded from a small works roster under the authority of section 2 of this 1982 act need not be advertised.

Cost of superintendence, engineering, clerical and accounting service shall include all expenditures specially incurred for such service, and shall include a proportionate charge for the time of all salaried officers, engineers, clerks, accountants and employees of the state or municipality while engaged in such work or in keeping or preparing the estimates, accounts and records thereof.

NEW SECTION. Sec. 2. There is added to chapter 39.04 RCW a new section to read as follows:

(1) As used in this section, "agency" means the department of general administration, the department of fisheries, the department of game, and the state parks and recreation commission.

(2) In addition to any other power or authority that an agency may have, each agency, alone or in concert, may establish a small works roster consisting of all qualified contractors who have requested to be included on the roster.

(3) The small works roster may make distinctions between contractors based on the geographic areas served and the nature of the work the contractor is qualified to

perform. At least once every year, the agency shall advertise in a newspaper of general circulation the existence of the small works roster and shall add to the roster those contractors who request to be included on the roster.

(4) Construction, repair, or alteration projects estimated to cost less than twenty-five thousand dollars are exempt from the requirement that the contracts be awarded after advertisement and competitive bid as defined by RCW 39.04.010. In lieu of advertisement and competitive bid, the agency shall solicit at least five quotations, confirmed in writing, from contractors chosen by random number generated by computer from the contractors on the small works roster for the category of job type involved and shall award the work to the party with the lowest quotation or reject all quotations. If the agency is unable to solicit quotations from five qualified contractors on the small works roster for a particular project, then the project shall be advertised and competitively bid. The agency shall solicit quotations randomly from contractors on the small works roster in a manner which will equitably distribute the opportunity for these contracts among contractors on the roster: PROVIDED, That whenever possible, the agency shall invite at least one proposal from a minority contractor who shall otherwise qualify to perform such work. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone request.

(5) The breaking down of any public work or improvement into units or accomplishing any public work or improvement by phases for the purpose of avoiding the minimum dollar amount for bidding is contrary to public policy and is prohibited.

(6) The director of general administration shall adopt by rule a procedure to prequalify contractors for inclusion on the small works roster. Each agency shall follow the procedure adopted by the director of general administration. No agency shall be required to make available for public inspection or copying under chapter 42.17 RCW financial information required to be provided by the prequalification procedure.

(7) An agency may adopt by rule procedures to implement this section which shall not be inconsistent with the procedures adopted by the director of the department of general administration pursuant to subsection (6) of this section.

Sec. 3. Section 43.19.450, chapter 8, Laws of 1965 as amended by section 63, chapter 136, Laws of 1981 and RCW 43.19.450 are each amended to read as follows:

The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of engineering and architecture who shall have charge and supervision of the division of engineering and architecture. With the approval of the director ~~((he))~~, the supervisor may appoint and employ such assistants and personnel as may be necessary to carry out the work of the division.

No person shall be eligible for appointment as supervisor of engineering and architecture unless he is ~~((:))~~ licensed to practice the profession of engineering or the profession of architecture in the state of Washington and for the last five years prior to his appointment has been ~~((:))~~ licensed to practice the profession of engineering or the profession of architecture ((in the state of Washington)).

As used in this section, "state facilities" includes all state buildings, related structures, and appurtenances constructed for any elected state officials, institutions, departments, boards, commissions, colleges, community colleges, except the state universities, The Evergreen State College and regional universities. "State facilities" does not include facilities owned by or used for operational purposes and constructed for the department of transportation, department of fisheries, department of game, department of natural resources, or state parks and recreation commission.

The director of general administration, through the division of engineering and architecture shall:

(1) ~~((Establish a systematic building program for the grouping of buildings at the state capital, at institutions under the control of the department of social and health services and the department of corrections, and for state agencies which have no architectural staff, and prepare preliminary layouts, site studies, programs and topographical plans to accompany the estimates for the biennial budgets))~~ Prepare cost estimates and technical information to accompany the capital budget and prepare or contract for plans and specifications for new construction and major repairs and alterations to state facilities.

(2) ~~Contract for professional architectural, engineering, and related services for the design of ((buildings)) new state facilities and major repair or alterations to existing ((buildings at the state capital, at institutions under the control of the department of social and health services and the department of corrections, and for all state-owned buildings for agencies which have no architectural staff))~~ state facilities.

(3) ~~((Prepare estimates for the biennial budget and prepare plans and specifications for all necessary maintenance, repairs, and minor alterations to the state capitol buildings, all buildings required at the institutions under the control of the department of social and health services and the department of corrections, and for all other state-owned buildings for agencies which have no architectural staff.~~

(4) ~~Supervise the erection, repairing and betterment of all capitol buildings, all buildings required for the institutions under the control of the department of social and health services and the department of corrections, and all other state-owned buildings for agencies which have no architectural staff))~~ Provide contract administration for new construction and the repair and alteration of existing state facilities.

~~((5) Negotiate and/or call for bids and execute all contracts))~~ (4) In accordance with the public works laws, contract on behalf of the state for the ((preceding)) new construction and major repair or alteration of state facilities.

The director may delegate any and all of the functions under subsections (1) through (4) of this section to any agency upon such terms and conditions as considered advisable.

The director may delegate the authority granted to the department under section 2 of this 1982 act to any agency upon such terms as considered advisable.

Sec. 4. Section 2, chapter 183, Laws of 1923 as last amended by section 2, chapter 230, Laws of 1975 1st ex. sess. and RCW 39.04.020 are each amended to read as follows:

Whenever the state, or any municipality shall determine that any public work is necessary to be done it shall cause plans and/or specifications thereof and an estimate of the cost of such work to be made and filed in the office of the director, supervisor, commissioner, trustee, board or agency having by law the authority to require such work to be done. The plans, specifications, and estimates of cost shall be approved by the director, supervisor, commissioner, trustee, board, or agency and the original draft or a certified copy filed in such office before further action is taken.

If the state, or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of twenty-five hundred dollars, or twenty-five thousand dollars if such work is let from a small works roster created pursuant to section 2 of this 1982 act, then the state or such municipality shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which such work is to be done: PROVIDED, That when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority

having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

Sec. 5. Section 1, chapter 207, Laws of 1909 as last amended by section 23, chapter 278, Laws of 1975 1st ex. sess. and RCW 39.08.010 are each amended to read as follows:

Whenever any board, council, commission, trustees, or body acting for the state or any county or municipality or any public body shall contract with any person or corporation to do any work for the state, county, or municipality, or other public body, city, town, or district, such board, council, commission, trustees, or body shall require the person or persons with whom such contract is made to make, execute, and deliver to such board, council, commission, trustees, or body a good and sufficient bond, with two or more sureties, or with a surety company as surety, conditioned that such person or persons shall faithfully perform all the provisions of such contract and pay all laborers, mechanics, and subcontractors and materialmen, and all persons who ~~((shall))~~ supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work, which bond ~~((shall be filed with the county auditor of the county where such work is performed or improvement made, except))~~ in cases of cities and towns ~~((; in which cases such bond))~~ shall be filed with the clerk or comptroller thereof, and any person or persons performing such services or furnishing material to any subcontractor shall have the same right under the provisions of such bond as if such work, services or material was furnished to the original contractor: PROVIDED, HOWEVER, That the provisions of RCW 39.08.010 through 39.08.030 shall not apply to any money loaned or advanced to any such contractor, subcontractor or other person in the performance of any such work: PROVIDED FURTHER, That on contracts of ~~((two))~~ twenty-five thousand dollars or less, at the option of the contractor the respective public entity may, in lieu of the bond, retain ~~((one hundred))~~ fifty percent of the contract amount for a period of thirty days after date of final acceptance, or until receipt of all necessary releases from the department of revenue and the department of labor and industries and settlement of any liens filed under chapter 60.28 RCW, whichever is later., and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTIONS

On motion of Senator Ridder, Senator Peterson was excused.

Senator Metcalf moved the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 4200.

Debate ensued.

The motion by Senator Metcalf carried.

The Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4200.

### ROLL CALL

The Secretary called the roll on the final passage Engrossed Substitute Senate Bill No. 4200, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Rasmussen, Ridder, Sellar, Shipoch, von Reichbauer, Williams, Wojahn, Woody—34.

Voting nay: Senators Bottiger, Craswell, Hansen, Hughes, Hurley, Lysen, Pullen, Quigg, Scott, Talmadge, Vognild, Wilson, Zimmerman—13.

Excused: Senators Peterson, Talley—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4200, 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 title of the act.

### MESSAGE FROM THE HOUSE

March 11, 1982.

Mr. President: The House has passed SENATE BILL NO. 4717 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 4, chapter 150, Laws of 1941 as last amended by section 1, chapter 162, Laws of 1981 and RCW 40.04.040 are each amended to read as follows:

Permanent session laws shall be distributed, sold, and/or exchanged by the state law librarian as follows:

(1) Copies shall be given as follows: One to each United States senator and representative in congress from this state; ((six)) two to the Library of Congress; ((one to each United States executive department as defined by section 1, title 5, of the United States Code; three)) one to the United States supreme court library; three to the library of the circuit court of appeals of the ninth circuit; ((one)) two to each United States district court room within this state; ((one)) two to each office and branch office of the United States district attorneys in this state; one to each state official whose office is created by the Constitution; ((one to the judge advocate's office at Fort Lewis, one to each member of the legislature, session law indexer;)) two each to the president of the senate, secretary ((and assistant secretary)) of the senate, speaker of the house of representatives, and chief clerk ((and the assistant chief clerk)) of the house of representatives((, the minute clerk and sergeant-at-arms of the two branches of the legislature of the sessions of which they occupied the offices and positions mentioned; one copy each to the Olympia representatives of the Associated Press and the United Press)) and such additional copies as they may request; fourteen copies to the code reviser; two copies to the state library; two copies to the law library of the University of Puget Sound law school; two copies to the law library of Gonzaga University law school; ((and)) two copies to the law libraries of any accredited law schools as are hereafter established in this state; one copy to each state adult correctional institution; and one copy to each state mental institution.

(2) Copies, for official use only, shall be distributed as follows: ((One to each state department and to each division thereof, one to each state official whose office is created by the Constitution, except)) Two copies to the governor ((who shall receive three copies)); one each to the ((adjutant general, the) state historical society(;) and the state bar association((, and to each state institution, one copy for each assistant attorney general who maintains his office in the attorney general's suite, and one additional copy for his stenographer's room)); and one copy to each prosecuting attorney ((and one for each of his deputies)).

Sufficient copies shall be furnished for the use of the supreme court, the court of appeals, the superior courts, and the state law library as from time to time are needed. Eight copies shall be distributed to the University of Washington law library; one copy each to the offices of the president and the board of regents of the University of Washington, the dean of the University of Washington school of law, and to the University of Washington library; one copy to the library of each of the regional universities and to The Evergreen State College; one copy ((each)) to the president of the Washington State University and four copies to the Washington

State University library. Six copies shall be sent to the King county law library, and one copy to each of the county law libraries organized pursuant to law (~~in the counties of the first, second, and third class~~); one copy to each public library in cities of the first class, and one copy to the municipal reference branch of the Seattle public library.

~~((At the convening of each session of the legislature the state law librarian shall deliver to the chief clerk of the house of representatives twenty copies, and to the secretary of the senate, ten copies, of the laws of the preceding general session and of any intervening session for the use of the legislators during the ensuing session but which shall be returned to the state law library at the expiration of the legislative session.~~

~~It shall be the duty of each county auditor biennially to submit to the state law librarian a list of county officers, including the prosecuting attorney and his regular full-time deputies and the justices of the peace and superior court rooms regularly used by a justice of the peace or superior court judge, and the correct number of bound copies of the session laws necessary for the official use only of such officers and court rooms will be sent, transportation collect, to said county auditor who shall be responsible for the distribution thereof to the county officials entitled to receive them:))~~

(3) Surplus copies of the session laws shall be sold and delivered by the state law librarian, in which case the price of the bound volumes shall be twenty dollars each. All moneys received from the sale of such bound volumes of session laws shall be paid into the state treasury for the general fund.

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

Sec. 2. Section 5, chapter 150, Laws of 1941 as last amended by section 13, chapter 87, Laws of 1980 and RCW 40.04.090 are each amended to read as follows:

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

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

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

(3) Surplus sets of the house and senate journals shall be sold and delivered by the state law librarian, in which case the price shall be ~~((fifteen))~~ thirty-five dollars plus postage for those of the regular sessions during an odd- or even-numbered

year, and ~~((ten dollars))~~ at a price determined by the state printer to cover the costs of paper, printing, binding and postage for those of the special sessions, when separately bound, and the proceeds therefrom shall be paid to the state treasurer for the general fund.

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

Sec. 3. Section 3, chapter 136, Laws of 1907 as last amended by section 2, chapter 6, Laws of 1969 and RCW 44.20.030 are each amended to read as follows:

The statute law committee, after each and every legislative session, whether regular or extraordinary, shall cause to be reproduced or printed for temporary use ~~((four thousand copies))~~ separate copies of each act filed in the office of secretary of state within ten days after the filing thereof ~~((, and in the order of its chapter number))~~.

The committee shall cause to be reproduced or printed three thousand copies or such additional number as may be necessary of temporary bound sets of all acts filed in the office of secretary of state within seventy-five days after the final adjournment of the legislature for that year.

Sec. 4. Section 5, chapter 136, Laws of 1907 as last amended by section 4, chapter 6, Laws of 1969 and RCW 44.20.050 are each amended to read as follows:

When all of the acts of any session of the legislature and initiative measures enacted by the people since the next preceding session have been certified to the statute law committee, the code reviser employed by the statute law committee shall make the proper headings and index of such acts or laws and, after such work has been completed, the statute law committee shall have published and bound in good buckram at least ~~((two thousand))~~ six hundred copies or such additional copies as may be necessary of such acts and laws, with such headings and indexes, and such other matter as may be deemed essential, including a title page showing the session at which such acts were passed, the date of convening and adjournment of the session, and any other matter deemed proper, including a certificate by the secretary of state of such referendum measures as may have been enacted by the people since the next preceding session.

NEW SECTION. Sec. 5. There is added to chapter 40.04 RCW a new section to read as follows:

The statute law committee, after each legislative session, shall furnish one temporary bound copy of each act as published under chapter 44.20 RCW to each member of the legislature at which such law was enacted, and to each state department or division thereof, commission, committee, board, and council, and to community colleges. Thirty-five copies shall be furnished to the senate and fifty copies to the house of representatives or such other number as may be requested. Two copies shall be furnished the administrator for the courts. One copy shall be furnished for each assistant attorney general; and one copy each to the Olympia representatives of the Associated Press and the United Press.

Each county auditor shall submit each year to the statute law committee a list of county officials requiring temporary session laws for official use only, and the auditor shall receive and distribute such copies to the county officials.

There shall be a charge of five dollars for each of the complete sets of such temporary publications when delivered to any person, firm, corporation, or institution excepting the persons and institutions named in this section. All moneys received from the sale of such temporary sets shall be transmitted to the state treasurer who shall deposit the same in the state treasury to the credit of the general fund.

NEW SECTION. Sec. 6. Section 4, chapter 136, Laws of 1907, section 2, chapter 27, Laws of 1933, section 2, chapter 31, Laws of 1933 ex. sess., section 3, chapter 6, Laws of 1969, section 2, chapter 162, Laws of 1981 and RCW 44.20.040 are each hereby repealed."

On page 1, line 1 of the title, after "publications;" strike the remainder of the title and insert "amending section 4, chapter 150, Laws of 1941 as last amended by section 1, chapter 162, Laws of 1981 and RCW 40.04.040; amending section 5, chapter 150, Laws of 1941 as last amended by section 13, chapter 87, Laws of 1980 and RCW 40.04.090; amending section 3, chapter 136, Laws of 1907 as last amended by section 2, chapter 6, Laws of 1969 and RCW 44.20.030; amending section 5, chapter 136, Laws of 1907 as last amended by section 4, chapter 6, Laws of 1969 and RCW 44.20.050; adding a new section to chapter 40.04 RCW; and repealing section 4, chapter 136, Laws of 1907, section 2, chapter 27, Laws of 1933, section 2, chapter 31, Laws of 1933 ex. sess., section 3, chapter 6, Laws of 1969, section 2, chapter 162, Laws of 1981 and RCW 44.20.040.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

Senator Lee moved the Senate concur in the House amendments to Senate Bill No. 4717.

### POINT OF INQUIRY

Senator Bottiger: "Senator Lee, the journal of the Senate which each of us gets, a copy of the House and Senate journals, we distribute them to a library in our area so people can have a chance to go in and read, get roll calls, when people have asked us 'What is your voting record?', we have sent those journals to libraries.

"As I understand it now, we will not be getting those journals as members of the legislature."

Senator Lee: "We will not be getting the two copies, that is correct. They will continue to be available and the price is established in the RCW."

Senator Bottiger: "So if we continue to do that, we will pay \$15 a volume, \$35 per volume and it will be our expense then if we want to keep this library functioning?"

Senator Lee: "That is correct. Those that we will need ourselves will be kept in the House and the Senate."

### POINT OF INQUIRY

Senator Talmadge: "Senator Lee, this relates to the session laws which I use in my district office to answer constituent's questions. Will we be receiving the paperback volumes of the session laws in order to answer those questions?"

Senator Lee: "Yes, we will continue to receive the session laws and the paperback copy. The number of paperback copies is actually being increased to replace some of the sets of hardbound copies that have been previously distributed."

Senator Talmadge: "Would that also be true of paperback volumes of the journals?"

Senator Lee: "That is correct, the paperback volumes of the journal will replace some of the hardbound volumes that have previously been distributed."

Senator Talmadge: "So members will be receiving a paperback volume of the session laws, and a paperback volume of the journals?"

Senator Lee: "That is correct."

## POINT OF INQUIRY

Senator Woody: "Senator Lee, I hear some consternation on this side of the aisle in terms of your response to the question to whether or not we will be receiving as members of the House and Senate, paperback volumes of the journal. Now I see the digest clearly says that we will not receive, free of charge, the hardback volume unless we wish to pay for them. But the question that remains to be answered is whether or not we will receive free of charge the paperback volumes?"

Senator Lee: "That amendment is on . . . page 302, 301. Yes, the amendments, there should be a little blue amendment, House amendment to the Senate Bill 4717, adopted 3/11/82. The first section is the session laws that they amended. The journal is section 2."

## REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "Mr. President, ladies and gentlemen. On section 2 on the amendment reads that 'The set shall be distributed as follows:' and it is speaking about House and Senate journals, 'one set to each' and it has struck 'members of the legislature.' So I don't think there are any hard copies or soft copies of the journal that are going to the legislature at all unless you intend to buy them. On page 5, Senator Lee, under section 2 under sub (1) it struck 'members of the legislature' and I think that clearly takes the legislature out of receipt of any free copies of the journal."

## REMARKS BY SENATOR LEE

Senator Lee: "And in sub (2), then, on page 6, says the 'House and senate journals . . . shall be' distributed 'in the house and senate chambers for use of legislators as directed by the chief clerk' of the house of representatives and secretary of the senate; . . ."

"And that is right, and those are the ones that are to replace copies to every individual member."

## REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "Mr. President, I think Senator Lee is reading that wrong. It says 'House and senate journals of the preceding regular session during an odd- or even-numbered year, and of any intervening special session, shall be placed . . . ' and I think that is the key word. ' . . . shall be placed in the house and senate chambers for use of legislators as directed by the chief clerk of the house of representatives and secretary of the senate; . . ."

"I think there is going to be one journal placed in the House and one placed in the Senate, and that is it; and that is for our use as directed by the chief clerk and the secretary. We now have them directing us."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, and members of the Senate. You know I think it is kind of important that the people have access to the voting records of the members of the legislature, and that is where they find it, and that is in that journal. And I don't know about anybody else, Senator Talmadge has it in his office in the district; some of us contribute them to libraries; Senator Goltz has mentioned he sends his to a library; and then when people call and want your voting record, you have some place to refer them, where they have access to it. I think it is a mistake, I think it is very short-sighted, I looked for the fiscal note on how much was going to be saved by this and all I am told is it is 'negligible.' Now if they thought I was

going to balance the budget with this savings, but that may have been why they told me that.

"But is it really that important that we save a hundred or so copies of the journal that are being distributed statewide through the members of the legislature?"

On motion of Senator Lee, there being no objection, the motion that the Senate concur in the House amendments to Senate Bill No. 4717 was withdrawn.

MOTION

On motion of Senator Bottiger, the Senate concurred in all sections of the House amendment with the exception of section 3 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 11, 1982.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 4502 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 1, chapter 282, Laws of 1981 and RCW 28A.48.010 are each amended to read as follows:

On or before the last business day of September 1969 and each month thereafter, the superintendent of public instruction shall apportion from the state general fund to the several educational service districts of the state the proportional share of the total annual amount due and apportionable to such educational service districts for the school districts thereof as follows:

September .....	9%
October .....	9%
November .....	5.5%
December .....	9%
January .....	9%
February .....	9%
March .....	9%
April .....	9%
May .....	5.5%
June .....	((7.0%))
	6.0%
July .....	((9.5%))
	10.0%
August .....	((9.5%))
	10.0%

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during the apportionment year beginning September first and continuing through August thirty-first. Appropriations made for school districts for each year of a biennium shall be apportioned according to the schedule set forth in this section for the fiscal year starting September 1st of the then calendar year and ending August 31st of the next calendar year. The apportionment from the state general fund for each month shall be an amount which will equal the amount due and apportionable to the several educational service districts during such month: PROVIDED, That any school district may petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed ten percent of the

total amount to become due and apportionable during the school districts apportionment year. The superintendent of public instruction shall determine if the emergency warrants such advance and if the funds are available therefor. If he determines in the affirmative, he may approve such advance and, at the same time, add such an amount to the apportionment for the educational service district in which the school district is located: PROVIDED, That the emergency advance of funds and the interest earned by school districts on the investment of temporary cash surpluses resulting from obtaining such advance of state funds shall be deducted by the superintendent of public instruction from the remaining amount apportionable to said districts during that apportionment year in which the funds are advanced.

NEW SECTION. Sec. 2. For the 1982-83 school year, one-half of the September, October, March, and April payments under RCW 28A.48.010 shall be made on the last business day of the respective month and the remainder on the fifteenth day of the following month. Interest shall be paid on the amounts deferred under this section at the rate for state interfund loans as established by the state finance committee.

NEW SECTION. Sec. 3. There is added to chapter 340, Laws of 1981 a new section to read as follows:

The superintendent of public instruction shall allow local school districts, upon request, to defer up to four percent of the funds provided by section 87, chapter 340, Laws of 1981, as now existing or hereafter amended, for the 1981-82 school year to the 1982-83 school year. For the purposes of the 1982 maximum qualification calculation under RCW 84.52.0531, the 1981-82 basic education allocation shall exclude such deferred funds. Any funds received in the 1982-83 school year pursuant to this section shall not be included in the calculation of the 1984 levy lid pursuant to RCW 84.52.0531. Local school districts shall receive the full amount deferred under this section with the June, 1983 apportionment.

NEW SECTION. Sec. 4. There is hereby appropriated from the general fund to the superintendent of public instruction for the biennium ending June 30, 1983, two million two hundred thousand dollars, or so much thereof as may be necessary, solely for the purposes of paying interest costs associated with section 2 of this act.

NEW SECTION. Sec. 5. Section 3 of 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. The remainder to this act shall take effect September 1, 1982.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MOTION

Senator Scott moved the Senate concur in the House amendment to Substitute Senate Bill No. 4502.

## POINT OF INQUIRY

Senator Shinpoch: "Senator Scott, my question, when you change from 2% to 4%, what that does to levy? Does that increase the amount of levy that can be collected at the local level?"

Senator Scott: "That increases the base for purposes of additional levies by that amount, Senator."

Senator Shinpoch: "Senator Scott, do we know how much that is and how many millions of dollars we would be increasing the levy amount?"

Senator Scott: "In the case of Seattle, it is \$3,000,000. It, also in Seattle's case doesn't actually increase the amount of authorization. They are within their authorization amount that raises their base."

"In other districts, some twenty-eight in all, it increases capacity and in some instances increases authorization."

Senator Shipoch: "It is my understanding that somewhere between sixty and eighty additional districts may come under the grandfather clause and also may collect additional levies if this bill passes. Is my understanding correct about that?"

Senator Scott: "You are correct."

Debate ensued.

The motion by Senator Scott carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 4502.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4502, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Ridder, Sellar, Talmadge, Vognild, von Reichbauer, Wojahn—33.

Voting nay: Senators Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, Rasmussen, Scott, Shipoch, Williams, Wilson, Woody, Zimmerman—13.

Absent or not voting: Senator Conner—1.

Excused: Senators Peterson, Talley—2.

SUBSTITUTE SENATE BILL NO. 4502, 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 11, 1982.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 4690 with the following amendment:

On page 2, line 20, after "within" strike ((~~and as far as practicable and feasible to reconstruction of old roads comprising~~)) and insert ", and as far as practicable and feasible to reconstruction of old roads comprising," and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendment to Engrossed Senate Bill No. 4690.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4690, 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 Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senators Conner, Sellar—2.

Excused: Senators Peterson, Talley—2.

ENGROSSED SENATE BILL NO. 4690, 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 OF STAFF

Senator Hayner: "We are just so grateful for you people because you have done such a sensational job. You are 'way ahead of what is happening over in the House and we just want you to know how proud we are of you."

### REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, for the people in the gallery, these are the folks who have put together all the paperwork, and this outfit runs on paper and they have done a tremendous job this session."

### MOTION

At 11:30 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

### POINT OF INQUIRY

Senator Rasmussen: "Mr. President, could I ask you what the time is?"

President Cherberg: "The time is 12 midnight, Senator Rasmussen."

Senator Rasmussen: "Mr. President, would I be right in assuming that the regular session of the legislature will now be ended except for the necessary transmittal of paperwork?"

President Cherberg: "That is true, Senator Rasmussen."

Senator Rasmussen: "Thank you, Mr. President, and let the record show that it is 12, and that the session is over."

President Cherberg: "Except for the paperwork."

Senator Bottiger: "Can Senator Rasmussen be excused?"

Senator Rasmussen: "Mr. President, that is what is wrong with the leadership; they want to excuse everybody. I want to get the work done and go home."

The President called the Senate to order at 12:45 a.m.

### MESSAGE FROM THE HOUSE

March 11, 1982.

Mr. President: The House has concurred in the Senate amendment/s/ to the following listed bills and has passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 221,

HOUSE BILL NO. 623,

SUBSTITUTE HOUSE BILL NO. 696,

SUBSTITUTE HOUSE BILL NO. 778,

SUBSTITUTE HOUSE BILL NO. 888,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 922,

SUBSTITUTE HOUSE BILL NO. 1006,

SUBSTITUTE HOUSE BILL NO. 1012,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1149.

VITO T. CHIECHI, Chief Clerk.

### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 4200,  
 SUBSTITUTE SENATE BILL NO. 4418,  
 SENATE BILL NO. 4483,  
 SUBSTITUTE SENATE BILL NO. 4502,  
 SENATE BILL NO. 4522,  
 SENATE BILL NO. 4547,  
 SUBSTITUTE SENATE BILL NO. 4550,  
 SENATE BILL NO. 4551,  
 SENATE BILL NO. 4559,  
 SENATE BILL NO. 4690,  
 SENATE BILL NO. 4947,  
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 118.

MESSAGES FROM THE HOUSE

March 11, 1982.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 4418,  
 SENATE BILL NO. 4483,  
 SENATE BILL NO. 4522,  
 SENATE BILL NO. 4547,  
 SUBSTITUTE SENATE BILL NO. 4550,  
 SENATE BILL NO. 4551,  
 SENATE BILL NO. 4559,  
 SENATE BILL NO. 4947,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 118, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 313,  
 SUBSTITUTE HOUSE BILL NO. 436,  
 HOUSE BILL NO. 822,

HOUSE CONCURRENT RESOLUTION NO. 42, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 894,  
 HOUSE BILL NO. 1066,  
 SUBSTITUTE HOUSE BILL NO. 1130,  
 HOUSE BILL NO. 1162, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 4200,  
 SUBSTITUTE SENATE BILL NO. 4502,  
 SENATE BILL NO. 4690, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 221,  
 SUBSTITUTE HOUSE BILL NO. 696,

SUBSTITUTE HOUSE BILL NO. 888,  
 SUBSTITUTE HOUSE BILL NO. 1012, and the same are herewith  
 transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The Speaker has signed:  
 HOUSE BILL NO. 623,  
 HOUSE BILL NO. 980,  
 SUBSTITUTE HOUSE BILL NO. 1006,  
 SUBSTITUTE HOUSE BILL NO. 1149, and the same are herewith  
 transmitted.

VITO T. CHIECHI, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
 HOUSE BILL NO. 410,  
 SUBSTITUTE HOUSE BILL NO. 448,  
 SUBSTITUTE HOUSE BILL NO. 852,  
 HOUSE BILL NO. 883.

#### SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE HOUSE BILL NO. 313,  
 SUBSTITUTE HOUSE BILL NO. 436,  
 HOUSE BILL NO. 822,  
 HOUSE BILL NO. 894,  
 HOUSE BILL NO. 1066,  
 SUBSTITUTE HOUSE BILL NO. 1130,  
 HOUSE BILL NO. 1162,  
 HOUSE CONCURRENT RESOLUTION NO. 42.

#### MOTION

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

#### SENATE RESOLUTION NO. 1982—202

By Senators Hayner, Jones, Bottiger and Fleming:

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 1982—202, President Cherberg appointed Senators Zimmerman, Patterson and Woody to notify the House that the Senate is ready to adjourn SINE DIE.

#### MOTION

On motion of Senator Clarke, the committee appointments were confirmed.

## MOTION

On motion of Senator Clarke, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 11, 1982.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 48, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 48, by Nelson (G.):  
Notifying Governor that the Legislature is about to adjourn SINE DIE.

## MOTIONS

On motion of Senator Clarke, the rules were suspended, House Concurrent Resolution No. 48 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, the rules were suspended, House Concurrent Resolution No. 48 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of House Concurrent Resolution No. 48, President Cherberg appointed Senators Deccio, Bluechel and Goltz as a committee of three from the Senate to join a like committee from the House to notify the Governor that the Legislature is about to adjourn SINE DIE.

## MOTION

On motion of Senator Clarke, the committee appointments were confirmed.

COMMITTEE FROM THE 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 Gallagher, Hankins and Fiske 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.

## MOTION

On motion of Senator Clarke, the Senate returned to the fifth order of business.

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 148, by Senators Hayner, Jones, Bottiger and Fleming:  
Retransmittal of bills, memorials and resolutions.

## MOTIONS

On motion of Senator Clarke, the rules were suspended, Senate Concurrent Resolution No. 148 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, the rules were suspended, Senate Concurrent Resolution No. 148 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## REPORT OF SPECIAL COMMITTEE

The Senate members of the special committee appointed under the provisions of Senator Resolution 1982—202 comprised of Senators Zimmerman, Patterson and Woody 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.

## REPORT OF SPECIAL COMMITTEE

The Senate members of the special committee appointed under provisions of House Concurrent Resolution No. 48, comprised of Senators Deccio, Bluechel and Goltz to notify the Governor, together with a like committee from the House of Representatives, that the legislature is 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.

## MESSAGE FROM THE HOUSE

March 11, 1982.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 148, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed: SENATE CONCURRENT RESOLUTION NO. 148.

## MESSAGES FROM THE HOUSE

March 11, 1982.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 148, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The Speaker has signed:  
HOUSE BILL NO. 410,  
SUBSTITUTE HOUSE BILL NO. 852, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 778,

SUBSTITUTE HOUSE BILL NO. 922, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: Under the provisions of SENATE CONCURRENT RESOLUTION NO. 148 the House herewith returns the following Senate bills:

SENATE BILL NO. 3001,  
 ENGROSSED SENATE BILL NO. 3007,  
 SENATE BILL NO. 3017,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3025,  
 SECOND SUBSTITUTE SENATE BILL NO. 3027,  
 SECOND SUBSTITUTE SENATE BILL NO. 3033,  
 SUBSTITUTE SENATE BILL NO. 3044,  
 SENATE BILL NO. 3059,  
 SENATE BILL NO. 3121,  
 ENGROSSED SENATE BILL NO. 3145,  
 SENATE BILL NO. 3240,  
 ENGROSSED SENATE BILL NO. 3292,  
 ENGROSSED SENATE BILL NO. 3301,  
 ENGROSSED SENATE BILL NO. 3310,  
 ENGROSSED SENATE BILL NO. 3318,  
 SUBSTITUTE SENATE BILL NO. 3328,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3332,  
 SUBSTITUTE SENATE BILL NO. 3363,  
 ENGROSSED SENATE BILL NO. 3405,  
 SUBSTITUTE SENATE BILL NO. 3512,  
 SUBSTITUTE SENATE BILL NO. 3518,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3557,  
 REENGROSSED SENATE BILL NO. 3565,  
 SUBSTITUTE SENATE BILL NO. 3582,  
 ENGROSSED SENATE BILL NO. 3609,  
 ENGROSSED SENATE BILL NO. 3724,  
 SECOND SUBSTITUTE SENATE BILL NO. 3775,  
 ENGROSSED SENATE BILL NO. 3823,  
 SENATE BILL NO. 3864,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3895,  
 ENGROSSED SENATE BILL NO. 3898,  
 ENGROSSED SENATE BILL NO. 3915,  
 SENATE BILL NO. 3921,  
 ENGROSSED SENATE BILL NO. 3930,  
 SUBSTITUTE SENATE BILL NO. 3965,  
 SUBSTITUTE SENATE BILL NO. 3993,  
 SUBSTITUTE SENATE BILL NO. 4061,  
 SENATE BILL NO. 4112,  
 ENGROSSED SENATE BILL NO. 4113,  
 ENGROSSED SENATE BILL NO. 4133,  
 SUBSTITUTE SENATE BILL NO. 4136,  
 SENATE BILL NO. 4329, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: Under the provisions of SCR 148, the following Senate Bills are herewith transmitted:

ENGROSSED SENATE BILL NO. 3242,  
 SENATE BILL NO. 3394,

SUBSTITUTE SENATE BILL NO. 3946,  
SENATE BILL NO. 4025,  
SUBSTITUTE SENATE BILL NO. 4201,  
SUBSTITUTE SENATE BILL NO. 4153,  
ENGROSSED SENATE BILL NO. 4492,  
ENGROSSED SENATE BILL NO. 4640,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 4675,  
SENATE BILL NO. 4717,  
ENGROSSED SENATE BILL NO. 4733,  
ENGROSSED SENATE BILL NO. 4748,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 4963,  
SUBSTITUTE SENATE BILL NO. 4439,  
SENATE BILL NO. 4471,  
SENATE BILL NO. 4473,  
SENATE BILL NO. 4476,  
ENGROSSED SENATE BILL NO. 4489,  
SENATE BILL NO. 4516,  
SENATE BILL NO. 4517,  
SUBSTITUTE SENATE BILL NO. 4526,  
SUBSTITUTE SENATE BILL NO. 4546,  
ENGROSSED SENATE BILL NO. 4548,  
ENGROSSED SENATE BILL NO. 4554,  
SENATE BILL NO. 4570,  
ENGROSSED SENATE BILL NO. 4578,  
SUBSTITUTE SENATE BILL NO. 4586,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 4597,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4603,  
SENATE BILL NO. 4607,  
SUBSTITUTE SENATE BILL NO. 4609,  
ENGROSSED SENATE BILL NO. 4612,  
ENGROSSED SENATE BILL NO. 4616,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 4617,  
SENATE BILL NO. 4626,  
ENGROSSED SENATE BILL NO. 4630,  
SENATE BILL NO. 4647,  
SUBSTITUTE SENATE BILL NO. 4648,  
SUBSTITUTE SENATE BILL NO. 4683,  
ENGROSSED SENATE BILL NO. 4686,  
SENATE BILL NO. 4703,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 4707,  
SENATE BILL NO. 4726,  
ENGROSSED SENATE BILL NO. 4729,  
SENATE BILL NO. 4736,  
ENGROSSED SENATE BILL NO. 4743,  
SENATE BILL NO. 4745,  
SUBSTITUTE SENATE BILL NO. 4755,  
SENATE BILL NO. 4769,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 4819,  
SUBSTITUTE SENATE BILL NO. 4864,  
ENGROSSED SENATE BILL NO. 4877,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 4944, and the same are  
herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 11, 1982.

Mr. President: Under the provisions of SCR 148 the House herewith returns the following Senate measures:

ENGROSSED SENATE BILL NO. 4705,  
 SENATE JOINT MEMORIAL NO. 110,  
 ENGROSSED SENATE JOINT MEMORIAL NO. 115,  
 SENATE JOINT MEMORIAL NO. 116,  
 SENATE JOINT MEMORIAL NO. 120,  
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 124,  
 ENGROSSED SECOND SUBSTITUTE SENATE JOINT RESOLUTION  
 NO. 111,  
 ENGROSSED SENATE JOINT RESOLUTION NO. 142,  
 ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 143,  
 SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 134,  
 ENGROSSED SENATE CONCURRENT RESOLUTION NO. 135,  
 ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION  
 NO. 137,  
 SENATE CONCURRENT RESOLUTION NO. 139,  
 ENGROSSED SENATE CONCURRENT RESOLUTION NO. 140,  
 SENATE CONCURRENT RESOLUTION NO. 142, and the same are here-  
 with transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 221,  
 HOUSE BILL NO 623,  
 SUBSTITUTE HOUSE BILL NO 696,  
 SUBSTITUTE HOUSE BILL NO. 888,  
 HOUSE BILL NO. 980,  
 SUBSTITUTE HOUSE BILL NO. 1006,  
 SUBSTITUTE HOUSE BILL NO. 1012,  
 SUBSTITUTE HOUSE BILL NO. 1149.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 410,  
 SUBSTITUTE HOUSE BILL NO. 448,  
 SUBSTITUTE HOUSE BILL NO. 852,  
 HOUSE BILL NO. 883.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 778,  
 SUBSTITUTE HOUSE BILL NO. 922.

MOTION

On motion of Senator Clarke, the Senate Journal of the Sixtieth Day, Forty-seventh Legislature, 1982 Regular Session, was approved.

MOTION

At 1:00 a.m., on motion of Senator Bottiger, the Senate of the Forty-seventh Legislature, 1982 Regular Session, adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**APPENDIX, HISTORY OF BILLS  
AND TOPICAL INDEX  
IS CONTAINED IN  
VOLUME II OF  
THE SENATE JOURNAL  
FOR THE 1982 FIRST AND  
SECOND SPECIAL SESSIONS—  
FORTY-SEVENTH LEGISLATURE**

